

...it's a totally disgusting idea, putting a price on nature. You can't put a price on the environment. You can't put a price on what you're going to leave for you children's children...It's a heritage. It's not an open cattle market. (J. Burgess, J. Clark and C. Harrison, *Valuing Nature: What Lies Behind Responses to Contingent Valuation Surveys?*, London, UCL, 1995, p.44)

I discuss the point in detail in J. O'Neill, 'King Darius and the Environmental Economist', in O'Neill and Hayward, eds, *Justice, Property and the Environment: Social and Legal Perspectives* (Aldershot, Avebury, 1997).

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Global Warming and the Non-Identity Problem

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Substantial evidence exists that continuing release of greenhouse gasses into the atmosphere will have grave consequences for the long-term health of the earth's environment and its human inhabitants. In its most recent authoritative report, the Intergovernmental Panel on Climate Change (IPCC) concluded not only that 'the balance of evidence suggests discernible human influence on climate change',¹ but also that the long-term impact of global warming, in virtue of the disturbances it will cause for the functioning of physical systems, will have a considerable impact on the health of future human populations.² Concern about the *ethical* implications of climate change has been manifest in both the language of the IPCC's latest assessment and the text of the Framework Convention on Climate Change (FCCC).³ Both emphasise the fact that climate change policies – in virtue of influencing the distribution of benefits and, particularly, burdens across generations – raise important ethical questions. The IPCC observes that climate change issues raises 'particular questions of equity between generations',⁴ while article 3.1 of the FCCC states that 'the parties should protect the climate system for the benefit of present and future generations of humankind'.⁵

A common view to hold in the light of these issues is that to the extent that a government, institution, or individual acts so as to compound the global warming problem, they act *unjustly*. And they act

unjustly at least partly because in so doing they *harm*, or affect adversely, the interests, welfare or well-being of those that are not yet born.⁶ However, it does appear that the extension of various familiar, and well established, norms of justice which serve us well in thinking about justice *within* generations to issues of distribution *between* generations is problematic.⁷ In this paper, I want to explore just one of these problems, which has been called the *Non-Identity Problem*.⁸ The Non-Identity Problem suggests that the claim that persons in the distant future will be harmed by the present generation's profligate burning of greenhouse gasses – on some familiar moral views – is much more difficult to defend at the *theoretical* level than it is to believe at the *intuitive* level. In the following, I present an analysis of the Non-Identity Problem, and go on to consider the strengths and weaknesses of some responses to it, using the expanding scientific and ethical literature on global warming as the context for the discussion.

II

I begin with an example.⁹ Consider the *Two Climate Change Policies*. A society faces a choice between two mutually exclusive, and exhaustive, climate change policies. The first, the Depletion Policy, involves a continuing commitment to non-renewable, fossil-fuel, energy sources and associated greenhouse gas emissions; the second, the Conservation Policy, involves a move towards heavier reliance on renewable energy sources, and tight restrictions on greenhouse emissions. Adopting the Conservation Policy, it is known, will limit the damage caused by global warming significantly. However, because the Conservation Policy will rely primarily on 'no regrets'¹⁰ measures, it would demand only moderate sacrifices of present and immediate generations. The Depletion Policy would demand little or no sacrifice of present persons, and, in virtue of failing to check the increase of anthropogenic (that is, human originating) greenhouse emissions, would have serious long-term consequences – such as the high social and health costs of adapting to higher levels of global warming.¹¹

We suppose that, one or two centuries after the choice has been made, all of the people who would later live if Depletion is chosen will

enjoy a much lower quality of life than those who would live if the Conservation choice is adopted. We also suppose, however, that the long-term problems associated with choosing Depletion are not so severe that the persons who will come into existence if this option is chosen will lead lives which are not worth living – i.e. they will not on balance regret that they had ever been born.

Suppose, lastly, that at the final meeting of elected representatives responsible for making the choice, one of those present puts forward the following argument. 'Because of the profound influence it will have on the smallest details of all people's lives whatever decision we take will indirectly, if predictably, affect who mates with whom and when, and thus which individuals will be born in the future. This is because all persons owe their personal identity to the coming together of a singular egg and a singular sperm. In fact, after a few generations, and depending on which policy we choose, completely different sets of people will come into existence and these sets of people will owe their existence to this prior choice – that is, they would not have been born if this choice had not been made. Now, as we know that the adoption of neither policy will result in any of our distant successors leading lives which are not worth living, I submit that we will be harming no one in the future by choosing to adopt the Depletion Policy. We will, on the other hand, benefit many in the present generation by doing so – for even the limited sacrifices Conservation will demand of us will be on balance harmful to us. I urge, therefore, that we choose the Depletion Policy.'

Is there an objection to this line of argument, and, if so, what is it? Parfit calls the need to answer these questions, the *Non-Identity Problem*.¹²

Take as a starting point for our inquiry into the implications of the Non-Identity Problem, the influential theory of moral motivation and reasoning proposed by T.M. Scanlon. According to Scanlon's 'contractualist' view, the source of moral motivation is 'the desire to be able to justify one's actions to others on grounds they could not reasonably reject'; and an act is wrong *only* if its performance 'would be disallowed by any system of rules for the general regulation of behaviour which no one could reasonably reject as a basis for informed, unforced general agreement'.¹³ Scanlon holds, firstly, that for a person to reason-

ably reject, that is raise a decisive objection to, an act, he must be harmed by this act; and, secondly, that the complaint based on this harm must be *unanswerable*. As Parfit puts it, on the Scanlonian view, 'an act cannot be wrong unless it will affect someone in a way that cannot be justified – unless there will be some complainant whose complaint cannot be answered'.¹⁴

Applying Scanlon's view to the above example, then, would require that the policy we should adopt is the one in respect of which the strongest complaint is weakest. Let's call this the 'Unanswerable Complaint Principle'. The problem with applying this principle to the Conservation-Depletion Policy choice is that there appear to be no *particular* people in the example whom our acts will affect, and will have a complaint against us, if we choose Depletion, as it appears that no particular future person's interests will be jeopardised by this choice.

