

RETRACTION-

Transgenerational association: extending the notion of the person^{1‡}

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Abstract

This paper develops the idea of transgenerational association. It addresses intrapersonal distributions of wellbeing over time. It develops the notion of temporal distributions between generations, and posits that it is possible to overcome the problems that obstruct ethical individualism. It argues that corporate personality allows us to compare distributions between generations to distributions between the stages of one person.

Introduction

According to Parfit, whether or not an act or policy is harmful to a future individual is of no importance to morality.² What counts is the level of total or average utility contained in a future world. The notion of a temporally extended interest no longer places limits on consequentialism. This paper develops the idea, which in a sense remains within the person-affecting constraint. Rather than dropping this constraint altogether, this option seeks to make progress, not by curtailing, but by extending the concept of the person. It suggests that we should turn to the notion of corporate personality. I develop this idea as follows. Section 1 introduces the notion of transgenerational association by merging the concepts of collective and future-directed intention. It builds upon Parfit's depletion case. Section 2 concentrates on intrapersonal distributions of wellbeing over time, and makes a distinction between an aggregative and a narrative conception of the goodness of a life as a whole. It sets out three criteria based upon the maximisation of the sum total of the utility of the person-stages that form one life; the prevention of anguish and suffering and, lastly, the importance of upward trends. Section 3 applies these conceptions to temporal distributions between generations, and argues that in doing so we overcome the problems that obstruct ethical individualism.

1 Transgenerational association

For the purposes of this paper I assume a particular attitude towards the past and the future. I contend that we need to acknowledge that our earlier and later person-stages are rationally and morally integrated. First, we must have a particular attitude to the future, a plan or future-directed intention. Second, we should also assume a certain attitude to the past. We have to take future-directed intentions as reason-giving. What is more, we should be prepared to acknowledge past actions and decisions as our own, and try to maintain a level of internal consistency between them. Precisely this is what is meant by integrity. I argue that corporate personality requires two attitudes. First, we must share an intention. A collection of individuals forms a corporate person when individual intentions are interlocking in such a way that they are aiming to achieve a purpose together. Second, we need to

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² Parfit (1984, Part IV).

think in a mode in which this collective intention is considered to be normative. In other words, the collective intention should provide the group with a standard of conduct.

I now want to add a temporal dimension to the notion of corporate personality. Clearly, associations are not frozen in time. Not only do they connect individuals to each other, they also connect individuals over time. This could be explained as follows. To begin with, it should be pointed out that a collective intention could also be future-directed. Collective intentions are usually defined not just over the present actions of several people, but also over what they could achieve together over a period of time. Thus, the identity of a corporate person over time depends on a collection of people, CP, whose intentions cohere rationally such that they could be said to be aiming to achieve something together at some future point in time. So, CP_t, needs to be connected with its own 'person-stages' CPSt₁, CPSt₂ . . . CPSt_n, in the same way that individual persons are. Associations have their own narrative, their own plot and structure, their own beginnings and ends. They emerge, moreover, where individuals think in a mode containing collective intentions referring to the life of an association as a temporal whole, or at least an important chunk of it.

The key is that the continuity of individual and association differs in that the latter could span several generations. For the continuity of an association it is not necessary that its membership consist of the same individuals. It is not the case, clearly, that an association could have continuity only if the same set of people at *t* share the same intention at *tn*. We know that every day many British citizens die and many new citizens are born. Yet in spite of this permanent flux, we think that the state retains its continuity. What is more important, clearly, is that old and new members share the same intention. It is more important, in other words, that the association retains its integrity.

To see how the idea of corporate personality copes with the problem of generations, let us assume, then, that Generations A, B and C form part of the same transgenerational association.³ So, A, B and C form a bundle of intentions with a degree of integrity. That is, their intentions are normatively guided by a collective and at the same time future-directed intention in the sense that I explained above. Now, if we give this associative relatedness the kind of importance that the moderate claim demands for personal identity, then we can perhaps begin to understand how generations are significantly connected.

Why should present generations take the interests of future generations into account? Consider again Parfit's depletion case. Most people agree that the interests of Generation B and C should count, and that A therefore ought to conserve rather than deplete this resource. The problem, however, was that we could not find a theoretical justification for this intuition. Ethical individualists could appeal to theories of distributive justice. But when we applied these theories to the letter, it appeared that A does not have a strong duty of justice to hand down resource to its successors.

Why am I claiming that associativism provides us with a better theory? Associativism gives us a justification that could be compared to the reason why I should care about my own private future wellbeing. According to the moderate claim, my future wellbeing has a bearing on my current decisions and resolutions because I am connected with my future selves PSt₁, PSt₂ . . . PSt_n in the manner of a person. I should not be indifferent to a future that holds some catastrophe in store because it will affect my future good. I might conceivably have less reason to care if this catastrophe takes place in thirty years' rather than in three months' time, but I do have reason to care. To put it

3 De-Shalit, in his book *Why Posterity Matters* (1995), revived the idea of transgenerational moral and cultural community. While there are clear similarities between his approach and the one set out in this paper, two important differences remain. First, and most importantly, I conceive of transgenerational association as a corporate person. That is, I do not necessarily want to invoke the communitarian notion of a moral or cultural community that is constitutive of its members' identities. Second, in order to capture the ethical importance of future generations, I draw more explicitly on a comparison with future selves and a conception of the goodness of a life conceived as a continuous whole. See also De-Shalit (2000, chapter 4). For another approach to the same idea, see O'Neill (1993, chapter 3).

differently, it is through this relatedness that I extend my hopes and fears into the future. Now, if the future interests of a person could still acquire normative relevance in our present deliberations, we need to consider one key question more carefully. Given that the moderate claim holds, how should we distribute costs and benefits over our lives, not as a matter of justice, but rather as a matter of the goodness of a life taken as a whole? I shall look at some answers to this question in the case of individual persons first, and then investigate what happens when we put them into operation in the case of transgenerational associations.

