

RAWLS AND MACHIAVELLI : THE DREAM TEAM ? CONSTITUTIONAL ENGINEERING FOR INTERGENERATIONAL JUSTICE^{1*}

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Second provisional draft
June 1998

Abstract

To make our dreams come true, we need a vision, an explicit, principled, publicly defensible picture of what we are aiming for, carefully tested as to its desirability and consistency. We also need an eye for opportunities to shape political institutions appropriately, possibly in a devious way, an ability to detect sensitive spots and effective levers whose swift use at the right time can generate the required dynamics. In (too) short, we need "Rawls" and "Machiavelli". The paper illustrates this claim in connection with intergenerational justice and investigates, in the light of this illustration, how fruitful and acceptable this putative Dream Team can be expected to be.

^{1*} An earlier version of this article was presented in April 1998 at the University of California (Davis), the University of Arizona (Tucson), Virginia Commonwealth University (Richmond), New York University and the Massachusetts Institute of Technology, and in June 1998 at the Università cattolica del Sacro Cuore (Milano). I am most grateful to my various hosts for these precious opportunities to elicit precious feedback; to Vittorio Bufacchi, Axel Gosseries, Gerd Grözinger, Wayne Norman, Claus Offe, Quentin Skinner, Peter Vallentyne, Stuart White and Andrew Williams for insightful written comments or suggestions; to Axel Gosseries, Paul-Marie Boulanger, Gerd Grözinger, Klaus Hurrelmann, Silvano Möckli, Claus Offe and Stein Ringen for providing me with useful material, to the Program on Ethics, Politics and Economics at Yale University, its director, its registrar and its students for the stimulating setting it provided to the preparation of this article.

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

"There are simply too many senile voters and their number is growing. The vote should not be a privilege in perpetuity, guaranteed by minimal physical survival, but a share in the continuing fate of the political community, both in its benefits and its risks. The old, having no future, are dangerously free from the consequences of their own political acts, and it makes no sense to allow the vote to someone who is actuarially unlikely to survive, and pay the bills for, the politician or party he may help elect. [...] I would advocate that all persons lose the vote at retirement or age 70, whichever is earlier." (Stewart 1970: 22)

One generation later, the concern that the elderly are becoming politically too powerful has taken, in a number of countries, unprecedented proportions. The main fear is no longer that the elderly may be animated "by a desire to see old prejudices vindicated" (ibid.), that they may use their electoral strength to impose their values. It is rather that they may use it in excessive manner to benefit their unavoidably short-term self-interest. Such a fear has found countless expressions in the last two decades², in some countries far more and earlier than in others, and sometimes no doubt in an overblown sensationalist form.³ I shall here make no attempt to assess to what extent such fears are justified. That there is a problem of this sort is widely recognized, including for example, in a recent article, by John Rawls (1997: 773): "For example, there are sensible proposals for what should be done regarding the alleged coming crisis in Social Security: slow down the growth of benefit levels, gradually raise the retirement age, impose limits on expensive medical care for only a few weeks or days, and finally, raise taxes now, rather than face large increases later. But as things are, those who follow the 'great game of politics' know that none of these sensible proposals will be accepted." I shall therefore simply take for granted that there is a problem of this sort, and use it for illustrative purposes in order to stimulate thinking on a more general question: Suppose we know what social justice is, what political institutions should we attempt to put into place in order to achieve it as closely and safely as possible?⁴

² Here are just a couple of typical formulations: "In an ageing population, the great danger is that the electorate will become more and more focused on the short term, for there will eventually be fewer and fewer voters who are parents of young children and more who are concerned with having the state provide either for their own aged parents or for themselves in retirement." (Longman 1987: 143). "But the elderly are growing both richer and more numerous, and unless something is done to curb their expanding political power, programs to benefit them may yet become untouchable." (Bayer 1997)

³ Binstock (1994) describes and denounces some aspects of this in the US. Several other essays in Marmor & al. (1994) reflect on why this issue became more salient in the US than in Canada. The age-inclusiveness of Canada's health care system (in contrast to the restriction of Medicare to the elderly) and the far greater inequality among the elderly in the US (and hence the conspicuous affluence of some of them) are likely to have played an important role.

⁴ The intergenerational dimension I found a particularly interesting aspects of this more general question, but the fact that this article focuses on it should not be taken to imply that I regard other aspects — for example,

Four assumptions

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

Secondly, I shall assume that, to an extent that may vary greatly from one industrialized country to another, unchanged socio-economic institutions are leading to a major injustice being inflicted to future or younger generations. One dimension of this impending injustice relates to the depletion of natural resources and long-term environmental damage. It has become clear enough that the way of life of the industrialized countries is not sustainably generalizable to the whole of mankind, and hence that major changes are required to plausibly meet the requirement that "as good" be left for the next generation as patterns of consumption and production spread throughout the world. The second dimension, with which I shall be primarily concerned, is the one touched upon, for example, in the above quotation from Rawls. As life expectancy keeps growing and medical techniques get more sophisticated, old age pensions and medical care for the retired absorb a share of GNP that rises rapidly. Even if this share rose so steeply that people of working age would end up far worse off than retirees, intergenerational injustice, as characterized, would not necessarily be present. No more may be involved than each cohort treating itself to a more comfortable old age in exchange for a more Spartan youth. But this thought cannot provide much relief, if the resulting shifting of

justice between wealth or skill categories, or between genders, ethnic groups or regions — any less important. See Van Parijs (1996, 1997, 1999) for an exploration of some of these other dimensions.

⁵ Along these lines, see e.g. Rawls (1971: 284-93), Hartwick (1977), Barry (1977), Van Parijs (1995: 38-41). The conception of intergenerational justice which follows from this view is significantly different from a the generous "solidaristic" one which requires each generation to improve the situation of the next generation just as previous generations contributed to improving ours, as defended for example by Léon Bourgeois (1902). It is also crucially distinct from the meaner "equal exchange" conception which provides much of the so-called "generational accounting" with a simple ethical basis in the form of the assumption that equal "benefit ratios" would be ideal (on generational accounting, see e.g. Auerbach & al. 1991 and Kotlikoff 1993). But those who are committed to these — each in a way more demanding but both in my view far less plausible — alternative conceptions of intergenerational justice should find the considerations below no less relevant to their concerns.

burdens to the active population is unsustainable — as is emphatically argued for a number of countries. Subjected to taxes and social security contributions whose revenues are disproportionately geared to the old, it is claimed, men and women of working and procreating age increasingly find that they lack the money and/or leisure to have the children who will pay for their own pensions.⁶ It is not just that the bag gets bigger: the swelling of the bag makes the carrier shrink. It is therefore possible – indeed perhaps, as we shall see, politically unavoidable – to postpone the adjustment, but not indefinitely. Hence, whether smoothly or brutally, cohorts will stop being compensated for their rougher youth by a cosier old age, and the growing burden of the older age group for the younger one will reveal its underlying nature: that of an injustice between successive cohorts. To repeat: I am not aiming to establish the truth of factual claims of this sort in some, let alone in all industrialized countries. I am simply assuming as sufficiently plausible that, in a number of these countries, a major intergenerational justice will be committed, along one or the other of the two dimensions, unless socio-economic institutions undergo a major reform at a significant cost for the older adult population.

Thirdly, I shall assume that the political feasibility of such a reform is most problematic given the way in which our democracies are currently organized. Why? The age of the median elector – the person who is exactly in the middle when people entitled to vote are ranked from the oldest to the youngest – has kept rising steadily and is expected to keep rising. In a typical West European country, the age of the median elector was about 41 in 1980, assuming a minimum voting age of 18.⁷ It has now become 45 and is expected to rise to 56 by 2050. Between now and 2050, the gap between the median elector's age and the standard retirement age of 65 is therefore expected to shrink from 20 to 9 years, while the remaining life expectancy at 65 is expected to rise from 14 to 21 years.⁸ Hence, the median elector – whose preferences power-hungry parties are out to satisfy –, will soon be expecting to spend in retirement well over two thirds of her remaining life.⁹ The significance of this rising trend in the median elector's age is further strengthened by a strong and widely documented

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

⁷ Which corresponds to reality in most democratic countries. Minimum voting age is still 19 in Austria and 20 in Switzerland, though (Vallès and Bosch 1997: 53).

⁸ 1998 estimates provided by Paul-Marie Boulanger and André Lambert (ADRASS, Ottignies) for the case of Belgium, assuming 1.55 children per woman, a net immigration of 0.1% per year, and a life expectancy gradually rising to its "natural limit" of 90 years.

⁹ Bear in mind that, in some European countries, the average effective retirement age for men and women was well below 60 in the nineties. Moreover, between the time of a particular election and the time at which it has an impact on age-sensitive policies, there may be a considerable time lag. With a median electoral age of 56, an average retirement age of 58 and a 3-year policy lag, an absolute majority of the electorate can expect to be in retirement at the time their votes produce their effects.

correlation between voting turnout and age, which makes the median voter systematically older than the median elector.¹⁰ Moreover, resources available for campaign funding are massively concentrated in the pockets of people who tend to be quite a bit older than the median elector and tend to get older (on average) every year. Unsurprisingly, political entrepreneurs have seized the new opportunities arising from this conjunction of factors. In some countries using proportional representation, new parties targeting the elderly have sprung up or are threatening to do so and thereby exert electoral pressure on established parties, who have had to readjust their platforms in order to retain the traditionally most reliable segments of their electorates. In corporatist countries, separate Trade Unions for the retirees have set themselves up and claimed a direct voice in the various bodies competent for policies that directly affect the aged. In lobby-prone countries, powerful organizations have had no difficulty raising adequate funds to put pressure on governments, representatives and public officials in order to promote the adoption and implementation of aged-friendly policies.¹¹

Fourthly, I shall assume that age-differentiated self-interest affects voting behaviour to a significant extent. This assumption, which is commonplace in the alarmist literature on intergenerational justice, has been challenged on the ground that party preference hardly varies among age groups: in the U.S., for example, the over-60's share their votes between Republican and Democrat presidential candidates in pretty much the same proportions as younger voters (Binstock 1994: 164-5). But this is a weak challenge, as this lack of correlation may simply reflect the fact that candidates were driven to converge to the same positions on age-sensitive issues. A more powerful challenge arises from surveys that show that the degree of support for the old age pension system is about the same (and very high) among all age groups, as it seems to have been throughout the seventies and eighties in the U.S.¹² However, as long as the system is believed to be sustainable, the simple fact that we

¹⁰ In Switzerland's 1991 national election, for example, the turnout was 52% among the over 65's, while it was only 30% among those aged 18-23 and 44% among the 24-39 (Möckli 1993: 3). In the United States' 1992 national election, the turnout was 70.1 % among the over 65's, while it was only 38.5 % among the 18-20 and 45.7 % among the 21-24 (Price 1997: 82).

¹¹ In the US, the lobby of the elderly has been a mass-based movement since the mid-sixties (Pratt 1976: ch. 4). It is far better organized than the family lobby, for example, despite the fact that there are nearly twice as many households with children as households of retirees (see Levy & Murnane 1992). With over 33 million members aged 50 or more, the American Association of Retired Persons (AARP) is the biggest organization in the US apart from the Catholic Church. One out of four registered voters is a member of it, and it can count on the involvement of 350.000 active volunteers (Price 1997: 88-89). It may be true that, in the U.S. for example, the enactment of the major old-age policies is "attributable for the most part to the initiatives of public officials in the White House, Congress, and the bureaucracy", rather than to the lobby of the elderly (Binstock 1994: 165). But by no means does this prevent the ageing of the electorate from significantly affecting the content of the platforms which candidates feel they have to put forward or the content of the policies which incumbents feel they can get away with adopting.