Let us, for clarification, call all those who will exist in the future if we choose Depletion, the *Depletion People*, and all those who later exist if we choose Conservation, the *Conservation People*. Who would be made worse off if we chose Depletion – and relative to what alternative? Not the Depletion People, it seems, for their only alternative to being born into the polluted future world would be non-existence, and not to have been born cannot be considered better than leading a life which is worth living.¹⁵ Next suppose, as Parfit occasionally invites us to, we imagine away the identity problem – that is, we assume that the same people will exist in the future whatever we do.¹⁶ In such circumstances, we could provide a contractualist objection to the Depletion Policy which would not also apply to the Conservation Policy. This would be that many future persons will be worse off when they come into existence than they might otherwise have been, that is, in the one possible future (of Depletion) they will inherit a world in which vector-borne diseases, rising sea-levels, and extreme weather events customarily injure and kill many more of them than in the alternative possible future (of Conservation). When we re-introduce ourselves to the reality of the precariousness of human origins, however, this objection – and the complaints which sustain it – seems to disappear. So the problem is that it is unclear how contractualism can cope with the problem raised by future people who

owe their existence to actions which worsen the conditions in which they live.

Scanlon is aware of this problem, for at one point he asks: 'Do [the Depletion] people have reasons to reject principles allowing these actions to be performed?'¹⁷ The answer we give to Scanlon's question has implications beyond our views about *intergenerational* justice. If we answer 'no', and still entertain the strong conviction that the choice of Depletion would be wrong regardless of the inapplicability of the 'reasonable rejection' test, this would seem to undermine Scanlon's whole construction. This would be because, as Parfit observes, it is a major failing that the 'fundamental principle of Scanlon's theory draws a distinction where, on our view, no distinction should be drawn'.¹⁸ That is, while we think it morally irrelevant that the test of reasonable rejection is not applicable in such cases, Scanlon's view suggests that it is morally relevant, and in fact it shows that we would be doing no wrong by choosing Depletion and thereby worsening the conditions in which many of our successors will live.

I have focused on the disconcerting questions raised by the Non-Identity Problem for Scanlon's view. Such questions should disconcert many contemporary moral and political philosophers, not least because Scanlon's account of moral reasoning is widely influential.¹⁹ However, similar questions will be raised for numerous other *complaint-based* moral views when they are extended so as to cover future generations.²⁰ This is because our policymakers appear neither to be *harming* nor *wronging* any particular future people whichever policy they adopt. If it is wrong to adopt the Depletion Policy, then, this is not because it harms particular future persons, but because it is a sort of harmless wrong, a wrong without a victim, or, if you wish, a somewhat rare example of 'harmless non-wronging wrong-doing'.²¹ As such, the Non-Identity Problem presents a stiff challenge for those who subscribe to a common view about wrong-doing which holds that acts are wrong only if they harm the interests of some particular person more than any alternative. This can be called the *Person-Affecting View*.²² The Person-Affecting View appears to be one of a mutually exclusive, and exhaustive, pair of views of morality. The other is the non person-affecting, or *Impersonal*

View. This holds that acts can be considered wrong even if they do not harm any particular persons.²³

The intractability of the Non-Identity Problem might best be explained by the way it tempts the proponent of the person-affecting view into subscribing to three mutually inconsistent claims. These are (1) adopting the Depletion Policy is wrong because it harms future persons (the *Intergenerational Harms Claim*); (2) an act harms somebody only if it makes a particular person worse off than they would have been had the act not been performed (the *No Worse off Claim*); and (3) the adoption of the Depletion Policy is a remote, but necessary, condition of the Depletion People coming into existence and leading lives which are worth living (the *Identity Dependence Claim*).

If we are inclined towards the Person-Affecting view, then, we appear to be caught in the horns of a powerful *trilemma*. The trilemma suggests that we must revise the Intergenerational Harms Claim – thus abandoning our intuitive commitment to a harm-based approach to intergenerational justice – or revise the No Worse Off Claim – thus abandoning the person-affecting view in favour of the alternative view that acts, such as choosing the Depletion Policy, can be wrong even if they harm no one.²⁴

Sure enough, both of the above options have been canvassed in the recent literature on the Non-Identity Problem. Canvassing the former revision, Heyd endorses a view he calls *volitionism*, which holds that moral obligations can be owed only to persons whose identities are beyond the reach of the Non-Identity Problem. But because persons whose identities do not depend on present decisions will almost invariably belong to our own generation, Heyd believes that we have no moral obligations to *most* future individuals.²⁵ We do, on Heyd's view, possess significant obligations to our contemporaries, and we also have various prudential reasons to act so as not to lower future quality of life in virtue of certain 'empirical constraints' – such as the desire to save for our nearest descendants, and the desire to transcend our time-frame by involving ourselves with projects which will survive our death.²⁶ But we would, on Heyd's view, have no direct duties to the Depletion People not to choose the Depletion option. Heyd's response to the trilemma, then,

is to drop the Intergenerational Harms Claim and retain the No Worse Off and Identity Dependence claims.

Parfit, on the contrary, canvasses the alternative revision. He thinks that our initial intuition that adopting the Depletion Policy would be wrong is correct, and in this sense he thinks the Non-Identity Problem ought to make no difference to our evaluation of the wrongness of this choice.²⁷ However, Parfit thinks that we need impersonal principles, which recall are not restricted to tracking concerns about the harming or wronging of particular persons, to explain this evaluation at the theoretical level. He offers the following *impersonal* principle which he calls the 'Same Number Quality Claim', or Q, as a stab in this direction. Q states that, 'if in either of two outcomes the same number of people would ever live, it would be bad if those who live are worse off, or have a lower quality of life, than those who would have lived.'²⁸

Q, though, cannot explain what would be wrong with choices which lead to different numbers of persons existing than their alternatives. It would not, for example, explain why choosing Depletion would be wrong if different numbers of people would exist in the future under Depletion than under Conservation. Given such *Different Number Choices*,²⁹ the proponent of impersonal principles appears forced to abandon – or at the very least supplement – the comparative principle, Q. Suppose, as seems natural, that we appeal to a straight-forward, utility maximisation strategy, when faced by Different Number Choices. The problem then would be that such an approach could as well imply that the choice of Conservation would be the morally wrong one to make. Putting aside problems associated with making interpersonal comparisons of well-being, suppose that so many more people would live in the future Depletion world than in the future Conservation world that the Depletion People, although much poorer on average, had a greater combined utility. In such a scenario, the total utility-maximiser would appear, counter-intuitively, to view the adoption of the Depletion Policy to be morally preferable to the adoption of the Conservation Policy.³⁰ Although I have not the space to demonstrate this, there are also various problems awaiting those who attempt to fall back an average utility-maximising strategy.³¹

To conclude this section, in one way or another both Heyd's and Parfit's approaches seem unsatisfactory. Heyd's view invites the charge that it is repugnant, or at the very least entails counter-intuitive revisions at the practical level. Parfit's view, on the other hand, is at best an incomplete approximation to a theory of intergenerational justice, and would appear to suggest extensive revisions to principles of justice *within* generations. These worries suggest that, even if Heyd's or Parfit's views prove satisfactory ultimately, we have reason to canvass further views.