2 Temporal distributions within lives

Notice again that temporal distributions within lives are not normally thought to be constrained by the Paretian or any other egalitarian principles of justice. It is not generally believed to be irrational, let alone wrong, to incur costs now in order to make greater gains in the future. To put it differently, compensation between the person-stages of one life seems unproblematic. In fact, it would seem that many of our plans and ends presuppose compensation. Typically, they require that we give up certain things presently in order to reap the rewards later on in life. Yet we do not believe that such sacrifices are irrational. And we definitely do not believe that making such sacrifices is wrong or unjust. This belief, moreover, is not invalidated by reductionism about personal identity. For the moderate claim still allows us to frame the issue in terms of the goodness of one life rather than justice between multiple selves.

But if contractualism is implausible, how then do distributions of costs and benefits over the stages of a life affect its goodness? What kind of criteria do we appeal to? The standard reply, of course, is the utilitarian view that we should not distribute at all, or only insofar as certain distributions maximise the total utility contained in a whole life. The goodness of a life, therefore, depends purely on the sum total of utility achieved at the end of a life.

This reply touches on two very distinct issues. First, there is the question of whether we should be partial or impartial to the temporal parts of our life. The utilitarian view shares with egalitarianism that each person-stage counts for one, just as much as each person counts for one in the social calculus or distribution. There is, in short, no room for 'pure time-preferences'. Whether the same benefit or cost materialises now, in the near future or at some later time in the future should have no impact on our decisions. All else being equal, we should be impartial to when goods or costs transpire.⁴

The second question is whether temporal distributions have a value independent of maximisation. As they do on the social level, both the egalitarian and the utilitarian advocate impartiality. But while according to the former it matters how costs and benefits are divided over a life, the latter maintains that we should just maximise. To the goodness of a life as a whole, it matters not that each person-stage gets a certain share; what counts is how much it adds up to in the end.

However, I think a more persuasive reply would in fact challenge both components of the standard view. Consider the legitimacy of time preferences first. To be more precise, consider a time preference, all too familiar to most of us, for what comes nearer rather than later in the future, relative to where we are presently. Now, while reductionism about identity may not undermine the validity of prudential reason altogether, the moderate claim does appear to justify a discount rate for the future.⁵ This is not to say that the mere fact of temporal distance means that the costs and

4 Rawls (1992, pp. 293–98); Nagel (1970, chapter 8).

5 Parfit (1984, chapter 14 and Appendix F). In chapter 8 of that book, Parfit explores a different argument against temporal neutrality. Briefly, this holds that a strict rejection of time preferences implies that we should not distinguish, not just between the near and the later future, but also between the past and future. However, intuitively (and on any conception of personal identity) it matters very much whether desires or benefits and costs are in the past rather than in the future. We are clearly biased towards the future, which is in itself a departure from temporal neutrality.

benefits of later person-stages weigh less. Temporal distance is as irrelevant as spatial distance. However, what justifies the discount rate is the weakening strength in the connectedness between the present and person-stages in the far future. If the relatedness with my later person-stages fizzles out as we move further into the future, then so does the relative weight of my future interests and preferences in my present reasoning. The strength of this reason is mediated by the strength of the relation. And in most cases this means that we may or even should rationally prioritise the near future over the further future.⁶

Second, and I think more importantly, David Velleman has argued that the goodness of a life taken as a whole cannot be entirely reduced to a simple addition of temporally discrete wellbeing.⁷ Over and above mere addition, some independent distributive criterion comes in. This criterion, however, is not fully captured by egalitarianism either. Rather, it suggests that the good life is partly shaped by its progression over time, by what he refers to as 'the overall structure of events' and 'their narrative or dramatic relations'. In other words, he suggests that there is a distributive aspect of the good after all, and that this is captured by how we evaluate the story or the plot of a life. At any rate, in judging the narrative coherence of lives we do not just add up temporally discrete moments of wellbeing. As Velleman remarks, we do not just say, Monday was a good day, Tuesday a bad one, Wednesday an uneventful one, and so forth, until we have covered all the days of a life. Instead, we need to look at how lives evolve and progress towards their end. Take one of his examples: 'Consider two different lives that you might live. One life begins in the depths but takes an upward trend: a childhood of deprivation, a troubled youth, struggles and setbacks in early adulthood, followed finally by success and satisfaction in middle age and a peaceful retirement. Another life begins at the heights but slides downhill: a blissful childhood and youth, precocious triumphs and rewards in early adulthood, followed by a midlife strewn with disasters that lead to misery in old age. Surely, we can imagine two such lives as containing equal sums of momentary well-being. Your retirement is as blessed in one life as your childhood in the other; your nonage is as blighted in one life as your dotage is in the other.'⁸

Now, ex hypothesi these two lives contain an equal amount of added momentary wellbeing. Even so, there is clearly a sense in which we tend to evaluate them differently. Hence, Velleman makes the wider point that in our judgements on the issue we are also looking at 'trends' rather than just 'sums'. But his example also suggests a more specific idea, namely that a life characterised by an upward trend is, all things equal, better than a life typified by a downward trend.