¹² See Day (1990: 41-52): "older people are nearly indistinguishable from younger adults (both middle-aged and younger categories) on most issues – including age policy issues".

shall all be old one day (if not too unlucky) sufficed to reconcile these data with the assumption.¹³ On the other hand, even U.S. data show a significant negative correlation between age and attitude towards expenditure on education (Day 1990: 48), and surveys in countries in which transfers for the young are more developed than the U.S. similarly reveal a sharp decrease in support for such programmes as age increases.¹⁴ Moreover, voting at referenda on long-term ecological issues — such as whether or not a country should abandon nuclear energy — has been shown to be strongly related to age.¹⁵ Hence, there is some persuasive evidence about the impact of age-related self-interest on voting behaviour. Moreover, the impact is likely to grow as a result of a declining identification of older people with the interests of younger people, partly because geographical and social mobility loosens the ties between generations, partly because both the proportion of households currently without dependent children and the proportion of people who are and will remain childless keep increasing.¹⁶

The conjunction of our first two assumptions implies that some urgent action needs to be taken in industrialized societies in order to prevent major intergenerational justice. The conjunction of our last two assumptions implies that we cannot reasonably expect such action from their democratic systems, because of the growing weight of increasing selfish elderly voters. If we care about intergenerational justice, what should we do? Reshape our democratic institutions in such a way that our last two assumptions become less true, i.e. in such a way that older members of the electorate either possess less power or exercise it less selfishly. This institutional engineering for the sake of intergenerational justice can be viewed as a facet of a more general social-justice-guided consequentialist research and action programme, which I shall allow myself to call the rawls-machiavelli project. I am here using "rawls" to refer to a publicly defensible vision, an explicit conception of social justice — including intergenerational social justice — that articulates equal respect and equal concern, typically in the form of a liberty-constrained maximin. I use "machiavelli", on the other hand, to refer to an approach to political institutions which aims to shape them in such a way that those acting

¹³ Support for the U.S. social security system (versus private old age insurance) may of course also reflect, apart from age-group-sensitive interests, ideological stances about redistribution which are unevenly distributed across birth cohorts, depending on the economic and cultural contexts in which each of these grew up. This might upset any simple correlation between attitudes on transfer systems for the elderly and age-related interests even if the latter were certain to have a significant causal impact. (On the relevance of generations as cohorts on political attitudes in Germany, see Metje 1994.)

¹⁴ According to a Belgian 1982 survey, for example, support for higher pensions went up monotonously from 61% among the under-25's to 80% among the over-65's, while support for higher child benefits peaked at 52% among the 25-34 and dropped to 31% among the over-65's (Boulanger 1990: 979).

¹⁵ In Switzerland's September 1990 national referendum on this issue, 47% of all those taking part voted in favour of the proposal (which was therefore rejected), compared with 57% among the voters aged 30-39 and 64% among those aged 18-29 (Möckli 1993: 5).

¹⁶ In the US, the proportion of households with children under 18 has declined from over half to slightly over a third between the 1950's and the 1990's (Levy & Murnane 1992).

within them will end up generating the "right" collective income, even though they may be moved by little else than their own private concerns. For the two elements of this team to slot smoothly into each other, I am allowing myself to do some exegetically unjustifiable trimming (hence the lower-cases and the use of the feminine pronouns by way of reminders). In particular, unlike Rawls's, the rawlsian conception of the just society does not stipulate anything by itself about political institutions — not even universal suffrage —, and it does not assume any sharp dichotomy between self-interested economic behaviour and sense-of-justice-guided political behaviour. On the other hand, unlike Machiavelli's (in the Discorsi), the machiavellian approach to designing the rules of the "great game of politics" does not aim at the greatness of the city, which leaves a slot open for the objective of social justice, as defined by the rawlsian component. The central purpose of this article is to test this rawls-machiavelli programme using intergenerational justice as an illustration.¹⁷

This test is twofold and can be spelled out as follows. Suppose we know what social justice is ("rawls") and are worried about our current democratic arrangements to deliver, for example along the generational dimension, what social justice requires. How much potential is there for improving our polity's performance in this respect, not through high-minded preaching but through shrewd tinkering with features of the constitution or other measures that will improve the outcomes of the political process without relying on the improvement of citizens and legislators ("machiavelli")? This is a factual question, partly empirical – to be settled, insofar as it can be, by assessing the comparative and historical evidence on the impact of potentially relevant features of democratic design – and partly speculative – to be settled, as far as it can be, by examining arguments about the possible impact of more or less dramatic alterations, as yet untried, of the way our democracies are organized. The desire to find the best possible, unavoidably tentative answer to this question is the main motive behind the present inquiry. What is the point of dreaming up a splendid vision of the just society if our collective decision-making institutions are ill-suited to turn into reality anything resembling that dream? This concern motivates a huge, multidimensional and under-explored research programme – social-justice-guided constitutional engineering¹⁸ – which it is a central purpose of this paper to illustrate, by raising questions more than providing answers. From this angle, the team will be successful if it turns out that the prospects for rawlsian social justice can be made

¹⁷ As pointed out to me by John Roemer, this rawls-machiavelli programme can be viewed as a special case of so-called implementation theory — the designing of payoff structures in such a way that the individual agents' behaviour will generate the socially desired results —, at least providing the desired results can also be characterized in non-welfarist terms. As we shall see, however, assuming that political agents are guided exclusively by their personal interests makes the task hopeless, while assuming that they are guided by a common sense of justice makes it trivial. Unlike implementation theorists, our machiavelli moves in the messy in-between world of people "as they are or can realistically be made to be", on the look out for context-dependent local improvements.

¹⁸ I shall be using the term "constitutional" throughout in a broad sense that encompasses all the rules of the political game, including those (such as some electoral rules or the rules which govern the funding of political parties) which are not part of a country's constitution but of its ordinary laws.

significantly brighter through the use of feasible machiavellian input. Fruitfulness in this sense defines the first test to which the putative Dream Team is being subjected.

Unavoidably, however, the Team will at the same time be put to a distinct, philosophical test. For by giving the machiavellian element in the Team total freedom to come up with any arrangement that would further the achievement of the goals defined by the rawlsian component, one runs the risk that what she comes up with as its best bet will turn out to be, in reflective equilibrium, impossible to stomach. What is being put to the test of our considered judgements, in other words, is an uncompromisingly consequentialist approach to political institutions, in which democracy itself, however thinly defined, should not be taken for granted and in which anything goes, as long as the expected outcomes are the best we can hope for. The strategic inquiry, therefore, is simultaneously a philosophical inquiry. Picking the intergenerational dimension for illustrative purposes, this paper is also investigating whether the ruthless consequentialism displayed in the Dream Team's work generates any outcomes which one should be embarrassed by.¹⁹ Put differently, watching the putative Dream Team at work may make us deny it our support on two distinct grounds: because it proves fruitless, unable to come up with any promising non-trivial proposal, or because it proves repugnant, prone to make recommendations inconsistent with some of our considered moral judgements.

Age-differentiated political rights

So, how could our democratic institutions be altered in order to reduce the weight of the older generation? A first family of proposals consists of various ways of tinkering with the age condition for the exercise of political rights. One might first think of the right of eligibility, the age limits for access to public office. Just as "parity" has been proposed for genders (Jansen ed. 1986, Gaspard & al. 1992) and quotas for minorities (Rule & Zimmermann 1994, Reynolds & Reilly 1997: 98-99), one could conceive of introducing a statutory parity for the young and the old, or quotas for the various age groups in representative assemblies. One could, for example, require proportional representation for the under-25's (Phillips 1995: 63), or have a general system of age quotas (Offe 1993: 16), or introduce a maximum age limit for holding an elected office (or lower that limit if there is already one in place). But this is hardly promising. Not because age quotas, unlike gender or ethnic quotas, would not serve the separate aim of equalizing opportunities. Nor mainly because quotas for the young would propel to the legislature people who have had little time to find out what the world is like, while the exclusion of the older would deprive the political system of the services of

¹⁹ I thereby pursue the inquiry I undertook, along other dimensions, in Van Parijs (1996 and 1997). The uncompromising justice-consequentialist approach tested in this way is akin to the one sketched by Arneson (1993).

experienced, less ambitious and hence less corruptible people who still have a lot to offer. But fundamentally because a strategy focused on representatives would not address the problem, which is not the ageing of the representatives (whose average age may well have declined in many countries) but the ageing of the electorate: whether old or young, those who want to be elected or re-elected will have to promise and do what the ageing electorate wants them to do. The first family of proposals on which I want to concentrate rather consists, more narrowly, on the age-differentiation of the right to choose, not of the right to be chosen. Its crudest member is the one advocated in the opening quotation: simply strike off the elderly's suffrage. But our machiavelli can think of smoother methods than political death at age 70. If the objective is to reduce the median age, it is of course also possible to work from the other end. Minimum voting age was still around 25 in many countries at the end of World War II. It is now down to 18 in most of them. But some countries have gone further. In Brazil and Nicaragua, voting starts at 16 (Vallès & Bosch 1997: 44), in Iran at 15 (Perrin 1997). In Western Europe, Germany is at the forefront. Since 1992, politicians from all parties are advocating the lowering of the minimum voting age to 16. In 1994, both the Greens and the (East-German) PDS included the proposal in their manifestos for the national elections. Several Länder have since implemented the proposal for local elections: Lower Saxony since 1995, Schleswig-Holstein and Saxony-Anhalt since 1997 (Hurrelmann & Palentien 1997: 44, Törring 1998: 19-21). Moreover, some academics and politicians have been arguing in favour of generalizing this measure to all elections and even of considering a further lowering of the voting age to 14.²⁰ Economic dependence and the inability to fully understand what is at stake cannot be prohibitive obstacles, they argue, otherwise, the electorate would be much slimmer than we currently allow it to be. Nonetheless, there are obvious limits below which it would be unreasonable to proceed, and the expected impact of any lowering of the age threshold of voting rights is strongly dampened by the low turnout of younger voters.²¹

Instead of working either at the top end or at the bottom end, one can work at both ends at the same time. This is in effect what is being done in a very differently motivated proposal by Friedrich Hayek (1973: 19-21). In order to make the members of the legislative assembly independent representatives of prevailing opinions of right and wrong, rather than spokesmen for particular interests, Hayek proposes that they should be elected every year, for a fixed and non-renewable term of 15 years, among the people who reach the age of 40 in that year and by them. Since it would permanently block the median age at 40, this would be highly

²⁰ For a presentation and discussion of these ideas, see Hurrelmann (1997), Hurrelmann & Palentien (1997), Palentien (1997), Hattenhauer (1997), Törring (1998: section 3.2). More radical proposals for the extension of suffrage to all children had been made for example by John Holt (1974) and Hubertus von Schoenbeck (1980). Many more modest proposals can also be found. For example, Campiglio (1997: 199) suggests that teenagers should have their own representatives (themselves not older than 30) with a political agenda restricted to "the problems of the young".

