

## INTRODUCTION: ON THE CHALLENGES OF INTERGENERATIONAL JUSTICE AND CLIMATE CHANGE

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### ABSTRACT

This introduction aims to describe some fundamental problems of intergenerational justice and climate change. It also intends to provide comments on improved versions of some of the best papers presented in the International Meeting “Intergenerational Justice and Climate Change: juridical, moral and political issues” that took place at Cordoba National University (Argentina), in September 2017. In that meeting, the discussion focused on these topics by considering the ideas of the two keynote speakers invited to the event: Lukas H. Meyer and Alessandro Pinzani. I devote the last part of this essay to discuss two pressing issues concerning climate change whose practical solutions challenge our standard understanding of the notion of harm.

**Keywords:** Climate Justice; Future People; Harm Principle; Non-Identity Problem.

### Introduction

Since John Rawls’ writings and, more specifically, the work of Derek Parfit, the study of intergenerational issues has increased considerably. Intergenerational discussions focus on two sets of questions. On the one hand, the relationship between currently living people and past and future generations, and, on the other hand, it focuses on the relationships between currently living people in matters that have components that cannot be limited to the temporary space in which currently living people exist. Past generations include those subjects that no longer exist at present, while future generations include those who will exist after current living people die. In a nutshell, intergenerational justice tends to understand how people, whose lifetime do not overlap, should relate to each other.

The study of the intergenerational question has gained practical relevance due to a series of problems, characteristic of the time in which we live, whose solution requires considering scenarios that either took place in the past or are likely to occur in the future. Climate change is one of the most critical problems that theories of intergenerational justice have to deal with. Climate change is a unique case because it involves, in the realm of climate justice discussions, both global and intergenerational concerns.

In the introduction to this special issue, firstly, I will highlight some of the most challenging problems that should be solved in the realm of intergenerational justice and climate change (section I). Secondly, I describe and provide comments on the papers included in this issue (section II). Finally, I will devote the last part of this essay to discuss two pressing issues whose practical solutions challenge our standard understanding of one of the most relevant moral concepts, that is, the notion of harm. I will discuss, on the one hand, the non-identity problem. This issue challenges the concept of harm. On the other hand, I analyse the discussion concerning what kind of obligations we have when we talk about minimising the number of people who will suffer harm as a result of the adverse effects of climate change. This second problem challenges the normative significance of the notion of harm (section III).

## **I. Intergenerational justice and climate change: some problems**

### **1. Intergenerational justice**

If we focus on our relationship with future people, there are at least four sources of doubts regarding the possibility of intergenerational justice (*see* Meyer 2015, 1-9). It has been denied (1) that future people will have claims towards presently living people since they do not have current existence (De George 1980, 159). It also has been challenged (2) that we have obligations to future generations based on the present lack of available information regarding future people's interests (Ost F. and v. Hoecke 1997, 697). Others have objected (3) that because future people cannot exercise power on us in order to enforce our obligations, we have no obligations *vis-à-vis* them. Between future people and us, there is no reciprocity (Gauthier 1987, Ch. 9). Our motivation for being concerned with future people's well-being has also been challenged (4). In this introduction, I cannot deal with all of these problems in detail. However, mainly by following Lukas H. Meyer's writings, I would like to suggest some ways in which these issues might be addressed.

Regarding (1), the objection is that because of future people do not exist now; they cannot be bearers of rights in the present. Robert Elliot provides two classical responses to this objection. On the one hand, the non-concessional view, which rejects that "there cannot be rights whose bearers do not yet exist" (Elliot 1989, 160). On the other hand, the concessional view, which concedes this point but rejects that the present inexistence of future people's rights is a valid basis for rejecting that present living people have duties towards future people, provided that future people will exist (Elliot 1989, 161-162).

Concerning (2), that is, the problem of the so-called *temporal myopia*, the following could be stated. From the lack of knowledge about future generations' interests, it does not follow the inexistence of obligations toward them. Instead, the consequence would be –more plausibly– the opposite. The current generation has, at least, the duty not to undermine the condition of life of future people in a way that it would be impossible for them to fulfil their interests, whatever those interests might be, to the extent that such interests will be reasonable.

