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just democracy

the rawls-machiavelli programme

Philippe Van Parijs

chapter | the children's vote and four | other attempts to secure intergenerational justice

'The median age of voters in Japan will reach 65 within the next ten years. We should seriously consider giving children a vote and having their parents use it on their behalf.' This proposal, briefly stated in a letter published by the Economist on January 1st, 2011 (Aoki 2011), is the sort of proposal I was keenly looking for during the term I spent as a Visiting Professor at Yale University in the Spring of 1998. I wanted to work out the implications of the approach to democracy sketched out in Chapters 2 and 3 by considering an aspect of social justice particularly tricky for democracy to handle: justice towards the generations who are too young to vote or as yet unborn.

Thanks to the University library's remarkable resources in various languages, part of the work involved turned out to consist in a fascinating scanning of the dustbin of the history of ideas, in search of proposals actually made to make democracy less oblivious of the just claims of the young and of future generations. Some of these proposals are ludicrous, such as the one that inspired the title under which this chapter was originally published ('The disfranchisement of the elderly and other attempts to secure intergenerational justice'). Other proposals are far less so, including the family of proposals that inspires the title I adopted for the present edition of the same text.

My (rather qualified) defence of such a proposal had one unexpected consequence. In March 2004, I was invited to discuss the idea at some length on Italian TV, along with Philippe Schmitter, Elisabeta Galeotti and the prorector of the Catholic University of Milan, Luigi Campiglio, who subsequently published a book in its defence (Campiglio 2005). To my amazement, the reference to a 'Rawls-Machiavelli programme' in my piece had prompted the TV team to cover the background of the studio with poster-size pictures of both Rawls and Machiavelli, whose intimidating smiles followed us patiently as we were debating enthusiastically a radical extension of the suffrage.

In 1970, a visiting professor at the University of California, San Diego, got very impatient at the conservative retirees flocking into Southern California and trying to impose their values, with Governor Ronald Reagan's help, upon the University of California's emancipated students. So impatient was he that he published in *The New Republic* an article charmingly entitled 'Disfranchise the Old'. Here is its trenchant conclusion:

There are simply too many senile voters and their number is growing. The vote should not be a privilege in perpetuity, guaranteed by minimal physical survival, but a share in the continuing fate of the political community, both in its benefits and its risks. The old, having no future, are dangerously free from the consequences of their own political acts, and it makes no sense to allow the vote to someone who is actuarially unlikely to survive, and pay the bills for, the politician or party he may help elect. [...] I would advocate that all persons lose the vote at retirement or age 70, whichever is earlier. (Stewart 1970: 20–2).

One generation later, the concern that the elderly are becoming politically too powerful has taken, in a number of countries, unprecedented proportions. The main fear is no longer that the elderly may be animated 'by a desire to see old prejudices vindicated' (ibid.), that they may use their electoral strength to impose their values. It is rather that they may use it in excessive manner to benefit their unavoidably short-term self-interest. Such a fear has found countless expressions in the last two decades¹, in some countries far more and earlier than in others, and sometimes no doubt in an overblown sensationalist form.² I shall not attempt to assess to what extent such fears are justified. I shall simply take for granted that there is a problem of this sort,³ and use the

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1. Here are just a couple of typical formulations: 'In an aging population, the great danger is that the electorate will become more and more focused on the short term, for there will eventually be fewer and fewer voters who are parents of young children and more who are concerned with having the state provide either for their own aged parents or for themselves in retirement.' (Longman 1987: 143). 'But the elderly are growing both richer and more numerous, and unless something is done to curb their expanding political power, programs to benefit them may yet become untouchable.' (Bayer 1997)
 2. Binstock (1994) describes and denounces some aspects of this in the USA. Several other essays in Marmor et al. (1994) reflect on why this issue became more salient in the USA than in Canada. The age-inclusiveness of Canada's health-care system (in contrast to the restriction of Medicare to the elderly) and the far greater inequality among the elderly in the USA (and hence the conspicuous affluence of some of them) are likely to have played an important role.
 3. In doing so, I put myself in good company: 'For example, there are sensible proposals for what should be done regarding the alleged coming crisis in Social Security: slow down the growth of benefit levels, gradually raise the retirement age, impose limits on expensive medical care for only a few weeks or days, and finally, raise taxes now, rather than face large increases later. But as things are, those who follow the 'great game of politics' know that none of these sensible

