

Chapter 2, Document 24. <http://press-pubs.uchicago.edu/founders/documents/v1ch2s24.html>. Viewed February 2012.

Scalia, A (2003): Judicial Adherence to the Text of Our Basic Law: A Theory of Constitutional Interpretation. *The Progressive Conservative U.S.A.* Volume V, Issue 225, September 5, 2003. <http://www.proconservative.net/>

Scalia, A (1997): Common-Law Courts in a Civil Law System: The Role of United States Federal Courts in Interpreting the Constitution and Laws. In: Gutmann, A (ed.): *Antonin Scalia: A Matter of Interpretation: Federal Courts and the Law*. Princeton: Princeton University Press, 3-47.

Tribe, L (1997): Comment. In: Gutmann, A (ed.): *Antonin Scalia: A Matter of Interpretation: Federal Courts and the Law*. Princeton: Princeton University Press, 65-94.



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Short-sightedness in Youth Welfare Provision: the Case of RSA in France

by *Juliana Bidadanure*

Abstract: *This paper¹ reconstitutes and addresses critically the deontological and consequentialist arguments given by the French government to justify the denial of the national guaranteed minimum income support (RSA) to young people under 25 years old. The deontological arguments express a concern for distributive justice and suggest that young people do not deserve income support. The consequentialist arguments, on the other hand, emphasise social efficiency: they draw on the alleged negative outcomes that the extension of income support to young people would bring about. After analysing each argument, this paper concludes that the denial of RSA to young people is an illegitimate discrimination. It then proposes that we understand our duties towards young people through an account of prudence that reconciles both (1) concerns of distributive justice with concerns for social efficiency and (2) concerns for inter- and intragenerational justices.*

Introduction

In June 2009, the Sarkozy government reformed the “Revenu Minimum d’insertion” (RMI), which was the French guaranteed minimum income support (effective since 1988), and implemented a new scheme

called RSA “Revenu de solidarité active”. Just like the former RMI, this new plan included a monthly allowance (of about €460) for those without any source of income. However, as opposed to the former RMI, it also made provisions for a second allowance to top up the income of the low-paid. As a result, the government claimed that it would incentivise work rather than inactivity.²

In the initial proposal, young adults between 18 and 25 years old were ineligible for RSA,³ just as they were excluded from the former RMI. According to the *Haute Autorité de Lutte contre les Discriminations et pour l’Égalité* – the French Equal Opportunities and Anti-Discrimination Commission – such differential treatment was discriminatory. The inequality of treatment was based on age – a criterion prohibited by the law – and it deprived young people of an important social right.⁴

As a response, President Nicolas Sarkozy introduced a new scheme in September 2009 entitled “RSA-jeunes” (RSA-youth) aimed at young people between 18 and 25 years old. However, as its name suggests, RSA-jeunes is different from the original RSA. It requires a past contribution: young people are only entitled to income support if

they have worked full-time for two years in the past three. Initially, 160,000 young people⁵ were supposed to receive this new allocation, which represented only 2% of young people, while approximately 20% of them lived under the poverty line, and while more than 23% of active young people were unemployed.⁶ Today, over a year after its official launch, the situation is even worse: only about 10,000 young people receive RSA-jeunes, while over one million people aged between 18 and 25 live under the poverty line.⁷ French youth unemployment is, on average, more than twice as high as the national (9.3%) and the OECD (8.5%)⁸ unemployment rate.

In this paper, I aim at presenting the justifications that were given for the denial of the original RSA to young people and for the implementation of the very restrictive RSA-jeunes instead. There was a critical lack of governmental publications justifying the practice,^{9,10} which is unacceptable given what is at stake. Drawing mainly on the introductory speech for RSA-jeunes by President Sarkozy and from scholars who questioned age requirements for minimum income, I have tried to reconstitute a taxonomy of the underpinning premises

accounting for the differential treatment. I do not wish to quibble about the numbers: 25 years old may be too old, and two years of work may be too much, yet the general principles symbolised by such numbers may still be valuable. It is my aim that the challenges raised by the assessment of these principles go beyond a mere critique of this specific governmental policy. In fact, I believe that a careful analysis will help us understand how policies aimed at young people tend to become too restrictive and short-sighted.

According to Mongin,¹¹ the authorities denied the original means-tested RSA to young people in the name of both “(1) distributive justice and (2) social efficiency”.¹² I have been able to identify at least three arguments in each of these two fields. The first three arguments are concerned with “distributive justice” and are deontological: they state that young people do not deserve income support. On the other hand, the three arguments of “social efficiency” are consequentialist arguments concerned with the outcomes that an extension of income support to young people would bring about.