Regarding (3), that is, the lack of capacity of future generations to impose sanctions on the non-fulfilment of our obligations, it could be stated that such objection relies on a contentious theory about rights: the *will theory*. If instead of such theory, we adopt the *interest theory* of rights, to be able to exercise a right is neither necessary nor sufficient to be the bearer of a right. According to this theory, claiming that X has a right is asserting that “an aspect of X's well-being (his interest) is a sufficient reason for holding some other person(s) to be under a duty” (Raz 1986, 166). If we assume, as Meyer has suggested, that future people will have interests in the future which we can adversely affect by our actions in the present, it seems accurate to claim that future people will be –in the future– bearers of rights to whom we are –in the present– under correlative duties (2015, 11)

Finally, regarding (4) our motivation to worry about future people, the problem arises since it seems that nothing they might do could benefit us. Therefore, we would not have reasons to want to fulfil our duties *vis-a-vis* them. However, it could be claimed that –at least with future people whose existence is not so distant in time– we share with them strongly future-oriented projects. This fact makes us members of an intergenerational community that allows us to find common bases to be motivated in fulfilling our obligations regarding future generations (Meyer 2000, 646). According to Meyer, strongly future-oriented projects are those which transcend the time of living of some person. These projects would be meaningless if future people will not follow the pursuing of them (Meyer 1997, 141-142). For example, think of those projects of huge forestation that will be useful only in a future that is relatively far from now. Owing to the fact that fulfilling projects like this require some future people's actions, it seems that we need to fulfil our obligations regarding them in order for our project to be fruitful. The fact that we need help from future people in order to fulfil such projects provide some source of motivation to fulfil our duties to future generations.

## 2. Climate change justice

Anthropogenic climate change is the consequence of the accumulation of greenhouse gases in the atmosphere. According to the 5<sup>o</sup> IPCC (Intergovernmental Panel Against Climate

Change) report, climate change will cause floods, heatwaves, food insecurity, droughts and epidemics transmitted by vectors and the water (IPCC, 2014). These changes will cause not only a worsening of people's conditions of life but also a large number of deaths (IPCC, 2018). These consequences are caused by changes in climate, mostly occasioned by historical emissions. These circumstances make climate change a unique case of historical injustices. Standard cases of historical injustices are those in which past generations of one community wronged past generations of other community, and current living members of both generations try to respond fairly to that historical fact. However, regarding climate change, “we are faced with the situation that earlier generations of one community directly affect something to the detriment of later generations of another community” (Meyer & Roser 2010, 230). Further, the present generation of both communities should take measures to solve the problem. These distinctive features of climate change force us to analyse how to achieve a fair distribution of the burden of combating anthropogenic climate change by taking into account not only global but also intergenerational dimensions (Kostald C. et al. 2014, 215-219; Meyer 2013, 603). Because many of the contributions to this special issue discuss this issue, here, I will only describe the general framework of how to analyse the “distribution problem”.

The discussions here try to provide a normative framework according to which the global carbon budget of greenhouse gases might be justifiably distributed. In this realm, scholars discuss *what*, among *which entities* and *how* the distribution should be made. The discussion of *what* should be distributed is related to the right *currency* according to which the distribution of the carbon budget should be assessed. Scholars disagree if that currency has to be defined in terms of basic needs, welfare or capabilities. The discussion concerning *which entities* refers to who are the entities that should be considered as the appropriate *providers* of the burdens and benefits of climate justice obligations. Here, the discussion is between those who claim that individual (or legal) persons should be burdened and those who claim that States are the appropriate entity that should bear the burden.

