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Can We Harm Future People?

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ABSTRACT

It appears to have been established that it is not possible for us to harm distant future generations by failing to adopt long-range welfare policies which would conserve resources or limit pollution. By exploring a number of possible worlds, the present article shows, first, that the argument appears to be at least as telling against Aristotelian, rights-based and Rawlsian approaches as it seems to be against utilitarianism, but second, and most importantly, that it only holds if we fail to view moral agents as individuals. The article also concludes that the argument has profoundly counter-intuitive implications.

KEY WORDS

Future generations, Schwartz, Parfit, non-identity problem, person-affecting principle

In order to avoid harming future generations, we might feel that we ought to consider, among other things, conserving natural resources, controlling the release of pollution into the environment, maintaining the world's gene pool, preserving certain cultural forms and controlling population growth. Clearly, if we squander all the world's natural resources or if we seriously pollute the environment, then future generations are likely to face severe difficulties. Hence, we might feel that we ought to take such things into account and adopt policies which would thereby promote the welfare of future generations.

I.

However, by means of a highly influential argument which, it seems to me, has not, to date, been successfully rebutted, Thomas Schwartz concludes that the welfare of distant future generations cannot be used to justify the adoption of long-range welfare policies (which would include energy conservation, controlling the emission of pollutants, and limiting population growth, for the welfare of future generations seems to depend upon our adopting such policies). Schwartz's argument proceeds by attacking the following claim:

- (1) 'Our descendants would likely be significantly worse off if *P* were not adopted than if *P* were adopted' (Schwartz, 1979: 181),

where '*P*' is any long-range welfare policy. (1) can be interpreted in either of two ways. First, it could mean that '[a]t least some of our distant descendants would likely be significantly worse off in some respect if *P* were not adopted than those *very same individuals* would be if *P* were adopted' (Schwartz, 1979: 181–2). But the problem with this, according to Schwartz, is that if *P* had been adopted, then those who would otherwise have been worse off would never have existed. In other words, if a particular long-range welfare policy were to be adopted, certain individuals would exist. But if the policy were not adopted, quite different individuals would exist.

The reason Schwartz provides for this claim is that the individuals who do exist are the product of a particular spermatozoon fertilising a particular ovum. The slightest change in the timing of sexual intercourse or in temperature or in many other factors would result in the ovum not being fertilised by that particular spermatozoon. Hence, the slightest change in any one of a whole host of factors would mean that a different individual would have been conceived.¹ As divergences will tend to grow exponentially over time, then even the slightest change now will result in a greatly different future. For example, one different individual in this generation would give birth to, say, two different children who would then give birth to, say, four different grandchildren and so on. One slight difference in the composition of this generation will mean a greater difference in the next. So, the smallest change now will lead to a major change in the far distant future, and hence the adoption of any major long-range welfare policy would so change the situation that a generation in the very distant future would consist of totally different people to those who would have existed had the policy not been adopted. Hence, if the long-range policy is not adopted, then no one in the distant future will be worse off than he or she would have been had the policy been adopted.

So, the first interpretation of (1) fails to justify any long-range welfare policy. A second possible interpretation is that,

[a]lthough none of our distant descendants who would exist if *P* were not adopted also would exist if *P* were adopted, the society that comprises our distant

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descendants – the *distant future society*, for short – would itself exist whether or not *P* were adopted. One and the same society can have different individual members under different circumstances, actual and hypothetical. And while no *individual member* of the distant future society would be worse off if *P* were not adopted than *he [or she]* would be if *P* were adopted, the *distant future society itself* would be worse off. Its standard of living would be lower, its civilization inferior. (Schwartz, 1979: 184)

But Schwartz thinks that this interpretation fares no better. His objection is that there are no ethical grounds for preferring a policy which is better for something we call a society but which is not better for any person. He therefore concludes that the welfare of future generations cannot be cited in support of any proposed long-range welfare policy, as failing to adopt such a policy ‘would hurt not a single one of them’ (Schwartz, 1979: 185).

But there is a further implication of Schwartz’s argument. Different individuals would exist in the distant future if we were to adopt a policy which limited the damage we currently inflict upon the environment. Suppose we choose to adopt such a policy. The result would be the future existence of a distant generation comprising certain individuals. But some of us today, out of a feeling of benevolence or concern for our direct descendants, might advocate the adoption of a policy which would lead not just to the reduction of environmental damage but also to significant environmental improvements. However, the consequence of adopting the environmental improvement policy would be that yet another set of individuals would exist in the distant future. Hence, our choosing to adopt an environmental improvement policy cannot *benefit* those who would exist were we to adopt a policy which was merely confined to limiting environmental damage, for they would not exist were we to adopt a policy geared to environmental improvements.

Consequently, the conclusion of Schwartz’s argument is even stronger than first appears, for not only does it seem to be impossible to harm distant future generations, it also appears to be the case that we cannot benefit them, either.² And if we can neither harm nor benefit distant future generations, this might be taken to imply that we have absolutely no obligations to them at all. In short, it seems that we need not give them any consideration whatsoever.

II.

But surely, it will be objected, classical utilitarianism can easily be employed to reject Schwartz’s conclusion. Hedonistic utilitarianism in its classical form enjoins us to bring about the greatest happiness of the greatest number. Failing to adopt a long-range welfare policy which required us to conserve resources and limit our output of pollutants would obviously be wrong on utilitarian grounds, for there would be far greater happiness in an unpolluted and resource-abundant

environment than in a polluted and resource-scarce one. Utilitarians, it would seem, have no difficulty in dismissing Schwartz's argument. Unfortunately, it is widely recognised that utilitarians face seemingly insurmountable difficulties when they turn to consider future people.

For example, on the one hand, classical utilitarianism has traditionally been interpreted as the injunction to bring about that situation from the various alternatives open to us which contains the greatest total happiness – what has been termed 'the total view'. Unfortunately, maximising total happiness might require us to produce billions of barely happy people in an already over-crowded world – the so-called 'repugnant conclusion' – because a very great number of barely happy people might contain more happiness than a small number of very happy ones (see Parfit, 1986: 148).

On the other hand, in order to avoid what many agree to be such a repugnant implication, some hedonistic utilitarians have opted for an alternative to the total view – namely, 'the average view' – which enjoins us to bring about that situation from the various alternatives open to us which contains the greatest average happiness. Unfortunately, maximising average happiness might require us not to produce very happy people in a world comprising a small number of ecstatic ones. Worse still, it might be argued that we ought to kill, painlessly, those very happy people who are surrounded by ecstatic ones in order to raise the level of average happiness. Most would consider such an implication to be even more repugnant.

As a last resort, faced with the apparently unacceptable implications of both the total view and the average view,³ some utilitarians have sought refuge in the 'person-affecting principle', according to which the only morally significant actions are those which affect persons who actually exist or who will, in fact, exist. But this principle does not establish the wrongness of failing to adopt a long-range welfare policy which requires us, say, to conserve resources and limit our output of pollutants, for it is precisely the person-affecting principle which Schwartz's argument deploys. If we are to make as well-off as possible those persons that will, as a matter of fact, exist in the distant future, then we do not make those people better off by conserving resources and controlling our emissions of pollution because that would not make *them* better off. Those who will actually exist would not exist to be better off if we altered our behaviour by adopting any such long-range welfare policy.