Here is a table of my understanding of these arguments:

Deontological arguments (three desert basis: need, contribution and effort)	Consequentialist arguments
- The “needs-based argument”: Young people have smaller “needs” which can be met by their family; thus more restrictive requirements can justly be applied to them.	- The “paternalistic argument”: Work is essential to people’s happiness and wellbeing; thus, it should be incentivised in general, and more so among young people.
- The “reciprocity argument”: Young people are not “contributors”; thus they should not be entitled to income support unless they have already worked.	- The “dependence argument”: The phenomenon of dependence on benefits is particularly problematic among young people (emphasis on youth behaviour); thus more incentives on work in order to avoid dependence are legitimate.
- The “meritocratic argument”: Young people have made relatively less “efforts” than adults in their lives; thus they do not deserve a reward, apart from those who have worked.	- The “responsibility argument”: Promoting a sense of responsibilities among young people is fundamental; thus the government should not give them something for nothing.

Figure 1: Taxonomy of the arguments supporting more restrictive income support for young people

For the purpose of this paper, I will not analyse each of these arguments in depth. However, I will still introduce them all briefly and try to point out where I believe they fail.

Deontological arguments

According to Sarkozy, RSA ought to be allocated to those “who deserve it”.¹³ Feinberg explains that desert involves a deserving subject and a desert basis: “judgements of desert carry with them a commitment to the giving of reasons. If a person is deserving of some sort of treatment, he must, necessarily, be so in virtue of some possessed characteristics or prior activity.”¹⁴ By denying the original RSA to young people, the government claims that young people in general (subject) do not deserve RSA (object). Yet, what desert basis can explain such judgements? In other words, what criteria underpin the de facto division between deserving and undeserving subjects imposed by the RSA?

Wim van Oorschot has identified five criteria of deservingness:¹⁵ (1) control, that is people’s power and responsibility over their situation; (2) need, that is the degree of deprivation of the person; (3) identity, that is the intensity of the proximity people feel towards the recipients; (4) attitude, that is the degree of gratefulness or docility; (5) reciprocity, the extent to which the person contributes.¹⁶ These criteria can help in reconstituting three desert-based arguments

that could justify the differential treatment between under and over 25 years old citizens.

Needs-based argument

The framing of RSA-jeunes reveals that the French government believes that young people’s needs matter less than those of older adults, mostly because they can rely on their family. This reasoning explains why most benefits aimed at young people are allocated through their parents by a system of tax deduction. However, the needs-based argument can easily be dismissed because as a matter of fact, not all families provide for their young adult members. If we really care about addressing genuine needs, RSA should be allocated to young people whose families do not provide for their primary needs. It is true that young people are often dependent on their families and are thus generally less in need of a minimum income than adults. However, some young people need it just as much because they are dependent on a poor family. A study from the Secours Catholique has shown that disadvantaged families see an income decrease of 25% when they have to care for one young adult, and single mothers an income decrease of 33%.¹⁷ Disadvantaged families and their young adult members are at risk of falling into a vicious cycle of poverty. Thus, just like a non-working spouse is denied RSA if and only if he or she has access to a rich enough partner, it seems that a young person should be denied RSA if and only if he or she depends on a rich enough household. There are no convincing needs-based reasons for denying RSA to at the least needy young people.

Reciprocity argument

The reciprocity argument appeals to the idea that people ought to contribute to society’s well-being if they are to expect the community to provide for their subsistence when they are vulnerable. This is the idea underpinning the backward-looking requirement that young people must work for at least two years before they can claim income support. Contribution is understood as giving rise to entitlements. As Cummiskey puts it, desert as entitlement provides “the basis for a plausible account of the nature of backward-looking reasons, which are constitutive of some institutions”.¹⁸ The requirement of a past contribution derives from the principle of reciprocity, described by Stuart White in the following way: “if one willingly enjoys the fruits of one’s fellow citizens’ labour, then as a matter of justice one ought to provide some appropriate good or service in return.”¹⁹

However, this argument is not sufficient to justify RSA being denied to many needy young people for two main reasons. First, even if we agree that participation ought to be a requirement, there is no reason why paid employment should be the only acceptable form of contribution. What about volunteering, caring, interning or even studying? Are these not legitimate activities for citizens under 25 years old? Perhaps studying is less straightforwardly conceived as a societal contribution than paid employment or volunteering. However, even though higher education is a personal investment, it is clear that it has a great impact on how well the society as a whole ends up faring in terms of skills, knowledge, technology and

“Reciprocity rests on a willingness to be part of the social fabric. A retiree displays it by pointing at past achievements; a young person displays it by her intention, in a forward-looking way, to reciprocate, by a willingness to work, to study, etc.”

culture. Thus, even if education is a less direct societal contribution, it clearly is a considerable long-term investment in society as a whole.