Finally, the discussion of *how* the distribution should be performed focuses on two separate issues. The first one tries to identify if the *pattern* of distribution should be specified according to egalitarian, prioritarian or sufficientarian concerns (*see* Meyer and Roser 2006, 233-240). The second one rests on the possibility of allowing a deviation of such a baseline considering historical emissions of greenhouse gases. It has been objected that such a deviation in (whatever be) the right baseline of distribution is unjustified due to two factors associated with past emissions. First, many people who emitted greenhouse gases are dead. Thus, “currently living people should not be made responsible for the acts of their ancestors and

should not be put at a disadvantage simply because the people inhabiting their country before them emitted too much” (Meyer 2013, 604). The second objection states that “one can only be blamed for a certain act if one knows –or should know– of the harmful effects of the act” (Meyer 2013, 604). Past polluters did not know nor could have known the harmful effects of their emissions. For that reason, it seems unjust to consider their activities as an injustice. Thus, a deviation of the fair pattern of distribution based on these facts seems unjust. Responding to these objections seem essential because, between 1870 and 2019, more than 76% of the carbon budget was used, leaving merely less than 24% of that global budget to be used.<sup>2</sup> Further, “highly industrialised countries are causally responsible for more than three times as many emissions between 1850 and 2002 than developing countries” (Meyer 2013, 603), and now, a reduction in the level of emissions is required for avoiding a climate catastrophe in the future.

## II. Solving problems of intergenerational and climate justice

At this point, I would like to describe briefly each of the papers that appear in this special issue. A fundamental intergenerational issue has not been highlighted yet. The problem refers to identifying those conditions according to which sovereign debts are morally binding. In his contribution, Cristian Dimitriu argues that the fact that some sovereign debt generates poverty in the country in which the money has been lent is not necessarily relevant for assessing the justice or injustice of such a debt. The author describes and criticises Pogge’s account on the issue and, then, he proposes his own scheme trying to explain under which conditions a sovereign debt might be considered binding.

Regarding his description of Pogge’s account, Dimitriu explains that, according to Pogge, the *borrowing privilege* can be unjust because of the effects on the population of the debtor. Dimitriu challenges that view by claiming that Pogge’s account is vulnerable to two objections. According to the first objection, Pogge’s account rests on counterfactual judgments in order to claim that if the borrowing privilege does not exist, then those countries who have received money would have been better off. According to Dimitriu, this reliance on counterfactual judgments is hard to explain. There are too many empirical claims that make Pogge’s position challenging to support. The second objection is that, even if it can be considered that those countries who use the borrowing privilege are worse-off than they would have been otherwise, this fact does not imply that they have been wronged.

Due to these difficulties, Dimitriu proposes his own account. For him, sovereign debts are binding as long as two conditions are satisfied: first, the public official of some country does not overstep his authority. He calls this “the authorisation condition”. Second, the lender should

be aware that the loan will be used for purposes that are not in conflict with human rights violations and they will not be used for the sake of the personal interests of the public officer. Dimitriu's proposal seems promising; however, I have two worries here.

Regarding the first condition, I am not sure if the violation of such condition is strong enough to make sovereign debts non-binding. It seems that, at best, such a violation generates moral and political responsibility of the public officer in question *vis-à-vis* its political community. About the second condition, I think, a distinction should be made. I do not think that the requirements that should limit international organisations like the IMF, IDB or the World Bank are necessarily the same requirements that should limit merely *private* lenders. It seems accurate to say that such a condition applies to the former, but it is not clear if and how it should be applied to the latter.

In his contribution to this volume, Alex Richardson argues in favour of the capability approach. After describing Nussbaum's famous account, the author argues, with Brena Holland, that a sustainable climate system is a necessary precondition for the protection of the future people's capabilities. According to Richardson, the core capabilities depend on environmental factors. Hence, if we want to measure intergenerational justice in terms of capabilities, we should behave in a way that prevents environmental degradation such that the fulfilment of capabilities of future people will be impossible. For measuring what counts as harm in these kinds of cases, the author rests on the threshold notion. Richardson claims "Based on the argument that the capabilities on Nussbaum's list must be enabled to some degree in order for us to live lives that are worthy of human dignity, we may define the threshold by referencing them".

