November 30th, from 4 -7 pm
Furman Hall, Lester Pollock Room, 9th floor

Colloquium in Legal, Political, and Social Philosophy
Conducted by
Liam Murphy and Samuel Scheffler

Speaker: Juliana Bidadanure, Stanford University

Paper: Justice Across Ages: Treating Young And Old As Equals

Colloquium Website: http://www.law.nyu.edu/node/22315
Dear colloquium participants,

The paper that you are about to read is the first chapter of my draft book tentatively entitled *Justice Across Ages: Treating young and old as equals*. It is under contract with Oxford University Press and is due in 2018. The manuscript explores how the value of equality applies through time and between people at different stages of their lives. It offers a theory of age group justice and highlights some of its implications for public policy, with an emphasis on youth policy.

I want my first chapter to introduce both the puzzles of age group justice and some solutions to those problems. In the earlier version of the book, the presentation of my theory of age group justice only appeared in Chapter 4. I now think that the reader should not have to wait for so long to get my own view. So I am trying this new format. Now, of course, presenting a view that took me several chapters to get to in one single chapter is quite a challenge… So I very much look forward to any comments you may have on the chapter!

Thanks very much for reading!

Juliana Bidadanure
Abstract

The puzzle I engage with in this chapter is as follows. On the one hand, we have no more control over our age than over our gender or ‘race’, so perhaps age – like gender and ‘race’ - should be seen as a criterion that is not morally relevant in justifying inequality. On the other hand, given that we all age - whereas we do not (in most cases) change ethnicity or gender - inequalities that are age-based seem to be less problematic. The basic fact that we all age gives intuitive strength to the dominant default approach to equality through time – complete lives egalitarianism – which states that we should aim to treat people equally over their complete lives.

Complete lives egalitarianism, I show, offers important insights to explain why inequalities between birth cohorts matter, but is incapable on its own of making sense of why some dystopian inequalities between age groups matter. I argue that, even if we contend that complete lives equality, and hence birth cohort equality, is an important goal of justice, there are at least two further goals that egalitarians should acknowledge as part of a theory of equality between co-existing generations. One is that inequalities between age groups should be ‘prudent’. The other is that citizens must be able to relate and stand as equals at any point in their lives and regardless of their age. To highlight these two additional principles, I draw extensively on Norman Daniels and Dennis McKerlie, and I offer an account that advances the literature beyond these influential contributions.
Chapter 1 – Which inequalities between young and old matter?

Our social fabric, our relationships, obligations and entitlements are structured around age membership. There is an age for voting, an age for working, and an age when one is expected to retire. Each stage of the life course also corresponds to specific forms of social risks and vulnerabilities. Young adults tend to be more likely to be unemployed, more likely to be in precarious work, and far less likely to own a home. In old age, one becomes more vulnerable to disability, isolation and spatial segregation. As a result, inequalities between age groups are numerous and of various kinds.

Consider the following examples of inequalities between co-existing generations.

1. Unequal labor market vulnerabilities: In European countries, young adults have been hit disproportionately hard by the 2007 financial crisis, and by the austerity politics that followed. Youth unemployment is as high as 50% in Greece and Spain, but often two to four times as high as for older age groups in other European countries. Even when they do have jobs, young adults are overrepresented among the ‘Precariat’ – a growing class of individuals without income or occupational security (Standing 2011). The young have been described as the ‘jobless’, ‘precarious’ or ‘jilted’ generation.

2. Unequal political power: young adults typically vote at much lower rate than older age groups. The discrepancy is so important that many worry about the making of a disenfranchised or voiceless generation. Young adults are also critically descriptively underrepresented in parliaments. The gap between the global average age of a parliamentarian and the median age of the global population is of almost 30 years (Inter-Parliamentary Union 2012). Representatives of less than 30 years old in fact make up less than 2% of representatives in two thirds of single and lower houses at the global level; while three quarters of upper houses do not elect young parliamentarians at all (Inter-Parliamentary Union 2014).

3. Unequal benefit ratios: in the UK and the US in particular, many worry that those born in the 80s and later will end up having paid “a higher share of their incomes to their governments for a lower entitlement to services and benefits from their governments” compared to the generation of their parents (Coyle 2011, 103). Similarly, many are concerned that young Britons today have to pay so much in tuition fees to study towards higher education while the generation before them – the baby-boomers – did not have to pay for the same services when they were young themselves.
4. Unequal spending for different age groups: in his book *The Pinch*, British politician and former minister David Willets complains that the government’s spending per elderly person is several times higher than the amount spent per child - of the National Health Services annual budget half goes on to the over-65s” (Willetts 2010).

Faced with those inequalities, many journalists and politicians throughout OECD countries have made the case that the young are getting the short hand of the stick. These commentators often assume that such inequalities are self-evidently wrong. As Rainer Forst puts it: “when persons are treated unequally that always seems to feed the corrective desire for justice, the desire to put an end to such inequality” (Forst 2011, 190). But these inequalities between generations may not all matter equally, or some may not matter at all.

For instance, it seems that the claim that it is *prima facie* unfair that the elderly consume a larger share of healthcare resources than younger age groups may be mistaken. As we age, we need more healthcare resources to function well and be well. In some contexts, equality is not about treating people the same – it is about treating them with equal concern for their basic interests. Assuming that we think of the right distribution of healthcare resources in some other way than mere equality of resources (for example, in terms of responding to healthcare needs), then the elderly’s consumption of a large share of those resources may be exactly what equality requires.

Only focusing on healthcare may also be a mistake in the unequal spending example above. At the very least, we should look at overall public spending for different age groups. The young do consume much less in healthcare services but much more in educational services, for instance. Even if we found an overall bias in spending between age groups, it would not necessarily tell us that the distribution is unfair. Perhaps equal spending between age groups is not a goal we should pursue at all - equality may require unequal, but adapted, treatment which unlikely aligns with equal spending.

But surely some of the examples above are concerning. What about the disproportionate risks to be unemployed falling on European young adults? High rates of youth unemployment are definitely a serious issue for policy-makers. And yet, it is not clear that we need to appeal to the notion of equality to make sense of the wrong of youth unemployment. Or at least, it is not clear that the fact that the young can be 2 to 4 times more likely to be unemployed than older age groups is the wrong that we are concerned about. Young adults are always more likely to be unemployed than other age groups, because they are transiting from the educational system to the labour market. As they age, they themselves become less vulnerable to unemployment. So
perhaps the temporary inequality is not so worrying. Unless, of course, the inequality in question is not simply momentary or transitory. The concern that high risks of youth unemployment may be generating a jobless generation seems to be a claim about their generation’s prospects over time. That seems to make a difference to how we should respond to this inequality. But what difference exactly does this make? And shouldn’t we worry about inequalities that are temporary too? The young could be more vulnerable to abuse and oppression due to their relative precariousness.

So what should we think about all those inequalities? The aim of this book is to precisely capture the moral and political significance of age and time for equality. Why do we need such an account? There is a lot of confusion in the political realm about what makes an inequality between co-existing generations wrongful. At best, intergenerational fairness is becoming a buzzword loosely signifying “forward-looking” or “promoting the interests of younger and future generations”; at worst, it has come to equate with “leaving a bank balance as close to the black as possible” and eventually with economic austerity (Little 2012). The cost of not burdening future generations with increasing levels of debts is thus often understood as the cutting of the very services that disproportionately benefit the bottom of the income distribution. From this angle, the requirements of intergenerational justice thus seem to sometimes contradict the requirements of social equality and solidarity. This is an important political challenge for progressives who want any account of age group justice to work within the grain of social justice in general.

The narrow understanding of intergenerational justice, as a reduction of the per capita debt passed on to the next generation, has resulted in the following puzzling situation in the UK: even the drastic decreasing of the benefits aimed at young people - such as the higher education budget, youth jobseeker allowances, or youth housing benefits - have been defended in the name of younger and future generations, in order to reduce the public debt passed on to them. Thus although the debt-ridden interpretation of the requirements of intergenerational justice is only one conception of intergenerational justice amongst others, as Shiv Malik argues, it has rendered left-leaning thinkers suspicious and eventually driven them away from intergenerational justice:

“Intergenerational justice … is still viewed with suspicion by those on the traditional left. For a start, it apparently holds all the wrong antagonistic qualities when compared to class warfare – why fight the vested interests of your parents when you should be fighting those of the upper classes? Or to put it another way, how does fighting the baby boomers stop the fat cats from making off with society’s plunder?” (Malik 2012, 7)
This suspicion of intergenerational justice on the left can be traced back to the recent history of intergenerational discourses. In the 1980s, ‘generational equity groups’, whose leader was AGE (Americans for Generational Equity) and which Harry Moody (2007) refers to as “the nightmare of gerontology”, radically changed the terms of the policy debate around the unaffordability of ageing: “AGE pushed forward the idea that population aging was unaffordable and that the old were gaining benefits at the expense of the young” (Moody 2007, 131). Its members argued that the ageing of the population was threatening the equity in benefit ratios between the young and the old, and as a response, advocated the privatization of social insurance schemes. From their perspective, if each generation was responsible for itself and saved accordingly, then problems of inequity between successful generations would be tackled. For Moody, such debate “has not disappeared but has assumed new forms in different countries. Like “The Terminator”, justice between generations is an idea that will not go away” (Moody 2007, 125).