The wider point that trends matter still falls suitably short of the egalitarian principle of justice that trade-offs between earlier and later moments of a life are strictly inadmissible, as if each person-stage formed a separate agent. On Velleman's view, such trade-offs are only constrained by the narrative aspects of the goodness of a life taken as a whole. So, on the one hand, his view allows that distributive trends have independent value. Pure addition does not account for the goodness of a life alone. But on the other hand, it is not committed to the more specific notion of an equal distribution per se. That is, the notion that wellbeing has to be distributed equally or the thought that inequality between person-stages is allowed only insofar as this maximises the position of the worst off.

6 Slote (1983, p. 23) argues for an opposite time preference in favour of later over the earlier stages of a life. But when he distinguishes between these stages, he does not mean later and nearer relative to where we are presently. He believes that our lives can normally be divided in a number of phases like childhood, adolescence, middle age, and so on. Judged from an absolute point of view, that is, regardless of the phase we find ourselves in presently, it is the case 'that what happens late in life is naturally and automatically invested with greater significance and weight in determining the goodness of lives.'

7 Velleman (2000). See also Wolf (1997).

8 Velleman (2000, p. 58).

Some people are of course drawn to this egalitarian view for the following reason. They prefer a life with a relatively consistent and unbroken level of wellbeing over a life with extreme peaks of delight and many extreme depths of despair, even though both trends average out at precisely the same level. Their view is that it is better to forgo the greatest joy if we can thereby avoid the greatest sorrow and come down somewhere in the middle. This seems a respectable and judicious position. For example, Sen believes that it is normally ‘not the case that no importance is attached to intrapersonal distributions’.⁹ More precisely, he thinks that there is an intuitive basis for saying that the intrapersonal equality between the utility of the life-stages contributes to the overall goodness of that life. But surely – and this is my point – it does not give us the entire picture. For a strict interpretation of egalitarianism would surely rule out too much. It would altogether disallow the possibility of people incurring costs in the present in order to reap a reward or benefit later.

For example, consider the following two career tracks.¹⁰ Track A involves accepting scantily paid work for the first five years. The job earns you equally little social esteem. But little by little you will move up the wage-ladder. Eventually, you will be vastly better paid and widely respected. Track B starts at a higher level. It involves accepting an averagely paid and respected job. But there is no prospect of promotion. You will earn the same wage your entire life. Assume that both tracks add up to the precise same sum of temporally discrete wellbeing at the end of your life. Now, if the only criterion is maximisation, we should be indifferent. If we are egalitarian, we must endorse the second path. But my, and I think Velleman’s, intuition is that the first option is preferable. It is better to start at a low level and to progress towards a much higher level.

If, then, we have to judge a life as a whole, there may indeed be good reasons to reject a great variance or inequality in temporal wellbeing. We might have reason to prefer more evenly distributed to wildly fluctuating lives, especially if we thereby avoid moments of extreme pain or immense depths of despair. But there are clearly also many good reasons to welcome a degree of temporary restraint for the purpose of some later accomplishment. Put differently, there is an intuitively strong case for the idea that an upward trend – the advancement of a life towards an end or telos – adds to the value of a life taken as a whole, and so justifies a departure from egalitarianism.

What is the rationale behind the intuitive importance of upward trends? As Velleman notes, it is not that the later stages of a life naturally count for more than earlier ones.¹¹ If this were the case, the importance of trends could still be reduced to the additive criterion. We would just have to affix a greater weight to later person-stages and upward trends would routinely produce greater aggregates than downward or egalitarian trends. But why should the later stages of a life count for more in the first place?

One answer to this question is that later events can retroactively influence the momentary wellbeing of earlier person-stages.¹² Assume that you opt for Career Track A. If successful in later life, then your initial hardship will have paid off. And, according to this view, that makes the temporally discrete experiences of earlier person-stages less bad than they were back then. Again, if this were the

9 Sen (1979, pp. 470–71).

10 Velleman’s example tests how we appreciate upward as opposed to downward trends. This example tests how we appraise upward trends in contrast to an egalitarian distribution.

11 This is the view of time preferences that Slote (1983) defends in ‘Goods and Lives’. But while he believes that this preference is allowed, he does not challenge the criterion of maximisation. Velleman, on the other hand, does not make the point that the utility of some person-stages weighs more than others, either in a relative or absolute sense. His point is that trends or distributions matter for reasons irreducible to quantities of temporally discrete utility.

12 Velleman (2000, pp. 67–68). Another answer refers to the importance of anticipation and rising expectations. See, for example, Rawls (1992, p. 421).

case, trends would after all be reducible to sums. Upward trends would contribute *ex post facto* to the wellbeing of earlier person-stages. But is such retroactive influence really possible?