²¹ See Feist (1992: 51) for Germany, Möckli (1993: 3) for Switzerland, Price (1997: 82) for the United States. Voter turnout is particularly low among the 16-18 in Brazil (Offe 1993: 9).

effective for our present purposes, on the background of an expected rise of the age of the median elector from 41 to 56 (see above). It would certainly be more effective than lowering the minimum age to 16 and even than introducing a maximum age at 70, while sounding less risky than the former and less discriminatory than the latter. Countless variants can be imagined with a similar impact. For example, candidates of any age could be elected for renewable terms of a standard four-year length, but by an electorate consisting exclusively of those who have become 18, 38, 58 or 98 since the last election. (Since the over-98's are very few, the median age should be about the same as in Hayek's formula.) Any such formula looks less shockingly discriminatory towards the elderly than one in which they simply lose the suffrage at some given age, presumably because at each election some of the younger age groups are also disenfranchised. But whichever variant is chosen, the proposal implies reducing – not necessarily to one, as in Hayek's formula – the number of occasions on which each citizen's interests and views are allowed to express themselves through elections. And the fact that holes are being made in the electorate all over should of course not blind us to the fact that as from a certain age people are de facto deprived of any electoral weight.²²

Altering the franchise – whether at the top, at the bottom or both – may be the most obvious but it is by no means the only way in which electoral weight can be shifted between age groups. A fourth proposal relies on the introduction of plural voting.²³ It amounts to making the weight of a person's vote age-sensitive, for example by giving one extra vote to the under-60's,²⁴ or by giving a weight of 2 to the vote of an 18-year old and having that weight reduced by 1% every year (Möckli 1993: 13), or, most consistently perhaps, by making the number of an elector's votes proportional to her remaining life expectancy, each elector being entrusted with a proxy vote for her future selves (Grözingler 1993: 1265). It obviously makes a big difference whether these future selves are chopped up in small or big chunks, i.e. whether the remaining life expectancy is to be measured in months or in half-centuries. To keep things simple and moderate, one additional vote could be given for each quarter of a century of remaining life expectancy. Under current conditions in the U.S., for example, this would mean being given three votes at 18, losing one at about 27 and losing another one at about 55.²⁵

²² Another, very different, way of working from both ends at the same time would consist (as suggested to me by Axel Gosseries) in introducing a competence test below and beyond a certain age, in such a way a significant proportion of the under 18's would be enfranchised and a significant proportion of the over 70's disenfranchised.

²³ As suggested to me independently by Stuart White and Andrew Williams, a formally analogous effect could be achieved by attributing political power (in referendums or representative assemblies) to an age-stratified random sample of citizens, with a sampling bias favouring younger age groups, using the same weights as in the parallel case of plural voting.

²⁴ Claimed by Lefèvre (1997) to have been unsuccessfully put to a referendum in a Swiss canton.

²⁵ These are figures for 1994 derived, as are the figures in the next paragraph, from Wright (1997: 396).

But let us think this through. If the underlying principle is that people should be empowered to influence decisions in proportion to the extent to which they are likely to have to bear the consequences of these decisions, then there is no reason not to differentiate further. For example, the average remaining life expectancy of American women reaches 50 years at the age of 30, and 25 at the age of 57, while that of American men is already down to 50 at 24, and to 25 at 52. If implemented, therefore, the proposal would give one more vote to women than to men in the 24-30 and 52-57 ranges, thereby further increasing female majorities in Western electorates. As this is unlikely to stop men grabbing far more than an equal share of elected positions (and presumably paying the associated toll in reduced life expectancy), perhaps one should not feel sorry for them. However, it is not only gender but also the level of education, for example, which is strongly correlated with life expectancy. As the level of education is nearly as easy to ascertain as a person's gender, this suggests introducing through quite a different path the plural voting advocated by Mill (1861: 335-37): if you have a degree, you'll get more votes, because this creates a presumption, not that you are more competent, but that you will live longer and therefore should care more for the future. Why not? There is, however, another, equally obvious but far more awkward implication. While American White males reach a remaining life expectancy of 50 years at the age of 24 (and American White females at 31), American Black males reach that same threshold at the age of 16. It follows, under the above proposal, that no Black male should ever be entitled to three votes, reflecting the fact that they cannot expect to live over half a century as they reach voting age. Our machiavelli has no difficulty perceiving that such racial discrimination can hardly be expected to boost a country's political potential for maximin policies, and her rawlsian partner, she suspects, is bound to say that this is simply not on. But this need not kill all variants of the proposal. One can admit that unequal socio-economic conditions give different average life expectancies to statistically identifiable categories of people cannot be allowed to justify giving a lesser electoral weight to the victims of these inequalities, while making age – as a proxy for every category's life expectancy in the absence of those inequalities – a criterion of differentiation. In the most promising variant, therefore, voting rights should shrink at the same pace, irrespective of race, education and gender.

A fifth option consists in modifying the age structure of electoral power without touching the electorate, through working on the discrepancy between being entitled to vote and actually voting. I mentioned before that younger electors tend to vote in lesser proportions than older ones. To cancel or reverse this disproportionality, one could think of introducing asymmetrical compulsory voting, with the younger voters paternalistically fined if they do not show up at elections, while the older electors would be exempted from this obligation.²⁶

²⁶ Similarly, in Nasser's Egypt, both men and women had the right to vote, but only men the obligation (Abukhalil 1994: 131), and in Belgium, where voting is compulsory for Belgian citizens at all elections, EU citizens now entitled to vote for local councils and the European Parliament are only subjected to this obligation if they choose to register as electors.

If asymmetric incentives are thought to be cleaner than asymmetric coercion, one could design a suitably age-sensitive tax-and-subsidy scheme: while a poll tax would discourage the older from voting (without disenfranchising them), a poll fee would bribe the young into voting (without obliging them to). A more subtle variant relies on the conjecture that the age of the candidates and of the elected may affect who, among the electors, will actually vote. The younger voters' comparatively low turnout may be partly caused by their feeling alienated from a political system run by people they do not regard as being some of them. Age quotas among the candidates and the elected may therefore matter after all, not for their own sake, but because of their indirect impact on the median voter's (as distinct from the median elector's) age.

A sixth possibility arises if each age group elects its representatives, or takes part in referenda, in separate constituencies. For then use can be made of the requirement that the adoption of a law requires not only an overall majority, but also majorities in some or all of the age groups. This sort of device has been in use as a form of minority protection in some ethnically divided societies, where a majority among the representatives of each ethnic group is required on issues sensitive to community relations (in Cyprus in 1960-63, in Belgium since 1970). Analogously, one could require each age group to elect its own representatives – possibly but not necessarily among candidates belonging to it. And when issues which are of special importance for the long term are being voted on in Parliament, a law could only be adopted under this proposal if, in addition to an overall majority, it obtained a majority among the representatives of the younger group. For the same sort of issues, a special majority among the younger category of voters could similarly be requested at referenda (see Möckli 1994: 12).

A final option leaves voting weights and voting rules unchanged but targets the public funding of election campaigns. Using the commonly used method of public funding based on party scores at the previous election, one could require people below a certain age to cast their vote separately (though not for separate candidates), and distribute public funds among political parties according to electoral performance in that category only. Alternatively, one could use the voucher system for campaign spending advocated by Bruce Ackerman (1993) and distribute vouchers exclusively to electors in the lower age group. Depending on the level of this public funding and on the extent to which private resources can be used, concurrently with it, to fund political parties and election campaigns, this measure would either only provide a very mild corrective to the overwhelming control of political sponsoring by older people or make parties and candidates completely dependent financially on the support of the young. The closer one moves to the latter extreme, the more parties and candidates will be induced to pay particular attention to the interests of the younger, even if the electoral rules, as such, are strictly unchanged.

The parents' vote

Disenfranchising the old, it thus turns out, is only one, and not exactly the most promising, of at least seven different ways in which one can imagine altering the balance of electoral power between the various age categories. But our potential arsenal is still far from exhausted. Instead of concentrating on electoral power's relationship with the electors' age, one can focus instead on its relationship with parenthood.²⁷ The simplest element in this second family of proposals can be — and has repeatedly been — presented as the introduction, at long last, of genuine universal suffrage: every member of the population is given the right to vote from the very first day of her life.²⁸ This can easily be achieved without requiring minor children to cast votes themselves. As for so many other things of far more momentous importance to their personal fates, one can simply entrust their parents with the responsibility of doing so on their behalf, by granting them proxy votes.²⁹ The expansion of the electorate which would result from giving one proxy vote per child is huge, though not quite as dramatic in today's ageing Western societies as it would have been a generation ago. In the U.S., for example, this extension of the suffrage would have meant an increase of the electorate by half in 1960, only by one third in 2000.³⁰

To my knowledge, this proxy vote for children has only existed briefly and in a very restricted form: in the inter-war period, each father of four children or more was given a second vote in the French protectorates of Tunisia and Morocco.³¹ However, it has been repeatedly discussed for over a century, especially in France, and mostly with natalistic motivations. The earliest proposal was made shortly after France's defeat to Prussia, by a

²⁷ Here again, and for reasons analogous to those spelled out in connection with the first family of proposals, the focus is on the electorate rather than the representatives. Introducing a parents' quota among the latter (a possibility mentioned, though not endorsed by Claus Offe 1993: 10) would be just as inadequate as the quota for the young mentioned above (indeed, even more so, as no analogous impact on turnout can be expected). It would leave electoral pressures unchanged, while not guaranteeing a better defence of the interests of parents and their children. Indeed, these interests may be far more effectively defended by an energetic childless person trying hard to tap the parents' votes than by some of the latter's overstretched, exhausted peers.

²⁸ Alfred Sauvy (1945: 214) points out that, in France at any rate, the size of a constituency is already measured by the size of its population, not of its current electorate, and that extending the suffrage to all children would be consistent with this practice.

²⁹ Even without giving parents extra votes, our electoral systems are arguably already assuming now that children's interests are represented through their parents: "Their parents have the vote, and we trust them to use it (at least in part) to protect their children's interests as well as their own. [...] There is nothing illegitimate, in those circumstances, in letting such others speak on the child's behalf." (Goodin 1996: 843). Moreover, in some countries at any rate, parents are entitled to vote on behalf of their children qua shareholders (Löv 1997).

³⁰ In 1960, 35.7% of the US population was under 18; in 2000, only 25.7 is expected to be (Wright 1997: 276).

³¹ See Toulemon (1933: 121-122). A de facto approximation to a more general form of parental vote is the plural voting system that was in place in Belgium between 1893 and 1910. Universal male suffrage was combined with an extra vote for married (or widowed) men, providing they were also taxpayers, and most of these married men (given that the average number of children per family was then larger than now and life expectancy shorter) had at least one non-voting child at home (see e.g. Carstairs 1980: 102).

certain Henri Lasserre (1873), "the universally known historian of Notre-Dame de Lourdes": in his proposal, every French citizen, whatever his or her age or gender, is given one vote, with the (male) head of each family exercising this right to vote on behalf of his wife and each of his children (Toulemon 1933: 108-109). The proposal was hardly noticed, however, except by the philosopher Gabriel de Tarde (1892), who took it over enthusiastically as a way of enforcing a concern for the interests of younger and unborn generations.³² The first law proposal was made in October 1910 by the deputy Henri Roulleaux-Dugage, which was only seriously discussed by the Assemblée nationale in 1923. The latter first decided to couple introduction of the proxy vote for children and that of women's suffrage, and next took them jointly into consideration with a large majority (440 against 135). However, the Poincaré government was not very keen and procrastinated. New elections took place in 1924, followed by a financial crisis that wiped both proposals off the agenda until the women's suffrage, on its own, was introduced in 1946.³³ Since the end of World War II, it was for example defended by the socialist political thinker and demographer Alfred Sauvy (1945: 213-214), expounded in Adolphe Landry's (1949: 634) classic treatise of demography, unsuccessfully proposed, in the late fifties, by General de Gaulle's Prime Minister Michel Debré (Westoff 1978: 56) and recently revived by Jean-Marie Le Pen's right-wing National Front.³⁴

In Germany, the idea first appeared in an article by Konrad Löw (1974), a political scientist from the University of Bayreuth. But it only started being seriously in the 1990's, first at the initiative of the CDU Bundestag member Wilfried Böhm (in July 1992), soon supported by the conservative archbishop of Fulda Johannes Dyba and by the youth section of Bavaria's Christian-Social Union. Support, however, has by no means been confined to the Christian right. For example the family affairs spokesperson of Bavaria's social-democratic party, Heiko Schultz (1992), made a proposal along these lines which was rejected, on constitutional grounds, by Bavaria's Christian-Social Government, while the SPD justice minister for the city of Berlin Lore Maria Peschel-Gutzeit (1997) has recently published a detailed legal case in defence of the proposal. Furthermore, in July 1993, the all-party children's Commission of the national Parliament unanimously asked the government to look into the feasibility of introducing a proxy vote for children.³⁵

³² "For while children mean future and hope, women are above all the children's mothers, and the interest of the nation is that its statesmen should worry, not about the present generation, on which the thought of adult men usually gets stuck, but about posterity." (See Toulemon 1933: 111-113, 200-201.)