My worry with Richardson's proposal rests on the last statement. According to the author, the threshold of harm is defined by reference to capabilities. However, I think, he needs to provide a *pattern* of justice and not merely a *currency* for supporting the previous claim. It seems that he is relying on some egalitarian account. For example, he claims that this account "only requires that [future people] be sufficiently like us in terms of core capacities for various functioning that are uniquely human". However, if this is the case, I am not sure if having an environment without degradation is a pre-condition of that. It seems that there are many possible satisfiers for fulfilling human capabilities, and not all of them are necessary based on the fact that the environment could, indeed, be degraded over time.

The global market, in particular, the proposal according to which carbon markets can fulfil egalitarian goals is challenged in one of the contributions of this issue. Antoine Verret-Hamelin highlights seven structural features of emission-trading schemes (ETS) that explain



why such a scheme necessarily reproduce pre-existing inequalities. This criticism assumes *egalitarianism* as the right pattern of intergenerational justice, and it applies the pattern to a specific way of dealing with the adverse effects of climate change. The author argues, “The wealthiest companies regulated by a carbon market will always have the power and the willingness to manipulate –at their advantage– the features of this particular market, so pre-existing inequalities will be reproduced in a new sphere.” Verret-Hamelin’s main concern, I think, is the huge disproportionate power of the companies under ETS that allows them to manipulate the carbon market in favour of their private interests. After highlighting some additional moral problems related to carbon markets, the author concludes that other remedies that might be used aimed at minimising our emissions, for example, high taxes on luxury products that are carbon-intensive may be considered as a better solution. These taxes, according to him, are “less complex and less subjected to information asymmetries,” hence, I can add, less able to be manipulated by the wealthiest companies.

Ushana Jayasuriya also criticises the emission-trading scheme (ETS). She focuses on non-ideal arguments. Non-ideal proposals build their arguments, as Jayasuriya reminds us, assuming that at least one of the following two conditions are not met: “1) All relevant agents comply with the demands of justice applying to them, and 2) natural and historical conditions are favourable”. The author criticises the ETS scheme after providing a survey of different possibilities for dealing with climate change. She claims, from a non-ideal point of view, that ETS “illustrates one of the largest flaws in the current approach to climate agreements”. She highlights that in addition to the imbalance of power between rich and emerging countries, the problem with ETS rests on the fact that if it is possible to buy emissions, some incentives for innovation are lost. Taking into account the previous considerations, the author concludes and supports the ability to pay approach because, according to her, it seems more effective and the most beneficial principle for distributing the obligations related to climate change. She thinks that climate agreements are likely to be more successful when they are considered from forward-looking perspectives rather than backwards-looking ones.

The contribution of Reyes Espinoza is contentious and challenging. His main argument is the following: “If we desire protections for sentient ecosystems, (...) due to harmful anthropogenic climate change, then we need to take indigenous environmental interests (IEIs) seriously since engaging with these is one of the best strategies to mitigate harms from anthropogenic climate change to sentient ecosystem on planet Earth. (...) Therefore, we – persons, groups, and procedural institutions– need to take IEIs seriously, that is, be moved to concrete action that stops harms to them”. As it is possible to see, this argument rests on very

contentious premises. In his paper, Reyes Espinoza defends them by claiming that engaging our sense of loyalty is essential in order to protect long-term human interests and long-term environments. He argues that civil society ought to use tribal social instincts in aiming for preventing or mitigating climate change.

Finally, the contribution of Andrés Cruz argues, from the perspective of democratic theory, that institutional orders should take into account future people's interests in their decisions (he also considers a case in favour of young children, severely cognitively disabled humans, sentient animals and even non-sentient forms of life). Cruz understands future people as democratic patients and argues that democratic patients, that is, non-agents whose interests can be affected by policies democratically decided, should be considered in the theory of democracy. Based on David Estlund's work, he argues that failures in considering fairly the interests of democratic patients is a problem for democracy. After exploring the challenge at stake, he concludes with the idea that the consideration of democratic patients' interests should not be pursued at the expense of those of the democratic agents.