Second, even if we agree with White that justice requires that someone who receives benefits offers something in return, it is not clear why this contribution should be required as a past pre-requisite. It seems that discourses tend to confuse reciprocity with utility: reciprocity is not restricted to participation in insurance schemes. These schemes are just one way to promote reciprocity and maximize utility. In the case of retirement pensions, people are indeed required to contribute before they benefit, since they are likely to be unable to work after a certain age; the retirement system is conceived so that it fits utility. So, indeed, the young have not made payments into social insurance yet. But that is not relevant to reciprocity. Since young people have a long working-life ahead of them, forward-looking contributions should not be problematic. Reciprocity rests on a willingness to be part of the social fabric. A retiree displays it by pointing at past achievements; a young person displays it by her intention, in a forward-looking way, to reciprocate, by a willingness to work, to study, etc.

Meritocratic argument

The meritocratic argument is based on the

idea that an individual's merit is a fair basis to justify differential treatment: “RSA-jeunes will be reserved for those who have worked in the past. These young people deserve that the nation rewards their efforts.”²⁰ It relies on the principle that rewards should be allocated in return for a certain effort. Effort is linked to Oorschot's notion of “control”: the more control a person has over his or her situation, the more effort he or she can legitimately be required to show. Oorschot's notion of “attitude” also links with effort. People believe that the better the attitude you have, the more deserving you are.²¹

Drawing on these criteria and comparing the young to the elderly helps in understanding why young people appear to lack the essential desert basis of effort. Old people are disabled by their ageing, over which they have no control. By contrast, young people are able and thus have more power over their lives. Moreover, old people are thought to be “undemanding, grateful and not rebellious”.²² Young people, on the other hand, are often depicted in the media as rebellious, ungrateful, lazy or self-centred.²³ Thus young people who step up and make efforts to provide for themselves deserve a reward; the others do not. RSA-jeunes, by requiring two years of work, is framed so that it protects the meritocratic ideal of effort.

However, effort is only meaningful if young people have control over their situation, and if it is their attitude that causes their deprivation. Yet, when we look at the current job market, it is difficult to claim that unemployed young people are entirely responsible for their situation. Young people may be physically able, yet in the current economic situation they are handicapped by the crisis, and at great risk of unemployment. Even Sarkozy recognises that “young people of today have to face the challenges of a world in crisis – a crisis for which they are not responsible.”²⁴ If young people do not entirely control their situation, then an income support scheme should at least be adjusted to take into account their resulting precarious situation.

Furthermore, even if effort is a fair desert basis, it is very difficult to assess. In fact, the energy, concentration and perseverance someone has applied to a task are not always correlated with the results he or she gets. Assessing effort requires an understanding of the whole path someone has taken, and it is even harder to know whether young person x is more, equally, or less deserving than

young person. Moreover, as Van Parijs points out, the problem with conditionality based on an account of merit is that some deserving people are always overlooked. Yet, according to him, this is worse than allocating income support to undeserving persons.²⁵ This is one more reason to believe that merit is not an authoritative rationale to justify the denial of income support to young people.

I have tried to show that the desert-based account of distributive justice does not account effectively for the denial of the original RSA to young people. Therefore I agree with the Haute Autorité de Lutte contre les Discriminations (HALDE) that the differential treatment is discriminatory – the distinction gives rise to an important social inequality²⁶ – and yet cannot be effectively accounted for by a desert-based account of distributive justice. According to the HALDE, such a discrimination based on age is legitimate “only if it is justified objectively and reasonably, i.e. if it pursues a legitimate goal and if the ratio between the means employed and the goal pursued is reasonable.”²⁷

Consequentialist arguments

From a consequentialist standpoint, no matter who really deserves what, “the right act in any given situation is the one that will produce the best overall outcome.”²⁸ If denying the original RSA to young people brought about a better cost/benefit ratio than its extension, then discriminating against young people would be legitimate. In other words, if allocating income support to young people brought about adverse consequences, then denying young people RSA would be justifiable. Indeed, Sarkozy specifically referred to the detrimental consequences that an extension of the original RSA would provoke: he argued that it would render young people dependent and teach them the wrong values.²⁹ I have identified three fundamental consequentialist concerns for the extension of the original RSA to young people, which support the view that denying benefits to young people is legitimate because it maximises social utility.