³³ See Toulemon (1933: 115-139, 217) for a detailed account of this "near miss".

³⁴ The Front national's web site phrases the proposal as the attribution of extra votes to families in proportion to the number of minor children. Just before the 1997 general election, FN representative Christine Boutin had gathered the support of 123 members of the French Assembly from various parties around a proposal that included, in vaguer terms, some sort of family vote.

³⁵ On the German debate, see Grözinger (1993: 1262-63, 1267) and Törring (1998: 38-40). Further contributions include the proceedings of a conference on the subject gathering left-of-centre academics and

Outside France and Germany, nothing resembling a serious discussion has come to my attention. However, a number of scholars seem to have hit upon the idea independently, for example the Norwegian sociologist Stein Ringen (1996), the US economic consultant Alexei Bayer (1997) or the Italian economist Luigi Campiglio (1997: 198-9), or also, years earlier, Harvard University lecturer Manuel Carballo (1981) writing in the Boston Globe: "I am left with an uncomfortable sense of imbalance in our political system. In a society all too ready to live for the present, how do we create a political force for our children's pensions?" Here was his answer: "My proposal is quite simple. Give parents a vote weighted by their number of minor children. Two parents with two children get four votes. One parent with one child gets two votes." ³⁶

Let us now turn to specifics. Some of the proposals – from Lasserre (1873) and Toulemon (1933) to Carballo (1981), Grözinger (1993) or Löw (1997) – go all the way to genuine universal suffrage, granting one extra vote for each minor child. One at least, adopted in 1930 by the French Republican Party, goes beyond this, by allowing parents to keep the extra votes even after their children have become voters themselves.³⁷ Others – such as Ringen (1996) – stop at conferring one extra vote as soon and as long as there is at least one minor child in the household. Others still – such as several of the proposals discussed in France in the 1920's and the one actually implemented in Tunisia and Morocco – reserve the extra vote to large families. Whether one or more proxy votes are awarded to a family, the question arises of which of the parents should receive them. The pioneering proposals by Henri Lasserre in 1873 and by Henri Roulleaux-Dugage in 1910 and 1923 gave them all to the father, as does the Front national's. Stein Ringen (1996), on the contrary, gives all extra votes to the mother: his empirical research on the allocation of family budgets (Ringen 1997) establishes that mothers, on average, can be trusted to take their children's interests to heart far more than fathers can. At a time at which the lower age limit for voting was still 21, Alfred Sauvy (1945: 213) proposed that mothers would vote for their children up to age 10, and fathers from 11 to 20. Grözinger (1993: 1264-65), instead, proposes that fathers should vote for their sons and mothers for their daughters, on the basis of empirical evidence showing gender-specific electoral preferences. Somewhat more complicated to administer is the strictly egalitarian one, which gives half a vote to each parent (Hattenhauer 1996: 16). The

activists at the Akademische Akademie Arnoldshain (Grözinger ed. 1993) and articles by Suhr (1990), Löw (1993, 1997) and Hattenhauer (1996).

³⁶Browsing on the web, machiavelli found out that "throughout a life dedicated to public service, Carballo was committed to serving the poor, the vulnerable and the public at large", so much so that Harvard's Kennedy School of Government set up a Manuel Carballo Memorial Prize to encourage "innovations for improving the quality and effectiveness of programs to serve the poor and disadvantaged". For machiavelli, this is potentially useful information, just in case anyone tried to disparage the idea by exhibiting some embarrassing supporters (such as Jean-Marie Le Pen).

³⁷ Article 8 of the law proposal by Sallies & al, of the Fédération républicaine, gave all fathers as many extra votes as they have minor children, and one extra vote for as long as he lives (Toulemon 1933: 217).

compromise adopted in 1930 under feminist pressure by the French parents' vote lobby is close to this, while dispensing with half votes: it gives one vote to the father for each of his children of odd rank, and one vote to the mother for each of her children of fair rank (see Toulemon 1933: 132-133, 137, 216, who endorses the proposal himself). More sensible, no doubt, would be the symmetric proposal giving mothers proxy votes for their children of rank 1, 3, 5, etc., and fathers for the others. The resulting significant pro-mother bias could easily be justified using Ringen's argument.³⁸

No doubt, further details need to be filled in. Most obviously, each of the formulas listed above has to make provisions for cases in which one at least of the two parents has died or disappeared. These provisions may or may not generalize to cases in which if at least one of the two parents is not entitled to vote, because of being a foreign national or below 18 or in prison. Most importantly, for the large and growing proportion of children whose parents are alive and entitled to vote but do not live together, how much a sharing of parental responsibilities should there be for both parents to be able to claim their children's votes? And if adoptive parents are given proxy votes, why not also stepparents?³⁹ There is an obvious trade off between on the one hand the scheme's ability to track each parent's concern for their children's welfare and distribute votes accordingly, and on the other its administrative simplicity, uncontentiousness and unintrusiveness. Given that what is at stake here is not the effect of the decision on the welfare of any particular child, but the scheme's general effect on policy, it is clear that the second set of considerations should prevail and that the scheme should therefore operate on the basis of very rough and simple presumptions.

The choice among the many variants of the family vote, or parent's vote, or children's proxy vote, mentioned obviously depends on the objectives that are being pursued. Four main distinct objectives feature in the justifications given for the proposals.⁴⁰ Firstly, from Lasserre (1873) to Peschel-Gutzeit (1997), natalist considerations are conspicuously present: to halt demographic decline, it may help to publicly express in this way the consideration society owes to those who secure its future and even more to give families the political power that

³⁸ Alternatively, one could restrict the same assignment formula using the children's rank order, not among all children born in the family, but only among those of them who are still under voting age. Not unlike Sauvy's scheme mentioned above, this variant could be interpreted as making fathers and mothers take turns in proxying for their children (except the first one) as these grow older (even though, for the sake of administrative simplicity, it may be better to sever the individual proxy link between parent and child and simply give the mother one more vote than the father if they have an odd number of minor children). Note too that this variant involves a much greater bias in favour of mothers: at any one time, mothers would have at least as many votes as fathers in all, not only in most households.

³⁹ In the U.S., nearly a third of all children were not living with both their parents in 1995 (see Wright 1997: 284). Some of these difficulties are articulated by Claus Offe (1993: fn 3).

⁴⁰ Note that all of these justifications, in the interpretation I give them, are consequentialist. It would be absurd to claim that this unequal distribution of voting rights among adults according to the number of their children is just in itself: what about those who could not find a partner, for example, or those who cannot have children, or those whose children have died? It can only be shown to be just (if at all) by virtue of its indirect effects on the distribution of resources.

will enable them to successfully push for child-friendly and hence birth-promoting policies. Secondly, irrespective of any demographic impact, the proposals are often advocated on the ground that, by correcting the overrepresentation of small households, they would make it possible for policies to be adopted that more closely approximate what inter-household distributive justice requires (see e.g. Ringen 1996). Thirdly, they would have as a consequence — it is sometimes claimed — to optimally locate the peak of the average person's electoral power at "an age at which she is still young enough to muster enthusiasm, yet already old enough to possess experience" (Toulemon 1948: 114).⁴¹ Finally, they are justified, particularly today in green circles on the ground that, by increasing the influence of those with "a deeper sense of the community's permanent interests" (Landry 1949: 634), they would increase the time horizon of the electorate or, as Grözinger (1993: 1261) puts it, reduce "the dictatorship of the present over the future". Obviously, this fourth justification is the one most closely related to our present concerns. It crucially relies on the empirical assumption that on average adults with minor children in their households care about a more remote future than other adults.

Population Policy

This empirical assumption suggests a third, quite different but no less plausible, family of proposals. Consider the following three highly stylized conjecture about relevant voting behaviour: (1) Voters are guided by their own self-interest. (2) Voters are guided by an abstract sense of intergenerational justice. (3) Voters are guided by their own self-interest and that of their children, grandchildren, etc. No doubt many of us would find this third conjecture the plausible one, to an extent that may vary, no doubt, from one time or country to another. If this is the case, there is less reason to worry about an ageing electorate, providing a large proportion of the latter actually has children. But as mentioned before, in some countries at any rate, the proportion of adults who never have children is on the increase, even when average family size is pretty stable.⁴² In order to lengthen the time horizon of the electorate, and thereby of governments and legislators, it would be useful to identify ways of increasing the proportion of voters who can be moved by a concern for their descendants. This must be achieved, however, without boosting total population too much. It

⁴¹ In his earlier book, Toulemon (1933: 200-201) quotes at length the philosopher and psychologist Tarde (1892): "The electoral peak would be the 45-50 age slice, i.e. the culmination point, not of imagination and love, but of experience and political capacity among most men. [...] The reform I am dreaming of would have the indisputable advantage of making the numerical weight of a person's vote proportional [...] to his physical or mental strength and to his civic importance throughout his life."

⁴² In the US, the proportion of childless women in the 40-44 range has increased from 10.2% to 17.5% between 1976 and 1994, while the total fertility rate went up from 1.8 to 2.0 children per woman in the same period (Wright 1997: 282).

would not make sense to create an electorate more favourable to the younger or unborn generations using a means whose side effect is to harm the latter's prospects.

The controversial area of population policy therefore forms another promising corner of machiavelli's arsenal, at least providing it contains levers that can affect the distribution of children between households. That some tools at a government's disposal can have a deep and lasting effect on fertility draws some plausibility from a number of fairly spectacular facts. A textbook case is provided by the comparison between fertility rates in East and West Germany in the 1955-1985 period. Initially, the East and West German trends ran closely parallel to each other, with the number of children per woman going up from about 2.2 to 2.4 between 1955 and 1965 and then steeply down to about 1.5 by 1975. In May 1976, the East German government introduced an explicitly natalist policy package including half a year of maternity leave at full pay, and another 32 weeks on sick benefit as from the second child. The fertility rate soon jumped up from 1.5 child to about 1.9 in 1980 in East Germany, while the West German rate kept declining to 1.4. After that date, both rates declined again in parallel, but with the East German rate consistently remaining about 0.5 child above the West German rate (Büttner & Lutz 1990: 540-43).