Velleman thinks we should reject all such attempts to explain the value of upward trends in terms of their effect on the total sum of momentary wellbeing. His point is that there is a perspective of the goodness of a life as a whole that is entirely different from and not reducible to the maximisation criterion. From this standpoint, the unity of a life is understood in terms of what Bratman calls a plan or future-directed intention and MacIntyre famously describes as a quest. But consequently, the goodness of a life as a whole should equally be judged in terms of the successful completion of plan or quest. MacIntyre states: 'The unity of a human life is the unity of a narrative quest. Quests sometimes fail, are frustrated, abandoned or dissipated into distractions; and human lives may in all these ways also fail. But the only criteria for success or failure in a human life as a whole are the criteria of success or failure in a narrated or to-be-narrated quest.'¹³ That is to say, we need to look at what the past, present and future stages of a life will eventually achieve together in terms of an end product; and we also need to look at the adversity and barriers that were conquered in order to get there.¹⁴

Now, from this point of view, the reason why upward trends have a greater value than downward or egalitarian ones is that the later stages in a life tend to retrospectively change the meanings of the earlier stages. To be more precise, the former allow us to interpret the latter as a prelude to bigger and better things to come and to judge earlier stages in terms of their contribution to achieving precisely these things. For example, the earlier setbacks in Track A are, as Taylor points out, 'redeemed' because they turn out to be a link in a chain of events leading to the fulfilment of a greater purpose and later happiness.¹⁵ Once you are indeed successful and well regarded in your profession, the temporary misery by which progress was wrought seems to detract only little from the overall good of your life. In other words, if we consider person-stages to be rationally linked by a 'narrated or to-be-narrated quest', then the evaluative emphasis shifts away from the sorrow and bliss of separate moments towards the overall end to which your working life evolves and progresses.

Consider what happens when Track A goes wrong. I sacrifice my momentary wellbeing for the next five years in preparation of a career in a particular profession. I am about to reap some of the benefits. But instead I am fired and forced to accept a job in an entirely separate field. Assume that on balance my new profession turns out to offer me the same financial and social reward. Now, even though my new career provides as much temporally discrete wellbeing, there is a sense in which I am still worse off than I would have been otherwise. The reason is that my five years of hardship now seem like wasted time. Not only does this period contain many bad moments, it is also no longer connected to the later fulfilment of a greater purpose or my later happiness. Put differently, these years lose their meaning as a prologue to a finale. While professional success would have redeemed earlier deprivation, my failure causes my misery to be also utterly pointless.

Notice that this is not meant to imply that there are now actually more bad moments in my life. What happens later on makes no difference to what is experienced at an earlier moment. The fact that then-and-then I had a bad experience cannot be undone. Consequently, from the standpoint of impartial maximisation it really is the case that once a moment of sorrow has come to pass, it is fed

13 MacIntyre (1981, pp. 218–19); Taylor (1989, chapter 2).

14 Nietzsche (1984, p. 542): 'For what is freedom? That one has the will to assume responsibility for oneself. That one maintains the distance which separates us. That one becomes more indifferent to difficulties, hardships, privation, even to life itself. That one is prepared to sacrifice human beings for one's cause, not excluding oneself. Freedom means that the manly instincts which delight in war and victory dominate over other instincts, for example, over those of "pleasure". The human being who has become free – and how much more the spirit who has become free – spits on the contemptible type of well-being dreamed of by shopkeepers, Christians, cows, females, Englishmen, and other democrats. The free man is a warrior.'

15 Taylor (1989, pp. 50–51).

into the calculus and will blemish my life forever. However, the thesis is here that there are two distinct standpoints from which overall wellbeing should be assessed. Instead of trying to force these intuitions into one comprehensive utilitarian metric, we should recognise that the goodness of a life taken as a whole is irreducibly plural. A person, Velleman says, 'has two distinct sets of interests, lying along two distinct dimensions – his synchronic interests, in being well off at particular moments, and his diachronic interests, in having good periods of time and, in particular, a good life'.¹⁶ What this means, then, is that there are also two criteria for evaluating what self-interested persons should rationally do, each with its own authority. On the one hand, the 'synchronic' criterion suggests, with the utilitarian, that we should look at the temporally discrete wellbeing of our person-stages. However, we should now add that, within this perspective, the moderate claim implies a departure from the assumption of impartiality. That is, we have a strong justification for allowing a time preference for the near as opposed to the further future relative to where we are presently. On the other hand, the 'diachronic' criterion argues that we should do what promotes the good when the unity of life is understood as a quest for excellence. It emphasises the importance of upward trends or the successful achievement of a certain plan or objective at the end of one's life.

To sum up, if we are trying to find out how the goodness of a life taken as a whole is affected by the temporal distributions of wellbeing over person-stages, there appear to be at least three criteria at work. The first criterion denies that such distributions have other than instrumental value. It argues for outright maximisation of the sum total of the utility of the person-stages that form one life. The second criterion expresses an egalitarian concern with distributions. It claims that we should prevent moments of extreme anguish and suffering. The third criterion suggests that temporal distributions matter from the standpoint that views the unity of a life in terms of a plan or quest. This standpoint advocates the importance of upward trends.