Paternalistic argument

The paternalistic argument is based on the very common idea that work is fundamental for our wellbeing. Sarkozy's concern is allegedly primarily motivated by a concern for the sake of young people themselves. He appeals to the common intuition that “any job is better than no job” and thus that

employment among young people must be promoted. Many would agree that work is valuable instrumentally because, in general, it protects people from poverty, gives them a sense of self-worth, and permits them to make friends and develop a social network.³⁰ Yet, this both applies to young people and to adults, so why would it justify young people been treated differently? Let us admit for a second that more paternalistic incentives are legitimate with respect to young people, because they have not yet established a reasonable view of what a good life entails. The state would thus have a duty to compel them, because participation in work is a reasonable and well-shared vision of part of the good life.

Even if this is true, there is still a case to be made against more incentives to work for young people. There are alternatives to employment that may prove more fulfilling, rewarding and will bring better outcomes in the long-term than a bad job. Some jobs tend to be demeaning, exploitative and unrecognised and thus can be more destructive than rewarding. These tend to result in a loss of self-confidence.³¹ Thus, for the paternalistic argument to work, it will have to show that the loss of self-confidence resulting from a bad job is better than that resulting from not being employed.

Moreover, there are several alternatives to inactivity for young people such as education, volunteering, and interning. These might improve young people's skills and accomplish a better sense of self-worth than some bad jobs. Thus it seems that the maxim "any job is better than no job" should be nuanced; and even more so among young people, since there are alternatives that may prove more fulfilling and bring about better long-term outcomes than employment. As a result, RSA-jeunes' incentive, which exclusively focuses on paid employment, cannot be justified solely on paternalistic grounds.

A mix between concerns for young people's wellbeing and for taxpayers may be more successful in justifying more restrictive support. Young people's wellbeing should be compatible with the community's interest: "when a person works there are also gains to the taxpayer (lower benefits and more taxes) and higher profit to employers. This is a powerful case for getting the unemployed into work, even if the work is not ideal."³² Moreover, consequentialism requires that we give equal weight to the interests of everyone.³³ The question of whether the

denial of RSA is legitimate is thus dependent on determining whether imposing a higher burden on taxpayers is legitimate. In this way, the following two arguments may be more efficient since they link concerns for the young with societal concerns.

Dependence argument

The dependence argument rests on the idea that the extension of RSA to young people would be detrimental to young people and to the whole of society since it would promote idleness. Sarkozy justified the denial of the original RSA to young people by stating that it "would contribute to institutionalising a dependency culture among young people".³⁴ RSA-jeunes alleviates dependence since its eligibility is restricted to young people who have worked in the past; they seem to be the least likely to become idle.

Benefits can trap both adults and young people in poverty, yet here again we will assume that more incentives on young people are legitimate because the state has a responsibility to push young people forward – this seems legitimate to the extent that the decisions taken by young people at this stage of their lives are likely to be fraught with consequences. Moreover, it is clear that young people's contribution is more essential than that of their parents; a 20 year old is expected to contribute at least 40 years of work while a 40 year old is only expected to work a further 20 years. Thus the poverty trap may be more damaging in the long run when young people are affected, all the more when the ratio of young/old people is constantly decreasing. Thus the dependence argument may hold more authority in the treatment of youth unemployment.

Intuitively, it seems that some young people on benefits will not develop an ambitious and active spirit – to move to places where there is work, to search for training, or to escape an unpleasant job – while they would have done so without benefits. Mongin argues that if students were to be allocated a minimum income "it would undermine the incentive to succeed in exams, to select demanding fields, to quit education for professional life after a reasonable time."³⁵ But, are these intuitions reasonable? Is the benefit trap a sufficiently objective force in the world to justify denying a minimum income to most poor young people?

Many sociologists have strongly argued against the emphasis on benefits to explain the persistence of dependence among certain groups. They explain why individuals are

and stay on benefits through a systemic approach – structural causes affecting people's abilities to work (for instance, living in remote places or within areas where unemployment is particularly high, lacking training, looking after someone, or being sick³⁶). Moreover, a surprisingly high number of people work, even though they do not earn more than they would receive on benefits. Several sociologists, such as Hartley Dean from the Centre for the Analysis of Social Exclusion, thus conclude that the fear of a dependency culture is based on a "discursive rather than objective phenomenon".³⁷ Therefore there is a critical lack of evidence to support the view that benefits themselves trap people in inactivity and engender a dependency culture amongst young people. As such, the dependency argument is not sufficient to justify the discrimination.

Responsibility argument

The responsibility argument is the last argument I have identified against the extension of the original RSA to young people. Sarkozy argued that the original RSA would undermine young people's sense of responsibility. For him, promoting responsibility matters all the more given that autonomy is on the line. Autonomy is "the faculty for each of us to make his own choices and to assume them, for the counterpart of the possibility to choose is the responsibility of the choice that you make."³⁸ Thus developing a strong sense of responsibility is fundamental for young people's personal development as autonomous agents.