However, there appears to be a telling objection that can be levelled against the person-affecting principle. Derek Parfit asks us to consider the case of 'a woman who intends to become pregnant as soon as possible. She learns that she has an illness which would give to any child she conceives now a certain disability. If she waits for two months, the illness would have passed, and she would then conceive a normal child' (Parfit, 1976: 100–1). If she decides to conceive now, then the disabled child that will result is not worse off than he or

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she would have been had the mother waited until she recovered from the illness, because, had the mother waited, that particular child would not have existed. Hence, by conceiving now, '[t]he handicapped child is not affected for the worse' (Parfit, 1976: 100). Parfit then asks us to consider the case of a second woman.

She intends to become pregnant in a few month's time, but learns that, unless she receives treatment now, any child she then conceives would be handicapped. Her treatment would not postpone her intended pregnancy, so we can assume that it would not affect the *identity* of the child she later conceives – it would only affect whether or not this child is handicapped. (Parfit, 1976: 103).

As the same child will exist whether the mother accepts treatment or not, then he or she will be harmed if the mother refuses treatment. Refusing treatment would affect the child.

What Parfit's two examples demonstrate is that the person-affecting principle – where only persons that will exist count – leads to the bizarre conclusion that, while it would be wrong to conceive a disabled child as a result of refusing treatment which would prevent that future child suffering from a disability, it would not be wrong to conceive a disabled child now rather than delaying the pregnancy, even though delaying the pregnancy slightly would result in the birth of a normal child. And this is because refusing treatment harms the child, whereas refusing to conceive later does not harm him or her, for the child which is born would not be the same person if conceived later. Unlike the case of refusing treatment, in the case of refusing to delay the pregnancy – 'as far as the child is concerned – we are not told by any "person-affecting" principle that his [or her] mother acted wrongly' (Parfit, 1976: 101). But most of us would want to say that refusing to delay the pregnancy is at least as bad as refusing treatment, for the consequence in both cases is the birth of a disabled child when it would be very simple to give birth to a normal one, instead. Thus, the person-affecting principle seems to be counter-intuitive.

However, this does not establish that Schwartz's argument fails, for our 'intuitions' on this matter might very well be unreliable. An obvious utilitarian reason for not giving birth to a disabled child is that, even though the child might be happy enough and might prefer to exist, his or her existence might make the rest of society unhappy or go against their preferences. If the majority of society are prejudiced against the disabled,⁴ then their 'intuitions' should not be taken as a reliable basis for rejecting the person-affecting principle.⁵ In fact, utilitarian moral reformers, including Jeremy Bentham and John Stuart Mill, have been quite happy to abandon prevailing moral intuitions that are inconsistent with their theory. Rather than regarding all moral intuitions as sacrosanct, Bentham and Mill considered utilitarianism to be of value precisely because it appeared to provide the firm ground required for weeding out certain moral intuitions. In

short, rejecting a moral theory because one of its implications goes against a moral intuition that some of us hold is to dismiss it on inconclusive grounds. Let us, therefore, try a different tack.⁶

III.

Schwartz's argument concerns what happens when one course of action is taken in contrast with what would happen if an alternative course of action were to be taken. One (not uncontroversial) way of elucidating counterfactuals and subjunctive conditionals is to employ the language of possible worlds.⁷ But before exploring a number of possible worlds, let me distinguish between three different types of possible future worlds: those that are logically, epistemologically and ontologically possible.

First, a *logically* possible future world is invoked by the utterance 'It is logically possible that x might happen'. The set of such worlds only excludes logical impossibilities. For example, there is no logically possible future world in which bachelors are married. Nevertheless, even though some things are excluded – namely, logical contradictions – there is, clearly, an infinite number of logically possible future worlds. Second, an *epistemologically* possible future world is invoked by the utterance 'For all I know, x might happen'. It is equally clear that, given the far from perfect state of our knowledge, there are many epistemologically possible future worlds. However, if there were certain empirical features of the world that we knew about, it would not be unreasonable to insist that there are some logically possible future worlds which we know will not be actualised. Third, an *ontologically* possible future world is invoked by the utterance 'Given the actual structure of the world, x might happen'. While the structure of the world is such that some apparently possible events could not, in fact, possibly occur, our far from perfect knowledge of that structure is such that we do not know that certain impossibilities are, indeed, empirically impossible. Hence, the sets of logically, epistemologically and ontologically possible future worlds are not identical.

In ascertaining whether or not we can harm future generations and thereby deciding how we ought to act, mere logical possibility is irrelevant. That it is logically possible that we will fail to harm future people by our actions is neither here nor there. For example, that it is logically possible that we might harm fairies unless we chant certain spells does not constitute a good reason for taking up such a practice. Moreover, epistemological possibility is too weak. We could not justify causing harm to future generations by pointing out that we do not know for certain that our environmentally damaging activities will harm them. If it is highly likely, but not certain, that our actions will harm them, then we ought not to put them at risk. For Schwartz's argument to have any bite, it must concern ontologically possible future worlds.

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However, a strict determinist might insist that there is only one ontologically possible future world – that which will, as a matter of fact, transpire. This claim might, indeed, be true. But moral discourse presupposes responsibility; and that, in turn, presupposes human choice. And for every choice there is an ontologically possible future world. If I could choose to do either x or y , then there is an ontologically possible future world in which I do x and an alternative ontologically possible future world in which I do y . In order to ascertain our moral responsibilities to future generations, it seems that we must presume that there are different ontologically possible future worlds.

IV.

Allow us to explore a number of such worlds, then; but first consider the actual world, which I shall designate by ' W_A ' (that possible world which is actualised). Let ' F ' stand for the future, such that ' F^N ' symbolises the near future, while ' F^D ' symbolises the distant future. 'Andrea', 'Ben' and 'Clara' are names which rigidly designate⁸ three persons within the actual world (or put formally, three persons within W_A). They are engaged in environmentally destructive activities that lead in the distant future (at $F^D W_A$) to the existence of three persons who are rigidly designated by the names 'Xerksis', 'Yolanda' and 'Zak'. There is a near possible world W_I , which contains Andrea, Ben and Clara, and in its near future (at $F^N W_I$) they choose to desist from their environmentally destructive activities. The result is that in the distant future within that possible world (at $F^D W_I$) Xerksis, Yolanda and Zak are never born.

Now, if, as Schwartz seems to suppose, harm is making someone worse off, then this entails that he or she would have been better off were it not for the harmful action. However, the nearest ontologically possible world to the actual world (W_A) in which Andrea, Ben and Clara all choose to desist from their environmentally destructive activities is W_I . But at no time in that possible world – at no time in W_I – do Xerksis, Yolanda and Zak exist. Xerksis cannot be better off in the alternative possible world, because in that world (in W_I) there is no Xerksis to be better off! The same is the case with Yolanda and Zak. Hence, Xerksis, Yolanda and Zak would not be better off were Andrea, Ben and Clara to desist from their environmentally destructive activities. And this means that those activities cannot possibly harm them. Conceiving subjunctive conditionals as possible worlds thus shows in an exceptionally clear form the power of Schwartz's argument.

But if the person-affecting variety of utilitarianism seems to leave us with Schwartz's conclusion, and if the total and average variants are each untenable, an Aristotelian might object that bequeathing to distant future generations a heavily polluted environment would prevent them from fulfilling their human

potentialities; and that is morally wrong. Using up all of the earth's finite resources or polluting the environment would prevent Xerksis, Yolanda and Zak from reaching their human potential, and hence, Andrea, Ben and Clara ought not to engage in environmentally destructive activities. But in the distant future of the alternative ontologically possible world (at $F^D W_1$), where finite resources remain in abundance and the environment is not heavily polluted, Xerksis, Yolanda and Zak do not possess any potential, for at no time in that possible world – at no time in W_1 – do they exist. In short, an Aristotelian approach does not appear to answer Schwartz's objection.