My book provides an egalitarian account of intergenerational justice that takes seriously the challenges faced by the young as a vulnerable social group without following the generational equity debate down the reactionary path it took in the 1980s. I both isolate age and time to determine what is special about these for distributive justice, and I re-articulate them with the goals of egalitarian justice in general. The book offers the conceptual clarifications and the normative tools needed to separate inequalities between generations that matter from those which do not. The theory I offer also helps us clarify the fundamentally distinct ways in which inequalities between co-existing generations may be wrong. And eventually, it offers a positive account of what it means to treat different age groups as equals, with a particular focus on the treatment of young adults. I provide a theoretical answer – asking what makes young adulthood special for distributive justice, and a practical answer – asking which policies could help bring about a temporally fair egalitarian society.

In this introductory chapter, I first present the puzzle of age and time for equality and show that there is no evident answer to two related questions “which inequalities between age groups matter?” and “how does the value of equality apply through time?”. I then offer some answers to the puzzle and introduce the basic ideas I develop throughout the rest of the book.
1. The puzzle of age, time and equality

1.1 Is age like race and gender?

Like race and sex, age is nothing like merit or effort. For a start, we have no more control over our age than over our sex or ethnicity. So it seems that my age, just like my race or gender, should not be used as a basis to give me access to fewer opportunities than others. Think of the 50+ unemployed denied the opportunity to a job based on the stereotype that people after a certain age are slow and have little to offer to a company. Most legal systems in fact recognize those cases as wrongful discrimination. Some age-based differential treatments thus seem to resemble sexism and racism – exemplars of the kinds of anti-egalitarian practices we should object to. There is even a concept to describe such bigoted exclusion of the aged – ageism.

And yet, it is fair to say that in general, we tend to feel much less uncomfortable treating age groups unequally than we do treating other groups unequally. Age is widely used as a criterion for assigning benefits and burdens in society and sometimes for rationing scarce resources such as expansive heath treatments. In most countries, there are lower age limits to run for political office; young people pay more in car insurance contributions than older people; younger and older people get all sorts of discounts when they take the bus that middle-aged people don’t get; you get guaranteed income support regardless of willingness to work only if you are of a certain age; you can get drafted or have compulsory military service only for some age groups. What is more, we feel indifferent about some of these inequalities (inequality in insurance premiums), we contend that some are in fact great and benefit us all (age discounts and benefits for young adults and seniors), or we think that registering some age inequalities distract us from what really matters (class inequalities for instance). If any of those were inequalities between genders or racial groups, most of us would rightly feel outraged. What is so special about age that potentially justifies such differential response?

The case of age discrimination is particularly helpful to think about whether age is so special and make progress on this issue. Consider the following series of examples of discrimination:

*Vote 1: individuals racialized as Black are denied the right to vote.*
*Vote 2: individuals below the age of 18 years old are denied the right to vote.*
Jobs 1: in a context of job scarcity, a government urges employers to give priority to male workers in the labor market, making gender discrimination legal.

Jobs 2: in a context of job scarcity, a government urges employers to give priority to young workers in the labor market, making age discrimination legal.

Airline 1: an airline refuses to employ a qualified Black candidate unless he shaves his hair while not requiring the same of White candidates.

Airline 2: an airline refuses to employ a qualified 60 years old candidate, because they consider 60 years old to be too old an age to pilot a plane.

Premium 1: an insurance company charges men a higher premium than women, because men statistically cause more accidents than women.

Premium 2: an insurance company charges drivers below the age of 25 years old a higher premium than older drivers, because younger drivers statistically cause more accidents than older drivers.

Differential treatments based on race and gender often strike us as more clearly wrong than age-based differential treatments, even when the exact same important rights or opportunities are being denied, such as the right to vote or to a job opportunity. In all the examples above, for instance, where cases numbered 1 are instances of gender or race-based discrimination while cases numbered 2 are instances of age-based discrimination, most people are likely to consider the first versions of each case as more serious than the age version of each of those examples. At the very least, we will think that Vote 1, Jobs 1 and Airline 1 are more concerning than their counterparts. In fact, Vote 2, Jobs 2 and Airline 2 are fairly realistic scenarios: most countries do deny the right to vote to children and teenagers; we often seem to deem some unfit for a job because of their age; and we sometimes force people to retire after a certain age or give priority to young people on the job market (like the recent EU proposal for a Youth Job Guarantee\(^1\)).

Premium 1 is perhaps less straightforwardly worse than Premium 2. Indeed, some readers may not find Premium 1 very serious in the first place and will thus be equally unbothered by Premium 2. The European Court of Justice certainly thinks differently. Gender has recently been ruled out as an acceptable basis for differential treatment in fixing insurance premiums. Appealing to age to fix such premiums remains lawful.\(^2\)

As a general rule, we treat age discrimination with more leniency than racial or gender discrimination. This is made clear by the comparatively low state of advancement of anti age-discrimination law. In the UK, for instance, legislation to prevent race, gender and disability

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\(^1\) The proposal consists in guaranteeing a job to all young adults under the age of 25 years if they are been unemployed for more than 4 months.

\(^2\) For a very interesting and detailed discussion of how the European Court of Justice treats age see Gossseries (2014) and Gossseries and Colla (2013).
discrimination are well established, but age discrimination has only recently been legally recognized and is still comparatively underdeveloped (Macnicol 2006). As Gossseries (2014) also claims, it seems that anti-discrimination law is treated with more leniency than race and gender in the US: there, “age is not covered by title VII of the 1964 Civil Rights Act and the 1967 Age Discrimination in Employment Act deals with differential treatment above the age of 40 only”.

The EU also seems to subscribe to this special treatment of age as a ground for discrimination: “Directive 2000/78/EC includes specific provisions for age – notably article 6 – that leave more room to Member States than it does for other suspect grounds” (Gossseries 2014).

Issues of age-based inequalities in general and age discrimination in particular also remain under-theorized in political philosophy. In fact, it is interesting to note that, when philosophers wrestle with what Hellman has called ‘the puzzle of discrimination’, they often appeal to cases of age-based discrimination to illustrate that discrimination is not always wrongful. Hellman starts her book on discrimination by giving the example of a parent who treats children differently based on their age - putting the 2 year old to bed earlier and letting the 4 year old play. Later on, she mentions an airline that refuses to employ pilots older than 62 (Hellman 2008: 2) and a State that refuses to license drivers under the age of 16 years old (Hellman 2008: 2).

Are we mistaken to so often tolerate differential treatment by age? Perhaps we should simply treat age discrimination no more leniently than race and gender discrimination as a matter of general rule. Age, not unlike gender and race, is a feature of our identity that we do not choose, and yet others may fail to treat us as equals on that basis. If age is not relevantly different, let us get over our bigoted intuitions that the age-based differential treatment of the kind involved in the Voting, Jobs, Airlines and Premium examples should be tolerated more than their counterparts. Martha Nussbaum certainly thinks so, at least for examples concerning the denial of jobs to older citizens. In her new book Aging Thoughtfully, she provocatively claims that forcing the old to retire is one of the greatest moral evils of our times. She claims that it is not less wrong to give priority to the young in the labor market by forcing the old to retire than it is to “exclude women and minorities from the workplace, because there are not enough jobs — or, more pointedly, because ‘they’ are taking ‘our’ jobs” (add ref).

If some cases of age-based discrimination will be found to be almost un-controversially problematic, some others will persistently strike us as acceptable, even in cases where important

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3 For more on age group justice see for instance Daniels (1988), McKerlie (2013) and Bidadanure (2016).
rights are denied. Are we right to treat age as a special category or should we treat it more like gender and race? To answer this question, we do not need to commit to a fully-fledged theory of what makes discrimination wrongful. If we start from the broadly accepted idea that discrimination is wrongful when it fails to treat persons as equals, we may ask whether there is something about age discrimination that makes it less likely to offend this general norm. Whether we answer this first question by the affirmative or not, we will then have to explain why some cases of age discrimination may be problematic and others not – why ‘ageist’ discrimination against the elderly may offend the norm of equal treatment, but not excluding children from voting in elections, for instance. This second question can hardly be answered without committing to a theory of discrimination. I will only focus on answering the first question since my goal is to present the puzzle of age inequalities, not so much to make great progress on discrimination theory per se.