III

Recall the question which Scanlon raises but does not answer, namely, do the Depletion People have reasonable grounds to reject principles allowing the Depletion Policy to be chosen? In the remainder of the paper I will sketch two alternative approaches to answering this question. The first trades on an ambiguity in Scanlon's question over whether, in order for a (future) individual to have a complaint against an action, he would have to be at the very least rendered worse off *all things considered* by the action. Here it is argued that the person-affecting view can be interpreted as holding that a person can be harmed only if they have been made worse off *in at least one respect*, then there might be grounds for the Depletion People to complain about the actions of the Depletion option. The second focuses on a different ambiguity arising from Scanlon's question. It exists since Scanlon's talk of 'future people' might be stretched to include human collectivities, in addition to individual human beings, within the class of (potential) complainants.

The first of these two additional approaches to the Non-Identity Problem is in essence an intermediate position between the extremes which Parfit and Heyd represent – that is between pure *impersonalism* and pure *person-affectingness*. The Specific Rights Approach, as I will call it, denies the claim that choosing Depletion will not harm any particular future person. It does so by focusing on a different *dimension* of the future person who will be harmed by adopting depletion. Rather than focusing on a person's welfare as grounding various rights claims, it focuses on the way in which certain specific interests are the basis of rights claims – interests which are not simply reducible to a single more general *all things considered* interest. Examples of these specific interests might include the

interest in having promises made to one kept, in avoiding physical injury, or in not being deceived, or in breathing clean air.³²

One attraction of the idea of specific, as opposed to all-things-considered (or welfare), interests is the following. Take as our starting point the influential *interest-theory of rights*.³³ Here, a person has a right only if an aspect of his well-being is a sufficient reason for holding some other person to be under a duty to him³⁴ – as Raz puts it, 'rights are always to what is in the interest of the right-holder'.³⁵ The merit of making space in such a theory for specific rights and interests is that the possession of certain rights appear to be in one's interests in some respects but not in others. As Raz writes, 'One may have a right to some valuable property which may make one a target for criminals or for temptation. It may be in one's overall interest not to have it, but as having the property is on one's interest *in some respect* one can have a right to it.'³⁶

One might illustrate these comments with an example. Suppose Smith, who is a member of a religious sect which regards blood transfusions as both unholy and immoral, requires a transfusion in order to save his life. Although he is lying unconscious after a road accident, the medical authorities are aware of his views, and decide to proceed with the transfusion regardless. Although Smith is livid when he regains consciousness, claiming that the operation ought to have been delayed in order for his permission to be sought, let us suppose that sometime after the transfusion he *predictably* comes to feel grateful for his continued existence, and accepts that the transfusion was *all things considered* in his interests. Raz's comments show that it is plausible to say that Smith had at least *one* of his rights violated by the medical authorities – namely, the right to be consulted – even if the actions which led to this right being violated rendered Smith no worse off in the process all things considered.

Now turn to the case of Jones. Jones is a dweller of 21st century Britain, and who was born with a mild handicap as a result of his mother's long-term exposure to heat exhaustion (a necessary condition of which, we suppose, was anthropogenically induced global warming). As we have seen, it seems implausible to suggest that Jones's interests have been set back *all things considered* by his being born handicapped. Had the anthropogenic warming not occurred, he would never have been born, and his handicap, we suppose, is not of a severity which calls into question the fact of whether he will, on balance, lead a life which is worth

living. However, as in the case of Smith, Raz's view suggests that this need not be an insurmountable obstacle to our claiming that at least *one* of his rights had been violated by the various human acts or decisions which brought about the warming, specifically, the right not to be conceived with a serious, but not devastating, handicap as a result of the environmentally profligate actions of descendants. And this is the case despite Jones predictably, if indirectly, owing his existence to these actions.

Cases such as these suggest that we should abandon the view that actions cannot be wrong if their net effects are to render no particular person worse off than they would otherwise have been *all things considered*.³⁷ This need not, however, entail abandoning the person-affecting view altogether, because this view is opaque. It might, for example, refer to the view that 'an act cannot be wrong *in any respect* if it is not worse for people than any alternative *in any respect*' or that 'an act cannot be wrong *in any respect* if it is not worse for people than any alternative *all things considered*'.³⁸ The Specific Rights Approach holds that a rights-based objection to Non-Identity Problem cases can survive our subscription to the former but not the latter interpretation; and that the latter implausibly assumes that all moral requirements pick out, or only serve to protect, their owners' all things considered interests.

The upshot of the above line of argument is that some future persons' interests, and the rights they ground, confer obligations upon their predecessors not only to refrain from harming these interests once they have come into existence, but in addition to refrain from adopting courses of action which result in bringing persons into the world whose specific interests will thereby be unavoidably harmed. Suppose that included amongst these specific interests is the interest in having access to (i.e. in order to breathe) clean air. If it could be shown that the adoption of the Depletion Policy (as seems plausible³⁹) will result, many decades later, in much of the earth's atmosphere being contaminated, and this compromises the ability of various obligation-bearing institutions to protect the rights grounded in these interests, then there would appear to be some (though not necessarily a decisive) objection to the Depletion Policy. The adoption of the Depletion Policy would be objectionable here because it resulted in many persons coming into existence with specific rights which could not have been fulfilled or protected. If, on the other hand, the Conservation Policy had been

chosen, let's suppose, widespread air pollution would have been averted and no (or at least far fewer) people would have been brought into existence bearing rights which could not have been fulfilled. It would not matter on this view that the Depletion and Conservation People will be different individuals; and it would make no moral difference that the Depletion and Conservation peoples' identities were tied to the Depletion and Conservation Policies' prior adoption. The Specific Rights Approach, then, responds to the dilemma by revising the No Worse Off Claim in order to retain the Intergenerational Harms and Identity Dependence claims.