latter for illustrative purposes in order to stimulate thinking on the following more general question. Suppose we know what social justice is, what political institutions should we attempt to put into place in order to achieve it as closely and safely as possible?⁴

1. FOUR ASSUMPTIONS

More precisely, I shall make four basic assumptions, one of a normative nature, three of a factual nature, which jointly cause the illustrative problem to arise. Firstly, I shall adopt a conception of intergenerational justice that requires each generation, each birth cohort, to make sure the situation of the next generation – somehow measured, on a per capita basis – is no worse than its own. This requirement follows, for example, from a general conception of social justice as a liberty-constrained maximin. According to this view – one version of which I present and defend in *Real Freedom for All* (Van Parijs 1995) – social justice demands that, subject to the protection of certain individual rights, the worst off should be as generously endowed with socio-economic advantages, resources, opportunities, real freedom (or whatever other magnitude is chosen to express a person's 'situation') as is sustainably feasible across successive generations.⁵

Secondly, I shall assume that, to an extent that may vary greatly from one industrialised country to another, unchanged socio-economic institutions are leading to a major injustice (as characterized) being inflicted to future or younger generations. One dimension of this impending injustice relates to the depletion of natural resources and long-term environmental damage. It has become clear enough that the way of life of the industrialised countries is

proposals will be accepted.' (John Rawls 1997: 773).

4. I found the intergenerational dimension a particularly interesting aspect of this more general question, but the fact that this chapter focuses on it should not be taken to imply that I regard other aspects – for example, justice between wealth or skill categories, or between genders, ethnic groups or regions – any less important. See the other chapters in this volume for an exploration of some of some of these other dimensions.
5. Along these lines, see e.g. Rawls (1971: 284–93), Hartwick (1977), Barry (1977), Van Parijs (1995: 38–41). The conception of intergenerational justice that follows from this view is significantly different from the more generous 'solidaristic' conception of Léon Bourgeois (1902), which requires each generation to improve the situation of the next one just as previous ones contributed to improving its own situation. It is also crucially distinct from the meaner 'equal exchange' conception which provides much of so-called 'generational accounting' with a simple ethical ideal of equal 'benefit ratios' (see e.g. Auerbach et al. 1991 and Kotlikoff 1993). But those who are committed to either of these alternative conceptions of intergenerational justice should find the considerations below no less relevant to their concerns.

not sustainably generalisable to the whole of mankind, and hence that major changes are required to plausibly meet the requirement that ‘as good’ be left for the next generation, as patterns of consumption and production spread throughout the world. A second dimension of impending injustice stems from the fact that, as life expectancy keeps growing and medical techniques become more sophisticated, old-age pensions and medical care for the retired absorb a share of the Gross National Product (GNP) that rises rapidly. Even if this share rose so steeply that people of working age would end up far worse off than retirees, intergenerational injustice, as characterised, would not necessarily be present. No more may be involved than each cohort treating itself to a more comfortable old age in exchange for a more Spartan youth. But this thought cannot provide much relief if the resulting shifting of burdens to the active population is unsustainable – as is emphatically argued for a number of countries. Subjected to taxes and social security contributions whose revenues are disproportionately geared to the old, it is claimed, men and women of working and procreating age increasingly find that they lack the money and/or leisure to have the children who will pay for their own pensions.⁶ It is not just that the bag gets bigger: the swelling of the bag makes the carrier shrink. It is therefore possible – indeed perhaps, as we shall see, politically unavoidable – to postpone the adjustment, but not indefinitely. Hence, whether smoothly or brutally, cohorts will stop being compensated for their rougher youth by a cosier old age, and the growing burden of the older age group for the younger one will reveal its underlying nature: that of an injustice between successive cohorts.