There are at least three ways to set age apart from race and gender in the context of discrimination. First, one could make the argument that at least some age ranges - like very young or very old age - are better proxies for morally relevant properties like ability, competence, or experience, than gender and race. In the Voting example above, we can explain our intuitions by appealing to the differences in competence and capacity for autonomy of children compared to adults. The process of ageing, from birth to adulthood, is correlated with various developmental and cognitive processes that make it relevant to ascribe differential responsibility, ability to consent and autonomy to children than to adults. Age is also often a fairly accurate proxy for predicting behaviors. British men over 30 are 4 times less likely to commit crime than younger British men, for instance, and this basic fact underpins justifications for youth profiling by the police (Macnicol 2006: 4). The effect of age on attitudes and behavior, at least in some cases, is quite important, which reinforces the view that age is different – it is simply a more reliable proxy for relevant traits like competence, experience and attitude.

The basic observation that age is often an accurate proxy is not sufficient on its own to set age discrimination apart from race and gender discrimination, however. Discrimination scholars are often reluctant to tolerate race or gender discrimination in cases where gender and race are accurate proxies for risky behavior or likeliness to commit crime, for instance. As Hellman forcefully argues, discrimination is often wrongful and an accurate proxy at the same time. A firm may refuse to hire women between 20 and 40 because pregnancies impose a cost on the firm and women outside that age bracket are much less likely to become pregnant. And yet, we do feel
that these forms of exclusion are precisely the ones we should oppose when we regulate. The reliable proxy explanation fails to help us isolate age discrimination because whether or not something is a reliable proxy is often an unnecessary condition to a discrimination being found wrongful. It may help us understand why we often feel differently about age, but it does not provide a sufficient reason to isolate age.

A second (compatible) justification for our special treatment of age could be that race and gender inequalities generally serve a worse purpose. The idea here is that depending on what one is trying to achieve when discriminating, we will be able to determine whether it is wrong or not. We may have a bigoted purpose and simply mean to exclude a group we deem inferior; or we may simply be trying to achieve a respectable goal: efficiency, security, stability, etc. Consider Airline 2. The airline may simply be trying to ensure that its pilots are in perfect physical condition (including good sight, good hearing, and good endurance). They know that it will cost them a lot to screen their pilots too often and so, they prefer to avoid the age bracket that will require more regular check-ups. The purposes of age discrimination are here security and efficiency. In Airline 1, the overt purpose of the discrimination is more trivial than security – it has to do with the professional presentation of the staff. The company accommodates biases to maximize profit thus serving to reproduce an idea of beauty that is grounded on racial prejudice and white privilege.

Like the proxy explanation, this second explanation does not work though. It is just by chance that here age discrimination is justified by efficiency or safety, whereas the race case is not. Gender and race discrimination is in fact also often justified in that manner. Think of the previous example of discrimination in hiring of women age 20-40, or think of racial profiling – those who argue in favor of these practices defend them on the basis of efficiency or security: in the first case for the companies to avoid costs and in the second case to save on ‘un-necessary’ stopping of white people, also saving costs. So the basic idea that age may typically serve more justifiable purposes is likely not factually true. The purpose explanation does not set age apart because similar purpose justifications apply to age, gender or race; and because purpose does not seem sufficient, at least on most accounts, to justify discrimination anyway.

Another suggestion here could be that gender inequalities and racial inequalities may be more unilateral than age-group inequalities. It is not clearly the case that one age group tends to always end up worse off than the others. We cannot say the same of gender inequalities and racial
inequalities. While the latter systematically fall on those relegated to the bottom of the hierarchy of racial or sexist prejudices, the former do not disadvantage a specific age group in the same systematic way: consider for instance voting and driving rights, to the disadvantage of teenagers and the various age-based subsidies that are to their advantage; or examples of jeuni sm (discriminations or prejudices against the elderly) in the media and the dominance of elders in some political institutions. This may be an interesting lead, but it can’t set age apart from gender and race. After all, wouldn’t we have reasons to complain about a very gender differentiated society where roles and privileges are assigned by birth, or a society where one ethnic identity sets the scope of one can and cannot be, even if there is no clear winner? It seems that the extreme differentiation and the denial of particular opportunities to some groups is sufficient ground to object to discrimination based on such characteristics.

But here is what is truly different about age. Contrary to gender and race, age is not a discrete and immutable feature. As Macnicol (2006) puts it, age is not a club you are born in. We expect to pass through the various stages of a life and old age is a club we know we will most probably join one day. As a result, differential treatment by age does not necessarily generate inequalities between persons over time, whereas treating people differently based on their ethnicity and sex does do: “a society that relentlessly discriminates between people on grounds of age can still treat them equally over their complete lives (…). Everyone’s turn [at being discriminated] comes” (Gossseries 2007). At first sight, it might seem like a wrongful discrimination between persons that some rights, such as voting rights, are only granted after a certain age. However, this is fundamentally different from a case in which women cannot vote, for instance, since age restrictions on voting rights do not treat individuals unequally over time while sex discrimination does. Over time there is no differential treatment: young and old will have been treated equally with respect to their rights to vote. If we understand persons diachronically (and we do since we tend to believe in a continuous identity of persons between childhood and old age), then age discrimination is compatible with equal treatment of persons. If there is no differential treatment between persons, then it makes sense to think that there is no wrongful discrimination either.

The fact that age-based differential treatment may not create unequal treatment of diachronic persons still does not give us reasons to treat persons differently based on their age. This is where purpose and relevance can be linked back in. Youth profiling by the police, the denial of the right to vote to children, and age rationing for some jobs or healthcare opportunities, all can be supported by appeal to purposes like efficiency or safety. But it is only the fact that those
treatments may be compatible with equal treatment of diachronic persons that sets it apart in a morally relevant way from similar cases of discrimination based on gender or race. We can also have reasons to distribute scarce resources unequally between age group in order to ensure equality between persons over time. Take the example of the youth job guarantee, which aims to protect young people from long-term unemployment in contexts where they risk becoming permanently marginalized from the labor market. Here, equal treatment of diachronic persons not only permits but may require an unequal treatment of synchronic persons. Those cases are not uncontroversial or unproblematic. But they help us see what makes age special in at least one morally relevant manner. If discrimination is wrongful when it fails to treat people as equals, and if age discrimination is such that it often is compatible with or required for an equal treatment of diachronic persons, then it seems like we have a valid reason to think of age discrimination as special.

Age can thus be meaningfully set apart from other features our identity we have no control over. The claim by Nussbaum that unequal treatment by age is just as evil as unequal treatment by race or gender may give far too insufficient weight to the fundamental fact that age differential treatment is compatible with equal treatment of persons over time. But one may still deny that the diachronic temporality is the right one when it comes to equality. Surely, some cases of unequal treatment by age, like ageist discrimination, will strike us as wrongful in any case. So we need to know why we should be moved at all by the claim that equality is a diachronic value. To shed some more lights onto the difficult question of whether equality should be conceived of diachronically or synchronically, or both, and how, let’s look at another related puzzle set by the equality through time debate.

1.2 Is equality a diachronic or a synchronous value?

The question of how equality applies through time extends beyond the scope of age group justice. We may ask what it means for two individuals born at the same time to be equal: if Anna and Bob are unequal at T1 and unequal at T2 but equal overall, should we care about the synchronic inequality at both T1 and T2? Is equality a diachronic value, in which case we should find the respective situation of Anna and Bob unproblematic, or is equality a synchronous value, in which case, we should find the inequality at T1 and T2 problematic. Age group justice is a subset of that bigger question, with the added difficulty that people are born at different times and so they will
be compared at different stages of their lives. But the broad question remains the same— is equality a diachronic or a synchronic value?

At the very end of the 1980s, the highly abstract ‘equality through time’ debate emerged to answer this question. It sought to establish the time unit to which dominant egalitarian justice should apply. Larry Temkin (1993) and Dennis McKerlie (1989a) first framed the terms of the debate on what “the proper unit for egalitarian concern should be people’s lives, taken as a whole, or selected portions of their lives” should be (Temkin 1993, 232). The illustration below was used to visualize the debate.

Case I and II represent the respective levels of wellbeing of two individuals A and B – whom I will keep on calling Anna and Bob. Anna’s and Bob’s respective lifespans are divided into five different time segments (T1-T5) of about twenty years each, such that Anna was born twenty years before Bob and they each lived for about eighty years. Note that Cases I and II are identical for Anna and Bob – all that changes is the way we calculate wellbeing in each case. In Case I, the relevant unit of concern is taken to be complete lives. The emphasis is on the overall life course wellbeing of Bob as it compares to Anna’s. Over their entire lives, Anna and Bob both enjoy a total of 20 “points” in wellbeing. An egalitarian that takes complete lives to be the relevant unit of concern - a complete lives egalitarian – will find Anna and Bob to be suitably equal.

In Case II, however, the emphasis is placed on inequalities at given stages of Anna’s and Bob’s lives: at T2, T3 and then T4. This simultaneous segments approach emphasizes inequalities between Anna and Bob at a series of overlapping moments of their lives. At T2, for instance, Anna’s wellbeing was superior to Bob’s. The simultaneous segments view registers three points of inequalities in wellbeing by showing that, at each of the three simultaneous stages of their
lives, Anna was 1 point better off than Bob. Thus, we can say that, depending on which perspective we adopt to compare Anna’s and Bob’s lives, we will get substantially different conclusions. If we focus on complete lives, Anna and Bob are equal; if we focus on simultaneous segments, they are unequal at each stage of their overlapping life.