One problem with this approach is that it does not seem able to provide a *consistent* objection to the Depletion Policy. Suppose that it could be predicted that the Depletion Policy, although lowering the quality of life for future generations relative to the alternative, would not result in any future persons being subject to great poverty, and we suppose to specific interests violations. Then there would seem to be no specific interest-based objection to this choice. But in that case, there would be many hypothetical cases which could be constructed such that our intuitions still point to the choice of Depletion being wrong, but where it would not be considered wrong on the Specific Rights Approach. Indeed, variations on the case of Jones might constitute one such set of cases, for it might be doubted that people have rights *not* to be born handicapped, as opposed to rights *not* to be born into a world where one cannot breathe clean air.⁴⁰

A different problem arises when we adopt the perspective of the potential recipient of these specific rights. Consider again the case of Jones. Parfit suggests that the main defect in a rights-based objection to Depletion in the Jones case would be that we might expect Jones, or indeed any other person in a similar position, to be grateful — rather than resentful — that he had been born. So long as the Depletion People lead lives worth living, and do not therefore regret their existence, Parfit surmises, we can assume that they would *welcome* any claims they might possess which require us not to choose the Depletion Policy on their behalf.⁴¹ And if we can predict that future persons would waive their rights not to be born rather than be born with rights that could not possibly be fulfilled, then there would be no — or possibly reduced — force to a specific-rights based objection to the earlier acts. Perhaps a response

to this objection might be found in the thought that these specific rights are inalienable in some sense – that is they *cannot* be waived by their owners – but more needs to be said here about this suggestion.

Finally, suppose we grant the basic premise of the approach – that some rights protect interests which are not in their holders' all things considered interest to have respected. Many of the goods which we are concerned to preserve for posterity are public goods. Public goods, such as (the access to) clean air, are goods whose benefits are distributed throughout a society such that they are 'not subject to voluntary control by anyone other than each potential beneficiary controlling his share of the benefits'.⁴² However, on the interest-theory of rights, it is problematic to argue that individuals possess rights to public goods such as clean air. This is because the interest-theory does not generate rights to all interests which individuals possess, rather only those which are sufficiently important to hold others under a duty to protect those interests. But it seems unlikely that the interest of single individual in a public good is important – and *weighty* – enough to make it the case that all other members of society are under a duty to do something about this interest. Indeed, Raz himself is skeptical about the idea of an individual possessing a right to a public good, and suggests that separate individuals' interests in such goods are best thought of as grounding *collective* rights.⁴³ So it seems that the idea of the specific rights (or interests) of *individuals* will need to be supplemented by some appeal to the specific rights (or interests) of *collectivities* if we are to make sense of the idea of rights to environmental public goods such as clean air. In short, the Specific Rights Approach seems unlikely to provide a full solution to the Non-Identity Problem.

IV

The drawbacks associated with the approaches considered above might not necessarily show that a solution to the Non-Identity Problem is out of reach. At first glance, at least, it might suggest rather that approaches to the Non-Identity Problem which take an *individualistic* form are implausible. But this is not quite right. What the Non-Identity Problem renders implausible, I think, are objections to Depletion which focus on the rights and interests of *particular persons* as central to the moral

wrongness of choosing Depletion over Conservation. As a new piece of terminology, call all similar accounts of morality – which rest on the rights and interests (or more generally moral status) of particular value bearing entities – *token-affecting accounts*. The Non-Identity Problem appears to undermine any account which takes the relevant, value bearing, token to be a particular person. But rather than implying that we ought to abandon a token-affecting approach altogether, this result might rather suggest that we ought to appeal to the interests or rights of a different token if we are to formulate an objection to the Depletion Policy's adoption (or at least it does not at this stage rule out this possibility). The main candidate for this substitution is, I think, the token of 'particular human collectivity', however there are other possibilities. Each substitution would of course have to be evaluated on its own merits – most obviously in terms of the way it makes sense of our convictions about cases such as Conservation-Depletion example.

Consider figure 1, which attempts to explore diagrammatically the intricacies of the *token-affecting* view – consider particularly the position I call the Wide Token-Affecting View. The proponent of this last view canvasses a view different from those proposed by Heyd and Parfit. The revised view is compatible with the claim that the Non-Identity Problem blocks a *person-affecting* account of the wrongness of choosing Depletion, but instead claims that Depletion is objectionable in virtue of harming the interests of future collectivities.⁴⁴

So whereas the Specific Rights Approach revises the *dimension* by which we claim future persons are harmed – made worse off – by our prodigious choice of Depletion, the Group Affecting Approach (as we might call it) revises the identity of the *victim* of this choice. This approach suggests that we can reconcile all three of the claims identified earlier by revising the Intergenerational Harms and No Worse Off claims by focusing on the way in which future collectivities are harmed – made worse off by – Depletion rather than particular persons. Moreover, because this strategy is agnostic on the issue of whether the No Worse Off Claim should be cashed out in terms of 'all things considered' or 'specific' interests (of groups or individuals) it is worth emphasising that it is compatible, indeed complementary, to the Specific Rights Approach.

Consider the way in which climate change is expected to alter the cultural and social fabric of certain nations. There is possibly no better

example of this than the way in which global warming will cause significant mean sea-level rises in the coming decades and centuries. In its latest assessment, the IPCC concluded that there will be an increase in global mean surface sea-levels of around half a meter on 1990 levels by the year 2100.⁴⁵ Moreover, it predicts that this will have serious consequences for many nations in the future, but in particular for nations which are entirely, or have regions which are, low-lying. Indeed, these sea-level increases are expected to inundate much of the world's lowlands, damage coastal cropland, and displace millions of persons from low-lying and coastal communities.⁴⁶ Just some of the low-lying nations that the IPCC thinks are in danger are the north-east coastal nations of Latin America, Bangladesh, Egypt and Holland.