Thirdly, I shall assume that the political feasibility of a reform that would prevent such injustices is exceedingly problematic, given how our democracies are currently organised. Why? The age of the median elector – the person who is exactly in the middle when people entitled to vote are ranked from the oldest to the youngest – has kept rising steadily and is expected to keep rising. In a typical West European country such as Belgium, the age of the median elector was about 41 in 1980. It has now become 45 and is expected to rise to 56 by 2050. Between now and 2050, the gap between the median elector’s age and the standard retirement age of 65 is therefore expected to shrink from 20 to 9 years, while the remaining life expectancy at 65 is expected to rise from 14 to 21 years.⁷ Hence, the median elector – whose preferences power-hungry

6. As pointed out by Offe (1993: 9), in countries in which pension levels are highly sensitive to the completion of a full working career, this phenomenon is further amplified as a result of women giving up the idea of having (more) children because of a cost in pension rights far more than proportional to the immediate loss in earnings.

7. Figures and 1998 estimates for Belgium (assuming an unchanged minimum voting age of 18) have been kindly provided by Paul-Marie Boulanger and André Lambert (ADRASS, Ottignies).

parties are out to satisfy – will soon be expecting to spend in retirement well over two thirds of her remaining life.⁸ And the significance of this rising trend in the median *elector's* age is further strengthened by a strong and widely documented correlation between voting turnout and age, which makes the median voter systematically older than the median elector.⁹ Unsurprisingly, political entrepreneurs have seized the new opportunities arising from this conjunction of factors. In some countries using proportional representation, new parties targeting the elderly have sprung up or are threatening to do so and thereby exert electoral pressure on established parties, who have had to readjust their platforms in order to retain the traditionally most reliable segments of their electorates. In corporatist countries, separate trade unions for the retirees have set themselves up and claimed a direct voice in the various bodies competing for policies that directly affect the aged. In lobby-prone countries, powerful organisations have had no difficulty raising adequate funds to put pressure on governments, representatives and public officials in order to promote the adoption and implementation of aged-friendly policies.¹⁰

Fourth, I shall assume that age-differentiated self-interest affects voting behaviour to a significant extent. To this assumption, which is simply taken for granted in the alarmist literature on intergenerational justice, it has been

The estimates are based on the assumptions of 1.55 children per woman, a net immigration of 0.1 per cent per year, and a life expectancy gradually rising to its 'natural limit' of 90 years.

8. Bear in mind that, in some European countries, the average effective retirement age for men and women was well below 60 in the 1990s. Moreover, between the time of a particular election and the time at which it has an impact on age-sensitive policies, there may be a considerable time lag. With a median electoral age of 56, an average retirement age of 58 and a 3-year policy lag, an absolute majority of the electorate can expect to be in retirement at the time their votes produce their effects.
9. In Switzerland's 1991 national election, for example, the turnout was 52 per cent among the over 65s, while it was only 30 per cent among those aged 18 to 23, and 44 per cent among those aged 24 to 39 (Möckli 1994). In the 1992 US national election, the turnout was 70.1 per cent among the over 65s, while it was only 38.5 per cent among those aged 18 to 20 and 45.7 per cent among those aged 21 to 24 (Price 1997: 82).
10. In the USA, the lobby of the elderly has been a mass-based movement since the mid-1960s (Pratt 1976: chapter 4). It is far better organised than the family lobby, for example, despite the fact that there are nearly twice as many households with children as households of retirees (see Levy and Murnane 1992). With over 33 million members aged 50 or more, the American Association of Retired Persons (AARP) is the biggest organisation in the USA with the exception of the Catholic Church. One out of four registered voters is a member of it, and it can count on the involvement of 350,000 active volunteers (Price 1997: 88–9). It may be true that, in the USA for example, the enactment of the major old-age policies is 'attributable for the most part to the initiatives of public officials in the White House, Congress, and the bureaucracy', rather than to the lobby of the elderly (Binstock 1994: 165). But by no means does this prevent the ageing of the electorate from significantly affecting the content of the platforms that candidates feel they have to put forward or the content of the policies which incumbents feel they can get away with adopting.