### **III. Harm, future people and climate change**

#### **1. The non-identity problem and the concept of harm**

In the introduction of this paper, I stated that I would devote this last section to the discussion of two additional problems, with intergenerational and climate dimensions, that challenge the traditional understanding of the notion of harm. The first of these issues is the *non-identity problem* (Parfit 1984-7, Ch.16). This problem has been a significant ground of scepticism to the possibility of having justice-based duties towards future people because it challenges our usual conception of harming by claiming that, in some situations, our actions cannot harm future people.

The most common way to explain why someone has been harmed appeals to the *subjunctive-historical* notion of harm. As Meyer highlighted, according to this notion of harm, "having acted in a certain way (or having refrained from acting in that way) at a time  $t_1$ , we thereby harm someone only if we cause this person to be worse off at some later time  $t_2$  than this person would have been had we not interacted with this person at all" (2015, 13). This notion of harm can explain the majority of the cases in which we believe that a person has been harmed. However, as Derek Parfit has shown, regarding people who do not exist at the moment in which we act, we encounter a situation commonly overlooked: "as well as having effects on the quality of future people's lives, our acts and policies may affect who it is who will later live" (Parfit 2011, 218). Let us analyse the following case brought by Parfit:



“As a society, we have to choose whether we will continue to deplete certain scarce unrenowable resources or continue to overheat the Earth’s atmosphere. If we choose *Depleting or Overheating*, these policies would raise the quality of life of existing people, but the long-term effects more than a century from now would significantly lower the quality of future people’s lives” (2011, 218).

In this case, at first glance, it might seem that the decision relies on choosing between harming future people and harming current living people. However, according to the *subjunctive-historical* notion of harm, this is not so. It is true that if we do not choose at  $t_1$  *Depleting or Overheating* current living people will be at  $t_2$  worse off than these people would have been had the policy been chosen. However, it is not true that, if we choose at  $t_1$  *Depleting or Overheating*, the future people affected by our decision will be at  $t_2$  worse off than these people would have been had the policy not been chosen. If we do not choose *Depleting or Overheating*, it is not true that the future people affected by our decision will be better off. In such a case, that specific group of future people would not have existed at all.

The question rests on the fact that depending on which action has been performed, the identity of the resulting person will be different. Hence, such actions cannot worsen the state in which the person affected will be in. Thus, it seems that we cannot claim that such actions are harmful, at least according to the *subjunctive-historical* notion of harm.

For claiming that our choice of *Depleting or Overheating* will harm these future people, an identity-independent notion of harm is necessary (Meyer 2003, 147). The *threshold* notion of harm could provide a solution here. According to such a notion, “Having acted in a certain way (or having refrained from acting in that way) at time  $t_1$ , we thereby harm someone only if we cause this person’s life to fall below some specified threshold” (Meyer 2015, 21). According to this notion, a person is suffering harm when this person is in a state that is below some normatively defined threshold. If, as a consequence of our choosing of *Depleting or Overheating*, future people will have a level of well-being that is below the threshold, we have harmed those future persons.

However, the *threshold* notion of harm cannot explain why current living people can be considered harmed by our refraining from choosing the policy of *Depleting or Overheating*. Although in that case currently living people will be worse off than they would have been had the policy been chosen, they would not be below the normatively defined threshold. The problem, hence, is that it seems that whatever choice we take, some group of people will be harmed. However, neither the *subjunctive-historical* notion of harm nor the *threshold* notion of harm can explain, by themselves, why this is so.

Lukas Meyer has proposed, as a necessary condition of harming, the disjunction between harming actions that cause someone to be in a subthreshold state and harming actions that cause someone to be worse off than this person would have been. The *disjunctive* notion interprets as a necessary condition of harming “to the disjunction of the conditions for harming as set out by the notions of harm at [*subjunctive-historical*] and [*threshold*]” (Meyer 2015, 31). This *disjunctive notion of harm* allows us to explain, in the previous case, why future people can be considered harmed by choosing the policy *Depleting or Overheating*, and why current living people can be considered harmed by our refraining from adopting such a plan. Our choosing of *Depleting or Overheating* will cause future people to be below the threshold (from now on, *harm in the threshold-based sense*) and our refraining from choosing such a policy will cause current living people to be worse off than they would have been (from now on, *harm in the subjunctive-historical-based sense*).