But consider, even more worryingly, the small island states of the South Pacific. The IPCC singles out these nations for special attention because of the especially grave, and largely adverse, effects that sea-level rises will have on these states — culminating in the worst case scenario in complete disappearance. Here, the combined effect of warming and sea-level rises is expected to reduce soil fertility, push agriculture inland, and thereby exacerbate soil erosion. It will be massively expensive to undertake even moderate mitigation responses for all these effects, and even if the resources could be found (from international humanitarian assistance, for example) the costs to the community in terms of maintaining access to traditional ways of life, and adapting to new ways of living, would be profound. These are all projections which the IPCC make with some confidence.⁴⁷

With these observations in mind, consider the case of *The Displaced Islanders*. Suppose world-wide policies of Conservation are not implemented, and that the IPCC's best estimate of global sea level rise of a half a meter by the year 2100 is proved accurate. Towards the end of the 21st century, the elder statesmen of the Pacific island state of *Globalaurmia* have assembled to assess the damage which global warming has caused their small community. In line with the IPCC's projections, their island has been all but submerged by the Pacific Ocean, and their agricultural industry had been destroyed by a combination of soil erosion and infertility. Because of the lack of employment prospects and general social upheaval, moreover, the indigenous population has been cut to a small percentage of its twentieth century level. Finally, because

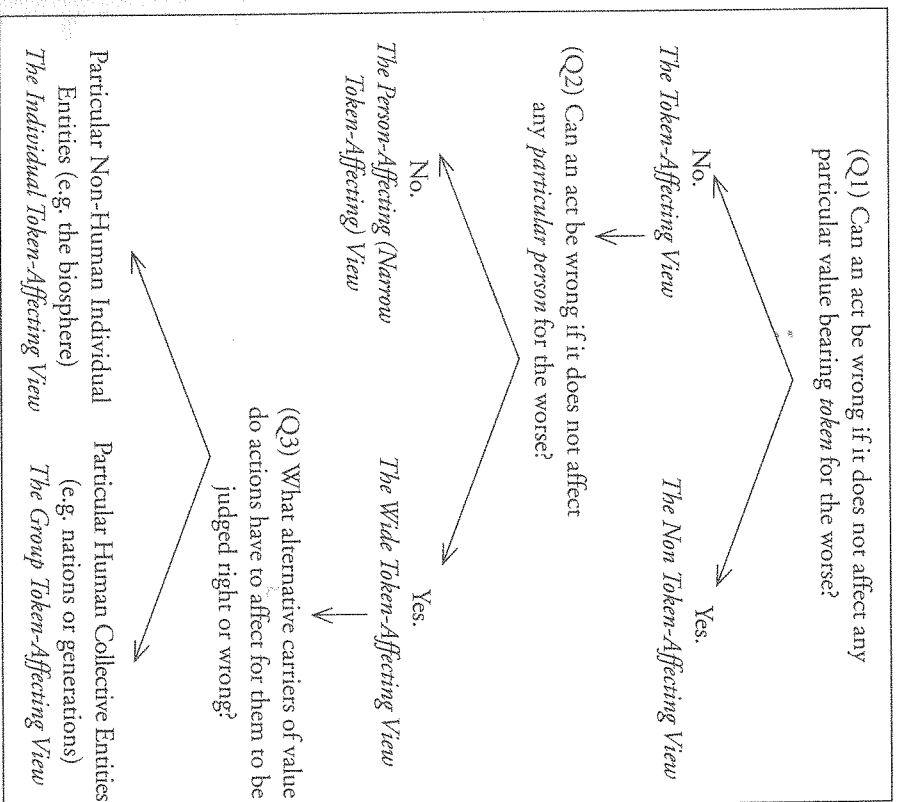


Figure 1. *The Token-Affecting View*

of the combined impact of population displacement and other impacts, many cultural practices — practices which had been handed down through the generations — have been abandoned. The community, the elders agreed, was on the verge of collapse.

Let us put aside the economic, social and health impacts of climate change on existing islanders, and in particular the important issues of *international* justice which this case raises. Has the island community *itself* been harmed by — has it a complaint against — previous generations' failure to implement climate change policies to prevent the worst effects

of global warming? On the Group Affecting View, it has. Here, despite the fact that no particular individual will exist in the future where Depletion is adopted who would have existed had it not been, various collectivities and associations will, and are thus candidates for complaint-bearing status. Indeed, even if the community of Globalwarmia ceased to exist following a catastrophic increase in sea levels, this would not mean that we could simply assume that it had never existed. Rather, it would be because the nation had been destroyed primarily as a result, we are supposing, of the impact of climate change on its viability. The idea, then, is that the interests of the collectivities which constitute Globalwarmia – including, but not merely, the political community itself – generate certain requirements which we can say were violated as a consequence of adopting the Depletion Policy.⁴⁸

Suppose that the community was, prior to the sea-level rise, a traditional community dedicated to preserving a rich cultural and linguistic heritage. Assume, however, that the preservation of the native language is not a necessary condition of the survival of the Globalwarmian community as such.⁴⁹ As the warming, and consequent sea level rises, would result in the impoverishment of the Islanders' linguistic and cultural heritage (most of the population bar the Elders, let's suppose, have fled to the mainland and now need to speak a different language in order to get by) the interests of the Islanders *as a collectivity* might be thought to have been harmed by this – the group, collectively, at the very least had its right of access to an integral and undamaged cultural language undermined.

Note that we are not proposing – as is suggested elsewhere by Kymlicka – that the adoption of Depletion type policies would be wrong in virtue of undermining the needs of *specific individuals* to have access to a flourishing cultural structure, in order that they are in a position to pursue their own conceptions of the good. Kymlicka argues that persons belonging to disadvantaged minority cultures can, from the liberal point of view, be afforded additional rights and resources to compensate for their damaged needs. He claims that commonality – namely a shared language, history, and membership in a cultural community – does not constrain individuality: 'membership in a cultural structure is what enables individual freedom, what enables meaningful choices about how to lead one's life.'⁵⁰

Rather, the claim here is that the communities which future people belong to are deserving of concern and respect *in their own right*. And if present actions have the result either that these communities die out altogether, or are damaged in the sense that various communal practices are undermined, they are morally objectionable at least in this one important respect.⁵¹ Thus, despite the fact that no future individual islander will be harmed by the Depletion Policy's adoption – they all lead lives which are at least worth living and owe their existence to it – the Islanders *as a collectivity* are harmed. Here we appear to have the basis of an objection to Depletionist policies which survives the Non-Identity Problem, and is framed within token-affecting terms. It is important here to note that the Group Affecting Approach is still atomistic – or non-holistic – in the sense Masaya Kobayashi uses the term, as it is particular (or individual) groups which possess interests in (and thus rights to) maintaining an undamaged heritage of cultural goods, such as viable linguistic structures. The value of cultural preservation, here, is not owed 'to the world' abstracted from the way it connects to the flourishing, and continued survival, of human communities. Indeed, groups – together with their individual members – can equally be thought of as atoms of the whole which Kobayashi seeks to exploit as a basis for a solution of the Non-Identity Problem.⁵²

Furthermore, because it is framed in token-affecting terms, the Group-Affecting View is reconcilable with Scanlon's contractualist view. Recall that contractualism is the view that the fundamental moral motive is 'the desire to be able to justify one's actions to others on grounds that they could not reasonably reject'⁵³ and an act is wrong only if its performance 'would be disallowed by any system of rules for the general regulation of behaviour which no one could reasonably reject as a basis for informed, unforced general agreement'.⁵⁴ As noted earlier, if interpreted as a person-affecting doctrine, contractualism seems an unpromising approach to the Non-Identity Problem. This is because the Depletion People, taken person by person, do not seem to have a legitimate complaint against the Depletion Policy's adoption.