However, I believe that there are two different dimensions of responsibility that concern the French public authorities: when they care about responsibility, they care about both (i) responsibility as autonomy – as taking on the costs of one's choices; and (ii) responsibility as solidarity – as caring for the community.

I think that the allocation of income support to young people may promote responsibility (ii) as willingness to care for the community. Indeed, within a family structure, having been funded and cared for sufficiently to flourish might result in a strong desire to reciprocate in the future: by providing for your own children, and by providing for your elders. Similarly, one could argue that young people "sponsored" by the state in their projects will develop an acute sense of reciprocity, and thus of responsibility towards the very community that has

supported them. Thus the extension of the original RSA to young people may well promote (ii) – that is, responsibility as solidarity.

However, what about (i) responsibility as autonomy? One might argue that RSA cannot be a desirable solution if it slows down young people's development as autonomous agents. The American scholar Marina Oshana defines an autonomous person as an agent "who directs or determines the course of her own life and who is positioned to assume the costs and the benefits of her choices".³⁹ Thus, like Sarkozy, Oshana considers that responsibility for assuming the costs of one's choices is required for autonomy.⁴⁰

"Being responsible is merely the formal part of personal autonomy, but people need a more substantial autonomy in order to make free choices."

However, autonomy cannot be reduced to responsibility. It also requires a certain control over one's "choices, actions and goals".⁴¹ Thus, autonomy is linked to those skills that allow people to create opportunities. Being responsible is merely the formal part of personal autonomy, but people need a more substantial autonomy in order to make free choices.

"Real autonomy", according to Nicolas Farvaque, refers to the "capability, i.e. the potential effectively to achieve personal goals."⁴² His concept is very close to what Van Parijs calls real freedom,⁴³ and, like Van Parijs, Farvaque argues that guaranteed income support is required for real autonomy. Real autonomy demands capabilities, and if a minimum income is not sufficient for this, it is at least required, since money increases the set of choices available to a person. Money can be transformed into a plurality of opportunities; it thus potentially addresses the situation of many young people. Thus, extending RSA to young people without more restrictions than adults is necessary to promote young peoples' real autonomy. Consequently, the obsession of the French government with responsibility is misplaced and does not entail the denial of RSA to young people.

To sum up, it is true that extending the original RSA to young people may result in a welfare loss for those who will choose unemployment over activity, while RSA-jeunes does not bear such costs because it strongly incentivises employment. However, RSA-

jeunes disincentivises alternatives which can better maximise young people's wellbeing and future outcomes than employment; it is likely to reinforce inequality of opportunity, since only those from disadvantaged backgrounds will be incentivised to work; additionally, it may not promote young people's responsibility as solidarity and their real autonomy, whereas the extension of the original RSA would deliver these benefits. Therefore the consequentialist arguments that I have analysed are not sufficient to justify the denial of RSA to young people who need it. The empirical data supporting the official discourse was very scarce and the concepts used – such as responsibility, autonomy and dependence – were not sufficiently defined and thus led to contradictions and misconceptions. As a result, I believe that the denial of full RSA to young people is an *illegitimate* discrimination.

Conclusion: a case for intergenerational justice

Do these conclusions only stand outside of a climate of economic austerity? Does this refutation of the arguments require an ideal and perfectionist conception of justice, which therefore may be opposed by real politicians in a non-ideal political world subject to the rules of scarcity? I will now try to point out one way to argue that even in a context of economic austerity, the extension of a minimum income is required for the achievement of, on the one hand, (1) social justice and efficiency and on the other (2) intra- and intergenerational justices.

(1) The prudential lifespan account: reconciling social justice and efficiency

Drawing from Rawls, Norman Daniels⁴⁴ developed a framework to establish what intergenerational justice requires: the "prudential lifespan account". Since justice requires fairness, this question cannot be answered under particular circumstances. The democratic game may maximise the interests of the taxpayers at a given point in time and this may undermine long-term social efficiency and justice as fairness. Daniels argues that intergenerational policymakers should blind themselves to their age and ask which institutions are prudent over a lifespan. In other words, he asks what a person behind a veil of ignorance would want to secure for each stage of her life. One of the conclusions that Daniels's prudence-based account draws out is that we must

preserve a "normal" range of opportunities throughout the lifespan. Prudence requires that at any age, and especially when we are most vulnerable, we are still free to make choices; this leads us back to the need for "real autonomy". Securing such autonomy would require, for instance, the procurement of a secure income for our old age.