Although the previous disjunctive notion can explain the harm at stake in the scenario of *Depleting or Overheating*, to know which policy should be pursued, there must be some criterion to measure which of these two kinds of harm is worse. Is it worse to suffer harm in the *subjunctive-historical sense*, or is it worse to suffer harm in the *threshold-based sense*? This concern arose during the meeting we had at Cordoba National University (September 2017) that was the basis of the publication of this special issue. In that meeting, Lukas Meyer, in his presentation “Climate Justice in Time” proposed his *disjunctive notion of harm*. Against that view, Alessandro Pinzani, in his presentation entitled “Intergenerational Justice: towards a more political approach”, threw the following challenge. He stated that since Meyer’s position assumes that future people have rights “and since they may enter in conflict with equally legitimate claims of present people, we would come to an impasse, in which we do not know any longer how to solve the conflict”.

Although I cannot solve the disagreement between the two keynote speakers of that meeting here, I will provide two considerations that could help to get out of this impasse. First, when someone is harmed in the *threshold-based sense*, the baseline of comparison (for claiming that this person is suffering harm) is given by a normatively defined threshold, that is, the state in which the person affected *should* have been. This kind of harm is *intrinsic* in the sense that its seriousness does not require people to be worse off than their alternatives (Parfit 2017b, 133). Instead, when a person is suffering harm in the *subjunctive-historical-based sense*, the status of harm derives from the comparison between two possible states: the state in which the person affected is and the state in which the person would have been had the agent not interacted

with the person affected at all. This harm has essentially a *comparative* dimension in the sense that some alternative would have been better for the person affected (Parfit 2017b, 134).

My second claim tends to understand how these two kinds of harm should be compared. To explain the method of comparison, firstly, it should be noticed that there are two ways in which the seriousness of harm could vary: quantitatively and qualitatively. Two persons suffer *quantitatively* different harm when, concerning a defined baseline, one of them is further from such a baseline than the other. Instead, two persons suffer *qualitatively* different harm if one of them is suffering harm in the threshold-based sense and the other in the subjunctive-historical-based sense.

To measure the seriousness of harm, quantitatively, it is helpful to introduce the notion of *units of harm*. Each unit of harm should be measured in comparison with a defined baseline. In this way, we will have, on the one hand, units of harm in the *threshold-based sense* and, on the other hand, units of harms in the *counterfactual-based sense*. Regarding harm in the threshold-based sense, the greater the distance between the state in which the person is and the threshold of harm, the greater the number of units of harm in the threshold-based sense will be. In the same way, regarding harm in the *subjunctive-historical-based sense*, the greater the distance between the state in which the person affected is and the counterfactual state in which this person would have been, the greater the number of units of harm in the *subjunctive-historical* sense will be. Therefore, for knowing which kind of harm is worse we have to assess how much worse is suffering one unit of one kind of harm in comparison with one unit of harm of the other kind.

Although the *quantitative* measurement of harm seems clear, the problems appear when we compare *qualitatively* different harms. Because harm in the *subjunctive-historical-based sense* is inherently *comparative*, and harm in the *threshold-based-sense* is essentially *intrinsic*, the comparison between them cannot be precise. There is no numerical form or rate capable of letting us claim how much worse or severe is one kind of harm concerning the other one. The way in which we have to compare these two kinds of harm is the same way in which we should compare two painful ordeals that differ both in length and intensity. Parfit (2016b) suggested that since the ordeals vary both in length and intensity, there are two standards to which each ordeal must be measured: intensity and length. When we analysed two ordeals and one of them is becoming worse in intensity and the other in length, each added unit of suffering adds not only seriousness or severity to the ordeal but also imprecision in the comparison. Therefore, although we can claim that one ordeal is worse or equal than the other, we cannot claim that they are so in a precise way.