Scanlon's construction does not appear to be formally tied to the idea that the complaints it considers must be restricted to those arising from harms, or wrongs, done to particular *persons*.⁵⁵ Indeed, I suspect that if the contractualist approach is in the final analysis to offer a coherent

orientation to intergenerational issues, it will take on a mixed, or pluralist, form. That is, it will appeal to both person-affecting and impersonal-principles. However, putting aside impersonal principles at this point, it seems that contractualism could be bolstered somewhat if it made room for unanswerable complaints of certain human (and possibly non-human) groups. The view which I have been exploring, then, suggests that we should revise Scanlon's account of moral reasoning to read that 'an act is wrong only if it affects some particular *individual or group* in a way that cannot be justified'. We might call this the *Wide Unanswerable Complaint* principle.⁵⁶

I have space only to mention one significant problem with the Group Affecting Approach. Suppose that a course of action which we think will harm a certain future group's interests would also be a necessary condition either of that group's coming into existence or its continued survival. In such cases it might be that the approach will be plagued by a new *group-affecting* version of the Non-Identity Problem. Take, as an historical example of what I mean, the enforced transportation of West African peoples to North America in previous centuries.⁵⁷ Suppose that a present-day African American individual suggests that he had been harmed – and deserves compensation – in virtue of being born into a community which had been created by the enslavement of his ancestors. The Non-Identity Problem suggests that he was not harmed by the slavers' activities as he owed his existence, in part, to their actions (as all of us do, I suspect). Suppose next that the complaint had been made on behalf of the present-day African American *community*. The enslavement again appears to have been a necessary condition of the existence of the present-day African American community. If this grave injustice – or series of injustices – had never occurred there would be no African American community in quite the same sense as there is today. There would no doubt be some Africans who had emigrated to the United States, for example, but it is unlikely that there would be the rich diversity of African American linguistic and cultural heritage that there is today. This new version of the Non-Identity Problem suggests that a representative of this present-day community could not argue that his *community* had been harmed by the original enslavement.⁵⁸ If parallel cases can be constructed in the Depletion-Conservation example, then,

various group based objections to choosing Depletion might similarly fall away.

These and other worries suggest that the Wide Unanswerable Complaint Principle would certainly stand in need of supplementation – perhaps with both specific-rights and impersonal principles. Questions would then be raised as to how these different principles would stand in relation to one another. For example, would token-affecting principles have (lexical) priority over impersonal principles in our pluralist theory? – or would the principles be weighted differently? Such important issues are beyond the scope of this chapter.⁵⁹ My aims have been more modest. I hope to have sketched *two* relatively neglected lines of thought which might be appealed to in order to solve the Non-Identity Problem in an important range of cases.

Notes

1. J. T. Houghton et al. (eds), 'Summary for Policymakers', *Climate Change 1995: The Science of Climate Change* (Cambridge: Cambridge University Press, 1995), p. 5.
2. See A. J. McMichael et al., 'Human Population Health', in R. T. Watson et al. (eds) *Climate Change 1995: Impacts, Adaptations, and Mitigation of Climate Change: Scientific-Technical Analyses* (Cambridge: Cambridge University Press, 1995), p. 564ff.
3. This was adopted at the United Nations Conference on Environment and Development, Rio de Janeiro, 1992 – otherwise known as the Rio Earth Summit.
4. K. J. Arrow et al., 'Intertemporal Equity, Discounting and Economic Efficiency', in J. P. Bruce et al. (eds), *Climate Change 1995: Economic and Social Dimensions of Climate Change* (Cambridge: Cambridge University Press, 1996), p. 130.
5. Quoted in T. Banuri et al., 'Equity and Social Considerations', *ibid.*, p. 90.
6. Onora O'Neill, for example, writes that 'by burning fossil fuels prodigally we accelerate the green-house effect and may *dramatically harm* successors, who can do nothing to us' (O'Neill, *Towards Justice and Virtue* (Cambridge: Cambridge University Press, 1996), p. 115 – emphasis added).
7. These problems are mirrored in many ways by the formidable problems facing those who wish to extend domestic norms of justice in order to approach issues of international justice.
8. See D. Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1984), p. 351f.
9. Which is a variant of a case discussed by Parfit, *ibid.*, pp. 361–64.
10. The IPCC defines these as measures whose benefits 'equal or exceed their cost to society, excluding the benefits of climate change mitigation', J. P. Bruce et al. (eds), 'Summary for Policymakers', *op. cit.*, p. 15.

11. As a rough and ready parallel to this hypothetical policy choice, one might think of the decision of whether or not to ratify - and adopt policies consistent with - the requirements of the Kyoto Protocol to the Framework Convention on Climate Change.
12. Parfit, *Reasons and Persons*, p.359.
13. T.M. Scanlon, 'Contractualism and Utilitarianism', in A. Sen and B. Williams (eds), *Utilitarianism and Beyond* (Cambridge, Cambridge University Press, 1982), p.116; 110.
14. Parfit, 'A Reply to Stenba', *Philosophy and Public Affairs*, 16, 1987, p.193.
15. In fact, if we think that causing someone to exist who will lead a life worth living thereby benefits them, we might think the Depletion people ought to be grateful to the policy-chooser's for being born at all. For the purposes of the paper, however, I put this possibility to one side.
16. See Parfit, *Reasons and Persons*, p.365-6.
17. Scanlon, 'Contractualism and Utilitarianism', p.115.
18. Parfit, *Reasons and Persons*, p.523.
19. As evidenced by its adoption by Brian Barry in recent work. See Barry, *Theories of Justice* (Berkeley, University of California Press, 1989), p.284ff; and *Justice as Impartiality* (Oxford, Clarendon, 1995), especially pp.67-72.
20. Take the view proposed by Onora O'Neill in this volume. O'Neill claims that the scope of our duties extend not only to those whom can be identified with ease - such as our proximate coevals and fellow countrymen - but in addition to all those whom we in some way premise our agency upon. We habitually make assumptions about distant strangers when we decide how to act, she argues, and accordingly we are required not to harm them even if we are not in a position to determine exactly who they are. There is an important problem with her analogy between our dealings with *distant contemporaries* and *distant noncontemporaries* though. Suppose that the society's adoption of Depletion would lead, predictably, to a radical lowering of the quality of life for both presently existing and future persons. Suppose next that some of the existing persons whose lives go worse because of the policy are noncomparators. The fact that some of the people we would affect are distant strangers - on some agent-relative view - might entail that we violate no serious moral requirements by affecting these people adversely. However, even on an extreme agent-relative view the claim would *not* be that we have harmed no particular people by choosing the policy, but rather that because of some view of the relative moral unimportance of the well-being of noncomparators, these persons' interests do not ground any strong requirements against us. When we turn to future persons, however, even the idea that we *harm* future persons is undermined. Put differently, suppose we grant to O'Neill, that we have some imperfect - that is non-rights grounding - obligations to future persons not to adopt Depletion. Which particular persons will benefit from such an obligation being respected as opposed to disrespected? O'Neill's view appears to imply that we have obligations to (future) persons who could not possibly benefit from these obligations being respected, or harmed by their *not* being respected.