3 Temporal distributions within associations

The crux of the normative argument for associativism is that these criteria apply in similar fashion to temporal distributions within transgenerational associations like states. Corporate personality opens up a mode of reasoning at the social level that individualism keeps confined to intrapersonal issues. It suggests that we tackle the generational problem by appealing to the criteria that govern the goodness of a life rather than those of contractual justice. Put differently, it suggests that we view generations like we view the temporal stages of one person.

This essentially is the Burkean view, which stands directly opposed to what Thomas Jefferson believed. The latter viewed each generation as a separate sovereign nation. As he put it: 'between society and society, or generation and generation there is no municipal obligation, no umpire but the law of nature. We seem not to have perceived that, by the law of nature, one generation is to another as one independent nation to another.'¹⁷

If we view generations like Jefferson does here, the almost inevitable upshot is that the issue could only be framed in terms of contractual justice and equality, even if this invites some difficulties. Even more problematically, perhaps, the generational issue must be compared to the problem of distributive justice between nations. I suspect that there is indeed a widespread tendency to take it as a matter of course that both issues are the expression of what is in the end one and the same problem: how to extend the scope of justice or equality to a wider scale. More generally, it is perhaps distinctive of normative political theory after Rawls to want to bring within the purview of justice and equality an ever-increasing range of issues, problems and domains. The realm where these

¹⁶ Velleman (2000, p. 71).

¹⁷ Jefferson (1984, p. 962).

principles have no competence – we could call it freedom of association – has been forced on a steady retreat. But, predictably, this retreat leads to difficulties in cases where justice and equality are not cut out for the work, and thus tend to generate counter-intuitive or even disturbing results.¹⁸ The idea that we should feel compelled to bring generational relations under the authority of justice is, I think, another example of this mistake. We should realise that we only feel so compelled because we have been tricked into believing Jefferson's conception of generational sovereignty. And as long as this peculiar idea continues to slumber at the back of our minds, we will be hard pressed to see how we could ever think otherwise. We will carry on struggling to overcome paradoxes, absurdities and complexities like the non-identity problem, without realising that mutual advantage and equality are not the only available approaches. Generational relations are not necessarily like the relations between sovereign nations. The former are not by definition placed under the 'law of nature' without 'municipal obligations'. In fact, insofar as Jefferson claims logical exclusivity, his view is plainly false. The fundamental difference between sovereign nation-states and generations is precisely that generations could conceivably belong to one nation-state. This way of thinking is not just intuitively plausible but, more importantly, also logically possible. The idea of corporate personality shows that it is no less possible to see generations as the temporal stages of one association or community than it is to view the temporal stages of a life as part of one person.

I suggest, then, that we reject Jefferson's conception and replace it with the Burkean view of the state as a transgenerational person. Once we change to this associative perspective, we have to admit, of course, that we are not making any claims about a moral duty of justice, at least not as Kantians like to think of it. The reasons or obligations we are talking about do not have the form of categorical duty. At the same time, we should also recognise that we are not making any claims about what narrowly self-interested agents have reason to do, at least not as understood by Gauthier and other followers of Hobbes. While the reasons I propose are agent-relative, they are also framed in terms of the good of a wider group of people. There is, then, a sense in which the idea of corporate personality overcomes the classic dichotomy between other-regarding duty and self-regarding interest. Unlike Kantian duty, it provides us with ethical reasons that are rooted in the motivations, interests and preferences that are constitutive of the self. Unlike justice as mutual advantage, however, corporate personality expands the notion of the self such that it includes not only present and future interests and preferences, but also the interests and preferences of certain other people. However we describe these reasons, the main argument is here that they avoid some of the problems that beleaguer the idea of intergenerational justice.

3.1 Society is indeed a contract

To begin with, consider again the problem that confronts mutual advantage theories of intergenerational justice. These theories rely on the guiding intuition that it is not right to transfer resources or goods from one party to another, unless both parties stand to gain from the transfer. Going back to the depletion case, it therefore has to be claimed that conservation leads to gains for the present and future generations. Ultimately, this is not a plausible claim. While conservation leads to serious gains for B and C, it is difficult to see why generation A should agree to such a policy, even though the sacrifice it involves may be trivial in comparison. The key problem with these theories is that the scope for mutual co-operation between generations is limited. Present generations can transfer goods and resources to future generations, but there is little room for transfers in the opposite direction.

¹⁸ Notice that this is precisely what Parfit does. To wit, he first brings the relations between person-stages under the competence of justice and equality by means of the reductionist argument. However, paradoxically, he then claims that by so extending their scope, the principles of justice lose their weight and ultimately even collapse in a form of impersonal utilitarianism; see Parfit (1984, pp. 332–45). Intriguingly, the argument suggests that this attempt to forever increase equality's scope to wider domains is ultimately self-defeating.