Complete lives egalitarianism (CLE) is the prevailing approach to equality through time and the dominant default view endorsed by egalitarian accounts of justice. On this view, inequalities between people that occur at a given may matter, but only ‘derivatively’, insofar as they contribute to creating inequalities between people over their complete lives (Bou-Habib 2011). Theories of justice tend to apply their distributive principles to the temporal scope of a whole life (McKerlie 2013: 22). John Rawls, for instance, claims that: “Justice as fairness focuses on inequalities in citizens’ life prospects – their prospects over a complete life” (Rawls 1971: x). Michael Huemer has a particularly insightful way to introduce and support the view. Imagine a world, let us call it world 2, in which two individuals are unequal at both T0 and T1 but equal over their complete lives. This world, he claims seems intuitively just:

“The complete lives view strikes me as the most natural one for an egalitarian to take, and I find it intuitive that world 2 is interpersonally egalitarian. If you are going to be dropped into a world like world 2, you have no reason, from the point of view of self-interest, to prefer either A's or B's position in it; setting aside time preference, you should be indifferent between the two possible fates.” (Huemer 2003, 153)

To illustrate how widespread the complete lives view is, a few examples may help. One example is youth-rationing in bioethics. Suppose you have two patients and only one treatment. The patients have the exact same condition and the treatment will give them the exact same number of future good years. Now, the only difference between the two patients is that the first is 20 years old and the second is 60 years old. This basic difference, however, seems to make us feel strongly inclined to save the first patient. Americans think it equivalent to save one 20-year-old than seven 60-year-olds (Bognar 2008, 168). This is a clear example of what embracing the complete lives view entails: we should not be fooled by the fact that the two patients are equally unwell; the number of years one has already experienced makes a difference to one’s entitlements right now.

Another example is to be found in Fleurbaey, Leroux and Ponthiere (2014)’s “Compensating the Dead”. They extend the basic complete lives view beyond the scope of healthcare by arguing that we can define the absolutely worse-off as those who will end up dying young. The problem is that
we often do not know in advance who those unfortunate enough to die young will be. They have a solution to compensate the dead: we can in fact compensate those who die young simply by giving people cash early in their lives, or by encouraging early consumption. Here – equality is defined through the access to one’s lifetime fair share. And this goal is so important that it may justify extremely high transfers to the young. Yet another example is to be found in Philippe Van Parijs. The advantage in longevity that women have over men, he argues, diminishes the complaint they have against the pay gap on grounds of fairness. He explains: “as long as most people would be willing to give up some income in order to live longer, women’s higher life expectancy reduces the inequality between men and women.” This is another application of the diachronic accounting rationale encouraged by the complete lives view.

Why would we take this diachronic perspective seriously at all? And why have so many egalitarian theorists found themselves committed to this diachronic view? For a start, the alternative of simultaneous segments appears quite weak theoretically. McKerlie argues that if B is worse-off at Tx, then he should be assisted, but how the Tx segment is defined is not so clear. The main problem is that, once we have defined the temporal segment that matters morally (say twenty years), McKerlie offers no justification for why we should consider that inequalities that occur within these smaller units of time cancel out. One could always highlight shorter segments, in which case defining the worse off would become impossible and arbitrary.

McKerlie (2013) himself pointed to this problem with the simultaneous segments view in his recent book and eventually rejected the view on that basis.

“In the case of equality, we seemed forced to choose between an arbitrarily specified stretch of time – arbitrary because any such stretch might contain within itself simultaneous inequality that our principle could not take into account – or making the temporal scope a mere moment, a designation that also seemed to lead to implausibility.” (McKerlie 2013: 105)

However, McKerlie does not elaborate on what I take to be the core underlying issue. To illustrate the problem, consider the following modified version of Temkin’s diagram (Case II is just as it appears on his diagram and Case III is my version).
In Case II, we compare Anna and Bob at the simultaneous segments T2, T3 and T4 of approximately twenty years each. At each segment, Anna is one point better off than Bob. As Temkin notes on the right, this means that they are unequal (to the value of 3) at these three simultaneous segments. Case III is wholly similar to Case II: Anna is equally well off in Case II and Case III both over her complete lives and at T2, T3 and T4; and the same for Bob. However, we compare Anna and B at the shorter simultaneous segments T2(a), T2(b), T3(a), T3(b), T4(a) and T4(b), of approximately ten years each.

In Case II, Anna is better off than Bob at T2(a), T3(a) and T4(a). However, Bob is better off than A at T2(b), T3(b) and T4(b). This illustrates the problem with McKerlie’s simultaneous segments view. In Case II and III, depending on whether we register simultaneous inequalities every twenty years or every ten years, we will draw substantially different conclusions as to who is worse off when and what we should do about it. If we only register inequalities between twenty years segments, we may compensate Bob and increase inequalities at shorter segments (for instance, increasing the distributive imbalance in favour of Bob). If we consider ten years segments, it is not clear who is worse-off anymore. The simultaneous segments view is thus objectionably incomplete unless it provides some reasons that explain what distinguishes segments that matter from those that do not.

The complete lives segment, on the other hand, has a lot to say for itself. First, it resonates well with a widespread metaphysical view on persons – the continuous-identity view. If we believe that individuals are one and the same in youth and old age, then we are more likely to be drawn to
the complete life view. Consider the example of a state that has an established and enduring policy that ensures free public transportation to anyone over the age of 65 years old. In such a case, the synchronic inequality in free access to transportation between a 20-year-old, who has to pay, and a 65-year-old person seems unimportant because the young person will also benefit from the policy in later life. However, this is only true if we contend that the young person today is indeed the same person as the future elderly person that will enjoy the benefits of the policy. If we endorse an alternative metaphysical view – for example, that individuals are so different in old age and in youth that we may consider that they are different persons at these different stages of their lives – then the focus on complete lives seems to lose its grip. If we assume discontinuity, in the free transportation for those over 65 example, we can consider that we are in fact comparing 4 persons rather than two: the young 20 year old; the old 20 year old; the old 65 year old and the young version of the 65 year old. If those four are taken to be different persons, then the young 20 year old and the young version of the 65 year old are not being treated equally or fairly compared to the two older persons.

Second, the egalitarian commitment to complete lives can be seen as the other side of the coin of the contemporary egalitarian commitment to the separateness of persons. The opposition to the utilitarian aggregation of burdens and benefits across lives is constitutive of Rawls’s egalitarianism. Utilitarianism, Rawls argues, “does not take seriously the distinction between persons” (Rawls 1971, 26). The utility maximization approach cannot be used between different persons because it negates each individual’s fundamental right not to be used as means for others’ benefit. Utilitarians, Rawls argues, treat interpersonal judgements as they would treat intrapersonal judgements:

“The striking feature of the utilitarian view of justice is that it does not matter, except indirectly, how this sum of satisfactions is distributed among individuals any more than it matters, except indirectly, how one man distributes his satisfaction over time. The correct distribution in either case is which yields the maximum fulfilment.” (Rawls 1971, 26)

Maximizing utility is adequate within a life, but not interpersonally. It is one thing to decide that I will do something I hate doing today because it will considerably increase my welfare for the following three days. It is an entirely different thing to have someone else do something they hate doing for you to have an increase welfare. Or, in other words, interpersonal judgements are fundamentally distinct from intrapersonal judgements.
The other side of a coin of the separateness of persons is thus that intrapersonal inequalities are viewed as unproblematic from the point of view of equality. As McKerlie helpfully puts it “the price of defending the existence of egalitarian distributional constraints between lives is conceding that there are no such distributional constraints inside lives. This is the price that the egalitarian writers of the 1970s were not at all reluctant to pay” (McKerlie 2013, 26). The application of the egalitarian value to complete lives can be understood as the other side of the coin of the liberal egalitarian commitment to the separateness of persons.

This comment, like the previous comment on the continuity view, does not justify the appeal to complete lives egalitarianism. At best, it explains why the complete lives view has been endorsed by default, quite naturally, by many egalitarian writers. ‘Persons’ are understood, defined and valued through appeal to both the continuity view and the separateness of persons’ argument. Insofar as we care about inequalities between ‘persons’ understood in this way, we are easily led to the complete lives view as the relevant unit of egalitarian concern. Even if these two explanations do not form justifications for the CL view, therefore, they help us make sense of the intuitive pull of CLE.