What, then, if we were to adopt a rights-based approach, instead? Consuming all of the earth's finite resources and polluting the environment might be thought to constitute a violation of the rights of future generations. In fact, Robert Elliot offers just such an argument in an attempt to refute Schwartz. In preferring an impersonal concern for rights, Elliot insists:

We are not striving to ensure that the rights of a specific set of people are not violated, rather we are striving to ensure that rights violations do not occur. Whoever comes into existence will have rights and it is the violation of the rights of individuals which we wish to avoid. And in the case of future people one way of doing this is to ensure that the set of future people whose rights can be most extensively upheld be actualised. If [one policy] leads to a future in which the atmosphere is grossly polluted and massively undermines the welfare of members of [a particular set of people in the future] and if [a second policy] leads to a future in which the atmosphere is relatively unpolluted, then, *ceteris paribus*, [the second policy] is to be preferred. Moreover, it is to be preferred for reasons to do with rights. It should be noted that while the concern is not for particular people it is particular people whose rights will be met if we act on the basis of the impersonal concern. (Elliot, 1989: 163)

However, if the key right of those particular people is the right not to be harmed, then a disciple of Schwartz might reply that in taking Elliot's approach we would merely be restating Schwartz's problem in the language of rights, rather than answering it. If Xerksis, Yolanda and Zak have the right not to be harmed, then they have the right not to be made worse off. Harming them would mean that in the alternative ontologically possible world (W_1) they are better off. But this is not so, for at no time in that possible world – at no time in W_1 – do they exist. Hence, in not harming Xerksis, Yolanda and Zak by using up all of the earth's finite resources or polluting the environment, Andrea, Ben and Clara do not violate their right not to be harmed.⁹ In other words, rights-based approaches seem to be just as powerless against Schwartz's argument.¹⁰

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V.

What, though, of a Rawlsian approach? Utilitarianism seems to have left us with no obligations to future generations. Doesn't this suggest that we ought to reject utilitarianism? John Rawls dismisses utilitarianism on the grounds that it could, in principle, enjoin us to sacrifice a minority for the well-being of the majority.¹¹ But it cannot be guaranteed that rational, mutually self-interested persons would voluntarily buy into a set of social institutions governed by a principle that could be used to justify their sacrifice as a means of promoting the well-being of others. In Rawls' conception of 'justice as fairness', just principles are ones that every rational, mutually self-interested and unbiased person would buy into.¹²

How, then, are we to identify such principles? Rawls' method proceeds as follows: We are to imagine ourselves in 'the original position' under 'a veil of ignorance' (through which we are unable to see our personal attributes – such as how talented we are – or the social positions we will come to occupy).¹³ From under this veil of ignorance we are to choose the principles governing the institutions of our society. As the original position rules out all bias, then the principles chosen would be fair and, hence, just. Within such an original position, Rawls argues, we would choose principles that would guarantee equal political liberty, fair equal opportunity for attaining to any office with benefits attached to it, and, when these conditions are satisfied, inequalities just so long as they benefit the worst-off members of our society – the latter being what Rawls refers to as the 'Difference Principle'.¹⁴ As these principles are unbiased and would, supposedly, be voluntarily chosen by all within the original position, they enable us to determine how just a social arrangement is.

What principles, though, would be chosen to regulate our behaviour towards future generations? Rawls resists construing the original position as involving an agreement between individuals from all generations, for as he writes: 'To conceive of the original position [as a gathering of people living at different times] would be to stretch fantasy too far; the conception would cease to be a natural guide to intuition' (Rawls, 1971: 139). Thus, Rawls opts instead for a single generation choosing the principles of justice; but to ensure fairness, he has the veil of ignorance prevent them from knowing which generation they comprise. And in choosing their principles under this constraint, it is rational for them to take into account the interests of every generation, for they might find themselves in any.¹⁵ On this basis, Rawls offers an account of 'intergenerational justice' which might be assumed to condemn the environmentally destructive activities of Andrea, Ben and Clara.

Rawls' view is that the principles chosen would require each generation to preserve the benefits of its civilisation, maintain its just institutions, and provide posterity with a capital accumulation greater than it inherited from its ancestors. The latter – the 'just savings principle' – seems to require of each generation that

it ask itself what a society could reasonably expect from its predecessor. As John Passmore puts it: 'If it then acts upon the answer at which it arrives, each generation will be better off than its predecessor but no generation will be called upon to make an exceptional sacrifice' (Passmore, 1980: 87). However, many environmentalists would insist that our generation is in the situation of leaving to its successors a planet whose ecosystems have been so damaged that what is now required of us on behalf of future people is just such an heroic sacrifice. But, as Passmore argues, given that 'Rawls' theory is based on the concept of justice, fairness, equal shares', then 'it leaves no room for the heroic sacrifice' (Passmore, 1980: 87). Past generations have engaged in such environmentally destructive activities that it is unfair to expect our generation to clean up the mess. Fairness, then, seems far too weak to meet environmentalist concerns.¹⁶

But there is a far more important objection that can be levelled against Rawls' theory of intergenerational justice. Ever-continued capital accumulation could one day cause severe environmental damage which threatened our civilisation, its just institutions and the very lives, never mind the standard of living, of posterity (that is, if it hasn't already!). Consequently, many of us would want to insist that it is our obligation to ensure that looking primarily to the previous and immediately following generations doesn't have disastrous consequences for later ones. Hence, Rawls' approach to intergenerational justice can easily be thought to be wholly unacceptable unless, within it, account is also taken of the anticipated effects on the civilisation, institutions and standard of living of both near and distant future generations.

But why, a Schwartzian might ask, should we feel obliged in consideration of future generations to preserve the benefits of our civilisation, maintain its just institutions, and make appropriate savings? Presumably, because in each case the action is supposed to benefit them. But then, a Schwartzian can object: Who, precisely, would all this benefit? It seems indubitable that whoever it is who exists in the distant future will depend upon however much we save. But, in fact, a Schwartzian can pointedly add, even the identity of the next generation is likely to be determined by our rate of savings. If we save more or if we save less, then different persons will exist. For example, spending more time accumulating capital is likely to result in changes in the timing of sexual intercourse. And that will result in changes in the identity of our offspring. So, a Schwartzian can ask rhetorically: *Who* is it that we are saving for?

As we have already seen, Schwartz's argument applies not just to harms but also to benefits. No matter who, in fact, exists in the future, we could not benefit them by saving more. For were we to save more, they would not exist to enjoy any benefit from our increased savings. In the actual world (in W_A), for example, Andrea, Ben and Clara cannot possibly benefit Xerksis, Yolanda and Zak by increasing their rate of savings, for when, in the near future of the alternative ontologically possible world (at $F^N W_I$) where they do decide to save more, one consequence is that at no time in that possible world (at no time in W_I) do Xerksis,

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Yolanda and Zak exist. So, if we are presently saving less than it might be thought we should, we cannot benefit future persons by increasing our savings to what would seemingly constitute a fairer amount. Nor can we make them worse off by saving even less. For were we to reduce our rate of savings, those particular persons would not exist, either. Hence, as a 'just savings policy' fails to benefit future persons, and as the failure to adopt such a policy makes no one worse off, it is difficult to see why such a policy should be adopted. Or so a Schwartzian could easily conclude.¹⁷ Thus, Rawls' approach seems to fail just as much as utilitarian, Aristotelian and rights-based approaches do.