21. See J. Feinberg, *Harmless Wrongdoing* (Oxford, Oxford University Press, 1988), p.xxviii.
22. Clearly the full implications of endorsing a person-affecting view of moral reasoning will depend in part on whether or not one holds that causing a person to exist who leads a life worth living thereby benefits that person. As stated in note 14, I am assuming here that causing to exist *cannot* benefit. However, for a discussion of this issue, and especially of the implications of abandoning this assumption, see Parfit, *Reasons and Persons*, pp.393-401; and pp.487-90. Interestingly, Masaya Kobayashi (this volume, chapter 8) appears to embrace the claim that causing to exist *can* benefit. Kobayashi remarks that a Depletion type policy 'is simply bad for the [Conservation] Virtual Persons because they are deprived both of the (possible) benefit caused by being born, and of the possible life worth living' (p. 181).
23. On the distinction, see D. Heyd, *Genethics: Moral Issues in the Creation of People*, (Berkeley, University of California Press 1992), p.80f.
24. Although it is essentially a *trilemma* - the third option being to revise the Identity Dependence Claim - I want to put this possibility to one side. While I have not the space here to discuss the issue of personal identity in detail here, it does seem that dispensing with the Identity Dependence Claim in order to retain the other two claims is at the very least counter to the ethos of the most familiar theories of personal identity.
25. Heyd refers to this view as *generocentrism*. According to generocentrism, requirements of intergenerational justice are grounded 'exclusively by reference to the interests, welfare, ideals, rights, and duties of [actual persons]' - see D. Heyd, op. cit., p.xi, 80f; Schwartz, writing some years earlier, defends substantially the same view. See T. Schwartz, 'Obligations to Posterity', in R.I. Sikora and B. Barry (eds) *Obligations to Future Generations*, (Philadelphia, Temple University Press, 1978), p.3ff.
26. See Heyd, op. cit., p.193f.
27. Parfit calls this the *No Difference View*. See *Reasons and Persons*, p.367.
28. *Ibid.*, p.361.
29. Parfit contrasts these with *Some Person Cases* and *Some Number Cases*. The former choices lead to the same persons living as their alternatives, the latter choices lead to the same number, but not same individuals, living as their alternatives. See *ibid.*, p.356.
30. Similar worries are raised by Sidgwick and Parfit. See H. Sidgwick, *Methods of Ethics*, (London, MacMillan, 1901), p.415-6. Parfit takes this line of reasoning to its logical, and he thinks *repugnant*, conclusion when he observes that on the impersonal-maximising view, for any possible population of at least ten billion people, all with a very high quality of life, there must be some much larger imaginable population whose existence, if other things are equal, would be better, even though its members have lives that are barely worth living' (*Reasons and Persons*, p.388).
31. Suppose all who live in some society are uniformly very happy. Impersonal average-utilitarianism would appear to require that additional people be added to the society's population if they are on balance happier than presently existing persons, and condemn

- additional persons being added to the population if the arc on balance slightly less happy than existing persons.
32. See J. Woodward, 'The Non-Identity Problem', *Ethics*, 96, 1986, p. 810f and 'Reply to Parfit', *Ethics*, 97, 1987, p. 802.
33. I do not consider the alternative, *choice-theory*, as it is straightforwardly incompatible with right-based norms of intergenerational justice for reasons quite apart from the Non-Identity Problem. For discussion, see H. Steiner, 'The Rights of Future Generations', in D. MacLean (ed.) *Energy and the Future*, (Totowa, New Jersey, Rowman and Littlefield, 1983), esp. p. 154f.
34. See, for example, J. Raz *The Morality of Freedom*, (Oxford, Clarendon Press, 1986), p. 166f.
35. Raz, *Ethics in the Public Domain*, (Oxford, Clarendon Press, 1994), p. 46.
36. *Ibid.*, p. 46.
37. See Woodward, 'Reply to Parfit', *Ethics*, 1987, p. 802.
38. As suggested by L. Temkin, 'Harmful goods, harmless bads', in R. G. Frey and C. Morris (eds) *Value, Welfare, and Morality*, (Cambridge, C. U. P., 1993), pp. 295-98.
39. Climate Change Policies can have both direct and indirect effects on air pollution levels. Firstly, and directly, reducing the combustion of fossil fuels will reduce one of the main sources of various air pollutants, most significantly CO₂. Secondly, and more indirectly, global warming is expected to amplify levels of pollution in certain circumstances, particularly in urban areas. For example, if, as appears likely, warming causes an increase in the frequency of occasions where very hot, and humid, weather is combined with low wind speeds, there will be many more occasions where air pollutants will not be rapidly dispersed. This is expected, among other things, to exacerbate the urban asthma problem. Action to reduce anthropogenic radiative forcing – such as tight(er) restrictions on anthropogenic greenhouse gas emissions – therefore, would be expected to reduce the severity of these effects relative to the alternative (see McMichael et al., op. cit., p. 577-79).
40. See Woodward, 'The Non-Identity Problem', note 12; and 'Reply to Parfit', p. 809.
41. See Parfit, *Reasons and Persons*, p. 365.
42. Raz, op. cit., p. 198.
43. *Ibid.*, pp. 186-90.
44. Interestingly, Heyd at one point remarks that person-affectingness 'is not necessarily committed to individualism; the "carrier" of value, the entity for whom something can be good, can be a group of people, a collective' (Heyd, op. cit., pp. 84-85).
45. See R. A. Warrick et al., 'Changes in Sea Level', in J. T. Houghton et al. (eds.), op. cit., p. 365ff. Therein the authors report that global mean sea level has 'already risen 10-25 cm over the last 100 years' and, on the most researched anthropogenic 'emissions scenario', is expected to rise by between 38 and 86 cm – with a 'best estimate' of 49 cm – by the year 2100. See *ibid.*, pp. 381-85.