Lastly, egalitarians are often drawn to the diachronic approach because they value the joint ideal of responsibility and compensation. Luck egalitarians, in particular, believe that the point of egalitarian justice is to ensure bad brute luck has as little impact as possible over people’s lives (Arneson 2000, 339). For this reason, those who are poor through no fault of their own should be compensated. However, if individuals make free choices that have a negative impact on their lifetime prospects, then they will have to assume the costs of such choices. This rationale of responsibility and compensation is thus fundamentally diachronic. Egalitarians should not be concerned about inequalities at a given point in time; they should look at the diachronic picture to find out whether compensation is, or is not, owed for a given time-limited inequality. In other words, a given synchronic inequality between two persons only matters if it is the sign of an unequal diachronic distribution of resources. Richard Wagland (2012) sums it up this way: “luck egalitarianism is based upon two premises: first, that diachronic equality is viewed as the fairest form of distribution; and second, that the cut between choice and circumstance is morally important because it maintains diachronic equality between separate persons” (Wagland 2012, 148).
If the unity of personhood and the separateness of persons both contribute to explain why egalitarians have been drawn to the complete life approach, the compensation and responsibility argument offers a potential justification for it. If we want to take into account past choices and unequal endowments, then we must endorse a diachronic approach that establishes what people are owed in the present segment based on what they had, or did, in previous segments. The synchronic approach, by contrast, misses the bigger picture and thus neglects these two important egalitarian values. For these reasons, one will find it more difficult to provide strong distributive reasons to attach moral significance to temporal stages. I believe this suggests that there is a strong non-accidental connection between distributive approaches to equality and complete lives egalitarianism. In fact, complete lives may be thought as the *par excellence* time unit of distributive fairness.

And yet, complete lives egalitarianism cannot be the full story. Even if we accept that the diachronic perspective should fare well in a theory of equality, the complete lives egalitarian approach is unlikely to be sufficient on its own to establish the requirements of equality through time and age group justice. What if the young live in total misery while the elderly flourish? Even if the young will enjoy the same benefits as the previous generation when they are old, thus making them equal over their complete lives, it seems that this extreme inequality between parts of lives is intuitively problematic. Once we step away from matters of individual responsibility to focus on cases of ageist discrimination, for instance, or when we try to address the normative significance of youth disadvantage (compared to say, old-age disadvantage), the diachronic approach leaves us with little guidance. A hybrid theory will be offered in this book - it will not be a pure complete lives egalitarian view nor will it draw on the simultaneous segments view.

2. **A hybrid theory of equality between overlapping generations**

2.1 **Preliminary conceptual clarifications**

A few clarifications are in order before offering a snapshot of the answer that this book offers to the problems highlighted above.

One first conceptual distinction that runs through the intergenerational literature is between *intra* and *inter*-generational justice. Intergenerational justice covers, by definition, the realm of issues that concern people born at different times. The concept of intra-generational justice is used to
express what intergenerational justice is not about – questions of distributive justice within generations, such as justice between the rich and the poor, gender justice and global justice (Tremmel 2009). The constitutive difference between intra and intergenerational justices is that the scope of intra-generational justice concerns issues of inequality and distribution within a generation while the scope of intergenerational justice covers issues of inequalities and transfers between generations.

I find this analytical distinction quite misleading, however, because it represents inter and intra generational justice as independent realms of justice. In some sense, the isolation perceived at the political level, seems to be mirrored by this conceptualization of intergenerational issues away from other social issues. The distinction threatens to blind us to the fact that the two are inevitably intertwined. This is because, at any given time, there always are members of different generations. As a result, whenever we redistribute resources from the better off to the worse off, we simultaneously transfer resources from the young to the old, from the old to children, and so on. This does not mean that average equality between generations is not a goal of justice as well. But it does mean that if we are to integrate questions of time and justice into egalitarian thought, we may not want to isolate questions of intergenerational justice too sharply from other issues of social justice.

An additional distinction is between overlapping and non-overlapping generations. By intergenerational justice, many only mean justice between non-contemporaries. Lukas Meyer, for instance, introduces questions of intergenerational justice as follows: “Do justice considerations apply to intergenerational relations, that is, to relations between non-contemporaries?” (Meyer 2010) – that is, relations of current generations with past or future distant generations. These discussions may include the possible duties of current generations to compensate the descendants of past victims of collective rights violations, especially when there is a correlation between present disadvantage and past wrongs. But it is the debate on what we owe to future generations that has attracted the most attention within the field of intergenerational justice. This interest was prompted by the growing awareness that many natural resources are limited or non-renewable. Many questions started to arise: What do we owe to future generations? What ought we to sacrifice today for future unborn people? These questions stimulated a lively literature.

The overwhelming emphasis on future generations should not lead us believe that there is nothing to be said about questions of justice between overlapping generations. As I have been trying to
show in the previous section, inequalities between young and old also deserve serious consideration, for political and philosophical reasons. The literature on what we owe to future generations will not be directly relevant to my book, given that it focuses primarily on the problems that arise from the non-existence of future generations. Young people are already born and therefore the question of what it means to treat them as equals escapes the various problems associated with non-identity. I will be interested in future people only to the extent that they are today’s young people envisaged at later stages of their lives.

Absolutely central to my account of age group justice is the conceptual distinction between age groups and birth cohorts. This demographic distinction enables us to see that, since the beginning of this chapter, we have been running two different problems of justice together. Once adequately separated, we will be able to isolate the difficult problem of age group justice without confusing it with a matter of intergenerational equity.

Age groups are groups of people at a certain stage of their lives, for instance children, or the elderly. Age-group justice refers to the “the ethical problem of distributing scarce resources between different age groups in a society” (Jecker 2002). By contrast, birth cohorts are groups of people who are born at a specific point in time. For instance, the baby-boomers form a birth cohort of people born between the end of the Second World War and the 1960s. The difference between age groups, on the one hand, and birth cohorts, on the other, lies with the fact that birth cohorts are specific groups of people who age together, while age groups are phases through which different cohorts pass as they age: “Age groups do not age. Over time, new and different birth cohorts simply move into an age group. In contrast, birth cohorts do age. They pass through the stages of life, and so, at different times, fall into different age groups” (Daniels 1988: 13). In the diagram below, the two axes represent time and age and help us visualize what differentiates birth cohorts, represented by arrows, from age groups, represented by boxes.
The diagram represents time (on the x-axis) and age (on the y-axis). It describes groups of people as they age. The red arrows represent two birth cohorts (A and B), each constituted by a group of people who go through the different stages of ageing together. The blue boxes represent the four age groups that exist in a society at any given time. At T0, for instance, we have roughly four age groups: children, young people, formed adults and the elderly. From this diagram, one can see that asking which inequalities between the two birth cohorts (red arrows) are unfair will be substantially different from asking which inequalities between two age groups – say young people and the elderly living at T0 (blue boxes) matter. The first question is diachronic and requires comparing people over their complete lives, while the second is synchronic and concerns how two age groups respectively fare over a limited timeframe.

Age groups and birth cohorts generate two different sets of problems of justice. This is because, since we all age, treating age groups unequally will not necessarily bring about inequalities between people, while treating birth cohorts unequally does bring about inequalities between persons. For instance, if one birth cohort benefits from free higher education and the following cohort must pay for it, then the institutions will have treated two groups of people unequally over their complete lives (other things being equal). However, if a policy subsidizes transport only for one age group – say those over 65 - then this differential treatment between age groups will not necessarily bring about inequalities between persons, at least if institutions remain stable over time: “An institution that treats the young and the old differently will, over time, still treat people equally” (Daniels 1988, 41).
Cohort issues arise when we ask how much we ought to pass on to the next generation. In this case, we are in fact asking what cohort A owes to cohort B. And in turn, cohort B may owe something to cohort A. For instance, cohort A may transfer institutions and savings to cohort B, and cohort B may provide various forms of security and assistance to cohort A, when the individuals in cohort A are older. It is important to note that birth cohorts may overlap, but of course not all will. When we are concerned with those presently alive in a given community, we are dealing with several overlapping cohorts. When we refer to future generations, we are referring to an ensemble of birth cohorts yet to be born. An important distinction between questions of justice between non-overlapping generations and questions of justice between overlapping generations, however, is that the latter involves questions of age-group justice in addition to issues of birth-cohort justice.

Age-group problems arise when we become primarily concerned with the question of how institutions ought to treat people as they age and how scarce resources must be distributed among them. Only a few philosophers have explicitly contributed to this set of questions; and only two monographs have been written exclusively on age-group justice in contemporary political philosophy: Norman Daniels’s *Am I my Parent’s Keeper* (1988) and recently Dennis McKerlie’s *Justice between the Young and the Old* (2013). They both tried to establish a theory of age-group justice and to identify what institutions that meet age groups’ needs fairly should look like.

The field is fundamentally under researched. As Axel Gosseries (2003) argues: “Theories of intergenerational justice are clearly still at an early stage. (…) But it is probably the domain of justice between age groups that is in need of the strongest research effort” (2003, 481). Once we integrate age-group justice within the scope of intergenerational justice, it becomes more apparent that some issues of justice between generations concern relations between individuals at a given point in time. In other words, intergenerational justice also pertains synchronically.

