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Three Problems of Intergenerational Justice

by Dr. Edward Page

Abstract: Intergenerational justice raises profound questions about the appropriate scope, pattern and currency of distribution. In this short article, I evaluate three arguments for restricting justice to dealings amongst contemporaries and argue that each can be overcome without abandoning the central tenets of liberal egalitarianism.

Atomic energy might be as good as our present day explosives, but it is unlikely to produce anything more dangerous.

William Churchill, 1939

“We are always doing” says he, “something for Posterity, but I would fain see Posterity doing something for us”

Addison, 1968[1714]: 592.

It may help to think about this question: how many of us could truly claim, “Even if railways and motor cars had never been invented, I would still have been born?”

Parfit, 1984: 361.

A full account of intergenerational justice, which I take to be the problem of ensuring an equitable distribution of benefits and burdens amongst non-contemporaries, must address at least four crucial problems. The first, and most basic, problem (the ‘scope of justice’) concerns the identification of the legitimate recipients of intergenerational justice. The second, the ‘pattern of justice’, concerns the level of benefit to which each subject of justice is entitled. The third issue concerns the specification of a ‘currency of advantage’ in terms of which alternative accounts of the pattern and scope of intergenerational justice operate. The fourth issue, the ‘burden of justice’, concerns the identification of the agents with fundamental responsibility for establishing and maintaining intergenerational justice, as well as the method by which fairly precise demands can be made of each duty bearer. Put together, then, we might say that intergenerational justice involves the specification of *which future entities* should receive *what level of benefit* as calculated in terms of *what conception of advantage* and specified by *which principles of burden sharing*.

In this short article, I evaluate three frequently developed arguments that suggest that intergenerational theorising may struggle to deal with the most basic question of the legitimate scope of justice without relying on controversial premises. The arguments, in decreasing order of tractability focus on *uncertainty*, *reciprocity* and *contingency*.

As background to what follows, consider the following generic argument for the existence of extensive duties of intergenerational justice:

The Intergenerational Justice Argument (IJA)

P1: Depletory policies threaten the interests of future persons

P2: Human activities that threaten the interests of future persons are unjust

P3: Depletionary policies are unjust

According to the *uncertainty theorist*, the IJA should be rejected because P1 is clearly false or is at the very least unverifiable. The idea is that the profound lack of knowledge of the future experienced by each generation means that we have no reliable information about the long-term impacts of human activities. So, unlike the case of existing persons or future persons whose lives overlap at some stage with our own, we have insufficient information on which to base our duties to remote future persons. Note that the idea here is not that we have no predictive ability at all with regards to the future, but that we have insufficient knowledge to discriminate between alternative hypotheses about the impacts of our actions on future well-being to ground claims of intergenerational justice. (Routley and Routley, 1978).

At first glance, this seems a strong argument – at least for consequentialists, who define moral duties in terms of their tendency to produce good, or avoid bad, outcomes. In nearly every current human endeavour we encounter huge uncertainties plaguing our attempts to determine the well-being impacts of our behaviour. Areas of human life subject to gross uncertainties are human health (through changes in morbidity and mortality); resources usage (through changes in the balance and use of renewables and non-renewables); warfare (through introduction of new weapons systems or delivery mechanisms); and, not least, human tastes and values. Evidence for our present ignorance can also be gleaned from the numerous, and sometimes hilarious, historical failures to predict the future impacts of new technologies or socio-political trends, one example being Churchill's frequently quoted remark about nuclear weapons.

Justice of the world is in its creativity, in solving problems, in our activity and struggle. While I am alive there is the possibility to act, to strive for happiness, this is justice.
Simon Soloveychik, *Parenting for Everyone* (1989)

So, do the obvious problems associated with predicting the future impacts of our actions deal a fatal blow to theories of intergenerational justice on the grounds of scope? Should discussion of justice be limited to contemporaries on epistemological grounds alone? I think not. The uncertainty argument, firstly, overstates the level of outcome certainty that characterises the moral relationships of contemporaries. Even relationships amongst contemporaries, compatriots and family members are subject to significant uncertainty as to tastes, values and outcomes (Routley and Routley, 1978). The second, and clearest, response to the argument is simply to point out that even in the most unclear contexts, we know enough about the future to know that it would be a great injustice to adopt policies that threaten the most vital and predictable of future interests to drink clean water; breathe clean air; possess shelter from the elements; and to enjoy an environment not modified beyond any reasonable understanding of human adaptive ability (Barry, 1989). The IJA requires that each generation possess a certain level of knowledge to identify the key risks to future well-being posed by any given policy. But this requires far less precision than the uncertainty argument presupposes.