objected that party preference hardly varies among age groups: in the USA, for example, the over-60s share their votes between Republican and Democrat presidential candidates in pretty much the same proportions as younger voters (Binstock 1994: 164–5). But this is a weak challenge, as this lack of correlation may simply reflect the fact that candidates were driven to converge to the same positions on age-sensitive issues. A more powerful challenge arises from surveys that show that the degree of support for the old-age pension system is about the same (and very high) among all age groups.¹¹ However, as long as the system is believed to be sustainable, the simple fact that we shall all be old one day (if not too unlucky) suffices to reconcile these data with the assumption.¹² On the other hand, even US data show a significant negative correlation between age and attitude towards expenditure on education (Day 1990: 48), and surveys in countries in which cash transfers for the young are more developed than the USA similarly reveal a sharp decrease in support for such programmes as age increases.¹³ Moreover, voting at referenda on long-term ecological issues – such as whether or not a country should abandon nuclear energy – has been shown to be strongly related to age.¹⁴ Hence, there is at least some *prima facie* evidence showing that age-related self-interest affects voting behaviour. Moreover, this impact is likely to grow as a result of a decline in the identification of older people with the interests of younger people. Such a decline can be expected in part because geographical and social mobility loosens the ties between generations, in part because both the proportion of households currently without dependent children and the proportion of people who are and will remain childless keeps increasing.¹⁵

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11. This appears to have been the case throughout the 1970s and 1980s in the USA. See Day (1990: 41–52): ‘older people are nearly indistinguishable from younger adults (both middle-aged and younger categories) on most issues – including age policy issues’.
 12. Support for the US social security system (versus private old-age insurance) may of course also reflect, apart from age-group-sensitive interests, ideological stances about redistribution that are unevenly distributed across birth cohorts, depending on the economic and cultural contexts in which each of these grew up. This might upset any simple correlation between attitudes on transfer systems for the elderly and age-related interests even if the latter were certain to have a significant causal impact. (On the relevance of generations as cohorts on political attitudes in Germany, see Metje 1994.)
 13. According to a 1982 Belgian survey, for example, support for higher pensions went up monotonously from 61 per cent among the under-25s to 80 per cent among the over-65s, while support for higher child benefits peaked at 52 per cent among those 25 to 34 and dropped to 31 per cent among the over-65s (Boulangier 1990: 979).
 14. In Switzerland’s September 1990 national referendum on this issue, 47 per cent of all those taking part voted in favour of the proposal (which was therefore rejected), compared with 57 per cent among the voters aged 30–39 and 64 per cent among those aged 18–29 (Möckli 1993).
 15. In the USA, the proportion of households with children under 18 has declined from over half to

The conjunction of our first two assumptions implies that some urgent action needs to be taken in industrialised societies in order to prevent major intergenerational injustice. The conjunction of our last two assumptions implies that we cannot reasonably expect such action from their democratic systems, because of the growing weight of increasingly selfish elderly voters. If we care about intergenerational justice, what should we do? Reshape our democratic institutions in such a way that our last two assumptions become less true, i.e. in such a way that older members of the electorate either possess less power or exercise it less selfishly.