Less clear-cut, but still quite spectacular, is the case provided by Italy and Sweden swapping positions in the European fertility league between 1970 and 1990. Italy went down from about 2.4 children per woman in 1970 to 1.7 in 1980 and 1.3 in 1990, while Sweden went first down from 1.9 in 1970 to 1.7 in 1980 and then up to 2.1 in 1990 (far above the European Union average of 1.5). It is hard to resist the temptation to relate this swapping of positions to a number of striking policy differences. Child benefits are generous and kept pace with inflation in Sweden, but now hardly exist in Italy, where annual government expenditure on children outside education is about \$400 per capita, compared to \$1800 in Sweden (1992 figures). Italy's maternity leave of 20 weeks at 80% of pay in Italy is not bad at all on European standards, but no match to Sweden's full year (or more) of parental allowances (for either mother or father) with a 70 to 90 % rate of salary replacement – probably the world's most generous scheme. Moreover, the world of work is so organized that the rate of women's participation in the labour force is 85% in Sweden (with two fifths in part-time jobs), double the corresponding Italian rate.⁴³

The problem with these pair-wise comparisons is of course that many other potentially relevant variables have behaved differently in the two countries over the period. Hence, inferring from the striking covariation of fertility rates and family policies to the existence of

⁴³ See Chesnais 1996: 730-33, Gauthier 1996: 174-75. Note, however, that since 1990, the difference has been shrinking, with total fertility rate down in 1995 from 1.3 to 1.2 in Italy, but from 2.1 to 1.7 in Sweden (Chesnais 1996: 730). Note too that Italy has a particularly developed pre-school system (with over 85% of the children between three and school age in subsidized institutions compared to 80% in Sweden (Gauthier 1996: 181) and that Italy, unlike Sweden, has a tax credit system for dependent children. For this reason, the difference between Sweden and Italy is less sharp than non-educational government expenditure figures suggest.

a causal link is far too hasty. To try to correct this defect, one can lump together countries and years and check whether any correlation between policy and birth rates emerges. When this is done, for example by Blanchet and Ekert-Jaffé (1994: 92-93) for 28 countries in the 1970-1982 period, no correlation emerges. But there is no lack of ways of explaining away this negative result: for example, low fertility countries can plausibly be expected to introduce generous benefits as a natalist policy (negative feedback link) and greater affluence may generate both relatively more generous benefits and lower birth rates (spurious correlation). These interactions can be controlled for, as much as they can, through multiple regression analysis. And then, the relationship reappears. Using data for 11 European countries in the 1969-83 period, Blanchet and Ekert-Jaffé (1994: 93) came up with a significant and positive regression coefficient between the total fertility rate⁴⁴ and a family policy index consisting of a ratio of the weighted average of child benefits to the average wage: a 25% increase in the latter index increases the total fertility rate by 0.04 child per woman. Using data for 22 industrialized countries in the 1970-1990 period, a more differentiated set of family policy indexes, and dynamic regression analysis, Gauthier and Hatzius (1997: 302) reached similar conclusions. For example, a 25% increase of the benefits given for the first two children is shown to raise total fertility by 0.01 child per woman in the short run, by 0.07 in the longer run. This is a considerable impact. Given that, in the countries considered, the average level of benefits for a two-child benefit was about 5% of average earnings and that the average total fertility rate was 1.71, the results suggest that an increase of these benefits by 1% of average earnings would boost the number of children by nearly 4%. As the current levels of benefits vary widely across countries – in the case of families with average earnings and two children, from 0% in Italy or the U.S. and 0.3% in Spain to 10.4% in Belgium or 11.3% in Austria (Gauthier 1996: 166) — this strongly supports the view that there is plenty of room of manoeuvre for effective demographic policy.

Our concern, of course, is not to revive demographic growth or to slow it down. It is to spread whatever number of children are being born as widely as possible among all households. Econometric results of the type cited above are relevant to the extent that they strongly suggest – not beyond any doubt, but far more than introspection, anecdotal evidence or casual observation of trends and correlations could do – that some effective policy tools should be available for this objective too. Further results can help identify the nature of the most effective among these tools. For example, when a broader index of child benefit was used, so as to include tax relief for dependent children, the relationship between benefit level and fertility ceased to be significant. "This may reflect the higher 'visibility' of cash benefits as couples may be less aware of tax relief opportunities when deciding when to have a child.

⁴⁴ The total fertility rate in a given calendar year is the expected number of children per woman, with each woman experiencing each year between the ages of 10 and 50 the probability of giving birth exhibited in the current calendar year by women in the corresponding age categories (between 10 and 50).

Besides, low-income families, who are likely to be most responsive to transfer payments, will benefit relatively less from tax relief if marginal tax rates increase with income." (Gauthier and Hatzius 1997: 305) For a given cost, therefore, it is clear that one should go for cash benefits rather than tax allowances.⁴⁵ Further, it turns out that "at the margin, increasing assistance for the first child by a given amount has a greater effect on fertility than for subsequent children" (Gauthier & Hatzius 1997: 300). This is not necessarily a blow for those countries – such as France or Germany (see Blanchet & Ekert-Jaffé 1994: 90) – which chose to pursue natalist aims by generously focusing benefits on the third child: focusing on the third child is so much cheaper than focusing on the first that it may well yield better natalist value for its money, despite the greater demographic impact of a given per-capita increase of the benefit for the first child than for the third. But it is certainly further good news for our machiavelli, since what she is looking for is a way of getting more people to have at least one child, and if this most straightforward instrument had turned out to have no noticeable effect, she might have been in trouble. She should not rejoice too quickly, however. In the data set that produced the result, no birth-specific fertility variable was included, and one cannot, therefore, rule out that the significant positive impact may be due, not to otherwise childless households deciding to have children, but to households otherwise with one or more children ending up with an additional one as a result of having the first one earlier (Gauthier & Hatzius 1997: 301). Our machiavelli can see a presumption growing in favour of cash benefits targeted at the first child, but she would like to further refine her guesses.⁴⁶

⁴⁵ This result conflicts with Whittington's (1992) econometric analysis of the impact of tax relief on birth rates, on the basis of 1979-83 US individual sample data. The average annual nominal tax value of the exemption for a family in the 15% bracket was about \$300 per child, i.e. a modest 8% of the estimated cost of a child. Depending on the tax bracket in which it fell, the real tax value (base year 1983) to a family ranged from \$0 to \$812. For a given income, it varied over the period, owing to a fall in the top bracket tax rate from 70 to 50%, to a rise in the exemption and to inflation (*ibid.* 216-17). The results support the conjecture of a significant positive impact of the average value of the tax exemption. However, because of the short time span, they cannot rule out that this may simply be a timing effect (*ibid.* 223), without any lasting impact on either total fertility or rate of childlessness. Even this short term impact, however, given the modesty of the amounts involved (see Gauthier 1996: 170 for an international comparison) and the fact that they are inversely related to income, remains a challenge to the cross-national negative results.

⁴⁶ For a minute, our machiavelli also thought it would be good to target the benefits at poorer households, as it is hard to imagine how the demographic impact could not be greater, for a given cost, if benefits were concentrated on lower-income families than spread more thinly over all families. But she realized in time — perhaps by reading Shaviro (1997), where the point is well put — that it is a serious mistake to reason about redistribution schemes in the same way as one reasons about other expenditure programmes. Whereas the cost of these programmes matches an opportunity cost in terms of other things one could have done with the same resources, increasing or decreasing the "cost" of a redistribution scheme is more appropriately described as a shifting of the profile of marginal and average net tax rates applying to the various components of the population. In particular, rather than as a "cheapening" of an expenditure programme, the phasing out of benefits as family income increases is more appropriately described as the subjection of households with children, and hence *de facto* in most cases their female secondary earners, to a higher effective marginal rate of taxation than childless households: any additional dollar earned is not only subjected to the explicit rate of tax but also to the rate of benefit withdrawal. There might conceivably be reasons for taxing mothers at a higher marginal rate than other workers, but they are most unlikely to have anything to do with the encouragement of a first birth.

She was, for example, interested to learn from an econometric study by Ermisch (1988: 571-75) on the basis of individual British Census data for 1971-1985, that higher hourly wages for women (relative to men's weekly wages) and higher housing costs (relative to the cost of living) were the main factors behind the increase in the proportion of women remaining childless. Ermisch's estimates suggest that a further 35% increase in women's relative wages (similar in magnitude to the increase in the 1971-85 period) would add about 7% to the (then) current 16% of childless women and depress average family size by 0.3 child from its current level of 2.0⁴⁷ — which might give machiavelli a wicked idea (to which we shall return shortly) about how to reverse the trend. But two further suggestions emerge from two other estimates: doubling housing costs would add another 7% of childless women, while reducing family size by 0.16 child only, and doubling the parity-independent child benefits would reduce the proportion of childless women by about 3.5%, while increasing average family size by 0.17 child. If the aim is to reduce childlessness (or stem its progress) rather than to increase (or maintain) family size, child benefits look less appropriate a tool than keeping housing costs down, as the latter has a much more powerful effect on childlessness than on average family size. However, acting on housing costs (rents, mortgage interest rates, housing subsidies) may well just be a clumsy, distortionary, truly costly way of providing implicit child benefits at a decreasing rate as family size increases. The same asymmetric effects should therefore be expected from increased cash benefits if they were focused on the first child, rather than parity-independent. This may, therefore, remain machiavelli's best bet for turning as many electors as possible into parents, grandparents, etc., and thereby enabling one to enlist, in the service of intergenerational justice, the electors' spontaneous concern for the interests of their progeny.

Guardians

A fourth family of proposals aims to foster the achievement of intergenerational justice by strengthening the direct grip of a concern for it on political decision-making. How can this be achieved? One can of course invite the voters to drop a veil of ignorance over the particular generation they belong to. But it is most doubtful that, in the secrecy of the voting booth, the most powerful and high-minded eloquence will have any durable impact on whether or not the ageing voter will cast her vote for the candidate who was most adamant about protecting the vested interests of the elderly. In a representative democracy, however, where governments and legislators have a significant degree of discretion and need to publicly

⁴⁷ Note that, in Gauthier and Hatzius's (1997: 300) cross-national study, women's wages display a slightly significant positive relationship with fertility levels, which suggests that the opportunity cost of large families, for given women's wage rates, may be very different depending on the extent to which being the mother of more than two children means giving up one's career altogether (availability of child care and part-time jobs, extended parental leave with a right to return, etc.).

justify the stance they adopt, the legislative assemblies may be a more appropriate locus for action. To help secure intergenerational justice, various people and organizations have proposed to set up a position of "Guardian" for the interests of younger or unborn generations.⁴⁸ This Guardian could be an appointed officer, or an expert commission, or a full-scale institution, whose views must be heard by the government and/or the legislative assembly whenever a decision is about to be taken with an irreversible long-term impact that can be presumed to be considerable.⁴⁹

While conceding that there may be nothing else on offer to protect the interests of distant generations, our machiavelli may be tempted to dismiss such devices as idealist day-dreaming. But the following analogy may make them appear in a different light. In matters of intra-generational justice, some surveys suggested that there was hardly any difference between the content right and left voters gave to the ideal — some form of equality of opportunities —, but that there was a significant gap between their respective perceptions of the extent to which distributive justice, so conceived, was realized in actual fact.⁵⁰ The same may well hold, *mutatis mutandis*, for intergenerational justice. People of all ages may be officially committed to non-deterioration as a minimal condition of intergenerational justice, while differing significantly, and in a way that strongly correlates with their age, on whether or not the current pension system is viable or on whether or not the use of nuclear energy generates long-term risks. In this context, the summoning up of expert evidence by the "guardian" of the interests of younger or unborn generations may well play a significant role, at least as long as one can rely on the scientific community's professional ethos and discipline to provide a sufficient guarantee of independence. An astutely institutionalized guardian, therefore, is not something our machiavelli would reject off hand, not because of any equivalent of an electoral weight she may be given, but because of the ability she may have to effectively challenge and discredit self-serving beliefs.

The Dream Team at work

⁴⁸ See, for example, Birnbacher (1988: 265-68), Offe (1993: 15-16), Stone (1994: 134-135), Scorer (1994: 239).

⁴⁹ In the more ambitious versions, the Guardian would be empowered to take governments to court on the basis of clauses in a constitution or in an international treaty which protect future generations against both the governments' actions and their inaction. This may be thought to be question-begging, as it presupposes that the constituent or treaty-endorsing bodies are sufficiently driven by a sense of intergenerational justice to enshrine some features of what it commands in legal clauses that can be enforced even against governments and assemblies. However, while it is obvious that this device could not work on its own, it could nevertheless prove quite effective by virtue of the fact that representative assemblies may be willing to adopt principles in a certain form and at a certain time, which they may be under pressure to abandon when confronted to specific issues.

⁵⁰ See Swift & al. (1992, 1998).

Whether by listening to current debates, by foraging through the dustbins of the history of ideas or by exercising her own imagination, our machiavelli has thus come up with a whole range of possible reforms that may bend the operation of the political system in the required direction. By looking and thinking harder, she could probably come up with far more. But for our purposes, this will do. No rushing to firm proposals, though. The literature on constitutional design is replete with horror stories about unintended, sometimes even disastrous and sadly irreversible consequences.⁵¹ It is a central part of the Dream Team's work to screen the alternative proposals carefully, whether in isolation or in interaction, checking the possibility of counterproductive unintended effects. Some of these effects may concern intergenerational justice itself, irrespective of any other dimension of social justice. Here are three examples.