VI.

But if the 'just savings principle' collapses in the face of Schwartzian arguments, what about the other principles which would be chosen in the original position? Couldn't they be deployed to safeguard future generations? Unfortunately, they result from an agreement between only those persons currently alive, and do not concern our relations with future generations. However, although Rawls has chosen not to construe the original position as involving an agreement between individuals from all generations, perhaps if he had decided on such an alternative approach, he might have had the resources to avoid Schwartzian objections. Indeed, in what is possibly the most respected and compelling defence of our supposed obligations to future generations, Richard and Val Routley prefer just such an 'omnitemporal interpretation of time of entry into the agreement' (Routley and Routley, 1978: 167).

Let us assume, therefore, just such an omnitemporal version of the original position. Let us assume that, in the original position thus envisaged, Rawls' principles of justice would be chosen, and that, because all past, present and future persons are contractors, the principles of justice apply to all generations and to the relations between them. Such an omnitemporal version of the original position appears far more conducive to taking environmentalist considerations into account, for it certainly seems that with such principles as our yardstick, consuming all the resources that future generations would need, or polluting their environment, would be unjust. For one thing, given that either course of action would constitute an inequality which, it would appear, was not to the benefit of the worst-off, it would contravene an omnitemporally-construed Difference Principle.

To see this, let us assume that Xerksis, Yolanda and Zak are the worst-off members of our future society (at F^pW_A), and let us also assume that the generation alive at that time, because of the heavily polluted environment it encounters and the lack of resources available to it, is the worst-off generation. Because Andrea, Ben and Clara are now consuming vast quantities of resources and emitting pollution without any constraint, their income and wealth are

presently greater than will be that of Xerksis, Yolanda and Zak. It would appear at first glance that this inequality is not to the benefit of the latter, and worst-off, group, and is therefore impermissible. Hence, a Rawlsian who prefers to adopt the omnitemporal construal of the original position would appear to be able to expose the injustice of Andrea, Ben and Clara choosing to continue their environmentally damaging activities.

But does such a Rawlsian approach really establish that Andrea, Ben and Clara ought not to persist in their destruction of the environment? How might someone sympathetic to Schwartz's argument respond? For Rawls, just principles must be acceptable to all unbiased, rational, mutually self-interested persons. However, Xerksis, Yolanda and Zak could only be guaranteed to agree to principles which, as the worst-off, would benefit *them*. But then, such principles would not enjoin Andrea, Ben and Clara to desist from their environmentally destructive activities, because refraining from those activities does not, in fact, benefit Xerksis, Yolanda and Zak. To take one example, were Andrea, Ben and Clara to conserve resources, future generations might be expected to enjoy greater income and wealth. But when Andrea, Ben and Clara choose in the near future of the alternative ontologically possible world (at $F^N W_I$) to curb their extravagant consumption, the consequence of this is that at no time in that possible world – at no time in W_I – do Xerksis, Yolanda and Zak exist in order to benefit. Thus, if an inequality ought to be removed when doing so would benefit the worst-off, this does not appear to entail that Andrea, Ben and Clara should stop polluting and start conserving.

Moreover, a follower of Schwartz might continue, is it even *logically* possible for Xerksis, Yolanda and Zak to agree, in the original position, to principles the adoption of which prevents their ever existing? Such a mooted possibility appears to be unintelligible, given that people who will never exist can at no time make choices.

Nevertheless, imagine that it is possible to choose such principles. Also assume that one's income and wealth would be higher in a resource-abundant environment. Now consider this: in the alternative ontologically possible world (in W_I), Andrea, Ben and Clara decide to reduce their consumption of scarce resources. The result is that Harriet, Ian and Janet are the individuals who exist in the distant future within that possible world (at $F^D W_I$). And because they inhabit a world with more resources than are available in the distant future of the actual world (at $F^D W_A$), they have a higher income and greater wealth than Xerksis, Yolanda and Zak. Now, were Xerksis, Yolanda and Zak (who will actually exist in the distant future of the actual world – at $F^D W_A$) to agree, in the original position, to principles which enjoin Andrea, Ben and Clara to act in a manner which would result in the existence in the distant future of the alternative possible world (at $F^D W_I$) of Harriet, Ian and Janet, then Xerksis, Yolanda and Zak would be choosing principles which entail that they ought to be sacrificed so that others – namely, Harriet, Ian and Janet – can enjoy greater income and

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wealth. But even the most unbiased person imaginable could not be guaranteed to choose, voluntarily, principles which have that implication. Moreover, sacrificing some individuals simply so that others can enjoy an increase in their income and wealth would strike many of us as even more immoral than sacrificing them so that the well-being of others would improve. Yet it is precisely the implication that the sacrifice of some for the well-being of others might be justified by utilitarianism which led Rawls to reject it.

Furthermore, a Schwartzian might conclude, if one assumes, as many interpreters of Rawls have, that it is the well-being of the worst-off which ought to be maximised, and if the worst-off in the actual world (W_A) – namely Xerksis, Yolanda and Zak – are better off existing than not existing,¹⁸ then the environmentally damaging activities of Andrea, Ben and Clara make the worst-off better off!¹⁹ Rather than providing a yardstick by which to criticise the activities of Andrea, Ben and Clara, such a Rawlsian²⁰ approach would seem to commend their actions as just. In other words, faced with Schwartz's argument, such a Rawlsian approach seems to fare worst of all.²¹

Thus, conceiving subjunctive conditionals as possible worlds not only reveals the force of Schwartz's argument against utilitarians but also the apparent ease with which it can deal with Aristotelian, rights-based and Rawlsian approaches, too. There can be little doubt that Schwartz's argument is the most powerful yet devised against our having any obligations to future generations.

VII.

But while Schwartz's argument initially appears compelling, there is good reason to think that it is flawed. For consider another ontologically possible world – W_2 – which is even nearer to the actual world (W_A) than is the one ontologically possible world (W_1) considered till now. In the near future within this second possible world – at $F^N W_2$ – Andrea and Ben choose to continue their environmentally destructive activities, but Clara chooses to desist from hers. The result is that Zak is never born, but Xerksis and Yolanda are. Their existence in the distant future within the second possible world – at $F^D W_2$ – is dependent upon the environmentally destructive activities of Andrea and Ben, but not upon those of Clara. Moreover, within the second possible world (in W_2), Xerksis and Yolanda are better off than they are in the actual world (in W_A), and this is because Clara chose in the near future within the second possible world (at $F^N W_2$) to desist from her environmentally destructive activities. Hence, as the future existence of Xerksis and Yolanda in the actual world (in W_A) does not depend upon the environmentally destructive activities of Clara, and as they are worse off than they are in the second possible world (in W_2), where Clara has chosen to refrain from damaging the environment, then Clara's environmentally destructive activities harm them.

Next, consider a third near ontologically possible world: W_3 . In the near future within this possible world – at $F^N W_3$ – Ben and Clara choose to continue their environmentally destructive activities, but Andrea chooses to desist from hers. The result is that Xerksis is never born, but Yolanda and Zak are. Their existence in the distant future within this third possible world – at $F^D W_3$ – is dependent upon the environmentally destructive activities of Ben and Clara, but not upon those of Andrea. Moreover, within this possible world (in W_3), Yolanda and Zak are better off than they are in the actual world (in W_A), and this is because Andrea chose in its near future – at $F^N W_3$ – to desist from her environmentally destructive activities. Hence, as the future existence of Yolanda and Zak in the actual world (in W_A) does not depend upon the environmentally destructive activities of Andrea, and as they are worse off than they are in the third possible world (in W_3), where Andrea has chosen to refrain from damaging the environment, then Andrea's environmentally destructive activities harm them.