2. TESTING THE RAWLS-MACHIAVELLI PROGRAMME

This institutional engineering for the sake of intergenerational justice can be viewed as a facet of a more general social-justice-guided consequentialist research and action programme, which could be described as a combination of 'Rawls' and 'Machiavelli'. The 'Rawls' component refers to a publicly defensible vision, an explicit conception of social justice – including intergenerational social justice – that articulates equal respect and equal concern, typically in the form of a liberty-constrained maximin. Unlike the real Rawls, however, the 'Rawls' component of the programme I shall here illustrate does *not* stipulate anything by itself about political institutions – not even universal suffrage – and it does not assume any sharp dichotomy between self-interested economic behaviour and sense-of-justice-guided political behaviour.¹⁶ The 'Machiavelli' component, on the other hand, refers to an approach to political institutions that aims to shape them in such a way that those acting within them will end up generating the 'right' collective outcome, even though they may be moved by little else than their own private concerns. Unlike the real Machiavelli of the first few chapters of the *Discorsi*, however, this 'Machiavelli' component of the programme to be discussed does not try to design the rules of the political game so as to foster the greatness of the city, but so as to promote the achievement of social justice, as defined by the 'Rawls' component.¹⁷ Bearing in mind this exegetically unwarranted trimming, the

slightly over a third between the 1950s and the 1990s (Levy and Murnane 1992).

16. See Rawls (1971: 60–1, 223–4) on the (slightly qualified) immunity of universal suffrage and eligibility from consequentialist consideration, and *ibid.* (1971: 199, 359–61, 454) on the sharp contrast between the motivational assumptions required within market and democratic institutions. In a less than ideal political world, however, Rawls (1971: 57, 198) allows this contrast to lose its sharpness.

17. See Machiavelli (1517: 81–92) and Skinner (1981: 64–71) for clear formulations of this conse-

instruments should enable us to help enlist, in the service of intergenerational justice, the electors' spontaneous concern for the interests of their progeny.

6. GUARDIANS

A fourth family of proposals aims to foster the achievement of intergenerational justice by strengthening the direct grip of a concern for it on political decision-making. How can this be achieved? One can of course invite the voters to drop a veil of ignorance over the particular generation they belong to. But it is most doubtful that, in the secrecy of the voting booth, the most powerful and high-minded eloquence will have any lasting impact on whether or not the ageing voter will cast her vote for the candidate who was most adamant about protecting the vested interests of the elderly. In a representative democracy, however, where governments and legislators have a significant degree of discretion and need to publicly justify the stance they adopt, the legislative assemblies may be a more appropriate locus for action. To help secure intergenerational justice, various people and organisations have proposed to set up a position of 'guardian' for the interests of younger or unborn generations.⁵⁴ This 'guardian' could be an appointed officer, or an expert commission, or a full-scale institution, whose views must be heard by the government and/or the legislative assembly whenever a decision is about to be taken with an irreversible long-term impact that can be presumed to be considerable.⁵⁵

While conceding that there may be nothing else on offer to protect the interests of distant generations, one may be tempted, in 'Machiavellian' spirit, to dismiss such devices as idealist day-dreaming. But the following analogy may make them appear in a different light. In matters of intragenerational justice, some surveys suggested that there was hardly any difference between

therefore be expected from increased cash benefits if they were focused on the first child, rather than rank-independent.

54. See, for example, Birnbacher (1988: 265–8), Offe (1993: 15–16), Stone (1994: 134–5), Scorer (1994: 239).

55. In the more ambitious versions, the 'guardian' would be empowered to take governments to court on the basis of clauses in a constitution or in an international treaty which protect future generations against both the governments' actions and their inaction. This may be thought to be question-begging, as it presupposes that the constituent or treaty-endorsing bodies are sufficiently driven by a sense of intergenerational justice to enshrine some features of what it commands in legal clauses that can be enforced even against governments and assemblies. However, while it is obvious that this device could not work on its own, it could nevertheless prove quite effective by virtue of the fact that representative assemblies may be willing to adopt principles in a certain form and at a certain time, which they may be under pressure to abandon when confronted with specific issues.