With the exception of the last one, all proposals mentioned above crucially rely on the assumption that voters are, to a large extent, guided by their self-interest and the interest of their children, and they aim to promote intergenerational justice, not by making voters or their representatives more public-spirited (as the fourth family tries to do), but by shifting electoral weight in favour of those whose interests are at risk of being insufficiently taken into consideration. But, one might wonder, will not the very nature and justification of such proposals strengthen the legitimacy of self-seeking political behaviour at the expense of whatever public-spirited motives did exist? The net effect on the prospects for intergenerational justice would then be unclear, as the effect of the weakening of the older categories of the electorate would be offset by the effect of their now feeling entitled to go for the unbridled pursuit of their self-interest.⁵² This is a relevant objection, which our machiavelli certainly does not want to reject out of hand. Her methodological stance is to take people as they are or can feasibly be made to be, not as elementary economic textbooks posit they are. She has no wish to assume that voters are strictly selfish, let alone to make them more selfish than they currently are, and has no desire to waste precious moral resources which she and, even more, her team partner, are keen to put to good use. Historical precedents provide her with some reassurance, however. True, granting the suffrage to women might be said to have relieved male family heads of their duty to represent their wives' interests. But machiavelli has little doubt that whatever was lost in this way for the

⁵¹ See, for example, Curtis (1998), Horowitz (1999).

⁵² This concern is expressed by Offe (1993: 21-22) in connection with the proxy vote for children. That there is ground for concern is strongly substantiated by the virulent attack on the "civil servant" (versus self-interest-seeker) conception of the elector by the most articulate advocate of the parents' vote André Toulemon (1933: 179-189, esp. 184-185): "When voting, the elector does not attempt to hide that he defends his interests and nobody blames him for it; quite the contrary, in order to catch his votes, the most honest and even the wisest candidate endeavours to show the elector that his interest, well understood, commits him to accept his programme and his person. Whoever would tell the electors "Vote for this programme, even though this will be in your interest neither now nor later; free yourself of the selfishness that is natural to any well born creature", would rightly be considered a madman or an imbecile; for it is obvious that the electors have indisputably the right to vote in defence of their interests [...]."

purpose of giving women's interests fair consideration was far more than offset by the power shift in their favour from which this loss is supposed to have resulted. So, perhaps, negative side effects can be avoided through a careful phrasing of the justification for the proposed electoral reforms: they are less about shifting the balance of power between self-interested individuals than about giving a stronger guarantee for the inclusion of younger people in the operative definition of the common good or about giving greater weight to those who can more easily imagine what fairness to the younger or the unborn may mean.

Consider, secondly, any of the proposals — tinkering with the age conditions or introduction of the parents' vote — that amount to giving less political power to the older portion of the electorate. This may be an improvement for the fair consideration of the interests the younger among those currently living, but a definite deterioration for more remote unborn generations. For the elderly may have less to lose from any mismanagement of the planet's resources. They also have less to gain from the persistence of a way of consuming and producing that may jeopardize the welfare of mankind generations hence, and may therefore be, on average, more receptive to bad news about long term damaging impacts and therefore more capable of the sort of impartiality that fairness to remote generations requires.⁵³ Clearly, assessing this argument does not only require empirical evidence about age-differentiated voting motives, but also a more refined elaboration of our normative conception of intergenerational justice: what does it require when keeping the situation of the next generation at least as good as ours can only be achieved at the expense of making it impossible for the situation of more remote generations to reach that level?

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

⁵³ The possibility of this counterproductive effect was pointed out to me by Andrew Williams. It is arguably documented by the fact that in the 1990 Swiss referendum on the abandonment of nuclear energy, support went down monotonously from 64% for the 18-29 to 32% for the 50-59, but went up again to 46% for the over 60's (Möckli 1993: 5).

time horizon of the electorate as a whole.⁵⁴ Here again, empirical evidence is needed to assess this puzzling conjecture. If the latter turned out to be true, the radical proposal of genuine universal suffrage would clearly become unwise, even though the favourable impact of a more modest scheme that would give, say, no more than one proxy vote to each mother or father of minor children under voting age would not be in doubt.

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

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

Thirdly, consider the proposal of an extended maternity leave at full pay and without loss of pension rights, all at the employer's expense. This would considerably reduce the opportunity cost of having a child by enabling working mothers to take several months off work without incurring any fall in their incomes, and should therefore boost the propensity to have children.⁵⁵ If it turns out that this boosts population growth too much, the measure can easily

⁵⁴ This possibility displays a standard case of fallacy of competition. If, for any particular type of person (in terms of propensity to care about the future), votes are distributed according to the number of children, the overall time horizon is lengthened. Also, if there were no correlation between type and number of children, such a proportional distribution of votes would lengthen the time horizon. But if there is a strong correlation, voting power is being shifted across types as well as within types to such an extent that the net effect may be a shorter overall time horizon.

⁵⁵ Note, however, that in the most extensive cross-country study "maternity leave (duration and benefits) did not appear to be significantly related to fertility" (Gauthier & Hatzius 1997: 304) — contrary to what was suggested by the East/West-Germany and Italy/Sweden comparisons (Büttner & Lutz 1990, Chesnais 1996).

be fine-tuned through targeting the first birth. Moreover, the proposal can also be expected to have the side effect of depressing women's wages relative to men's, as a fall in the demand for the labour of women at child bearing age would unavoidably follow from the employers' obligation to pick up the full bill of maternity leaves. This would also make it relatively more attractive for not (yet) (full-time) working women to have children rather than to enter the full-time work force – an expectation borne out, as mentioned above, by empirical evidence. We here seem to be exceptionally lucky: the measure produces a side effect which, far from subverting the explicit objective, further contributes to its achievement. Our machiavelli's eye's must be shining in delight. For the team to do its job properly, however, it is important that machiavelli should not get carried away. In her characteristically reflective manner, rawls is sure to remind her that she should not lose sight of the full picture, including the negative impact on intragenerational justice associated to the statistical discrimination against women that would unavoidably take significant proportions on a free labour market (either in the form of unequal pay or, if equal-pay rules were strictly enforced, in the form of unequal unemployment rates) if employers were subjected to the above-mentioned obligation. When this is taken into account, concern with intergenerational justice may still justify, for child-spreading reasons, the provision of material support after the birth of at least the first child.⁵⁶ But, whatever the variant, the bill should be footed by society at large, or by all firms, rather than only by those firms which happen to employ pregnant women — or, in the more restrictive variant, women pregnant with their first child.⁵⁷ Most of the impact on male-female wage differentials should thereby be avoided. However much machiavelli loved this reinforcing side effect, she will have to do without it.

These six examples illustrate the sort of activity the Team should be permanently engaged in: both imaginative and reflective, fearless but cautious, combining tireless fact finding, informed guesswork, special attention to interdependencies and a constant reminder of the overall goals. For it is crucial that machiavelli should not go about her business in too rash, too heavy-handed a way. She must not only take the time to consider possibly counterproductive effects with respect to some partial objectives, such as intergenerational justice. She must also pause to talk things over with rawls in connection with the broader set of goals that make up the full picture of a just society. Even when this is done, the best package the Team can ever hope to come up with will never be a recipe valid for all times and places. The effectiveness of any combination of proposals is contingent on a large number of

⁵⁶ Though possibly at a flat rate (irrespective of a woman's current wages and past career) and rather in the form of benefits not contingent upon the interruption of work (so that they can, for example, be used to top up wages in order to improve one's housing rather than to enable one of the parents to stay at home).

⁵⁷ An alternative way of removing the side effect (suggested to me by Andrew Williams) would consist in enforcing substantial paternity and maternity leaves of equal length. This would get rid of the gender bias, but might further contribute to the shrinking of the number of families with at least one child (by strengthening the base for the male partner's veto power), thereby killing the solution at the same time as the defect in the solution.

factual assumptions, only a small subset of which has been touched upon above. It can therefore be challenged as more data become available, or as the causal factors of political or procreative behaviour are subjected to a more subtle analysis, or as the details of the particular society concerned are being further specified. The Team's claim is definitely not that a particular combination of constitutional rules and of policies affecting their operation can be identified with absolute certainty and is universally optimal. More modestly, it is that by shaping political institutions in the light of whatever little or much can be known about their consequences in a specific historical context, one can serve the cause of social justice far better than if one simply accepted whatever political institutions happen to be in place or if one only tried to make them as "democratic" or "efficient" or "legitimate" as possible. Indeed, taking such steps before it is too late may prove of crucial importance to prevent social justice from turning ever more into a sheer dream, as the rules of the political game inexorably drive our societies away from anything resembling it.

Fatal trouble?

Beyond every quibbling about the crucial factual assumptions which underlie any specific proposal, there are a number of general objections that go to the core of the Dream Team project itself. A first one applies to any package that includes a change in the rules of the political game. The problem, so it is often pointed out when constitutional engineering is being contemplated, is that the people who have the power to change the rules owe their power to the very rules they are expected to change. This certainly accounts for the fact that significant changes in the rules of the game do not happen very often. But as recent history has reminded us with gusto – from Russia to Japan and from Italy to New Zealand – they do change now and then, and sometimes quite dramatically. The Dream Teamers do not expect the political system to be receptive to their advice as soon as they are ready with it, but they want to be ready for those rare opportunities, for example when outside pressure for a change is mounting and a vigorous case one way or another may make all the difference, as governments and legislators feel they have to change something in order to deflate the pressure, but are at a loss as to which way to go. Moreover, some significant shifts in the institutionalized balance of political power may be politically feasible, even if a very large parliamentary majority is required and in the absence of outside pressure, simply because the shift the Dream Team advocates does not fit standard party cleavages. On this point, the Dream Team's radical instrumentalism is to be sharply distinguished from a partisan approach to constitutional engineering. The Dream Team does not start off checking which party's platform looks most conducive to social justice as it conceives it, next proceeding to rig the

rules of the game so as to favour its favourite party.⁵⁸ By promoting reforms which it believes it can justify using impartial arguments, it tries instead to shape the institutional framework in such a way that all parties, now and later, will be under pressure – as much as they can be made to be – to promote social justice. In certain historical contexts, these reforms may happen to strongly favour one party over another. But this is by no means necessarily the case. For example, introducing the family vote in Germany would induce a major shift in the political power of different age groups, but, judging from survey results, the immediate gains or losses to be expected by each of the four main parties are very limited⁵⁹. Each can therefore hope to increase its following through designing and publicizing policies better tailored to the new electorate. No comparison, therefore, with the strong resistance opposed by some European social-democratic and liberal parties to the extension of suffrage to women on the basis of the (roughly correct) expectation that women would more than proportionally vote for confessional parties.⁶⁰ The absence of any clear partisan bias is possible and, when it applies, it makes things easier. But by no means does it constitute a necessary condition for successful reform, as this example of the introduction of female suffrage – or even more clearly that of universal male suffrage – clearly show.