If we go back to the examples we started this chapter with, we can see that the distinction between age groups and birth cohorts is analytically important. The concern around unequal political power was primarily an issue to do with age group justice – the complaint is that the young vote less and are less represented than older age groups. This is quite a permanent feature of our societies and an inequality that does not necessarily create inequalities between birth cohorts. We could turn this issue into a cohort issue if we now focused on the unequal political

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4 Apart from Daniels and McKerlie, whose work I will extensively discuss in this thesis, the following authors have also touched on these questions: Ronald Dworkin (2000b), Nancy Jecker (1989, 2013), Axel Gosseries (2007, 2014), Jane English (1977), and Paul Bou-Habib (2011).
power of unequally large generations – worrying that the baby boomers, for instance, are in a privileged position to shape politics due to their numbers. The concern around benefits ratios was really a cohortal concern – it was about the unlikeliness that the generation of young adults would be able to extract as many benefits from the system of cooperation (around social protection, pension systems and education, for instance) than the generation prior to them. The concern about unequal spending with the example of the disproportionate spending on healthcare for the elderly was a concern about the imbalance of spending between different age groups. At least in theory, the question to know whether equal spending between age groups is a goal of justice is worth asking regardless of whether this creates an inequality between the cohorts involved over time. It is about the adequate way to distribute resources between age groups.

Merely separating age issues from cohortal issues does not solve our problem, but it helps clarify that we are dealing with different kinds of inequalities. And, if Daniels’s claim that those are two different problems of justice is true, this may have an important bearing on our assessment of the inequality in question. It is also important to note that the abstract debate on equality through time has direct implications for how we should think of the issue of justice between co-existing generations in both age and birth cohort cases. Complete lives egalitarians will be lead to think that inequalities between birth cohorts are what we should primarily worry about; whereas simultaneous segments egalitarians will be lead to register inequalities between age groups.

Going back to our examples, the complete lives egalitarian, for instance, will tend to worry about the inequality in benefit ratios. She will only worry about unequal spending between age groups if they are likely to be unsustainable over time – thus creating further unequal benefits ratios between cohorts. The added vulnerability of youth in the labor market will concern her insofar as it risks creating a jobless generation, but not if it will be compensated later in life by a return to normal vulnerabilities to unemployment for the concerned cohort. The simultaneous egalitarian will not be too concerned by the inequalities I just mentioned. But the unequal vulnerabilities and political power of old and young will likely be a subject of concern. The unequal spending between age groups will also be registered. Although, to be clear, there are many different ways to be a simultaneous egalitarian since we have not committed to a particular currency for egalitarian justice. But the simultaneous egalitarian will register the inequalities that are temporary and simultaneous – those between age groups.
2.2 A theory of justice between co-existing generations

A theory of justice between co-existing generations must say something about inequalities between birth cohorts and about inequalities between age groups. In the section that follows, I aim to provide an introduction to the theory advanced in this book. The survey will be brief, since it will be the task of the 3 other chapters of Part 1 to develop the theory. I will merely provide the general lines of my answer. Since the field of age group justice is so under-discussed, the bulk of my contribution here and later on is on the requirements of age group justice. My theory is highly hybrid and recognizes the significance of both diachronic and synchronic requirements of equality.

The hybrid looks like this. First, inequalities between age groups are objectionable when they produce inequalities between birth cohorts. This basically derives from the approximate cohort equality principle. Second, inequalities between age groups must be ‘prudent’. That is, they must meet both: (a) the lifespan sufficiency principle, which requires that resources be distributed in a way that ensures the preservation of a normal opportunity range throughout people’s lives (i.e. members of any age group should be maintained above an absolute basic threshold, and an age-relative threshold set at the level of a ‘normal’ set of opportunities for someone of a given age group in a given society); and (b) the lifespan efficiency principle which states that institutions should invest resources in the lifespan where it maximises diachronic utility. Third, inequalities between age groups are problematic if they generate relationships of inequality - such as oppression, demonization, stigmatisation, marginalisation, and domination. I have called this last principle the synchronic relational egalitarian principle.

2.2.1 Approximate cohort equality between cohorts

It would be unjust and exploitative for a birth cohort to shape institutions and design public policies in a way that neglects the interest of other birth cohorts. It would also be unjust for institutions that distribute resources and opportunities between age groups (such as income, work opportunities, healthcare resources, educational opportunities, etc) in a way that is unsustainable and risks creating important imbalances between generations. Because we have limited abilities to predict the future, approximate rather than perfect cohort equality seems to be an important aim for public institutions.
Since most of the literature on justice between generations concerns inequalities between birth cohorts (albeit distant cohorts), the view that we owe the next generation to be as well off as we are has been extensively discussed. A particularly appealing way to frame questions of cohortal justice is derived from the key premise of luck egalitarianism - that it is fundamentally unfair if people are unequal through no fault or choice of their own. The luckist view claims that it is morally wrong if brute luck determines people’s status and opportunities - for instance, features over which one has no control such as one’s sex, social background or ethnic origins should not limit the scope of what one may be able to do in society. The generation one is born in is another of those instances of brute luck. And contrary to our age membership, it is not just temporary. We do not grow out of a birth cohort the way we age. Luck egalitarianism tells us that there must be a correlation between individual responsibility and the choices people make, on the one hand, and the opportunities people end up with, on the other. Absent such relevant condition, inequalities are unfair. One of the clearest formulations of this view in the context of intergenerational justice is Brian Barry’s 1999 article on intergenerational justice. Discussing environmental justice, he argues:

It appears that sustainability is at least a necessary condition of justice. For the principle of responsibility says that, unless people in the future can be held responsible for the situation that they find themselves in, they should not be worse off than we are.

(Barry 1999, 106)

Philippe Van Parijs similarly formulates his view that intergenerational justice 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” (Van Parijs 1998, 106). This goal of diachronic sustainability has implications for the levels of debt we are entitled to pass on to subsequent generations, for the public infrastructure we must invest in (such as roads, libraries, and housing), for the budget we must devote to research (for instance health and sustainable energies), and for the extent to which we must protect heritage. It also urges us to be cautious when a birth cohort looks comparatively disadvantaged, as could be the case for the jobless generation, for instance.

There are some issues with approximate cohort equality as a principle, as I will discuss in Chapter 2. But I broadly accept the view and move on to focus on the requirements of age group justice.
2.2.2 Prudent planning across the lifespan

There is a key requirement of age group justice that can be cashed out in terms of lifespan prudence. So far, I have assumed that the only diachronic perspective is the complete lives egalitarian view. An additional, compatible and complementary, diachronic perspective focuses on the optimal distribution of resources across the life course. The idea is simple - imagine that we denied the young of different generations quality education consistently over time while giving access to such education to older age groups. This would be compatible with equality over time, and yet, this would, rightly I think, strike us as an inadequate distribution of resources over the life course. Having access to educational resources early in life enables one to enjoy the fruits of such education for many more years of their life than the alternative. It thus does not seem to be the best way to distribute those resources. Another example - we may systematically deny older age groups access to income support. Again, it would be compatible with equality over time - if we were applying the policy consistently for all generations - but we would be likely to think that this falls short of even the most basic commitment to sufficiency. Leaving entire parts of our existence, especially parts of our lives where disability risks are much increased, without access to sufficient resources may make it impossible for us to leave in dignity for important parts of our existence.

To some, it could seem as though these are not concerns about equality, but about efficiency and sufficiency. But I do think that this issue can be described in egalitarian terms. Normal Daniels, who developed the most detailed theory of lifespan prudence, proposes to think about inequalities between age groups as inequalities between stages of lives. If we think of each age group in society as representing a stage of life, we may be led to convert the synchronic problem of distribution into a diachronic discussion about the most prudent lifespan distribution. We all have different conceptions of what a good life entails, but we need to find some common ground from which a government may decide how scarce semi-socialized resources (like healthcare, education or income) must be distributed between different stages of life. Norman Daniels has argued that institutions should be “prudent” in the sense that they must make people’s lives as a whole go as well as possible as determined by appeal to a procedure, the prudential lifespan account (PLA).

Planners in the PLA are placed behind a veil of ignorance so that they have no knowledge of their age. They are asked to distribute a given bundle of resources (their diachronic fair share) throughout their lives so as to maximize lifespan utility. Behind a thick veil of ignorance,
planners are asked to move from the usual *interpersonal* perspective we adopt to think about
generations to an *intraperonal* perspective: “We are driven to convert the synchronic or time-
slice distribution problem we first raised (…) into a diachronic perspective in which we are
concerned with the treatment of the same people through various stages of their lives” (Daniels
1983: 495) By telling us what the most prudent distribution of resources looks like, the procedure
helps us figure out which distributions between age groups are acceptable eventually. Note that
distributive equality between age group here does not need to be the baseline in any way. The
most prudent distribution may be fairly unequal synchronically. But diachronic equality is pre-
required – the translation to an intrapersonal problem depends on it. The prudential lifespan
account thus helps in designing cooperative institutions that will be fair to each age group: “We
will be using what is prudent over a lifespan to determine a result that neither young nor old can
object to as unfair to them” (Daniels 1988: 63). Inequalities between age groups are only
acceptable if they pass the test of the prudential lifespan account.