Conversely, corporate personality offers a view of intergenerational co-operation that is strikingly different. Justice as mutual advantage, on the one hand, conceives of society as a co-operative scheme between rational individuals, each with a separate interest. Like Jefferson, it views generations in a similar way, which is, as each having interests entirely separate from the other. This is precisely where the problem originates. Corporate personality, on the other hand, compares generational relations to co-operation between person-stages. We have already seen that the interests of person-stages do not have a separate standing – this view, indeed, would merely induce madness. Instead, our temporally discrete interests are linked and governed by the idea of the goodness of a life taken as a continuous whole. To put it differently, while there is a real sense in which person-stages have to co-operate, this occurs under the normative guidance of a kind of collective intention. It is co-operation in a mode that does not include the Paretian principle. It is true, of course, that there is no room for a transfer of goods and resources from the future to the past. But this should not stop me, as a rational agent, from making such transfers from the past to the future. In the intrapersonal mode, co-operative schemes operate on the basis of the principles of the goodness of a life taken as a whole. I make such transfers for reasons that have to do with the achievement of certain goals at a later period or even the end of my life, or the avoidance of extreme suffering, or even the maximisation of temporally discrete wellbeing.¹⁹

If there were to be intergenerational co-operation at all, then it would have to be in this mode of agency. That is, it must be co-operation under the normative guidance of a shared and collective intention, not the mutual advantage of sovereign generations, each taken to have an entirely separate interest. This is what Burke must have meant when he famously wrote that society was indeed a contract, though ‘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 primeval 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.’²⁰

The Burkean social contract is unlike any mutual advantage contract because it extends through time and across generations. It does not deny that we form mutual advantage partnerships for ‘occasional interest’ or for things that are merely ‘temporary and perishable’. Justice as mutual advantage may well apply to many of our dealings with contemporaries. Even so, each generation is at the same time joined in a partnership to obtain greater things, things that cannot be achieved by one generation alone. Society, says Burke, ‘is a partnership in all science; a partnership in all art; a partnership in every virtue and in all perfection’.²¹ His quarrel with the French Revolution was essentially that this contract should never have been overturned. However, my point is here merely that the generational contract is not governed by the Paretian idea – it cannot be – but by the principles of the goodness of a life taken as a whole.²²

19 Sauvé (1995, p. 175) similarly suggests that ‘contractors want to be participants in a society that extends and improves into the future, rather than one that does not’.

20 Burke (1987, p. 85).

21 Burke (1987, p. 85).

22 It is perhaps not surprising that Burke’s liberal critics sometimes fail to understand what he means in the passage cited above. For example, Herzog (1991, pp. 341–42), thinks this passage contains ‘excess conceptual baggage’ and is ‘mysterious’ and ‘perplexing’. According to Herzog, Burke’s view of the social contract provides little else than a set of theological and metaphysical ramblings, which have consequently been shown to be erroneous by ‘the astonishing success of modern mechanism’. However, what Herzog, like Jefferson and especially Thomas Paine (1974) before him, typically fails to comprehend is that the ‘modern mechanism’ of the social contract is at least in one sense a failure. While it may liberate us from the past, it may equally liberate us from the future. Burke, in contrast, saw this weakness and attempted to depict a contract according to which past and future generations were included in the deal.

Notice that these principles do not deny that the transitory interests of each generation could still matter in a non-additive manner. As suggested, it might also be true that the temporally discrete wellbeing of each person-stage still matter in a non-additive manner. The point is merely that these interests matter in a less than overriding way. To put it differently, it is not the case that each generation could veto any proposed distribution. Should we avoid imposing terrible hardships on some generations, even if this is compensated by the even greater joy of others? On the diachronic view, I can imagine there being such reasons. Yet I cannot imagine believing in any strict sense that a generation should never be allowed to be worse off. That principle is clearly counter-intuitive, as the depletion example shows.

Take another example. Dahrendorf feared that former communist states needed to cross a 'valley of tears' in order to reach more democratic, just and affluent pastures.²³ Assuming he was right, imagine further that the first generation after the capitalist revolution is less well off than it would have been under communist rule, the second generation breaks even, the third reaches out of the valley, and all next generations start on the route to the wonderful summits of capitalism.

We may ask: 'Is this right?' Mutual advantage theories must answer that it is not. The first generation receives nothing in return for its loss, even though that may be slight. It has been noted before that these theories are hostile to change – in this instance much more so than Burke's – but they may also support communism. Should communism in this case really have prevailed? Clearly not, for we tend to ask 'Is it worth it in the long run?' And in asking this question, the unit of agency shifts from the individual towards the associative level. Here, from the synchronic standpoint we could claim that capitalism would add up to more wellbeing if we counted all generations. The diachronic standpoint compares trends and suggests that while communism perpetuates stagnation, capitalism will eventually elevate society to a higher stage of civilisation. We might claim, that is, that it matters more that these societies progress towards some measure of excellence. This may be an ideal of civil freedom or justice; it may be artistic grandeur; it may simply be a general level of wellbeing. But whatever its exact content, it is clear that in doing so we move away from co-operation in the mode of mutual advantage.

3.2 Why an appeal to the rights of future people is unnecessary

I turn to the problems of justice as impartiality. As we saw earlier, the sceptics of justice between generations often point out that it is hard to believe and ultimately illogical to claim that people who are not yet alive could have rights. Others deny this. If associativism is true, then we simply avoid this debate. The fact that generations are connected as described above means that the interests of future generations count as reason-giving for us now, just as our own future interests and preferences count as reason-giving on the moderate claim. We do not have to propose such rights because their interests are like our own interests. Associativism has the same impact as the moderate claim: while the latter explains why we have reason to care about my own future, the former extends the temporal scope of such concern beyond our own lifetime.