the content right and left voters gave to the ideal – some form of equality of opportunities – but that there was a significant gap between their respective perceptions of the extent to which distributive justice, so conceived, was realised in actual fact.⁵⁶ The same may well hold, *mutatis mutandis*, for intergenerational justice. People of all ages may be officially committed to non-deterioration as a minimal condition of intergenerational justice, while differing significantly, and in a way that strongly correlates with their age, on whether or not the current pension system is viable or on whether or not the use of nuclear energy generates long-term risks. In this context, the summoning up of expert evidence by the ‘guardian’ of the interests of younger or unborn generations may well play a significant role, at least as long as one can rely on the scientific community’s professional ethos and discipline to provide a sufficient guarantee of independence. An astutely institutionalised guardian, therefore, is not something the ‘Machiavellian’ component of our programme would dismiss out of hand, not because of any equivalent of an electoral weight the guardian may be given, but because of the ability she may have to effectively challenge and discredit self-serving beliefs.⁵⁷

7. THE PROGRAMME AT WORK

Whether by listening to current debates, by foraging through the dustbins of the history of ideas or by exercising one’s own imagination, it is thus possible to come up with a whole range of possible reforms that may bend the operation of the political system in the required direction. By looking and thinking harder, one could certainly come up with far more. But I doubt that this would take us beyond variants of the four families of options sketched above, and for our purposes, in any case, no more is needed. No rushing to firm proposals, though. The literature on constitutional design is replete with horror stories about unintended, sometimes even disastrous and sadly irreversible consequences.⁵⁸ It is a central part of the Rawls-Machiavelli programme to screen the alternative proposals carefully, whether in isolation or in interac-

56. See Swift et al. (1992, 1998).

57. The sheer fact of systematically bringing the intergenerational issue into the open may also exert a civilising influence on the monopoly-power-wielding generation through a mechanism that does not rely on belief formation. However strong the self-interested pressure on the representatives of this generation, they may shy away from publicly dismissing a perfectly audible strong case on behalf of the unrepresented (whether other countries or future generations) out of anticipated shame for the moment these will find out that their interests were deliberately ignored.

58. See, for example, Curtis (1998), Horowitz (2000a).

tion, checking the possibility of counterproductive unintended effects. Some of these effects may concern intergenerational justice itself, irrespective of any other dimension of social justice. Here are three examples.

With the exception of the last one, all proposals mentioned above crucially rely on the assumption that voters are, to a large extent, guided by their self-interest and the interest of their children, and they aim to promote intergenerational justice, not by making voters or their representatives more public-spirited (as the fourth family tries to do), but by shifting electoral weight in favour of those whose interests are at risk of being insufficiently taken into consideration. But, one might wonder, will not the very nature and justification of such proposals strengthen the legitimacy of self-seeking political behaviour at the expense of whatever public-spirited motives did exist? The net effect on the prospects for intergenerational justice would then be unclear, as the effect of the weakening of the older categories of the electorate would be offset by the effect of their now feeling entitled to go for the unbridled pursuit of their self-interest.⁵⁹

This is a relevant objection, which must not be rejected out of hand. People need to be taken as they are or can feasibly be made to be, not as elementary economic textbooks posit they are. There is no need to assume that voters are strictly selfish, let alone to make them more selfish than they currently are or to waste precious moral resources that we should be keen to put to good use. Historical precedents offer some reassurance, however. True, granting suffrage to women might be said to have relieved male family heads of their duty to represent their wives' interests. But there is little doubt that whatever was lost in this way for the purpose of giving women's interests fair consideration was far more than offset by the power shift in their favour from which this loss is supposed to have resulted. So, perhaps, negative side effects can be avoided through a careful phrasing of the justification for the proposed electoral reforms: they are less about shifting the balance of power between self-interested individuals than about giving a stronger guarantee for the inclusion of younger people in the operative definition of the common good or about

59. This concern is expressed by Offe (1993: 21–2) in connection with the proxy vote for children. That there is ground for concern is strongly substantiated by the virulent attack on the 'civil servant' (versus self-interest-seeker) conception of the elector by the most articulate advocate of the parents' vote André Toulemon (1933: 179–89, esp. 184–5): 'When voting, the elector does not attempt to hide that he defends his interests and nobody blames him for it; quite the contrary, in order to catch his votes, the most honest and even the wisest candidate endeavours to show the elector that his interest, well understood, commits him to accept his programme and his person. Whoever would tell the electors 'Vote for this programme, even though this will be in your interest neither now nor later; free yourself of the selfishness that is natural to any well born creature', would rightly be considered a madman or an imbecile; for it is obvious that the electors have indisputably the right to vote in defence of their interests [...].'

giving greater weight to those who can more easily imagine what fairness to the younger or the unborn may mean.