Finally, consider a fourth near ontologically possible world: W_4 . In the near future within this possible world – at $F^N W_4$ – Andrea and Clara choose to continue their environmentally destructive activities, but Ben chooses to desist from his. The result is that Yolanda is never born, but Xerksis and Zak are. Their existence in the distant future within this fourth possible world – their existence at $F^D W_4$ – is dependent upon the environmentally destructive activities of Andrea and Clara, but not upon those of Ben. Moreover, within this possible world (in W_4), Xerksis and Zak are better off than they are in the actual world (in W_A), and this is because Ben chose in its near future – at $F^N W_4$ – to desist from his environmentally destructive activities. Hence, as the future existence of Xerksis and Zak in the actual world (in W_A) does not depend upon the environmentally destructive activities of Ben, and as they are worse off than they are in the fourth possible world (in W_4), where Ben has chosen to refrain from damaging the environment, then Ben's environmentally destructive activities harm them.

VIII.

The mistaken Schwartzian view that Andrea, Ben and Clara cannot possibly harm Xerksis, Yolanda and Zak depends upon regarding Andrea, Ben and Clara as, in effect, a collective entity. When they are viewed in such a manner, then it appears that *they* cannot harm Xerksis, Yolanda and Zak. But when Andrea, Ben and Clara are considered individually, it is clear that *they* can harm them.

Certainly, a person would be unable to harm any future person if *every* future person's existence was dependent upon *every* one of his or her otherwise harmful actions. But it is absurd to think that anyone has the power through *every* one of his or her environmentally destructive activities to determine the coming into existence of *every* future person. Moreover, a person would *only* be *unable* to harm future persons if, for every otherwise harmful action which he or she might

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perform, the existence of every person who would otherwise have been harmed by the action in question was dependent upon *that* particular action. As it is highly implausible that every one of an individual's environmentally damaging actions which will result in, or contribute towards, future suffering are of that sort, then each of us can harm (and is indeed harming) future people by our present environmentally damaging activities.

Why do I insist that *every* one of an agent's otherwise harmful actions and *every* one of his or her environmentally destructive activities must determine *every* future person's existence if Schwartz's claim that we cannot harm distant future persons is to succeed? Because even if I *were* able to affect the identity of every person in the distant future, it would not follow that I could not harm any of them. I could still harm a future person whose identity I determined as long as one of my actions made him or her worse off than he or she would otherwise have been – in other words, as long as that action was not the one which determined his or her identity.

IX.

Thus far, my rebuttal of Schwartz has been extremely abstract. To make it less so, consider the following scenario, which exemplifies its most important details: Imagine that those who suffered from the delusion that nuclear energy would be too cheap to meter had been proven right. And imagine that, lured by the promise of abundant and inexpensive energy, the electorate had chosen to travel even further down the nuclear road. But also imagine – which isn't too difficult – that the problem of how to dispose safely of nuclear waste had remained unsolved. So, the authorities simply decided to bury it in relatively thin concrete containers, even though they knew that their contents would pose a major hazard for hundreds of thousands of years, and even in the knowledge that the fragile containers would have to withstand ice-ages, earthquakes and continental drift!

Further imagine that a small group of workers have been given the task of burying one of the sealed concrete containers brimful of highly radioactive material – an isotope with a very long half-life. They could bury it at site A or at site B, which are thirty miles apart. Site A is chosen. It seems improbable in the extreme that the mere act of burying the container at site A would determine the identities of every future person. And it seems so even if the collective decision to take the nuclear route were, given all its consequences, to affect the identity of every single future person. Now imagine a member of a distant future generation innocently coming across the exposed and cracked container, and dying as a result. It seems highly improbable that had the container been buried at site B rather than at site A, then that person, *no matter whom he or she turned out to be*, would never have existed. And there is no reason to assume that he or

she would, *necessarily*, have also come across the exposed and cracked container had it been buried at site B instead.

Clearly, then, a distant future person is, in this scenario, made worse off than he or she would otherwise have been. For had the workers buried the container at site B rather than at site A, that distant future person would still have existed. But had they buried it at site B, then, in the scenario we are imagining, it just so happens that a different distant future person would have been killed. Hence, in the scenario imagined, it thus turns out that regardless of whether the group of workers had buried the container at site A or at site B, one or other distant future person would have been harmed.

Consequently, the workers are causally and morally responsible for making certain distant future persons worse off than they would otherwise have been – in a word, they are responsible for harming them. But then, those who voted for the nuclear option are morally responsible for choosing a policy whose result would likely be that workers acting in accordance with that policy would cause considerable harm – lethal harm, no less – to distant future persons. Hence Schwartz is mistaken in concluding that we cannot possibly harm distant future persons, and that the well-being of distant future persons cannot provide a reason for choosing one long-range policy in preference to another. Thus, as certain of our policies can now be seen to result in distant future person's being harmed, then we can no longer be confident – contrary to Schwartz's counsel – that we may safely ignore distant future persons' interests.

X.

In summary, although it appears that we (construed as a collectivity comprising all presently existing persons) are responsible, because of our destructive actions, for the existence of all distant future people, and consequently, that we (construed as such a collectivity) might, perhaps, be thought to be incapable of harming them, there can be no doubt that we, individually, are not responsible through every one of our destructive actions for every future person's existence, and it therefore seems to be the case that we can harm even the most distant of future generations.

Interestingly, then, Schwartz's argument appears to generate the seemingly paradoxical implication that, whereas we, as individuals, can harm future generations, the collectivity which all presently existing humans constitute cannot. The simplest way to avoid this paradox, it seems to me, is to avoid being mesmerised by collectivities.²²

Moreover, one cannot simply conclude that if the collectivity which all presently existing humans constitute is unable to harm any distant future person, then it must be impossible for any of those who comprise it to do so, for one cannot straightforwardly transfer the properties of a collectivity to the individu-

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als who constitute it. For example, the collectivity in question possesses the property of being divisible into discrete human beings, but none of the individual humans who comprise it has that property. In other words, we cannot abdicate our individual responsibilities simply by viewing ourselves as a collectivity – no matter how convenient that might be. Furthermore, in the view of many today, the collectivity which all presently existing humans constitute is not, plausibly, a moral agent. And if it is not, then its inability to harm distant future generations is morally irrelevant; whereas those who *are*, without question, moral agents – individual humans – and who *are* able to harm future people, surely have the moral obligation to alter their behaviour, and that of the communities they live within or alongside, so as to avoid bringing about the harm they can individually cause future persons.

In short, Schwartz's argument only appears to succeed as long as one fails to disaggregate environmentally destructive actions. So, how can each of us avoid harming future people? By collectively adopting, and then individually acting in accord with, long-range welfare policies which conserve resources, curb pollution and limit population growth.