Perhaps more important is that we also steer clear of the non-identity problem. To recap, this problem stems from fact that future persons are merely potential beings whose actual existence in the future depends precisely on the actions and policies under scrutiny. In the depletion example, the trouble is that depletion is strictly not harmful to anyone at all. Briefly, if we did not conserve, other future people would exist. Consequently, by switching from conservation to depletion we would not hurt anyone at all. However, if generations A and C were all part of one and the same association, then the problem would disappear. We know that A will be related to either dC or cC. Whichever generation will exist, it will form part of the same transgenerational association. A's reason to conserve will thus derive from the good of the association.

23 Dahrendorf (1990, p. 77).

It may help to make the following comparison. Notice that for the extremist, the non-identity problem occurs even within our own individual lives. For example, is smoking harmful to one of my future person-stages? I could argue that if I quit smoking, other future person-stages would exist. So quitting does not make any person-stage better off. Yet I do not think in this way precisely because the future person-stages that will actually exist will still be part of my life, whether I quit smoking or not. It does not matter that these are different person-stages. It is not important that I may or may not affect the interests of some temporally discrete person-stage. What matters is that both person-stages, if actualised, would become part of the greater whole that is my life. Thus, I have reason to quit if this has a beneficial effect on my life as a whole. That is to say, I can imagine having this reason because quitting maximises my total temporally discrete wellbeing. I can imagine having this reason because it avoids moments of extreme agony and despair, even though these moments are ultimately outweighed by the earlier enjoyment derived from smoking. What is more important, I can imagine having this reason because quitting allows me to successfully complete the pursuit of certain quests and ends later on in life. From this diachronic standpoint, what is particularly bad is that my life may be cut short in its prime. What matters are the unfinished projects and the things left undone.

The idea of transgenerational association allows us to view the issue of the temporal distribution over generations in the light of these three criteria. Generation A has a reason not to deplete because this would be hurtful to the association taken as a whole.

Thus, from the additive standpoint, A should not deplete if, all else being equal, conserving turns out to maximise the sum total of utility of all generations belonging to the transgenerational association.²⁴ From the diachronic viewpoint we might say that A should conserve if that avoids imposing enormous costs on one generation. But more importantly, we might also say that generation A should conserve because upward trends matter.

Consider another notorious problem. Assume that we could somehow phase out the human race in an entirely painless and voluntary manner. The present generation would unanimously agree not to reproduce. Humanity would vanish forever. But in return present people could deplete all resources free of guilt. Are there any reasons not to abort the species in this way? For causes similar to the non-identity problem, it is hard to think of a person-based answer. We do not harm anyone by deciding not to bring him or her into being. It is certainly not the case that individual rights are being trampled. However, there are such reasons when we turn to the idea of corporate personality. To understand why we should not abort the species, that is, we should change the unit of agency.

When Kavka asked himself this question, he admitted to believing that certain 'collective enterprises of man' – it seems he had the arts and sciences in mind – possess a value irreducible to their utility to us now. He found that 'we should prefer a longer life of increasing accomplishment for mankind, to having human history cut short to facilitate present consumption'.²⁵ We should not abort humanity, he claimed, for the precise same reason that individual lives should not be cut short: we feel that their overall goodness depends on the progression and struggle towards the accomplishment of certain ends. A life cut short in its prime is often thought more tragic than death at a later stage, not so much because there will be fewer person-stages, and therefore less total wellbeing, although that may play a role, but mainly because they tend to be lives spent in the pursuit of things never obtained, lives, therefore, with less narrative unity and too much time left unredeemed. If we look at generations as the stages of one association, it is for similar reasons that we should want humanity to continue.

24 If this were the only criterion, we would again encounter Parfit's repugnant and absurd conclusions when considering population policy; see Parfit (1984, Part IV).

25 Kavka (1978, p. 197).

Briefly notice that we now also avoid a number of further problems that are often associated with the notion of justice between generations. First, there is the difficulty that the preferences of future generations are unknown to us. Consequently, justice as impartiality is limited to a thin theory of the good. De-Shalit has pointed out that if history or the future is viewed not like a foreign nation or country, but like a connected person-stage, then we must presuppose that future preferences and interests are to some extent continuous with ours.²⁶ So the argument does not have to remain entirely neutral to future conceptions of the good. We only have reason to care about the future precisely on the presumption that generations are in fact bound by a collective preference.

Second, there is the difficulty that future generations are almost unlimited in number and therefore dwarf the interests of present people. If we had to share resources with all persons equally and impartially, then the demands that the future places on us would be unrealistically high. In fact, given a finite quantity of resources, and an infinite number of generations, no one would get anything. However, like the moderate claim, associativism is less hostile to time preferences. Future interests only count as present reasons because of a kind of relatedness between person-stages or generations. Hence, we can now argue that future interests could legitimately be discounted insofar as the temporal relatedness diminishes. Put differently, according to the corporate model, the interests of distant generations could be assigned less relative weight than the interest of present or nearby generations, much in the same way that Hume proposed a social discounting mechanism.