While a change in the rules of the game may not be intrinsically impossible, it may still face a fatal dilemma if it is advocated, as it is by the Dream Team, on consequentialist grounds. If one is to gather a majority in favour of the parents' vote, for example, one needs a majority in favour of the policies which this change is designed to promote. But, as Claus Offe (1993: 20) puts it: "If the latter majority obtains, then it is not necessary to change voting rights. If it does not, then it is not possible to change them." Beyond the case of the parents' vote, this

⁵⁸ This is of course, with or without public interest embroidering, the distinct form of instrumentalism that drives attempts by political parties to modify the rules of the game for their own benefit. This partisan instrumentalism is vulnerable in a way in which machiavellian instrumentalism is not. Think, for example, about transitions from "first past the post" to proportional representation. When Belgium became the first country to make the move in 1899, Vandenpeereboom's catholic government first made a limited proposal that would have introduced list PR in the largest constituencies only — which happened to be industrial constituencies in which Catholics were the minority. This clearly partisan proposal aroused the indignation of opposition parties and led to the resignation of the government. A few months later, de Smet de Naeyer's (no less catholic) government made the more radical but bias-free proposal of list PR in all constituencies. The proposal was adopted and proved stable, gradually spread to all levels of government and indeed, as from 1906, to many other countries (see Moureau & Goossens 1958). Similarly, "the French Socialist Government's decision in 1986 to switch from their existing Two-Round System to PR was widely perceived as being motivated by partisan reasons, and was quickly reversed as soon as the government lost power in 1988" (Reynolds & Reilly 1997: 123), in sharp contrast, for example, with New Zealand's 1993 well prepared switch from First Past the Post to list PR, also motivated by the expected consequences but in non-partisan fashion (Roberts 1997).

⁵⁹ A survey conducted at the 1990 West German election showed that the electoral scores of social-democrats and greens would go up slightly, while those of the Christian-democrats and the liberals would shrink slightly, if parents were given proxy votes for their children (Grözinger 1993: 1266). In contrast, a lowering of the minimum voting age to 16 would seem to have a more clearly favourable effect for Greens and social-democrats (Hurrelmann 1996).

⁶⁰ Even in the 1980's, there would have been left majorities throughout Europe, had only males been allowed to vote! (Offe 1993: 20).

challenge can easily be generalized to any of the other proposals mentioned earlier for modifying the rules of the political game, and no less to the demographic policies advocated by virtue of their indirect effect on the outcome of the political process. But it can be defused by scrutinizing each of the two horns of the dilemma. On the one hand, if there is a majority in favour of the sort of policy which it is the ultimate aim of the proposed reform to favour, there is still a point in bringing about this reform as long as one does not have full confidence that future electorates will similarly favour this sort of policy without the help which the reform would provide. This may be because the trends which undermine support for such policies are expected to develop further. Or it may be because the high-minded concern for future generations which one happens to be able to draw on for the time being may only be forthcoming under exceptional circumstances. These possibilities make it safe to economize on future moral resources and restructure institutions so that less of them are required in the future to get the same sort of policies adopted.⁶¹ Secondly, if there is no majority in favour of the sort of policy which it is (in the Dream Team's eyes) the ultimate aim of the proposed reform to favour, there may still be a majority in favour of this reform, though not, by hypothesis, because of the particular consequences the Dream Team deems decisive. Take again the parents' vote.⁶² Perhaps some women support it because of the extra recognition it gives to mothers or because of the further increase in women's electoral weight it implies. Perhaps the Front National's leaders support it because they believe it will boost the native French population. Perhaps some people are attracted by the beautifully simple logic of "one person, one vote, full stop". The Dream Team does not care. Opportunities to get the right reforms through are few and far between. Hence, when one arises, it cannot afford the luxury of requiring a majority not only to support the appropriate reforms but to support it for the appropriate reasons. If the rhetorics of "democracy" or of "equality" or the appeal to some factional interests helps move things forward, it would be foolish for the Dream Team to be fussy. As long as no counterproductive side payments need to be made, even unholy alliances and disreputable bedfellows are perfectly welcome. The proof, for the Dream Team, is entirely in the pudding.

A third objection follows directly from Jon Elster's (1986, 1988) view that "it is impossible to predict with certainty or even quantified probability the consequences of a major constitutional change". Constitutional change — indeed any major institutional reform — can therefore only be justified on non-consequentialist grounds, for example on the ground that the proposed institutions better express some notion of political equality, and not on the basis

⁶¹ Grözinger (1993: 1267) points out, in response to a similar objection to his proxy-vote proposal that it may be rational for a majority to bind itself through constitutional change in order to protect itself against the weakness of its will. This is another way of formulating the second case just mentioned.

⁶² See again Grözinger (1993: 1267), who similarly hints at the diversity of the reasons different categories of people may have for supporting his proxy vote proposal.

of more or less speculative conjectures about its likely lasting effects on the achievement of distributive justice. The Dream Team can readily concede that the prediction of these effects is not always easy, and it welcomes Elster's reminder that global net steady-state effects, in which it is primarily interested, should not be rashly inferred from local, partial or transitional effects. Indeed, as illustrated in the previous section, much of the Dream Team's work precisely consists in taking this reminder seriously, by tirelessly exploring the possibility of unanticipated consequences. But by no means does this awareness prevent the Dream Team from making up its mind and firmly advocating some specific change (or combination of changes) which it feels confident would significantly improve upon the status quo. True, this confidence will often rest on a complex set of convictions about facts and causal links, and may therefore have some difficulty spreading far beyond the Dream Team and motivating the key political forces. But as illustrated repeatedly above, in such cases the Dream Team has no objection to mobilizing the rhetorics of democracy or enlisting factional interests. It is essential to its approach that an adequate justification could be given for the reform, not that this reform should be driven by nothing but this justification. This is how the Dream Team proposes to handle Elster's challenge, which it is, therefore, only too happy to interpret as an explanation of why the Team is needed, not of why it must fail.

A fourth general objection can be gathered from Giovanni Sartori (1994: 200-202), who argues — against Elster's plea for non-consequentialist justice-based constitutional reform — that "constitutions are, and must be, content-neutral. A constitution that takes upon itself to establish policies, i.e. policy contents, pre-empts the popular will and tramples upon the policy-making bodies" (Sartori 1994: 202). The Dream Team is of course anything but policy-non-neutral. But it is not the slightest bit impressed by Sartori's objection. Even when they do not stipulate any specific policy themselves, some constitutional arrangements — if only those which specify who can vote and how campaigns are financed — obviously and massively affect the probabilities different policies have of being adopted. The Dream Team can go along with Sartori's emphasis on the importance of assessing potential constitutional changes by anticipating the likely political consequences of the induced changes in incentive structures (number of parties, government stability, accountability, etc.). But the operation of the political system is not an aim in itself. There is therefore no reason to regard purely political consequences as the sole relevant ones in a consequentialist evaluation of constitutional design. Indeed, the Dream Team's central purpose is precisely to liberate the discussion of constitutional engineering from the narrow focus to which political scientists have tended to confine it.

Finally and most seriously, it may be objected that the Dream Team's just-policy-motivated constitutional engineering is constantly at risk of overshooting. Convinced that the socio-economic policies in place are too favourable to the elderly or to the childless, the Dream team may endeavour to shift the balance of electoral power in favour of the young or of

families with children. But once the reform is in place, the new majority may soon adopt policies that tilt the situation of the elderly or the childless below what justice requires. Given the inertia alluded to in the first objection, the pursuit of social justice through this type of constitutional design seems a very clumsy instrument that does not allow for much fine tuning. Here the Dream Team, I believe, must simply concede the point. Not only must a direct appeal to what justice requires have sufficient power over the decision-makers at the constitutional stage, when the rules of the game are being designed or redesigned (only by fluke could other considerations — the rhetorics of equality, factional interest, etc. — generate the adoption of what is best for social justice. There is, moreover, no way in which, within the rules of the game, the sheer balance of power between suitably weighted interests could durably bring about what justice requires. This concession does not make nonsense of justice-instrumental constitutional engineering. But it invites us to pay primary attention to those features of our democratic institutions — such as the maximum inclusion of all those affected, the tough regulation of campaign funding — which bring the actual objectives of decision-making bodies closer to the demands of social justice. For this reason, disenfranchising the old is definitely a *bas* idea, while enfranchising more of the young and the compulsory hearing of "guardians" of future generations are probably good ones. The Dream Team, however, does not need to be restricted in principle to reforms of this sort.⁶³ There may sometimes exist quicker and safer ways of preventing serious injustice, for example along the intergenerational dimension, than the fostering of an active sense of intergenerational justice. And if they exist, they should be used.

To conclude: the Team's work consists in a logical sequence of three steps, none of which is ever fully completed, and work on all three of which, therefore, must constantly be carried out in parallel. First, it has to specify what social justice demands consistently with our considered judgements, which I take to include a commitment to equal respect and equal concern. In particular, it must specify what each successive cohort must do and not do as a matter of intergenerational justice. This is the Rawlsian component. Next, the Team has to work out, at least in broad outline, what sort of policies this ideal requires should be adopted — for example, how pension and health care systems should be adjusted or what environmental measures should be taken. This second component has been very discrete in this paper, because of a deliberate focus on the third one. But it is no less important than the other two, and definitely important enough to deserve a name of its own. I propose calling it the Meadean component, in recognition of James Meade's tireless and imaginative exploration of the socio-economic institutions that would embody the ideal of the just society.⁶⁴ Finally,

⁶³ This restriction distinguishes the radical instrumentalism defended in this paper from the milder "epistemic" instrumentalism advocated by David Estlund (see e.g. 1990).

⁶⁴ From Meade (1935) to Meade (1995), through Meade (1964), from which Rawls borrowed his notion of a "property-owning democracy" as a just private-ownership society (in contrast to both *laissez-faire* and welfare-state capitalism). Needless to say, even with this precious complement, the Team remains a brain

the Team has to identify what sort of political institutions will lead to the adoption of these policies – for example, some of the proposals outlined above. This is the machiavellian component, which this article has been chiefly aiming to illustrate and assess. At each of the three steps, the Dream Team can go wrong. It is resolutely open both to normative objections relating to its first step and to factual objections relating to its other two. But no full certainty at any of the steps is required to act, when the opportunity arises, in order to set our democracies on the most promising track.

Is the programme, thus summarized, strategically fruitful? Is it ethically acceptable? In other words, does it pass the twofold test outlined at the outset? In the light of the whole previous discussion, but especially of the reply given above to the fifth and last general objection, the answer, I believe, must be: The Dream Team runs no risk of being ethically repugnant, but it is strategically less promising than I once thought it might be. For by broadening the realm of the explorable, our machiavelli turns out not to have brought some, but not that much value added, and the rawls-machiavelli partnership therefore ends up pretty Rawlsian tout court: most of what can and must be done to secure as much as possible the durable achievement of social justice is to design political institutions so as to meet one key condition for Rawls's "well-ordered society": that citizens and legislators should be guided, or at least constrained, by a sufficiently strong sense of (liberal-egalitarian) justice. Hence, the same seems to hold for Rawls as for Pascal's God: "Un peu de pensée éloigne de [lui], beaucoup y ramène."

trust of purely academic interest if not coupled with the right kind of political activist, whether of the populist leader ("Mandela") or boardroom plotter ("Monnet") kind.

Appendix: Some exegetical remarks on the Dream Team

Nothing of substance hinges on the choice of labels for the two components of the Team, and readily concede that other names might have done just as well or even, in some respects, better (perhaps Dworkin, Ackerman or Sen for the first component, perhaps Hume, Bentham or Mill for the second). Nonetheless, some exegetical digression on the relationships between "rawls" and Rawls, and between "machivelli" and Machiavelli, may not be found altogether superfluous.

According to Rawls (1971: section 36), the design of political institutions must be assessed using two hierarchically ordered criteria. The first one – equal political liberty – "requires that all citizens are to have an equal right to take part in, and to determine the outcome of, the constitutional process that establishes the laws with which they are to comply" (ibid., 221). This first criterion and its priority are implied by the inclusion of "political liberty (the right to vote and be eligible for public office)" in the list of basic liberties governed by Rawls's First Principle of justice: "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others" (ibid., 60-61). At first sight, there is nothing consequentialist about this criterion: no matter what the consequences, it seems, it requires that "all sane adults, with certain generally recognized exceptions, have the right to take part in political affairs", that "the precept one elector one vote [be] honored as far as possible", "that members of the legislature (with one vote each) represent the same number of electors" and that "each [be] eligible to join political parties, to run for elective positions and to hold places of authority" (ibid., 223-224). On closer scrutiny, however, a narrowly limited set of consequentialist considerations does enter this first criterion of assessment as Rawls understands it: one should settle for less than maximal equal political liberty – typically through constitutional constraints on majority rule – if this enables one to secure overall a more extensive scheme of basic liberties (ibid., 229-30); one should even settle for unequal political liberty – for example, through plural voting in favour of the more educated, as advocated by Mill – if this can be expected to have an overall positive impact on the freedoms of those who are thereby given less political liberty than others (ibid., 232-33). Relevant consequentialist considerations are strictly restricted, however, to the overall impact on the fundamental liberties governed by the First Principle.