However, it might easily be objected that, with respect to environmental damage, our individual actions are irrelevant, and that it is our collective actions which are harmful to future generations. But consider as an analogy the following well-worn example. Suppose that every weekday I walk over your lawn on my way to work. The harm that I do is, apparently, insignificant. However, suppose that one thousand other people also decide to use your lawn as a shortcut. Collectively, we cause a great deal of damage to your lawn. It is wholly implausible to think that none of us causes any damage, but there is some collective entity which causes it. Rather, when we all act as we do, each of us causes a small amount of damage which adds up to a great deal of damage to your lawn. And were each of us to think 'my contribution is insignificant, therefore I won't alter my route to work', then the damage which each adds would persist. Hence, each of us is morally obliged to stop contributing to it.

What, though, if we were to think of such a situation as one where each of us in isolation would cause no damage by walking over the lawn, for it would recover from one person's footsteps. The lawn is damaged only after a great number have trodden upon it. In that case, it might be argued that each of us does no damage; only the collectivity we form that is large enough to cross a certain threshold does so. I find it implausible that only a collectivity and none of the individuals comprising it causes damage.²³ Nevertheless, were it in fact the case that only collectivities cause significant damage, my response to Schwartz could be developed in the following way: If only a collectivity exceeding a certain size causes harm to individuals in the distant future, each of us is, whether we like it or not, a member of such a collectivity. And each of us bears some responsibility for what that collectivity does – for example, by not campaigning to alter how the collectivity behaves. Perhaps such a collectivity, large enough to cause

significant harm to some future person who would exist irrespective of the harmful activities of that collectivity, is as small as a neighbourhood. Perhaps it needs to be as large as a nation-state in order to cause significant harm. (Though this is unlikely; and a collectivity certainly doesn't need to be any larger, for providing traditionally-designed refrigerators to every household in China alone would likely lead to massive destruction of the ozone layer.) In either case, let us call that collectivity 'Santa Andrea', after the place where its citizens reside. Let us call another of a similar size 'Benville'. And let us call a third collectivity 'the City of Clara'....

XI.

In order to limit any possible misunderstanding, let me make it clear that my view is not that our environmental obligations are confined to the avoidance of harm to those who exist irrespective of our individual actions. Thus far, in rebutting Schwartz's argument, I have attempted to refrain as far as possible from deploying contrary moral intuitions to his, for to rely on an intuition which he does not share might easily be regarded as begging the question. Consequently, all I should be taken to have argued up until now is that the most powerful objection against our having obligations to avoid environmental damage – for, *ex hypothesi*, we could never cause any harm to distant future generations by failing to desist from environmentally destructive activities – *fails even in its own terms*.

However, the argument I have deployed to rebut Schwartz's claim that we cannot harm distant future persons²⁴ may well be incompatible with regarding as instances of harm everything that, prior to Schwartz, we would simply have assumed to have been a case of harming a future person. For we have agreed with Schwartz in assuming that harming a person is to make that person worse off than he or she would otherwise have been.²⁵ But then, while we might be able to harm everyone within some future generation, we might be able to do so without our harmful activities harming any of their children, even if they were to suffer as a result of our actions just as much as their parents did. For such a major intrusion into their parents' lives would likely affect the identity of all their children. In other words, the children in question would not exist but for our actions. Hence, actions which proved harmful to their parents would not harm the children even when their level of suffering was identical to that of their mothers and fathers. However, while this may still follow even when our actions are individuated, it would be unlikely to have significant ramifications for the morality of our actions, given that the harm caused to the parents would, on its own, almost certainly provide sufficient reason for refraining from the harmful activities. Hence, as odd as this implication of not only Schwartz's argument but also my rebuttal appears, it is unlikely to worry environmental ethicists greatly.

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Furthermore, even within a single future generation, two people might suffer equally as a result of some action which we had performed – as in our having buried toxic waste which later spilled from its container – but only one of the two persons might be harmed: namely, the one whose existence was not dependent upon our having buried the container. But again, while this might appear to be an odd implication of Schwartz's general argument, and while it, too, may still follow even when we individuate our actions, it would, as with the previous implication, be unlikely to have major ramifications for the morality of our behaviour, given that the harm caused to the one individual may well enable us to condemn all such harmful actions. Hence, as peculiar as this implication also appears, it, too, is unlikely to worry environmental ethicists all that much.

A third seemingly strange implication of Schwartz's general argument is that it might prove impossible to say who was and who was not harmed by an action committed in the distant past, because it might be impossible to ascertain whose existence was, and whose was not, dependent upon the apparently harmful action. But yet again, just as with the other two implications, while this might strike us as an unacceptable result of Schwartz's general argument, and while it, too, may still follow even when our actions are individuated, it would be unlikely to have major ramifications for assessing the morality of environmentally destructive behaviour. For any potentially harmful action performed in the distant past would, if it could not be ascertained whose future existence would be determined by it, have *risked causing harm* to future individuals, and that could well provide adequate grounds for criticising its performance. Hence, even this unwelcome implication is unlikely to cause serious concern to environmental ethicists. Similarly, the risk of harm to future generations that certain of our actions poses, even if no future person would, in fact, be better off were we not to perform the action in question, continues to provide a powerful moral reason for conservationist strategies.

XII.

Allow me, finally, to offer a challenge to Schwartz's moral and theoretical intuitions – in particular, to his apparent view that our obligations to future generations consist solely in either benefiting or not harming them. Indulge me for a moment longer while I briefly draw out an implication of Schwartz's argument that, morally speaking, *does* seem to be unacceptably counter-intuitive.

Consider yet another ontologically possible world: W_5 . In its near future – at $F^N W_5$ – only Andrea chooses to continue her environmentally destructive activities. But within W_5 , she is a super-polluter. Her environmental impact is so great, and the effects of her activities are so widespread, that Xerksis, Yolanda and Zak, rather than Ian, Harriet and Janet, live out their lives in considerable

pain. Nevertheless, in the distant future within this fifth possible world – at $F^D W_5$ – their lives are worth living, if only barely. They are still, though just about, glad to have been born.

In another ontologically possible world, W_6 , Andrea acts destructively, though she has a lower environmental impact in its near future – at $F^N W_6$ – than she has in W_5 . In the distant future within this sixth possible world – at $F^D W_6$ – Harriet, rather than Xerksis, is born. Harriet's existence is not dependent upon the environmentally damaging activities of Andrea. However, she does suffer some pain as a result of them, though considerably less than Xerksis suffers in W_5 , and considerably less than Yolanda and Zak suffer because of Andrea's earlier activities.²⁶

In yet another ontologically possible world, W_7 , Andrea acts destructively, but has a lower environmental impact in its near future – at $F^N W_7$ – than she has in W_6 . In the distant future within this seventh possible world – at $F^D W_7$ – Harriet and Ian, rather than Xerksis and Yolanda, are born. Neither Harriet's nor Ian's existence is dependent upon the environmentally damaging activities of Andrea. However, they both suffer some pain as a result of them, though considerably less pain than either Xerksis or Yolanda suffer in W_6 , and considerably less than Zak suffers because of Andrea's earlier activities.

Last of all, in the final possible world we shall consider – in W_8 – neither Xerksis, Yolanda nor Zak ever exist, but Harriet, Ian and Janet suffer some pain in the distant future within that possible world – at $F^D W_8$ – because of Andrea's earlier polluting activities, though neither Harriet's, Ian's nor Janet's existence is dependent upon those activities.