In the same way, young adulthood is a key moment in a lifespan. Although the young are able-bodied, they are vulnerable in the sense that investments in future opportunities need to be made right then and there. Jonathan Wolff⁴⁵ argues that what matters most about disadvantage is its clustering. If we were all equally disadvantaged at one or two things, then disadvantage would not be much of a problem. However, society is such that some disadvantages are corrosive – they yield further disadvantages. Prudence thus seems to require identifying corrosive disadvantages and acting upon them. This view sheds some light on the type of vulnerability from which young people suffer. Disadvantage at this age is likely to provoke a clustering of disadvantage over a lifespan. Just like it makes sense to tackle child obesity rather than deal with the clustering of its consequences during adulthood, tackling poverty and powerlessness among young adults is necessary if we are to avoid severe consequences in the future. In this way, Louis Chauvel⁴⁶ worries about what he calls the "scarring effect" – i.e. the fact that the conditions of entry into the labour market influence one's career (income, unemployment risks) over one's entire life course. We can also realistically worry that the cohort of young people today will face higher social inequalities in the future, higher rates of social exclusion, depression, suicides, etc. These young people, scarred by poverty and unemployment, will become resentful, frustrated, depressed and eventually abandon fighting; we can only imagine the disastrous consequences it will have on society as a whole.

These consequences of youth deprivation suggest that it is very likely that not dealing with youth poverty, which affects 1 million poor young people today, will also end up being more costly in unemployment benefits, social exclusion and the cluster of consequences arising from them. Thus it is inefficient in the long-term to deny a minimum income to young people in need. The prudential lifespan account tells us that intergenerational justice requires maximising young people's capacity to make free choices

in the name of fairness and long-term social efficiency, even in a climate of economic austerity, or, rather, *especially* in a climate of austerity. In other words, if we want fully “functioning” adults in Sen and Nussbaum’s sense, we need to endow the young with the capabilities that will promote their real freedom. Prudence brings together a deontological view of distributive justice, understood as fairness, with a utilitarian concern for efficiency over a lifespan.

(2) The facilitation hypothesis:⁴⁷ reconciling intra- and intergenerational justice

Finally, I believe that our case study has taught us something fundamental about the alleged competition between two kinds of justices: inter- and intragenerational justices. I do not believe that there is a way to be conclusive about their complex rivalries and connections, and the answer probably lies in assessing the plurality of specific cases. However, I believe that two conclusions can be drawn from my specific case study. These conclusions are in line with what Glotzbach and Baumgärtner⁴⁸ refer to as the facilitation hypothesis: “Achieving intragenerational justice will improve our chances of achieving intergenerational justice. Achieving intergenerational justice will also help in securing intragenerational justice.”⁴⁹

First, focusing on young people allows the reconciliation of pressing concerns for the worse off with longer-term issues. Philosophers interested in intergenerational justice often focus on challenges arising from responsibilities towards future unborn people. However, I believe that focusing on young people is an efficient way to address indirectly our duties towards future people. Therefore one question I want to ask is the following: what capabilities, rights, institutions and goods are necessary for young people to be able to tackle and survive tomorrow’s challenges? My hypothesis is that the main capability to promote is what Nicolas Farvaque refers to as “real autonomy”, the “capability, i.e. the potential effectively to achieve personal goals.”⁵⁰ In this context, income support seems to stand as a particularly appealing measure, which both meets the requirements of justice between contemporary generations and promotes the interests of future generations.

Second, when it comes to the option of a minimum income for young people, it seems that meeting the requirements of intergenerational justice improves our chances of meeting the requirements of intragenerational

justice. While most inequalities within age-groups have fallen in France, they have increased within the 18–24 age-group.⁵¹ The current benefits system urges young people from poor families to take on low-paid jobs to meet their needs while others are able to afford studies, internships and other activities which will enhance their capabilities and opportunity set. This is all the more worrying in that we know that young people cannot even find these low-paid jobs easily and that unemployment rates are, on average, more than twice as high for those without a higher education diploma than for those who have completed two years of higher education.⁵² A recent study led by the OVE – French Observatory of student life – has shown that the number of working-class children in higher education is decreasing already. Even in the more technological and professional fields that were initially designed for students from disadvantaged backgrounds, the proportion of young people whose parents were working-class, farmers or employees dropped from 42% to 34% between 2006 and 2010.⁵³

Equality of opportunity is generally understood as a fundamental principle of intragenerational justice; yet promoting equality of opportunity necessarily requires taking into account the transmission of goods from one generation to the other. Consequently, counteracting an unfair intergenerational determinism is our best chance to reduce intragenerational inequalities of opportunity. As a result, it is highly likely that allocating a minimum income to young people, as well as other social institutions and goods, will improve our chances of achieving both justices.