Consider, secondly, any of the proposals – tinkering with the age conditions or introduction of the parents' vote – that amount to giving less political power to the older portion of the electorate. This may be an improvement for the fair consideration of the interests of the younger among those currently living, but a definite deterioration for more remote unborn generations. For while the elderly have less to lose from any mismanagement of the planet's resources, they also have less to gain from the persistence of a way of consuming and producing that jeopardises the welfare of mankind generations hence, and may therefore be, on average, more receptive to bad news about long-term damaging impacts and hence more capable of the sort of impartiality that fairness to remote generations requires.⁶⁰ Clearly, assessing this argument requires not only empirical evidence about age-differentiated voting motives, but also a more refined elaboration of our normative conception of intergenerational justice: what does it require when keeping the situation of the next generation at least as good as ours can only be achieved at the expense of making it impossible for the situation of more remote generations to reach that level?

Thirdly, consider, more specifically, the proposal to extend the relevant time horizon by distributing proxy votes to parents in proportion to the number of their children. Might this number not be inversely correlated with the time horizon of the parents? For example, owing to procreation incentives built into the structure of some welfare states, poorer families may have, on average, more children and, being subjected to more pressing needs, have a more short-term orientation on policy issues. Or the sheer fact of having a greater number of children may reflect a disregard for the overcrowding of the planet and hence for the (per capita) welfare of future generations. Under such circumstances, the extension of the suffrage through proxy votes for children would still mean that the interests of younger people would be expressed by the people who most care for them, but as the number of proxy votes given to a person would tend to increase with the short-termism of her interpretation of these (as well as her own) interests, the net effect may be a shortening rather than a lengthening of the time horizon of the electorate as a whole.⁶¹ Here

60. The possibility of this counterproductive effect was pointed out to me by Andrew Williams. It is arguably documented by the fact that in the 1990 Swiss referendum on the abandonment of nuclear energy, support went down monotonously from 64 per cent for the 18 to 29-year-old category to 32 per cent for the 50 to 59-year-old category, but went up again to 46 per cent for the over 60s (Möckli 1994).

61. This possibility displays a standard case of fallacy of composition. If, for any particular type of person (in terms of propensity to care about the future), votes are distributed according to the

again, empirical evidence is needed to assess this puzzling conjecture. If the latter turned out to be true, the radical proposal of genuine universal suffrage would clearly become unwise, even though the favourable impact of a more modest scheme that would give, say, no more than one proxy vote to each mother or father of minor children under voting age would not be in doubt.

The screening of counterproductive effects should not be narrowly focused on intergenerational justice, however, as intragenerational dimensions of social justice may be badly affected by reforms aiming to better protect the interests of the younger or the unborn. A first illustration of this possibility has already been provided above, in connection with the idea of giving people proxy votes for their future selves in the form of a life-expectancy-sensitive plural voting. The implied intragenerational shift of electoral power away from disadvantaged categories – manual workers, racial minorities – makes this idea unpromising for the achievement of social justice as a whole, however effective it may be for the sake of lengthening the electorate's time horizon.