It would appear that, in Schwartz's view, W_8 is worse than W_7 , which is worse than W_6 , which is itself worse than W_5 . For while there is far more suffering in W_5 than in W_6 , which contains more suffering than W_7 , itself containing more suffering than that found in W_8 , W_5 contains fewer individuals who are harmed by Andrea than exist in W_6 , which contains fewer than W_7 , itself containing fewer than W_8 . Surely, the sheer absurdity of ranking W_5 as preferable to W_6 , W_6 as preferable to W_7 , and W_7 as preferable to W_8 demonstrates that, while it is certainly the case that it is often immoral to make someone worse off than he or she would otherwise have been, there is far more to immoral actions than that.²⁷

XIII.

In conclusion, even granted Schwartz's analysis of 'harm', it appears that, individually, we *can* harm future people by engaging in environmentally damaging activities. And second, even if we do fail to *harm* future people by polluting and over-consuming, that does not entail that pollution and over-consumption are permissible. For other environmental considerations notwithstanding, preferring a future in which few people are harmed but many suffer

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horribly to one in which many are harmed but few suffer greatly seems absurd, to say the least. Hence, to claim that it is morally permissible for us to damage the environment as much as we like on the grounds that we cannot possibly harm distant future generations by so acting is, in a word, both pernicious and absurd.²⁸

NOTES

¹ Schwartz's argument is clearly lurking in the background of Derek Parfit's seminal discussion of 'the Non-Identity Problem'. For example, Parfit insists that '[t]he problem arises because of superficial facts about our reproductive system. But, though it arises in a superficial way, it is a real problem' (Parfit, 1987: 363). Indeed, Schwartz is cited in *ibid.*, p. 523, n. 11.

² See Schwartz, 1978: 10–11.

³ See Attfeld, 1983: 117–18 for a summary of both the total view and the average view, and for a discussion of several of their counter-intuitive implications.

⁴ Note that the term 'handicapped' is regarded by many as pejorative, because of its close relation to 'cap-in-hand', suggesting that a disabled person is often perceived as a burden on others upon whom he or she is reliant for 'charity'. The term 'disabled', however, can be used to signify that social attitudes play a part in disabling those who are thereby disabled.

⁵ Peter Singer has been subjected to personal abuse, and his lecture tours in Germany have been disrupted, by people who oppose *in vitro* fertilisation (IVF) research which could lead to the avoidance of giving birth to disabled children. As some of those who oppose such research might, in the future, give birth to disabled offspring, then it would seem that they do not think it wrong to give birth to disabled children when it could be avoided. Hence, Parfit's counter-example to the person-affecting principle relies on a moral intuition which does not appear to be universally shared.

⁶ Parfit seems to think that this particular Non-Identity Problem can be solved by appealing to what he terms 'Principle Q', which states: 'If in either of two possible outcomes the same number of people would ever live, it would be worse if those who live are worse off, or have a lower quality of life, than those who would have lived' (Parfit, 1987: 360). This principle certainly seems to be attractive. Unfortunately, it can be argued that the adoption of relevant long-range welfare policies would most likely involve 'Different Number Choices'. For example, we can ensure that future generations suffer by continuing to increase the world's population well beyond what is sustainable. Thus, any appropriate long-range welfare policy is likely to require population control measures, which means that if the policy is adopted, a different number of people will live to those who would have lived had it not been adopted.

Sadly, the difficulty is even more serious than the objection as stated would, at first glance, seem to suggest. For the adoption of any long-range welfare policy is *bound* to affect the number of future people, thus ruling out any appeal to Q (which is confined to 'Same Number Choices'). Changes in the timing of intercourse, etc., resulting from the adoption of the policy, will affect how many twins, triplets, and so on, are conceived. And changes in prosperity are likely to affect the availability of fertility treatment. Given the limitations of Q, it is not surprising that Parfit should claim that we require something more general – what he terms 'Theory X' (see *ibid.*, p. 361). Such a theory must be able

to deal with Different Number Choices, while implying Q in cases of Same Number Choices (see *ibid.*, p. 370) – a theory which Parfit has not, to date, succeeded in expounding. It seems to me, however, that it is highly unlikely that a unified principle capable of solving the Non-Identity Problem for Different Number Choices will ever be developed successfully, especially given that ‘the best-known candidates’ are the average and the total views (see Parfit, 1983: 178 n. 6). Regarding some of the problems of relying on unified principles, see Carter, 1999b.

⁷ See, for example, Nozick, 1988: 24.

⁸ On rigid designation, see Kripke, 1980.

⁹ Moreover, even if it were assumed that their rights were violated, they would only be violated if they chose not to waive their rights. But as Parfit notes: ‘If these people knew the facts, they would not regret that we acted as we did. If they were glad to be alive, they might waive their rights’ (Parfit, 1987: 365).

¹⁰ Rather than the right not to be harmed, the relevant right might be to an equal share of the world’s resources. (I am grateful to Michael Tooley for this suggestion.) But a generation could consume all of the world’s remaining finite resources, thereby leaving none for future generations, and yet easily avoid violating a right to an equal share of the world’s resources ostensibly held by all generations. All they need do is choose not to procreate. Then there will be no future generations, and hence none possessing any rights which might otherwise be violated. Thus, a rights-based approach on its own is unlikely to answer Schwartz’s argument. This suggests that a complete answer might well require some form of value pluralism, for while most of us would view the extinction of humanity as a great disvalue, it is unlikely that a choice of a generation not to reproduce would necessitate any rights violations. For example, we can hardly say that in failing to reproduce we violate the right to be born of people who will never exist. How could those who will never exist have rights? Hence, considerations to do solely with rights do not appear to fill our moral landscape, for they seem to provide no reason to think that the refusal of a generation to reproduce would be morally wrong, and yet most of us do think that choosing to commit humanity to extinction would be very wrong indeed.

¹¹ Rawls is well aware that utilitarians can respond by claiming that, because of the unhappiness that would be generated by the resulting feelings of insecurity, were a society prepared to sacrifice individuals in order to promote the well-being of others, then happiness would not, as a matter of fact, increase. But this sort of utilitarian response is inadequate in Rawls’ view, for it relies on merely contingent factors.

¹² See, for example, Rawls, 1972: 152.

¹³ See Rawls, 1971, especially pp. 136–7.

¹⁴ The reasoning behind this ‘lexical’ ordering is: first, a rational person, it is presumed, would not choose to lose political liberty for an increase in income; second, it would not be fair if some offices received greater benefits and all individuals did not have a fair equal opportunity of attaining to them, and a rational person could justifiably object to a lack of fair equal opportunity; and third, a rational, self-interested person would (and would only) agree to an inequality if it were to his or her benefit. Given that one might end up in the economically worst-off position, then, Rawls assumes, it is rational to agree to inequalities if and only if they benefit the worst-off. In other words, given equal political liberty and fair equality of opportunity, it is rational to agree to the Difference Principle. Moreover, without the inclusion of the Difference Principle, the worst-off would not buy into the set of social institutions which are to be governed by the principles chosen, and

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a just situation is one which all rational, mutually self-interested and unbiased persons would voluntarily buy into.

¹⁵ However, as Clayton Hubin argues: ‘the attempt to represent all generations in such a manner seems to be ill-conceived. Rawls often points out that principles of justice can be agreed upon only when people in the hypothetical initial situation know that the circumstances of justice exist. Following Hume, Rawls views the circumstances which make justice possible and necessary as, among other things, limited altruism and relative (though not absolute) scarcity of goods. But it is not at all clear that the circumstances of justice exist for all generations of [humanity]’ (Hubin, 1976: 73). For one thing, one generation might act in such a way that a later generation would face a condition of absolute scarcity. On the other hand, ‘if we amend the membership criterion to allow the members of only those generations in which the circumstances of justice obtain, an interesting paradox arises. Whether the circumstances of justice obtain for a given generation in the future depends in part on the rate of saving of this generation and those in between. But, assuming strict compliance with the principles of justice, the rate of saving will depend upon the principle of saving adopted by the contractors. So, whether a future generation will be represented or not depends in part upon which principles are agreed to in the original position’ (ibid., p. 74).