There are two plausible conclusions that one can draw from this prudential procedure. First, we
would want to distribute our bundle of resources to ensure that we would always have enough.
Let us call this the lifespan sufficiency requirement. Daniels’s formulation of this principle is that
we must distribute resources between age groups in a way that ensures an *age-sensitive normal
opportunity range* throughout people’s lives. Determining exactly what this means in practice is
not an easy task (as I will extensively discuss in this book). There is a danger of circularity is
establishing what counts as enough opportunities for each age groups, especially if we end up
using what we have come to accept as the state of opportunities of each age group as their normal
range of opportunities. But, the idea that the normal range is age relative helps us think about how
to compare opportunities between age groups. It would not be fair for instance to deny elderly
people the necessary resources to live normally according to the standards of a given society in
order to provide a more than normal, or ideal, level of functioning to the young in that same
society. Similarly, it allows us to explain the important intuition that: if we can either invest in an
expensive Scheme A to restore the physical mobility of young disabled people, so they may be
able to run like any other young person, or an expansive Scheme B to restore the physical
mobility of disabled elderly people, so they may be able to run like they were able to in the past,
we should favor Scheme A. The appeal to normality has *comparative* value, and is helpful, in
other words, to set *some* limits fairly.
Vanhuysse (2013) identifies what he calls an elderly bias is social spending in some countries. This unequal spending could be an interesting example of impudent planning. But here, we may hint at the conclusion that equality in spending between age groups is not necessarily an implication of prudent planning since providing an age relative normal opportunity range for each age group does not need to require equal spending. A more promising way to think about this would be to assess whether social entitlements offered to respond to each age group’s social vulnerability and risks are comparatively comprehensive, or if they are very unequally comprehensive for different age groups (Birbaum at al. 2017: 9). Simon Birbaum et al. (2017) argue that we can use this framework to compare welfare states that are \textit{balanced} in this way from those that are not.

Another conclusion from the PLA is that we would want to make sure that resources are made available early in the life course when having access to those resources may make our life as a whole go better. I call this the lifespan efficiency requirement - resources should be invested early in the lifespan when it increases diachronic returns. If we will ensure a life of better overall quality by securing early access to educational resources or preventive health programmes, for instance, then we ought to do it. The resulting imbalance in spending on the resource in question between stages of lives would be justified. The typical example given by Daniels is the following: as a planner, if Scheme A will increase my chances of living older than 80 years old once I have reached 70, but at the same time decreases my chances of living until 50, then the policy measure is not prudent and does not make my life go as well as possible. The resulting institutions will be unfair. Prudent planners would prefer a scheme that improves their chances to live a lifespan of normal length to a scheme that may extend their lifespan, but reduces their chances of living a life of normal length. The resulting institutions, that prioritize the young in such conditions, will be fair to each age group.

Lifespan efficiency tells us to be very suspicious of examples like unequal labour market vulnerability which we introduced at the beginning of the paper, where the young find themselves massively marginalized from the labour market. The principle of lifespan efficiency finds an interesting expression in Wolff and De Shalit (2007)’s egalitarian theory of disadvantage. The basic idea is that if we were all disadvantaged in one respect, then egalitarians would not have much to worry about. What is problematic from the point of view of equality, however, is that disadvantage clusters in such way that those who are disadvantaged in certain fundamental respects, such as the lack of access to an income or the lack of shelter, risk becoming
disadvantaged in other fundamental respects. These clustering disadvantages will most probably not have occurred simultaneously. Rather, they happened *one after the other*, and most probably *one as the result of another*. For the lifespan efficiency principle, success means that we live in a society where disadvantage occurring at an early point does not cluster into further disadvantages later in life, either because we have prevented the first disadvantage from occurring, or because we have blocked its clustering. This offers a very interesting perspective for exploring what the implications of the lifespan efficiency principle would be for youth policies.

### 2.2.3 Relational equality between age groups

Lastly, consider the following two hypothetical examples, which I refer to as the ‘Swapping Castes’ and the ‘Unequal City’ examples. First, imagine a feudal society with two castes that swap position every twenty years (McKerlie 1989a, 479). The first caste dominates the second for twenty years, then the second dominates the first for the subsequent twenty years, and so on. At the end of their lives, the two castes will have exerted equal amounts of control over each other. Second, imagine an ‘Unequal City’ where elderly people live in miserable, overcrowded retirement homes with little prospect for happiness, while younger people live in lovely affluent residences (McKerlie 2013, 6). The older residents enjoyed the same happy lifestyles in their past, and the younger residents will end up in the same miserable homes themselves when they grow old. The members of the Unequal City, just like the members of the Swapping Castes system, are thus equal over their complete lives.

These two examples are part of a series of challenging examples that McKerlie raised against CLE, which came to be referred to as *changing-places* examples. If complete lives were the relevant unit of egalitarian concern, he argues, we would not find these examples so objectionable. In the Unequal City example, each cohort is treated in the same way as they age, and thus the synchronic inequality between young and old does not generate inequalities between people’s complete lives. On the complete lives assumption, there are therefore no egalitarian reasons to care. And yet, most of us do find these cases problematic.

And yet, I have suggested earlier that the simultaneous segments view faces an arbitrariness issue and is as unpersuasive alternative to CLE - the least arbitrary segment to apply the value of equality is the complete lives segment. In fact, we even argued that there is a strong non-accidental connection between distributive approaches to equality and complete lives.
egalitarianism. In fact, complete lives may be thought as the *par excellence* time unit of distributive fairness. as Lippert-Rasmussen sums up well: “insofar as we care about inequality because we care about fairness (...) equality over lifetimes is what we should be interested in” (Lippert-Rasmussen 2015:156).

A solely distributive view will find it difficult, to provide better reasons for adopting temporal stages than complete lives. As Iris Marion Young (1990, 15-18) puts it, the distributive paradigm is fundamentally static: it measures and compares respective levels of goods being distributed over a set time segment. McKerlie attempts to apply this thinking to temporal segments, but he cannot provide a rationale for why any given division of segments matters more than others, and cannot win the complete lives egalitarian over to the view that a given segment is most relevant to justice. However, I want to suggest that, if we open up to the broader realm of reasons we have to object to inequalities, we may put forward an alternative non-distributivist explanation of what is wrong in cases of synchronic inequalities when complete lives equality is granted. What may be worrying in those cases is not that there is a time-slice inequality in distribution as such, but rather that relationships of inequality may pertain at all times.

Proponents of relational equality are concerned with whether people are able to appear in the community without shame, whether they are respected, and whether minority groups are recognized or, on the contrary, whether they are victims of exclusive norms and are marginalized or demonized (Lippert-Rasmussen 2012, 127-128). Relational egalitarians challenge the widespread and dominant ‘distributive’ understanding of equality, which they believe misrepresents why equality matters. Iris Marion Young (1990), for instance argues that distributive accounts neglect the social structures and relationships that create and reinforce unequal distributions; and Elizabeth Anderson (1999) famously argues that the aim of egalitarian justice should be to end relationships of oppression.

So how might relational equality help us make sense of the cases of synchronic inequalities highlighted above? In the first example, the relationship between the two castes is fraught with domination and oppression. The masters exert political and personal control over the slaves. For a given time, they are free to exercise their power in arbitrary manners. The fact that the switching phases cancel up over time is largely beside the point, since they are no relational reasons to only care about whole lives. They are a number of social evils associated with some group of people having full power and control over other people’s lives, in general, and with some castes enjoying
a lower status and being demonized and despised, in particular. To adequately explain what is wrong in this example, we need to appeal to non-fairness based reasons that derive from the relational view. As egalitarians, these reasons are concerning and should be sufficient to give us a strong presumption against the swapping castes example.

McKerlie’s specification of the Unequal city example is such that the emphasis is on the inequality in welfare between the miserable elderly and the thriving youngsters. As a welfarist, McKerlie finds the synchronic inequality in level of wellbeing between the two age groups to be a key source of concern. On the relational view, one may argue, as long as the elderly are not dominated and enjoy equal status, we should not be concerned by this situation. However, there are ways in which the relationship between old and young in the Unequal city example is problematic. First, the elderly are spatially segregated from the affluent youth - they live in a retirement home separated from the condos of the young. Second, if the elderly are set aside this way, we know that they are likely to become marginalised from the rest of the community. Spatial segregation and differential levels of affluence easily become associated with unequal status and unequal levels of respect. The history and social science of inequality tell us that important inequalities between groups in terms of salary, income, wellbeing or respect are likely to create a variety of forms of exclusion and micro-domination. For this reason, a relational egalitarian will be suspicious about the Unequal City examples, and will treat it as a dystopian or potentially dystopian city.