46. See L. Bilsma et al., 'Coastal Zones and Small Islands', in R. T. Watson et al. (eds.) op. cit., pp. 295-297. The authors project, with 'high confidence', that sea-level rise 'would have negative effects on a number of sectors, including tourism, freshwater supply and quality, fisheries and aquaculture, agriculture, human settlements, financial services, and human health.' They also project that 'adaptation to sea-level-rise and climate change will involve important trade-offs, which could include environmental, social, cultural values' (*ibid.*, p. 292).
47. See *ibid.*, pp. 296-98.
48. Compare with the view Charles Taylor takes of the good of communities in *Multiculturalism: Examining the Politics of Recognition*, (Princeton, Princeton University Press, 1994), pp. 40-1. Therein Taylor criticises the view – attributed to Will Kymlicka – that the worth of communities is derived from the value they have in securing the 'cultural needs' of individuals, such as their seeking to give meaning to their lives. This individualistic view, Taylor thinks, firstly neglects the importance of these communities *qua* communities rather than just associations of value-bearing individuals; and, secondly, that it cannot account for the fact that what many Quebecois, for example, want is that their community survive into the future for reasons quite apart from the positive impact that this will have on the well-being of its members. According to my account, Taylor is advocating a *wide* token-affecting view to Kymlicka's *narrow* token-affecting view.
49. This seems a reasonable assumption, for there may well be other distinctive and well-rooted cultural traditions enjoyed by the Islanders which can be continued, and preserved for future generations, without their being pursued in a particular language.
50. See Kymlicka, *Liberalism, Community, and Culture*, (Oxford, Clarendon, 1989), p. 208. Kymlicka, like Heyd, adopts a solely person-affecting view of intergenerational morality, according to which 'non-existent people don't have claims – we don't have a moral duty to them to bring them into the world' (*ibid.*, p. 27). Note that Yoon-Jae Chung (this volume, chapter 11) appears to subscribe to Kymlicka's view when he claims that various institutions ought to 'utilise their transnational networks for the good purposes of providing children and new generations with opportunities to experience a variety of cultures' (p. 279). It is unclear, though, how this claim links with Chung's other main claim that 'individuals are trans-individuals who are intrinsically related to God, cosmos, and all animate and inanimate objects in the universe' (p. 280).
51. Taylor argues that 'Kymlicka's [person-affecting view] is valid (perhaps) for existing people who find themselves trapped within a culture under pressure, and can flourish within it or not at all. But it doesn't justify measures designed to ensure survival through indefinite future generations. For the populations concerned, however, that is what is at stake' (Taylor, op. cit., p. 41).
52. Notice also that my claim is not that we ought to be concerned for posterity because posterity at least partly constitutes our identities. This would reduce the requirements of intergenerational justice to a matter of extended self-interest. The claim I am defending is rather that certain groups should be seen as interest-bearing entities in their own right, and as a result are deserving of our concern and respect when it comes to deciding between

competing *culturally sensitive* public policies. Put another way, the intergenerational requirements which I am seeking to explore are *agent-neutral* as opposed to *agent-relative*.

53. Scanlon, 'Contractualism and Utilitarianism', p.116.

54. *Ibid.*, p.110.

55. According to Scanlon's view of the scope of contractualism, 'morality applies to a being if the notion of justification to a being of that kind makes sense...the being must have a good, that is, that there be a clear sense in which things can be said to go better or worse for that being...the being [must] constitute a point of view; that is there be such a thing as what it is like to be that being' ('Contractualism and Utilitarianism', pp.113-14). The analysis of the interests of groups in the text is intended to convey the thought that there can be such a thing as a group point of view or perspective of things, and that things can indeed go better or worse for these groups.

56. Suppose we do formulate such a group-affecting objection in terms of rights-language. Then note that it is not subject to the problem that no *particular individual's* interest in securing access to a public good such as clean air will be important enough to hold everyone else to be under a duty to provide that good. Here it is the interest of the group *qua* group which grounds the right of the group to certain public goods, such as access to a flourishing cultural resource base or linguistic heritage, and is *ex hypothesi* sufficiently strong to hold other groups (and individuals) to be under a duty not to violate this right.

57. Which is discussed by J. Fishkin 'Justice Between Generations', *Nomos XXXIII: Compensatory Justice*, J. Chapman (ed), (New York, New York University Press, 1991), pp.91ff.

58. I put to one side here the injustices which the original enslavement perpetrated on the African slaves and the communities to which they belonged to at the time of this enslavement.

59. For a seminal discussion of these matters, see J. Rawls 'The Priority Problem', *A Theory of Justice*, Oxford, O.U.P., 1973, pp.40-6.

Holistic Self and Future Generations: A Revolutionary Solution to the Non-Identity Problem

Masaya Kobayashi

1. Great Riddles from within the Utilitarian Tradition

§1. The Radical Attack Against Atomistic 'Reasons and Persons'

In Chapter 2, it was made clear that there are essential limits derived from atomistic construction in Western theories on future generations at the first three stages of development, and in particular, in contemporarily contractual theories including that of Rawls. The problem of atomism was later illuminated from the other important tradition, utilitarianism, at the fourth stage by Derek Parfit. The title of *Reasons and Persons* signifies the subjects of his masterpiece: 'reason' to do with morality and rationality, and 'person' in terms of our identity or unity over time, as distinct from others. In concordance, the first three Parts are named, 'Self-Defeating Theories', 'Rationality and Time', 'Personal Identity', and the last part concerns the present subject, 'Future Generations'.

In this chapter, the discussion is concentrated upon Parfit's arguments, including that of the well-known 'Non-Identity Problem': the purpose is to propose a revolutionary solution to this problem from an Eastern holistic perspective.

Although most articles referring to Parfit's work on 'Future Generations' discuss merely the fourth part, it is necessary to describe the outline of the other three parts briefly in order to explicate the whole