According to the *reciprocity theorist*, the IJA should be rejected because P2 is false. It is false because no agent can be said to wrong another if the two share no mutuality of communication or physical interaction. More formally, the following argument arises:

The Non-Reciprocity Argument (NRA)

RP1: Requirements of justice are owed only to those who can reciprocate with us.

RP2: Reciprocity exists only between persons who can affect each other's interests.

RP3: It is not possible to affect the interests of those who belong to earlier generations.

RPC: Social policies that threaten the well-being of future persons are not unjust.

What can we say about this argument? First, RP1 is highly controversial, arguably more controversial than the notion of intergenerational justice with which it seems to conflict. Many authors in the liberal egalitarian tradition, for example, flatly deny that reciprocity has any connection to the scope of justice. For them, justice is 'subject centred' in the sense that 'basic rights to resources are grounded not in the individual's strategic capacities but rather in other features of the individual herself' (Buchanan, 1990: 231). Second, even those more sympathetic to reciprocity-based justice hold that a lack of reciprocity on the part of an agent would limit its claims to justice only in terms of positive rather than negative duties (White, 2003). We might not be obliged to relinquish resources so that non-reciprocators enjoy a full share of society's wealth, but we would not be permitted to kill or wound them. So the first premise of the NRA is incomplete, if not actually false, even on its own terms. Third, the NRA as a whole appears to restrict reciprocity to direct, mutualised, interaction and in so doing promotes an interpretation of justice as 'self-interested reciprocity'. In so doing, it neglects a more subtle form of reciprocity based on the idea that reciprocal duties are discharged both by providing benefits for those that have made sacrifices for us as well as by providing benefits for an intermediary where a lack of direct contact renders impossible a direct exchange of benefits. This 'justice as fair reciprocity' approach not only generates a more sophisticated and intuitive distributive outlook for contemporaries than its self-interested sibling but also opens the path to a subtle account of intergenerational justice. There are two main possibilities here, each of which has merits. Taken together, they show that the NRA is not a serious threat to intergenerational justice (Page, 2006).

According to the 'Chain of Concern' approach, RP2 and RP3 are vulnerable to the objection that human beings share a sentimental concern for their nearest descendants with the result that it is rational for them to treat the well-being of the next generation as a public good, and the basic ingredients of this good (clean air and water, income and wealth, a habitable biosphere) as essential items for conservation. The near universality of this sentimental concern means that each person in this and every subsequent generation is obliged to contribute their fair share to activities that prioritise the needs of the next generation. There are various drawbacks with the chain of concern approach, such as what should be done about non-procreators or what action should be taken to reduce the risks of our activities for remote generations. Yet the approach does capture an intuitive moral reflection of what many parents already take for granted in their everyday lives.

According to the 'Stewardship' approach, many of the benefits enjoyed by present persons were produced by past persons with the intention that they be preserved indefinitely or for a specified amount of time. Although the intended recipients of these benefits are not always specified, these benefits are nonetheless intended for someone. The result is that the obligation to pass on these benefits to future persons is analogous to the obligation to reciprocate for benefits received from unknown contemporaries. Not to do so would be to violate the 'moral requirements of reciprocity' (Becker, 1981: 231).

What should we make of this argument? One issue worth noting is that the lines of duty are quite different to the previous approach in that present persons discharge their duties to past persons by providing benefits to future persons. In one sense, this means the approach has the merit of true temporal inclusiveness because all three tenses are in play. Yet, the backwards directionality of the duties defined also brings with it a sense that the protection of the biosphere and human civilisation is placed at the mercy of benefits that (i) in many cases were unintentionally bequeathed to us by (ii) the no longer living and (iii) we could not have possibly received consensually. I have argued elsewhere that a suitably broad interpretation of the principle of fair reciprocity may yet finesse the problems of unintentional provision and involuntary receipt so the debate continues as to the intergenerational limits of reciprocity (Page, 2006: 99ff). Two points are worth making here. First, even if reciprocity is a component of justice, the attenuation of reciprocal dealings over time does not, as Addison joked, mean that we can simply ignore the effects of our actions on future well-being. Second, since so many theorists deny that reciprocity has a bearing on burden and benefit distribution, we have reason to move on to consider our third, and final, barrier to intergenerational justice.