Secondly, consider the parents' vote proposals. While protecting better the interests of the younger, they also increase the electoral power of those who have children, or more children, at the expense of those who do not, whether because they could not have them or because they would not. Indeed, when the parents' vote was nearly adopted by France's National Assembly in the 1920s, a recurrent argument was that out of the eleven million electors, seven million had no children or only one and made their interests prevail over those of the remaining four million, who bore the burden of bringing up the bulk of France's children (Toulemon 1933: 126). But by distributing votes in proportion to children, is injustice not going to swing the other way, not of course because an unequal distribution of votes is inherently unjust, but because the new majority will be able to use its newly gained electoral power to subsidise, at the expense of the childless, the way of life they had the capacity and desire to choose?⁶²

Thirdly, consider the proposal of an extended maternity leave at full pay and without loss of pension rights, all at the employer's expense. This would

number of children, the overall time horizon is lengthened. Also, if there were no correlation between type and number of children, such a proportional distribution of votes would lengthen the time horizon. But if there is a strong correlation, voting power is being shifted across types as well as within types to such an extent that the net effect may be a shorter overall time horizon.

62. More contingently, having more children may also be strongly correlated, in some countries, with membership of religious communities – say, Mormon, Hassidic, Amish, catholic traditionalist, or Islamic fundamentalist – which tend to adopt political attitudes – for example, in favour of state-imposed morality or against state-organised social policy – inimical to other dimensions of the full ideal of social justice (understood as some liberty-constrained maximin). The parents' vote would boost the power of these communities and may therefore, under certain demographic and institutional conditions, badly damage a country's overall political potential for social justice. This possibility too must be paid the attention which Erik Olin Wright convinced me it deserves.

considerably reduce the opportunity cost of having a child by enabling working mothers to take several months off work without incurring any fall in their incomes, and should therefore boost the propensity to have children.⁶³ If it turns out that this boosts population growth too much, the measure can easily be fine-tuned through targeting the first birth. Moreover, the proposal can also be expected to have the side effect of depressing women's wages relative to men's, as a fall in the demand for the labour of women at child-bearing age would unavoidably follow from the employers' obligation to pick up the full bill of maternity leaves. This would also make it relatively more attractive for not (yet) (full-time) working women to have children rather than to enter the full-time work force – an expectation borne out by empirical evidence.⁶⁴ We here seem to be exceptionally lucky: the measure produces a side effect which, far from subverting the explicit objective, further contributes to its achievement. But we must not get carried away. Statistical discrimination against women would unavoidably take significant proportions on a free labour market – either in the form of unequal pay or, if equal-pay rules were strictly enforced, in the form of unequal unemployment rates – if employers were subjected to the above-mentioned obligation. When this is taken into account, concern with intergenerational justice may still justify, for child-spreading reasons, the provision of material support after the birth of at least the first child.⁶⁵ But, whatever the variant, the bill should be footed by society at large, or by all firms, rather than only by those firms that happen to employ pregnant women – or, in the more restrictive variant, women pregnant with their first child.⁶⁶ Most of the impact on male-female wage differentials

63. Note, however, that in the most extensive cross-country study 'maternity leave (duration and benefits) did not appear to be significantly related to fertility' (Gauthier and Hatzius 1997: 304) – contrary to what was suggested by the East/West-Germany and Italy/Sweden comparisons (Bütner and Lutz 1990, Chesnais 1996).

64. Ermisch's (1988: 571–5) estimates for the UK suggest that a 35 per cent increase in women's hourly wages relative to men's (similar in magnitude to the increase in the 1971–85 period) would add about 7 per cent to the (then) current 16 per cent of childless women and depress average family size by 0.3 child from its current level of 2.0. Note, however, that, in Gauthier and Hatzius's (1997: 300) cross-national study, women's wages display a slightly significant positive relationship with fertility levels, which suggests that the opportunity cost of large families, for given women's wage rates, may be very different depending on the extent to which being the mother of more than two children means giving up one's career altogether (availability of child care and part-time jobs, extended parental leave with a right to return, etc.).

65. Though possibly at a flat rate (irrespective of a woman's current wages and past career) and rather in the form of benefits not contingent upon the interruption of work (so that they can, for example, be used to top up wages in order to improve one's housing rather than to enable one of the parents to stay at home).

66. An alternative way of removing the side effect (suggested to me by Andrew Williams) would consist in enforcing substantial paternity and maternity leaves of equal length. This would get rid