When we try to compare the severity of qualitatively different harm, like the comparison between two ordeals which differ both in length and intensity, we have to measure the severity of harm in relation to two standards. We have to take into account the threshold of harm and the counterfactual life the person would have had if the state in which she is had not been obtained. Because of this fact, it is impossible to claim that the comparison is precise. For example, imagine that we believe when we compare two different harms, that are quantitatively equal, that suffering harm in the *threshold-based sense* is worse than suffering harm in the *subjunctive-historical-based sense*. This claim is acceptable because if one person is suffering harm only the *threshold-based sense* and the other one only in the *subjunctive-historical-based sense*, whatever the level where the threshold of harm has been placed would be, the former will have a worse level of well-being than the latter. If we care about the situation of people who are badly-off, this fact supports the statement that suffering harm in the *threshold-based sense* is worse than suffering harm in the *subjunctive-historical-based sense*. However, we do not know yet how much worse one kind of harm is in relation to the harm of another kind.

One possible method of making comparisons in cases of imprecision is Parfit's *Imprecise Lexical View* (2016b, 112). In our field, it requires asserting that suffering harm in the threshold-based sense is *lexically* worse than suffering harm in a subjunctive-historical-based sense, but in an imprecise way. The thesis is the following: although suffering more units of harm in the counterfactual-based sense makes the suffered harm worse, a sufficient number of units of harm in the threshold-based sense would always be worse than suffering any number of units of harm in the subjunctive-historical-based sense.<sup>3</sup> This way of comparing harms allows us to decide how to behave justifiably in those cases in which some harm will be caused whatever the action to be performed would be. Hence, we might solve those conflicts between future people and current living people's interests that were part of Pinzani's concern.

## 2. Saving people from climate threats?

The second problem, relevant for intergenerational and climate discussions, does not challenge a specific conception of harm but the normative significance of such a notion. The problem arises when we try to identify what kind of obligation we have when we talk about minimising the number of people who will suffer harm or lose their lives as a result of the adverse effects of climate change (Parfit, 2016a). Two kinds of solutions have been proposed. The first one consists in claiming that currently living people have the positive duty of saving the greatest possible number of people from the adverse consequences of climate change. The

second one consists in asserting that the current generation has a negative duty not to cause harm to future people by refraining from contributing, with their emissions, to climate change.

The problem with the first kind of solutions is that it relies on the fact that in order to save many people from the threats of climate change, we and the following generations would have to act and to design policies whose effects would also kill or harm some other smaller number of people (Parfit 2016a, 12). The issue is that it is commonly accepted –mainly within the non-consequentialist framework– that the negative duty not to cause harm is stronger than the positive duty of saving people lives (Ross 1939, 75). This statement was labelled as the *conflict-of-duty harm principle* (Parfit 2016a, 13).

The problem with the second kind of solution that is, with the proposal of interpreting that the duty of currently living people relies on fulfilling the negative duty not to harm future people is that such a duty is only limited to refraining from making those emissions that may worsen the current climate problem (Shue 2015, 11). However, the climate in a non-distant future is –mainly– due to past emissions. Therefore, according to this second position, we could not avoid the deaths of many lives that, under the first view, we are permitted to save.

In a nutshell, the first proposal allows saving a greater number of people from the adverse effects of climate change. However, it is against *the conflict-of-duty harm principle*. The second proposal, instead, is according to such a principle. However, it cannot provide a justificatory basis for saving as many lives as possible. Perhaps because the first type of position seems to avoid a higher number of harms, it is the case that there are several proposals for rejecting the *conflict-of-duty harm principle* or, at least, for limiting its scope.

Views that reject such a principle are mainly related to some kind of act-consequentialism. These people claim that the rightness or wrongness of our actions depends on the fact that their consequence would make things go best (Parfit 2011, 374). This view allows us to prevent the greatest number of harms caused by climate change. For this kind of account, there is no difference between harming someone and letting someone suffer harm (Rachels 1997, 78). That is, there is no priority of negative duties over positives duties. As we know, this kind of position not only does not fulfil the requirements of the *conflict-of-duty harm principle* but also they have unpalatable consequences in commonly discussed practical cases. For example, it may require that we mutilate a person in order to destine every one of its viable organs to a large number of people who, as a result, will be saved.