Third, there is the problem of motivation. I have argued that justice as impartiality does not explain why depletion is wrong. But even if this were false, justice as impartiality would still be vulnerable as it provides us only with agent-neutral reasons. In contrast to justice as mutual advantage, it does not show or pretend to show that conservation pays off in terms of A's preferences. It argues instead that A ought not to deplete in spite of its preferences. The argument, typically, operates within an ideal-theoretical context where agents are imagined to fully comply with whatever impartial morality demands.²⁷ However, it is unlikely to have a clear normative foothold outside this hypothesised context. Why be moral?

Associativism also fares better in this regard. It identifies reasons that are agent- relative, that is to say, grounded in the identities, preferences and interests of the agent, but argues further that such preferences and interests must be understood in a wider, collective sense. So it is able to explain why it pays off not to deplete by rejecting the categorical difference between self- and other-regarding concerns. The benefit of this argument is that it is not restricted to the ideal-theoretical context that presupposes full compliance with the impartial standpoint. Assuming that we are connected to others in the way we have described, it will thus have greater normative purchase on our actual deliberations. To be precise, we have an argument that seems to appeal to considerations that are likely to actually motivate people: not pure impartiality, and not just the self, but also our relatedness to others.

It could be objected at this point that whether we have such reasons or not still depends on our being members of a particular transgenerational association. Do non- members have no reason, then, to concern themselves with future generations? To put the question differently, do rich states have no reason to concern themselves with the future interests of poor countries?²⁸ We may not have to draw this conclusion. If there were corporate persons, then we could fall back on theories of justice. Here, it is important to notice that the idea of corporate personality allows us to widen the person-affecting constraint on morality. This constraint stipulates that an act or policy could be wrong if,

26 De-Shalit (1995, pp. 102–103).

27 Rawls (1992, pp. 8–9).

28 See, for example, Barry's critique of De-Shalit's communitarian approach (1999, p. 99). For a similar objection, see Dobson (1998, pp. 106–107).

and only if, that act or policy were worse for some individual than an alternative act or policy. If, apart from individuals, there were corporate persons, then an act or policy could be wrong if, and only if, it were worse for some particular individual or association than an alternative act or policy. So while depletion may not be worse than conservation for any individual, it may still be worse for an association, and therefore possibly unjust. Consequently, we have at least carved out some space to argue that non-members have moral reasons not to deplete resources if doing so would be harmful to a certain association. Similarly, from the perspective of international justice, we could also claim that transgenerational associations like states may have moral reasons to respect each other's future interests.²⁹

Notice also that I am merely arguing that there is room for such reasons. This room is created by the fact that the person-affecting constraint is now drawn wider than on individualists' theories. Whether or not certain policies that are harmful to other associations are in fact unjust is a question that goes beyond the scope of the argument here. However, the answer could rely on familiar theories of justice and now apply them to the distributions between corporate persons rather than between individuals. Hence, we could argue, for example, that conservation offers co-operative gains to all associative parties involved. Alternatively, we could claim that each state or association has a basic right not to be harmed by others. In other words, the notion that collectives have continuous interests, and that these interests affect the wrongness of acts or policies, addresses some of the problems that perturb purely individualist approaches to intergenerational distributions. While I find it difficult to see how moral individualism could avoid the conclusion that the notion of justice has no real intergenerational use, we might well return to this notion once it is recognised that there are corporate persons.³⁰

Conclusion

There is, I think, a sense in which Parfit's extremist could have been right. Normative reasons could have come exclusively in the shape of present aims or a preference or interest that we have currently. If so, our agency would have been temporally fractured. Every intentional episode would have been a separate agent. But there is also a sense in which this view need not be right. Our agency could still be temporally united by the normativity of future-directed intention. In other words, there is no argument that demonstrates the logical impossibility of temporally extended agency. Which view is true? This is a question of some importance, but, as I have argued, it is at bottom a normative question, and I have supposed that it must therefore be answered in reflective equilibrium with our basic intuitions, the practices that happen to be constitutive of our form of life, and the things that we tend to think are valuable to most humans. There may be a logically possible world in which Parfit's extremist is right, but, when we view the matter from this normative standpoint, it is not all that difficult to see that in this world, at least, he is not.

We have also seen that there is a sense in which ethical individualism *could* have been right. Our agency could have been fractured alongside our corporeal existence. If so, every individual human being would have been a separate agent, and this is often believed to be the case. But there is also a sense in which this view need not be right or at least not exclusively right. Our agency could still be united by the normativity of collective intention. Corporate personality is a logical possibility. This is a normative question, a question that must be tested against our intuitions and the goings-on that are

29 I have looked at the issue mainly from an internal perspective, that is, the standpoint of a member. But corporate persons may also have reason-giving weight from the external perspective of an outsider. As such, they may also impose moral claims on us.

30 For the idea that we can avoid the non-identity problem by advancing collective rights, see especially Page (1999).

constitutive of our world and lives. There may be a logically possible world in which moral individualism is exclusively right, but in this paper, I argue that this is not the case in this world. My argument is that we do not merely care about ourselves, or even about our contemporaries, but look back and forward in time, much further than our own lives. We are immersed not only in our own life-plans, but also in plans and projects with a greater history and continuity. Associativism offers a genuine alternative. Corporate personality allows us to compare distributions between generations to distributions between the stages of one person.

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