This is not the case for Rawls's second criterion, which requires political institutions "to be framed so that of all the feasible just arrangements, it is the one more likely than any other to result in a just and effective system of legislation" (ibid., 221). How thoroughly consequentialist this criterion is gets emphasized in Rawls's discussion of a common objection to majority rule: "it fails to take account of the intensity of desire, since the larger part may override the strong feelings of a minority". But the criterion, Rawls comments, is not how well the decisions fit the voters' preferences. "The fundamental criterion for judging

any procedure is the justice of its likely results. [...] Everything depends on the probable justice of the outcome." (ibid., 230-31). Justice, here, means conformity to his second principle of justice – the maximin distribution of socio-economic advantages and fair equality of opportunities. For Rawls, however, this second criterion is strictly subordinated to the first: equal right of suffrage and of eligibility (subject to "qualifications of age, residency, and so on") can be sacrificed for the sake of greater basic freedoms for all, but not for the sake of more equal opportunities or greater socio-economic advantages for the worst off.

In contrast with this real Rawls, the rawls who teams up with machiavelli has only one criterion for assessing political institutions: a simplified version of the second one. She holds a liberty-constrained conception of social justice: the condition of the worse off cannot be improved at the expense of fundamental liberties. But these liberties do not include any political liberties, not even the right to vote. Owing to this difference, the rawls-machiavelli team is granted the greatest possible room of manoeuvre to design political institutions.⁶⁵ How broadly or narrowly the suffrage should be extended, for example, is not determined a priori: for rawls more radically than for Rawls, "everything depends on the probable justice of the outcome." This does not deprive of their relevance all of the arguments Rawls invokes in support of political equality. He points out, for example, that "the grounds for self-government are not solely instrumental" and endorses Mill's view that the political freedoms granted to all by universal suffrage "strengthen men's sense of their own worth, enlarge their intellectual and moral sensibilities, and lay the basis for a sense of duty and obligation upon which the stability of just institutions depends." (ibid., 233-34). For rawls, no less than for Rawls, the stability of just institutions is of great importance, and Mill's argument on the "intrinsic" value of self-government therefore deserves all her attention, but only as part of a thoroughly consequentialist evaluation of political equality from the perspective of durably achieving social justice as a whole: if departing from universal suffrage turns out to sustainably maximize the socio-economic advantages of the worst off in a liberty-respecting way, then such departure is justified. Put differently, the key difference between Rawls and rawls is that for the latter political rights are not among the goods in terms of which justice is characterized. Their specification and distribution is entirely a matter of expediency for the sake of social justice, defined as the appropriate distribution of advantages and of liberties which do not include political rights. What is kept from Rawls in rawls is a liberty-constrained maximin conception of social justice as the ultimate standard of assessment. What drives a wedge between the two of them is that rawls adopts a purely consequentialist approach to political institutions, whereas Rawls incorporates some of the latter's features into the criterion of assessment itself.

⁶⁵ This provides one sufficient reason (of the "for the sake of the exercise" type) for not sticking to an untruncated Rawls. My main reason, however, is that social justice as I conceive it myself, i.e. as "maximin real freedom for all", does encompass a liberty constraint ("self-ownership") but one which does not comprise any political rights (see Van Parijs 1995: section 1.8).

Machiavelli too needs to be truncated in order to fit into the Team. As explained by Quentin Skinner (1981: ch.5), Machiavelli's inquiry in the Discorsi starts from the observation that the greatness of a city can only be achieved, preserved and enhanced if its citizens display virtù, a commitment to the public good which will make them defend liberty against both internal and external threats. The problem is that this virtù does not come naturally to the citizens. How can it be instilled into them? One possibility, of which there are a few historical examples, is that rulers should themselves be exceptionally virtuosi and able to sway the citizens along, be it by terrorizing them into virtuoso behaviour. It would, however, be better not to rely on such rare and ephemeral occasions. Leaving aside the role religion may play, the main alternative is to design a city's constitution "in such a way as to force [people] to place the good of their community above all selfish interests" (ibid., 64). Machiavelli (1517: 81-92) analyses, for example, how constitutions which establish strictly balanced relationship between the aristocratic party and the popular party are best suited to prevent corruption, protect liberties and further the city's greatness. "Although motivated entirely by their selfish interests, the factions will thus be guided, as if by an invisible hand, to promote the public interest in all their legislative acts" (Skinner 1981: 66). Crucial to Machiavelli's approach is the anticipation of how citizens and political leaders will act, given the rules set by the constitution, and the evaluation of the outcomes these actions will tend to produce by reference to the greatness of the city. The end result of this inquiry is the recommendation of constitutional arrangements whose adequacy is not always self-evident, including, for example, arrangements which foster endemic factious bickering or which purport to maintain all citizens in a situation of relative poverty (ibid. 66-67, 70-71).

The truncated machiavelli we need for our rawls-machiavelli tandem will obviously need to be stripped of the real Machiavelli's concern with the greatness of the city. The ultimate aim by which the machiavellian programme ought to be guided is defined by rawlsian social justice, i.e. a liberty-constrained maximin. The constitution needs to be designed to make society as just as possible, not as great as possible. Thus freeing the machiavellian programme from any association with the dictates of the *raison d'Etat* clearly makes it rawls-compatible. Indeed Rawls himself comes close to formulating this very programme when describing how one should think, on the background of the two principles of justice adopted in the original position, about the choice of a constitution: given that "some schemes have a greater tendency than others to result in unjust laws", the problem "is to select from among the procedural arrangements that are both just [according to the first principle] and feasible those which are most likely to lead to a just [according to the second principle] and effective legal order. [...] To solve this problem intelligently requires a knowledge of the beliefs and interests that men in the system are liable to have and of the political tactics that they will find it rational to use given these circumstances." The choice is made "by running through the feasible just constitutions looking for the one that in the existing circumstances will most

probably result in effective and just social arrangements." (Rawls 1971: 198) For Rawls, just as for Machiavelli, it would seem, the task consists in shaping the institutional framework in such a way that Smith's invisible hand will lead political interaction to produce the right outcome – whether social justice or the greatness of the city.⁶⁶

The slot thus explicitly provided by Rawls himself for machiavellian thinking suggests that harmonious co-operation between the rawlsian and machiavellian elements in the team should be no problem. This expectation cannot easily be reconciled, however, with the sharp contrast Rawls draws later on between market and democratic institutions: "A peculiarity of the ideal market process, as distinct from the ideal political process conducted by rational and impartial legislators, is that the market achieves an efficient outcome even if everyone pursues his own advantage." In contrast, "there seems to be no way of allowing [citizens and legislators] to take a narrow or group-interested standpoint and then regulating the process so that it leads to a just outcome." Hence, "the application of economic theory to the actual constitutional process has grave limitations insofar as political conduct is affected by men's sense of justice, as it must be in any viable society" (Rawls 1971: 359-61). The space that looked wide open for machiavellian thinking now seems to have vanished altogether. What happened?

To restore consistency – and at the same time clarify the fundamental nature of our Dream Team –, it is crucial to distinguish the ideal situation of a well-ordered society, a society whose institutions are just and whose members "acquire the corresponding sense of justice and desire to do their part in maintaining them" (ibid., 454) from the less than ideal situation of the real world. Ideally, citizens and legislators involved in the post-constitutional, "legislative stage" of democratic decision-making will be guided by their sense of justice and will therefore endeavour to adopt policies satisfying Rawls's second principle of justice within the limits of a constitution enforcing the first (ibid., 199). In the less than perfect world in which we shall always live, on the other hand, the sense of justice plays some role, but to an extent that may vary greatly from one period or country to another, and it may at times be

⁶⁶ In a passage quoted above, Skinner (1981: 66) explicitly uses Smith's invisible hand metaphor to characterize Machiavelli's enterprise. Rawls (1971: 198) only refers here to Bentham's "artificial identification of interests", an expression coined by Elie Halévy (1901: 17) to characterize an approach to politics which is exemplified by Bentham but can be traced back, Halévy points out, to Hume's essay "On the Independency of Parliament": "Political writers have established it as a maxim, that, in contriving any system of government, and fixing the several checks and controuls of the constitution, every man ought to be supposed a knave, and to have no ends, in all his actions, than private interest. By this interest we must govern him, and, by means of it, make him, notwithstanding his insatiable avarice and ambition, co-operate to public good." (Hume 1741: 42) But in an earlier passage in which he discusses how one should think about designing the basic institutional structure in general, Rawls (1971: 57) likens his own approach to both Bentham's and Smith's: "in designing and reforming social arrangements one must, of course, examine the schemes and tactics it allows and the forms of behavior which it tends to encourage. Ideally the rules should be set up so that men are led by their predominant interests to act in ways which further socially desirable ends. The conduct of individuals guided by their rational plans should be co-ordinated as far as possible to achieve results which although not intended or perhaps even foreseen by them are nevertheless the best ones from the standpoint of social justice. Bentham thinks of this co-ordination as the artificial identification of interests, Adam Smith as the work of the invisible hand."

completely overshadowed by individual and collective passions and interests.⁶⁷ It is in this context that a machiavellian approach to constitutional engineering can be accommodated by Rawls, despite the sharp contrast he stresses between ideal economic and political institutions.

It must of course be conceded that this lack of perfection also pertains to the "constitutional stage", and that it may therefore prove impossible to adopt the constitution that would have led to the most just outcomes, given people's motivations at the legislative stage. However, this does not make it pointless to try to think up and get through whatever constitutional rules would induce citizens and legislators – as they currently are or can be made to be – to adopt those policies which will best approximate social justice. Some of the features of this best constitutional order for the real world may aim to strengthen the presence of the sense of justice in the citizens and legislators' motivations at the legislative stage. Others take people's motivations as they are, while aiming to steer the interaction of agents thus motivated so that it generates the best possible outcomes in terms of social justice. The designing, assessing and introducing of both types of features is consistent, indeed called for by Rawls's conception of constitutional engineering for a less-than-well-ordered society. However, given his ultimate aim, one can expect Rawls to privilege the first type of features: by strengthening the sense of justice, they make the assumptions which define the well-ordered society increasingly realistic. Given her rather more pessimistic, if not cynical view about the improvability of human nature, one can instead expect machiavelli to grant a primacy to the second set of features – while not disregarding the first set altogether. This is how one should think of machiavelli, the shrewd and taboo-free constitutional engineer whose partnership with rawls, the conscientious and reflective liberal-egalitarian justice theorist, this article aims to illustrate and scrutinize.⁶⁸

⁶⁷ See Mill (1861: 298): "Governments must be made for human beings as they are, or as they are capable of speedily becoming [...]. And it cannot be maintained that any form of government would be rational, which required as a condition that these exalted principles of action [a disinterested regard for others, and especially for what comes after them, for the idea of posterity, of their country, or of mankind] should be the guiding and master motives in the conduct of average human beings. A certain amount of conscience, and of disinterested public spirit, may fairly be calculated on in the citizens of any community ripe for representative government. But it would be ridiculous to expect such a degree of it [...] as would be proof against any plausible fallacy tending to make that which was for their class interest appear the dictate of justice and of the general good."

⁶⁸ In the final section, I shall briefly present a third member of the Team ("meade"), just as essential to its performance as the other two, but kept at the background in this paper.

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