Two ways have been proposed for limiting the scope of the *conflict-of-duty harm principle*, and, therefore, to avoid such counterintuitive conclusions implied in its pure rejection. The first one consists in asserting that while (a) it is wrong to kill a person as a means

to save a greater number of people, (b) it is permissible to save a larger number of persons by an action whose foreseeable side effect is that a smaller number of other people die (Foot 2002, 25; Quinn 1989, 312; Kamm 1996, 272). The second way consists in appealing to the *redirection principle* (Thomson 1986, 84; McMahan 1993, 272).

The defence of the first idea rests on the fact that, by killing or harming as a means to fulfil a specific aim, we are treating the affected persons in a way that could not possibly be agreed by these people, i.e. we are treating them not as ends in themselves. However, it might be asserted that “whether someone could possibly agree to be killed [or harmed] could not depend on whether this person would be killed as a means or as a foreseen side-effect” (Parfit 2017a, 383). The defence to the second idea asserts that it is possible to redirect a threat that has not been provoked by the person if acting in that way will cause a smaller number of other people to be harmed. The problem with this second possibility, applied to the climate situation, is that in taking concrete measures for saving people from the adverse consequences of climate change, we would not be redirecting a previous threat but replacing it with a new one. The clearest case in which a new threat is introduced occurs when we think in using measures of climate engineering for responding to climate change.

My proposed solution to the problem of identifying the kind of duty we have concerning future people in the climate scenario is framed within those positions that claim that the present generation has a negative duty not to harm future people. This view begins with the distinction, proposed by Parfit, between *agent-relative* duties and *omnipersonal* duties. *Agent-relative* duties are those according to which different people should try to achieve different goals; instead, *omnipersonal* duties are those according to which everyone has the same aim (Parfit 2016b, 1). Under such a scheme, –with Parfit– the proposal consists of understanding the negative duty not to harm as an *omnipersonal* duty rather than an *agent-relative* duty. Thus, instead of claiming that each person has the negative duty not to harm or kill people, it has to be asserted that people have the negative “duty to act in a way whose outcome would be that the fewest people are killed or harmed” (Parfit 2017a, 407). Understanding such a duty in this way implies that we and our past generations are committed to ensuring that as few people as possible will be harmed or killed.

By taking measures aimed to avoid the greatest possible number of harms or deaths, with the consequence that fewer people will be harmed, we would not be fulfilling a positive duty to save as many people as possible. In that case, if the duty not to harm is understood as *omnipersonal* (rather than *agent-relative*), our ancestors and we would be fulfilling the negative duty not to act in specific ways causing that the fewest people would be harmed or killed as a



result of the anthropogenic climate change. Therefore, pursuing policies or taking measures whose possible effects would be that many people in the future would not suffer harm would be instantiations not of a duty of saving people but of the no-harm principle.

This way of understanding the duty not to harm has several advantages. Firstly, like consequentialists, it allows us to adopt the necessary measures to ensure that as many people as possible do not suffer the adverse consequences of climate change. Secondly, we could do that without appealing to the positive duty of saving as many lives as possible. Thus, we would not be violating the *conflict-of-duty harm principle*, supported mainly for non-consequentialists theorists. The proposal, then, could not only make it possible to take measures aiming to prevent the greatest number of people from suffering harm and deaths as a consequence of climate change in a justified way but also it allows doing so under a spectrum of broad theoretical consensus.<sup>4</sup>

## Notes

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<sup>2</sup> See <https://www.ccca.ac.at/en/homepage/> date of consultation: 26/7/19.

<sup>3</sup> I have defended this view in “The comparability of harms: An interpretation of the disjunctive notion of harm” *European Journal of Analytic Philosophy*, (forthcoming).

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