



A plea for Pan-generational Fairness

Huw Evans

Synopsis

This short paper considers intergenerational and future generation fairness and asserts that, due to the focus of each, the two are not looked at holistically. It argues the need for an holistic approach and that this should be applied to political discourse and social policy formulation. The term 'pan-generational fairness' is suggested as appropriate to reflect that holistic approach. At the end, related questions are asked to promote debate.

Intergenerational fairness

This is about fairness between generations (and not to be confused with fairness within generations). According to the House of Commons Work and Pensions Committee (HCWPC):

The welfare state has long been underpinned by an implicit social contract between generations. The provision of state pensions, benefits and public services to the current pensioner population is funded by the taxes of the current working-age population.¹

But that contract is under threat as, for example, young people's financial well-being worsens and:

[i]t's harder than ever for young people to buy their first house. There is a growing divide between a more prosperous older generation and a struggling younger generation.²

Such was the concern of the HCWPC that it recommended abandoning the state pension 'triple lock' whereby the pension is increased every year by the higher of inflation, average earnings or 2.5%, such was the resulting economic 'skew', ie, creating imbalance in the respective rights and obligations of parties to the social contract. Commentators such as David Willetts have also highlighted concerns³ and the Resolution Foundation launched an Intergenerational Commission (Willetts is a member) in July 2016 to 'explore the questions of intergenerational fairness that are currently rising up the agenda'.⁴

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1. House of Commons Work and Pensions Committee. *Intergenerational Fairness*. (3rd Report 2016-17, HC 59, 2016).

2. Theresa May, Speech to launch Conservative leadership campaign (July 2016). Available at: <http://www.ukpol.co.uk/uncategorized/theresa-may-2016-speech-to-launch-leadership-campaign/>

3. David Willetts. *The Pinch: How the Baby Boomers Took Their Children's Future – and Why They Should Give It Back*. (Atlantic Books, 2010).

4. See: <http://www.intergencommission.org/>

Future generation fairness

The Well-being of Future Generation (Wales) Act 2015 (2015 Act) came into force in 2016. Outside of Wales there is nothing similar in the UK. At its heart is sustainable development which requires action 'in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.'⁵ Although 'contract' is not used, there is implicit reference. Sustainable development reflects, surely, a natural extension of the social contract mentioned by the HCWPC that exists between generations. For support, look no further than Edmund Burke:

Society is indeed a contract.... It is a partnership... it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.⁶

There is also no reference to 'fairness' but what sustainable development seeks to achieve is, undoubtedly, fairness for future generations, so 'future generation fairness' is consistent with 'future generation well-being'.

At a practical level the 2015 Act establishes a regime to give effect to sustainable development. This includes: requiring public bodies to carry out sustainable development;⁷ requiring them to set, and take steps to meet, well-being objectives that contribute to achieving well-being goals;⁸ and establishing a Future Generations Commissioner for Wales.

The interface

Logic and instinct suggests that intergenerational and future generation fairness are connected and should be viewed holistically. Burke would share this view. After all, for example, improving economic sustainability or health outcomes will benefit both the born and the unborn. That said, there is danger that they are not looked at together.

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The focus of the social contract mentioned by the HCWPC is on the relationship between living generations (eg, see reference to the relationship between the 'current pensioner population' and 'current working-age population'). This excludes the unborn. Conversely, the focus of following sustainable development is on the unborn, as on birth they cease to be 'future' – they are then part of the 'present' generations (the definition distinguishes between the 'needs of present' and 'future generations').

That the connection is missed, or (if made) severed, is not deliberate but is a consequence of surrounding circumstances. For those who are here there is an immediate driver. They have a direct voice and can make claims. Votes are also at stake. The unborn have no direct voice and cannot make claims. The driver is not immediate and has to be developed through awareness raising and specific action like the 2015 Act and what it establishes. As to awareness, for

5. Well-being of Future Generations (Wales) Act 2015, s 5(1).

6. Edmund Burke. *Reflections on the French Revolution*. (first published 1790).

7. Well-being of Future Generations (Wales) Act 2015, s 3(1).

8. Well-being of Future Generations (Wales) Act 2015, s 3(2). For well-being goals, see s 4.

example, it is particularly noticeable that future generation fairness is part of social policy in Wales but (it seems) not elsewhere in the UK.

Well-being imbalance

There is also a 'well-being' imbalance between the two perspectives. Intergenerational fairness, as considered by the HCWPC, has an economic well-being concentration. Well-being under the 2015 Act has a broader concentration and covers economic, social, environmental and cultural well-being.⁹ If, as is argued here, intergenerational and future generation fairness should be considered holistically, then the well-being landscape being considered should coincide. In that case, and on the face of it, the argument for considering the broader landscape seems irrefutable.

Way forward

There is need for a more holistic approach to generation fairness and this must become rooted in the fabric of political discourse and social policy formulation. Specifically, England and Wales could learn from each other. At present, the focus for intergenerational fairness is England, while for future generation fairness it is Wales. There must be cross-fertilisation each way.

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Nomenclature matters. Use of 'Intergenerational' focuses concern between two generations while 'future' takes focus away from the needs of those who are here. Perhaps 'pan-generational' fairness might be more apposite?

Some questions

While Wales may be leading on future generation fairness, is it failing to address intergeneration fairness?

What can be done to develop a holistic approach?

Does 'pan-generational fairness' provide integration between intergenerational and future generation fairness?

If you wish to comment you can email Huw Evans directly on hevans@gorwel.co

9. Well-being of Future Generations (Wales) Act 2015, s 2.

References

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Biography

Huw Evans is a lecturer in law at Cardiff Metropolitan University having previously worked as a solicitor in private practice, the Crown Prosecution Service, the Welsh Office and the National Assembly for Wales. Additionally, he is a PhD candidate and his thesis concerns the Trading Standards service and consumer protection in Wales. He remains a solicitor (although non-practising) and is a Gorwel board member.