¹⁶ Moreover, as Brian Barry remarks on Rawls’ just savings principle: ‘if we concentrate on the question how much we are obliged to make our successors better off, we miss the whole question whether there may not be an obligation to avoid harm that is stronger than any obligation to make better off’ (Barry, 1979: 276). Thus, in Barry’s view, Rawls’ just savings principle fails to deal satisfactorily with the far more difficult cases of resource depletion and pollution (see ibid., pp. 276–7).

¹⁷ Moreover, while we might feel inclined to say that past generations should have saved more for us (or, indicating greater environmental awareness, that they should have *conserved* more for us), they couldn’t possibly have saved more for *us*, because had they saved appreciably more, we would not have existed. And if we cannot intelligibly say that past generations should have saved more for us, why should we want to say that we should save more for future generations? Alternatively, perhaps the reason why we should feel obliged to make savings for future generations is that we are glad that the fair amount was saved for us, so we should save a fair amount for others (for a similar extension of a widely held moral principle, see Hare, 1975). But if, in fact, it had been less than a fair amount that had been saved, we should still have been glad that such an amount was saved, for had a fair amount been saved instead, we would not have existed in order to be glad. Quite simply, in those ontologically possible worlds where past generations have saved at a different rate to what was saved in the actual world (in W_A), we fail either to benefit or to suffer, for in those possible worlds we fail to exist. It is difficult to see, therefore, how anyone could, coherently, employ whatever we might be glad about as a reason for saving any more or any less.

¹⁸ It might be objected that a person cannot be better off existing, for that would imply that he or she would be worse off not existing. But then there would be no person to be worse off. In other words, can’t Schwartz’s argument be turned against itself? However, there is an asymmetry here. ‘Being better off’ is like ‘having more’, which necessarily requires having something of which there is a greater quantity; whereas ‘being worse off’ is like ‘having less’, which doesn’t necessarily require having anything of which there is a smaller quantity. For example, no happiness is a smaller quantity of happiness than some happiness.

Nevertheless, if the above objection did have some bite, then Schwartz could employ an amalgam of preference utilitarianism and the person-affecting principle: maximise the preferences of those who now, or will, exist. And at $F^p W_A$, Xerksis, Yolanda and Zak prefer existence to non-existence. But it might then be objected that they have a preference ranked above that one – namely, to exist in a non-polluted, resource-abundant environment. Unfortunately for them, such an environment only obtains in W_I , where Andrea, Ben and Clara choose to desist from both polluting the environment and engaging in unconstrained consumption. But Xerksis, Yolanda and Zak do not exist in W_I . As their highest-ranked preference is ontologically impossible to satisfy, it may therefore be discounted.

¹⁹ For a defence of the claim that we can benefit people by bringing them into existence, see Parfit, 1987: Appendix G.

²⁰ Rawls' Difference Principle concerns the distribution of income and wealth. But to the extent that one seeks the maximum income and wealth in order to maximise one's well-being, it would appear to follow that the worst-off would be rational to agree to only those inequalities which improve the well-being of the worst-off. Hence, given Rawls' original argument in 'Justice as fairness' in support of the Difference Principle, it would seem that only such inequalities would be just. However, Rawls has since insisted that 'to interpret the difference principle as the principle of maximin utility (the principle to maximise the well-being of the least advantaged persons) is a serious misunderstanding from a philosophical standpoint' (Rawls, 1982: 175, n. 15). However, many *have* interpreted Rawls as subscribing to a principle of maximin utility. For example, Amartya Sen refers to 'the criterion of judging the goodness of a state by the utility level of the worst-off person in that state – a criterion often attributed to John Rawls. (*Except by John Rawls!*)' (Sen, 1995: 315). Because the principle of maximin utility was once widely attributed to Rawls by many of his early followers, and because it shaped their conceptions of what it is to be a Rawlsian, it is this interpretation that I am here labelling 'Rawlsian'.

²¹ Let me emphasise that, while the Routleys seem to prefer such a Rawlsian approach in the Appendix to their excellent and intuitively compelling justification of our obligations to future generations, it is not Rawls' own approach. As we have noted, because it requires the original position to be construed as involving an agreement between individuals from all generations, Rawls is disinclined to take this course, for he considers it to stretch our intuitions too far. And clearly, as we have just witnessed, such an alternative approach quickly falls when it encounters Schwartz's argument. But so, too, does Rawls' actual approach, as we have also seen. Moreover, the Routleys' own account of our mooted obligations to distant future generations ultimately rests upon our ability to harm them (see Routley and Routley, 1978: 141–3). But it is precisely this presumed ability which Schwartz's argument so powerfully challenges.

²² For an analysis of certain confusions surrounding how we think about collectivities, see Carter, 1999a: § 3.1.

²³ For a discussion of sub-threshold harms, see Glover, 1986: 128–9; and on some of the confusions surrounding such 'moral mathematics', see Parfit, 1987: 67–86.

²⁴ Recall that Schwartz claims that '*P* cannot be justified by appeal to the welfare of our distant descendants, because the failure to adopt *P* would hurt not a single one of them' (Schwartz, 1979: 185).

²⁵ James Woodward has challenged the view that we can only harm a person by making him or her worse off than he or she would have been otherwise (see Woodward, 1986). However, it is not clear that Woodward's key example of a black being refused an airline

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ticket for a flight which subsequent met disaster is not a case of a person being wronged rather than being harmed. Alternatively, it might be argued that, in this particular case, the person discriminated against suffers a local rather than a global harm. But many local harms surely ought to be allowed, such as amputating the leg of a person trapped under a tree who would otherwise die (see, for example, Kagan, 1998: 66–8).

²⁶ Perhaps Harriet's ancestors moved into a sealed 'biodome' at $F^N W_6$. And perhaps, at $F^D W_6$, a minor earthquake caused a breach in its protective skin, letting in the polluted air still remaining from Andrea's activities, which proceeds to harm Harriet. However, the harm Harriet thereby experiences involves far less suffering on her part than Yolanda and Zak endure.

²⁷ For, the objections to utilitarianism outlined in Section II notwithstanding, it is surely often immoral both to bring about a world containing far greater total suffering and to bring about a world containing a far higher level of average suffering than would be found in an alternative world that one could just as easily have brought about. It seems to me, therefore, that most of us subscribe to a plurality of values. We would prefer a world without any harms, a world with the greatest amount of total happiness and a world with the highest average level of happiness. Unfortunately, it does not seem to be possible to maximise all our values simultaneously on every occasion. For example, as we have seen, the maximisation of total utility could require a massive fall in the level of average utility – the 'repugnant conclusion'. Hence, our values often have to be traded off. For a defence of value pluralism, and for an account of how our various values might be thought to relate, see Carter, 1999b.

²⁸ Of course, there are a number of objections to our having obligations to future generations that considerations of space prevent me from addressing. For a reply to Peter Laslett's argument implying that we can have no obligations to share our resources with future generations because there are an infinite number of them, and a finite quantity of resources cannot be shared with an infinite number of people, see Carter, 2000.

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