Our reluctance to accept synchronic inequalities in those cases is best explained by relational dimension of equality understood as a social and political value. On this view, what is problematic in our examples is precisely that these societies may not be communities of relational equals at any point. Phases of domination, marginalisation or segregation cannot be thought to cancel out diachronically. These phases are non-derivatively offensive: they matter to us precisely and directly for the relationships they contain, or are likely to contain. In this perspective, the fact that equality over complete lives is granted in both cases is largely beside the point. For relational egalitarians, inequalities in rank, status and power are to be approached with great suspicion. This does not mean that any relationship involving hierarchies will be found objectionable. But it does mean that, to fully understand the demands of equality, egalitarians must “investigate the specific respects in which egalitarian relationships must be free from regimentation by considerations of rank or status” (Sheffler 2005: 18).
From this perspective, social inequalities between age groups – for instance, between the young and formed-adults or between formed-adults and the elderly – matter insofar as they constitute relationships of inequality, and, at least partly, independently of the fact that the young will end up being old at some point too. Relational egalitarians would ask the following questions to find out whether a given arrangement is satisfactory from the point of view of equality. Are the young and the old equally respected and recognized? Or are the very young demonized and the very old marginalized? Are the very old condescended to and the young patronized? Are the elderly able to appear without shame and the young exploited in the labour market? Do the elderly hold a higher authority and do the middle-aged control and dominate political life? To provide a better illustration of what it means for an age group to be treated in a relationally inegalitarian fashion, let us take the case of young adults.

I do not mean to equate too quickly distributive justice with the diachronic approach (which focuses on inequalities between individuals over their whole lives), on the one hand, and, on the other hand, relational equality with the synchronic perspective (which looks at how people fare at any given point). There are ways to partially rephrase both diachronic and synchronic constraints in relational or distributive terms. For instance, the relational conception can also help in establishing the requirements of complete lives egalitarianism and birth cohort justice. Relational egalitarians will worry about relationships of inequality at any point. This means they will worry about those pertaining now, tomorrow and also over time. Similarly, at least in theory, a birth cohort may be disrespected or politically marginalised by other birth cohorts, throughout their lives. On this ground, a relational egalitarian may also be able to argue for some form of complete lives relational equality between cohorts.

The significant difference between relational and distributive approaches though is that distributive egalitarians are restricted to complete lives as a segment for non-accidental reasons that derive from the value of fairness. They have to look at the big (diachronic) picture before they set a judgement as to whether a given synchronic inequality may be concerning. At the other end, relational egalitarians do not have compelling reasons (like choice, responsibility and compensation) to embrace the diachronic temporality as the most relevant. As I have already discussed, there are reasons to believe that institutions treat us fairly when they give us X resources as we start our lives and then Y as we end it. The synchronic inequality between those who have X and those who have Y may seem unfair to those involved at a given time, but they really have no complaints on grounds of distributive fairness, since they will all get their fair
share over their complete lives. Outside of the paradigm of fairness, there are no such reasons to believe that phases of domination cancel up. If those who have X are able to dominate those who have Y, there are non-fairness based and non-derivative egalitarian reasons to care.

To illustrate what this relational component means for age group justice, let’s go back to the difficult case of age discrimination we started with. We have already seen that age inequality can be compatible with an equal treatment of persons over time. But here, we argued that synchronic inequalities are nonetheless objectionable when they create wrongful relational inequalities. In the context of age discrimination, this could helpfully translate into the claim that age discrimination, although to be considered perhaps more leniently than other forms of discrimination, is wrong when it is demeaning. Here I am drawing on Deborah Hellman’s account of discrimination. To demean, she argues, is to put down and diminish; to degrade or debase another. Discrimination is wrong when it demeans. I think that this helps us understand the wrongness of ageist discrimination.

Ageism, Confort argues, “is the notion that people cease to be people, cease to be the same people or become people of a distinct and inferior kind, by virtue of having lived a specified number of years” (Confort in Macnicol 2006: 10). The term ‘ageism’ was first coined by Robert Butler in the 60s to describe “a process of systematic stereotyping and discrimination against people because they are old, just as racism and sexism accomplish this for skin color or gender. Older people are characterized as senile, rigid in thought and manner, and old-fashioned in morality and skills” (Butler in Macnicol 2006: 7). Ageism is often implicit and commonly expressed through patronizing and infantilizing treatment of elderly people, who are shown pity but not respect. The aged are lumped together and stereotyped as lacking the qualities that younger people have. In addition, ageism often works in combination with sexism, for instance. As Manicol argues, societies often see ageing in women as a process of gradual sexual disqualification and so older women are more likely to experience ageism. Similarly, when Butler coined the concept of ageism, it was in relation to elderly black people being subject to the hatred of affluent middle aged Whites around a housing project. So even though ageism is defined as a distinct kind of prejudiced approach, it often comes with other forms of discriminations. This is particularly important if we subscribe to Hellman’s account of wrongful discrimination as demeaning: if one is excluded as an elderly person and as a woman, for instance, the discrimination is even more likely to be demeaning than if it was only based on ageism.
Because age is special in the way we have described, it may be that using it as a proxy for experience, competence and ability may be less problematic than using gender as a proxy. The fact that discriminatory treatments fall disproportionately on the same groups over time increases the demeaning potential of any given discrimination aimed at members of this group. To understand this, think of cases where black people have to endure a racist joke, or think of women being catcalled. Because the individuals subjected to those treatments have to go through them over and over again, each instance of mistreatment has more power to demean than if it was not persistent over time. Insofar as this is the right way to think about the demeaning potential of discrimination, and because age discrimination does not fall on the same people over time, it is plausible to think that it has less demeaning potential than gender and race discrimination. But, because it does affect people for an important portion of their life, because it tends to happen to groups that are otherwise disadvantaged disproportionately and because it normalizes widespread negative stereotypes on old age, ageist discrimination should be taken to be a potentially demeaning form of discrimination.

Anti-youth discrimination, also needs to be taken seriously when it is demanding. An example is the denial of a guaranteed minimum income in France to young adults below the age of 25 years old (Bidadanure 2012). This was considered a wrongful discrimination by the French highest discrimination authority (the Halde) in 2009. Hellman interestingly appeals to a very similar case in Québec – Gosselin vs Quebec. Citizens below the age of 30 years old were denied full social security and the Supreme Court then declared the age-based differential treatment unlawful. When young people are denied an important social right without adequate justification and against a background of marginalization from political and labor institution, it is natural to worry that discrimination against them can be demeaning.

3. The road ahead

This book is structured in two parts.

Part I establishes the theoretical framework of equality between co-existing generations. In Chapter 2, I discuss the underpinnings and implications of the whole lives view. Although the idea that age is ‘special’ compared to gender or ‘race’ has some intuitive strength, I argue, it does not follow that all inequalities between age groups should be considered acceptable. For this purpose, in Chapters 3 and 4, I offer two important complements to CLE. In Chapter 3, I wrestle
with Norman Daniels’s prudential theory of age-group justice. After rejecting a series of objections to the prudential account coming from within the diachronic paradigm, I conclude that the account stands on firm ground as the most adequate diachronic complement to CLE. I also introduce the important concern with intrapersonal prudence that it inherits from previous theories an understanding of age-group issues as residual, thus conceptualizing age-group issues in isolation from other questions of social justice. In Chapter 4, I offer an account of the moral significance of synchronic inequalities in general, and in particular between age groups. I contend that synchronic inequalities have normative value beyond their derivative impact on both complete lives equality and lifespan prudence. In Chapter 5, I take five concrete examples of inequalities between generations and, drawing on the theoretical framework developed in Chapters 1-4, I offer a normative assessment of each of them.

In Part II, I make explicit the implications of my hybrid theory for concrete youth policies. In Chapter 6, from the theoretical framework, I derive four implications for what counts as treating the young as equals, in a way that displays significant sensitivity to other social inequalities. Young people are treated as equals when their communities acknowledge them as relational equals and when they are able to stand free from domination (synchronic relational equality); when institutions ensure their access to sufficient resources to enjoy a normal opportunities range (lifespan sufficiency); when institutions pre-distribute resources so as to promote a life of good quality, prevent the diachronic clustering of disadvantage and minimize the formation of unequal life courses (lifespan efficiency); and when institutions mitigate the scarring effects that undermine their long-term prospects as a cohort (approximate cohort equality). In Chapter 7, I discuss the distribution of jobs across the life course. I take the EU proposal of a job guarantee for any young person having been unemployed for more than 4 months as my starting point. In Chapter 8, I discuss the distribution of income support throughout the life course. To this purpose, I revisit further the radical egalitarian proposal of enforcing a right to unconditional cash. I ask when the unconditional payment should be made: in a lump sum at the beginning of people’s adult lives – as proponents of the basic capital grant argue; or in regular installments throughout people’s adult lives – as proponents of the basic income guarantee argue. In Chapter 9, I address the problem of the underrepresentation of young people in parliaments and put forward arguments for the introduction of youth quotas. I highlighted two sets of arguments: some relating to the substantive representation of young people’s interests and some to do with the symbolic value of quotas in fostering the goal of a community of equals. I argue that, jointly, these two sets of arguments provide a good basis for a politics of youth presence in parliaments.
**Reference list**