According to *non-identity theorists*, the problem with the IJA is that its first premise is clearly false in numerous cases since the depletionary acts and policies that appear to threaten the well-being of future persons also operate as necessary conditions of these persons coming into existence. The upshot is that the claim that any given act or policy is unjust because it harms, or will harm, the interests of future persons is incoherent (Parfit, 2004). For the sake of clarification, consider the following choice between rival policy approaches to the global and generational threats posed by anthropogenic climate change. The scenario is hypothetical, but draws to a certain extent on recent debates concerning the appropriate successor to the Kyoto Protocol after 2012. The first approach, which we can call *Kyoto Lite*, will set voluntary targets on carbon emissions based on the ratio of national carbon emissions to economic output. The idea is that countries would reduce the carbon intensity of their economies but would not be required to reduce their total emissions as such. The predictable consequence of choosing *Kyoto Lite* would be the rapid onset of dangerous climate change. The second approach, *Contraction and Convergence*, guarantees each existing and future person an equal share to the absorptive properties of the atmosphere regardless of when or where they live; and would establish a global ceiling for greenhouse emissions calculated on the basis of the amount of carbon the global environment can withstand without prompting dangerous climate impacts. Each country is then allocated a yearly carbon emissions budget consistent with the global ceiling not being exceeded. The predictable consequence of choosing *Contraction and Convergence* over its rival would be that, after a century or so, many more of the people who would later live if *Kyoto Lite* is chosen will enjoy a much lower quality of life than those who would live if *Contraction and Convergence* is chosen.

Next, consider the following argument, which suggests that we cannot plausibly appeal to the rights or interests of future persons to explain what would be wrong in favouring *Kyoto Lite* over *Contraction and Convergence*:

The Non-Identity Argument (NIA)

NP1: If any particular person had not been conceived when s/he was in fact conceived, s/he would never have existed.

NP2: A social policy is unjust only if it harms a particular person.

NP3: A social policy harms a particular person only if it makes them worse off than they otherwise would have been.

NP4: The adoption of either *Kyoto Lite* or *Contraction and Convergence* would be a remote, but necessary, condition of an entirely different set of individuals coming into existence in the future.

NPC: Adopting *Kyoto Lite* would *not* be unjust to future generations (Parfit, 1984: 351ff).

How might we rebut the non-identity argument? Well, the first thing to note is that in a number of cases it does not need to be rebutted. That is, there are limits to the argument that question its relevance for scholars of intergenerational justice. First, the argument does not affect our duties to persons not yet born so long as the act or policy choice under evaluation will not affect that person's identity. Second, the argument does not have clear implications when the act or policy in question will predictably render many people worse off than any intuitive understanding of a life not worth living. Third, the argument has no relevance at all for theories of intergenerational justice that seek to promote valued outcomes irrespective of how particular persons fare under different policies. The argument is only raised, then, against person-affecting theories of justice, such as those that appeal to the rights of particular future citizens of an environmentally damaged world.

Despite such limitations, the non-identity argument is still a profound challenge for anyone whose moral outlook looks to the rights and interests of particular persons. For reasons of space, I mention here just three possible solutions that draw upon the notions of *specific interests*, *subjunctive harm* and *collective interests*.

According to approach spearheaded by James Woodward, it is instructive to distinguish between general and specific interests. A person's general interests consist in maintaining a high level of well-being all things considered. A person's specific interests (such as personal integrity, avoiding physical harm, or being treated with respect) are not reducible to an 'all things considered' or general level of well-being. Essentially, Woodward's idea is that *Kyoto Lite* policies threaten the specific interests of future people (their moral integrity, self-respect and their right not to be born into an environmentally destructed world) even though such policies could not possibly be said to have made them worse off than they would have been all things considered. (Woodward, 1986: 809). One problem with Woodward's approach is that we might think it rational for the people who later live if we choose *Kyoto Lite* to waive their rights not to come into existence with compromised specific rights if we can predict with accuracy that they would lead decent lives on the whole. The rationale might be that a

life worth living, even if it is pursued in the context of environmental austerity, is nonetheless worth living and well worth the violation of a few of its owners specific rights (Parfit, 1984). The suspicion, then, is that even if the specific interests of some future persons play some role in our intergenerational theorising, they could not possibly provide a complete response to the NIA.