Notes

- 1 This research was conducted with the support of both a master’s degree research award from the AHRC (at LSE in 2008-2010) and a doctoral scholarship from the Department of Politics at the University of York.
- 2 Senat 2009.
- 3 Single parents with a dependent child were an exception.
- 4 HALDE 2008.
- 5 Gouvernement 2009.
- 6 Rollot / Floch 2010.
- 7 Landré 2011.
- 8 OECD 2010.
- 9 Mongin 2008.
- 10 HALDE 2008.
- 11 Mongin 2008.
- 12 Mongin 2008: 10.
- 13 Sarkozy 2009.

- 14 Feinberg in Cummiskey 1987: 15.
- 15 Orschot draws on De Swaan 1988, Cook 1979 and Will 1993.
- 16 Oorschot 2000: 36.
- 17 Secours Catholique 2010: 13.
- 18 Cummiskey 1987: 15-16.
- 19 White 2003: 49.
- 20 Sarkozy 2009.
- 21 Oorschot 2000: 37.
- 22 Oorschot 2000: 37.
- 23 Warner 2010.
- 24 Sarkozy 2009.
- 25 Van Parijs 2000.
- 26 Berton 2007.
- 27 HALDE 2008: 10.
- 28 Scheffler 1988: 2.
- 29 Sarkozy 2009.
- 30 Bailey 2006.
- 31 Mark B. Stewart 1999.
- 32 Layard 2004: 2.
- 33 Scheffler 1988.
- 34 Sarkozy 2009.
- 35 Mongin 2008: 9.
- 36 Dubet / Veretout 2001.
- 37 Dean / Taylor-Gooby 1992 : 27.
- 38 Sarkozy 2009.
- 39 Oshana 2006: vii.
- 40 Oshana 2006: 161.
- 41 Oshana 2006: 3.
- 42 Farvaque / Salais 2003: 67.
- 43 Van Parijs 1997.
- 44 Daniels 1988.
- 45 Wolff 2007.
- 46 Chauvel 2010.
- 47 Glotzbach / Baumgärtner 2009.
- 48 Glotzbach / Baumgärtner 2009.
- 49 Glotzbach / Baumgärtner 2009.
- 50 Farvaque / Salais 2003: 67.
- 51 Maurin 2008: 95.
- 52 Maurin 2008: 35.
- 53 Jay 2011.

References

Bailey, N (2006): Does Work Pay? Employment, Poverty and Exclusion from Social Relations. In Levitas. R, Gordon. D, Pantazis. C (eds.): Poverty and Social Exclusion in Britain: The Millennium Survey. Bristol: The Policy Press, 163-191.

Berton, R (2007): La discrimination méritocratique est-elle injuste ? In: Revue de Philosophie Economique. Vol. 8 (1/2007) 47-72.

Chauvel, L (2010): The Long-Term Destabilization of Youth, Scarring Effects, and the Future of the Welfare Regime in Post-Trente Glorieuses France. In: French Politics, Culture & Society. Vol. 28 (3/2010), 74-96.