According to the approach spearheaded by Lukas Meyer, premise NP3 should be rejected since it is compatible with the existence of only one of the two main senses in which a future person might be harmed. NP3, that is, presupposes the *subjunctive-historical* sense of harm, according to which an act harms a person if it makes them worse off than they would have been if it had not been performed. However, NP3 ignores the *subjunctive-threshold* sense of harm, that an act harms a person if it causes them to fall below some non-arbitrary threshold (Meyer, 2004). The approach to intergenerational justice favoured by Meyer is the following: ‘An act harms a [future] person if it predictably, and avoidably, causes their life to be sub-standard *or* does not minimise the harm if unavoidable *or* causes them to be worse off than they would otherwise have been.’ He calls this the ‘combined view’ (Meyer, 2004). To my mind, Meyer’s otherwise ingenious approach *finesses* rather than solves the non-identity argument. For one thing, the ‘combined view’ clearly assumes an unexplained theory of distribution that can motivate the adoption of the two senses of harm, explain what happens when the two senses support alternative policy evaluations, and explain how we might operationalize the notion of a ‘sub-standard life.’ Another set of problems flow from the fact that Meyer offers no argument for his bifurcation of the notion of harm except that it solves the non-identity problem. This is a problem because, for many, the subjunctive historical criterion, while stunted in its intergenerational application, is a far more plausible and recognisable as an *understanding of harm* than its subjunctive-threshold rival.

Liberty, equality – bad principles! The only true principle for humanity is justice; and justice to the feeble is protection and kindness.

Henri-Frédéric Amiel

Finally, then, to my own attempt to solve the non-identity puzzle from a broadly person-affecting perspective. This is to embrace the merits of a group-centred shift in our moral thinking to claim such that premise NP2 of the non-identity argument is rejectable on the grounds that it should actually read: ‘A social policy can be wrong only if it harms a particular person or group.’ The idea is that there are a range of human groups within the *Kyoto Lite* and *Contraction and Convergence* populations (small island communities; communities located in coastal areas; communities located in arid areas) whose interests can be degraded, and therefore harmed, by the actions of earlier generations. The suggestion is not that we violate the collective rights of a whole generation when we behave in environmentally negligent ways. It is rather to claim that there are a number of cultural, national and linguistic groups that should be protected ‘as if’ they were artificial persons. An appeal to future group interests would avoid problems of non-identity because the conditions of group existence are more robust than those of their individual members. Nations, state and linguistic minorities typically endure for a much longer time-span than individual persons and their existence does not depend upon the combination of a particular egg and sperm (Page, 2006: 150ff).

It is, of course, easier to sketch the advantages of group rights than it is to explain exactly how any human group can possess interests and ethical status in quite the same manner as a particular person. There are several considerations that point in this direction, however, with some of the most interesting reflecting the behaviour and attitudes of persons. Many people act and believe *as if* the destruction of entire communities or cultures is bad over and above the fact that this is often accompanied by the deaths (or reductions in well-being) of their individual members. Many people are also disposed to view a natural, or anthropogenic, disaster as being more regrettable if it involves the destruction of a whole community than if it involves an identical amount of human misery dispersed amongst distant strangers. The idea is that, if we adopt a 'practical' approach to ethical standing, we should not be deterred by the lack of a clearly definable list of conditions that will rule certain entities in, and other entities out, of the bounds of justice. Rather, we should ask which entities we already make assumptions about and build 'into our actions, habits, practices and institutions' (O'Neill, 2000: 192).

Can we go a step further and identify which groups are worth protecting? A full answer is beyond the scope of this paper, but one useful starting point lies in the notion of *societal culture*. Societal cultures are groups that provide their members 'with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres' (Kymlicka, 1995: 76). Adopting the view that societal cultures are the only group-entities which can be treated as artificial persons from the perspective of justice explains why the destruction of random groups of individuals or interest-groups is only regrettable because of the harm this destruction does to their individual members. Such groups cannot provide for the full range of physical and emotional needs of their members, and so their disintegration as a result of environmental damage should not be expressed as an injustice.

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