- Commission de concertation sur la politique de la jeunesse (2009): Reconnaître la valeur de la jeunesse, Synthèse des propositions de la commission. http://www.lagenerationactive.fr/files/LivreVertSynthese_web0907.pdf. Viewed 2010.
- Cook, F (1979): *Who Should Be Helped: Public Support for Social Services*. Beverly Hills: Sage Publications.
- Cummiskey, D (1987): Desert and Entitlement. A Rawlsian Consequentialist Account. In: *Analysis*. Vol. 47 (1/1987), 15-19.
- Daniels, N (1988): *Am I My Parent's Keeper?* Oxford: Oxford University Press.
- Dean, H / Taylor-Gooby, P (1992): *Culture, Structure and Failure: The Underclass Debate. Dependency Culture: The Explosion of a Myth*. Hemel Hempstead: Harvester Wheatsheaf, 26-50.
- Dubet, F / Veretout, A (2001): Une « réduction » de la rationalité de l'acteur. *Pourquoi sortir du RMI ?* In : *Revue Française de Sociologie*. Vol. 42 (3/2001), 407-436.
- Farvaque, N / Salais, R (2003): Implementing Allowances for Young People in Difficulty in France: Enhancing Capabilities or Increasing Selectivity? In: Standing, G (ed.): *Minimum income schemes in Europe*. Geneva: International Labour Organisation, 55-72.
- Glotzbach, S / Baumgärtner, S (2009): The Relationship between Intragenerational and Intergenerational Ecological Justice. Working Paper Series in Economics no. 141. University of Lüneburg, Germany.
- Goodin, R (1995): *Basic income. Utilitarianism as a Public Policy*. Cambridge: Cambridge University Press, 228-244.
- Gouvernement (2009): *Revenu de solidarité active, Dossier de Presse*. http://www.rsa.gouv.fr/IMG/pdf/DP_rSa_un_an_apres_le_vote_de_la_loi-2.pdf. Viewed August 2006.
- Grandguillot, D (2009): *RSA, Revenu De Solidarité Active*. Paris: Gualino.
- Guigou et al. (2002): *Pour une autonomie responsable et solidaire, Rapport au Premier Ministre*. Paris: La documentation Française.
- HALDE (2008): *Délibération n° 2008-228* du 20 octobre 2008. <http://www.halde.fr/IMG/pdf/2008-228.pdf>. Viewed Aug. 2010.
- Hills, J (1999): *Persistent Poverty and Lifetime Inequality: The Evidence*. London: CASE.
- Jay, C (24 Jan 2011): *Les études supérieures de moins en moins accessibles aux enfants d'ouvriers*. *La Tribune*.
- Landré (16 Oct. 2011): *Le RSA Jeunes sera réformé en Décembre*. *Le Figaro*.
- Layard, R (2004): *Good Jobs and Bad Jobs*. London: Centre for Economic Performance.
- Leparmentier, A (28 Sep. 2009): *Le nouveau plan pour préserver les jeunes de la précarité sociale*. *Le Monde*.
- Martin, J (2009): *RSA a minima pour les jeunes: Sarkozy ménage son camp*. <http://www.rue89.com/2009/09/29/sarkozy-fabrique-un-rsa-jeunes-a-minima-pour-menager-son-camp>. Viewed August 2010.
- Maurin, L / Savidan, P (2006): *L'état des inégalités en France*. Paris: Belin.
- Michaud, Y (2009): *Qu'est-ce que le Mérite?* Paris: Bourin.
- Mongin, P (2008): *Faut-il attribuer le revenu de solidarité active à 18 ans? Les cahiers de la recherche*. No. 911.
- OECD (2010): *How does your country compare – France*. http://www.oecd.org/document/49/0,3746,en_2649_33927_43219_249_1_1_1_1,00.html. Viewed Feb. 2012.
- Oorschot, W. V (2000): *Who Should Get What and Why? On Deservingness Criteria and the Conditionality of Solidarity Among the Public*. In: *Policy & Politics*. Vol 28 (1/2000), 33-48.
- Oshana, M (2006): *Personal autonomy in society*. Hampshire: Ashgate Publishing Ltd.
- Rawls, J (2003): *The Problem of Justice between Generations. A Theory of Justice*. Harvard: Harvard University Press, 251-259.
- Rollot, C / Floch, B (25 Aug. 2010): *Le RSA jeunes, une "politique sociale ciblée"*. In: *Le monde*. http://abonnes.lemonde.fr/societe/article/2010/08/25/le-rsa-jeunes-une-politique-sociale-ciblee_1402458_3224.html. Viewed August 2010.
- Sarkozy, N (2009): *Agir pour la jeunesse*. http://www.dailymotion.com/video/xan9fd_avec-le-rsa-jeunes-m-sarkozy-brise_news. Viewed August 2010.
- Scheffler, S (1988): *Consequentialism and Its Critics*. Oxford: Oxford University Press.
- Secours Catholique (2010): *Jeunes, une génération précaire*. http://www.secours-catholique.org/IMG/pdf/Dp_Stats2010-2-2.pdf. Viewed February 2012.
- Senat (2009): *Projet de loi de finances pour 2010: Solidarité, insertion et égalité des chances*. <http://www.senat.fr/rap/109-101-330/109-101-3303.html>. Viewed August 2010.
- Stewart, B (1999): *Low Pay, No Pay Dynamics*. In: Hills, J (ed.): *Persistent Poverty and Lifetime Inequality*. London: Centre for Analysis of Social Exclusion (CASE), ch. 10.
- Swaan, D (1988): *In Care of the State*. Amsterdam: Bakker.
- Van Parijs, P (2000): *A Basic Income for All*. In: *Boston Review* (Oct-Nov/2000).
- White, S (2003): *The Civic Minimum: On the Rights and Obligations of Economic Citizenship*. Oxford: Oxford University Press.
- Will, J (1993): *The Dimensions of Poverty: Public Perceptions of the Deserving Poor*. In: *Social Science Research* (22/1993) 312-32.
- Wolff, J (2007): *Disadvantage*. Oxford: Oxford University Press.



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