

Climate Matters for Future People

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John Broome's book *Climate Matters* (2012) is a lucid and instructive discussion of a number of ethical questions about how we must respond to climate change. In this paper, I examine his discussion of how the effects on future people of climate policies should bear on government decisions about whether to adopt those policies. In brief, Broome argues that the future effects of a government's climate policies are a matter of indifference as far as *justice* is concerned. These future effects are of relevance only because, and insofar as, governments have weaker duties of *goodness* (or beneficence). I argue that this position does not give sufficient importance to the future effects of climate policy. To rectify this position, I propose that we endorse a third type of duty that has implications for climate policy. This third duty is not directed at particular future individuals (as duties of justice are) and neither is it directed at the producing as much impersonal good as possible (as duties of goodness are). Instead it requires that governments respect the intrinsic value of human life.

1. Two key contentions

Let me begin by identifying two key contentions that shape Broome's discussion of the relevance of the effects on future people of climate policy for the government's obligations. By "climate policy" I have in mind a type of policy that aims to prevent harm that arises from human-induced alterations to the Earth's climate. Such a

policy might aim to do this by reducing the amount of greenhouse gases that are emitted into the atmosphere. Alternatively, it might do this by helping people, as well natural environments, to adapt to a changing climate.

Broome's first contention is about how the government should resolve conflicts between two types of moral duty he distinguishes, both of which have implications for climate policy. These are the duty of goodness and the duty of justice. Duties of goodness are duties to improve the world – to bring more of what's good into the world. Duties of justice, by contrast, are owed "to another particular person, or to other particular people" (2012: 52). Unlike duties of goodness, duties of justice always correspond to rights held by particular individuals.

Sometimes duties of justice and duties of goodness conflict: an action that would improve the world may also violate a person's right. When this happens, "justice most often wins. Morality does not normally permit you to act unjustly even for the sake of the greater good" (2012: 53). Duties of justice don't always win. There can be exceptions in which the amount of good at stake is so great that our decision should tip in favor of bringing about the most good, even if this involves violating someone's right. But in such cases, we should at least be prepared to compensate the person whose right is violated.

The second contention Broome makes is that duties of justice don't apply to government decisions that affect the identities of people. By government decisions that "affect the identities of people", I mean decisions that contribute to causing different people to exist than would have existed had an alternative decision been made. Broome believes that if all the people who would exist as a result of one

decision are different from the people who would exist as a result of another decision, then justice is silent about which of these two decisions the government should take. This is because people whose identities are affected by a government's making one decision or the other have no interests or freedoms at stake in which of those decisions the government takes. If the government decides one way it will not cause anyone to experience less interest fulfilment or less freedom than that person would otherwise have experienced: those people simply would not have been born; they would not exist to have interests or freedoms, let alone to have them negatively affected. Having no interests or freedoms at stake in a government decision, identity-affected people can have no right that the government take one decision over the other. Which decision the government takes cannot, therefore, be a matter of justice.¹

Do climate policies affect the identities of future people? It depends on the extent of behaviour those policies affect. Take the example of a very widespread policy, say, a coordinated reduction of greenhouse gas emissions on the part of the US, EU, China, Japan and Russia. This policy would affect the behaviour of very many people. Some of this change in behaviour will ultimately affect who ends up procreating with whom. If it doesn't affect that matter, it will almost certainly affect the moment in time when people procreate with each other. That moment needs only to be very slightly different in order for the child that emerges into the world to be different from the one that would otherwise have emerged (procreation just a few moments later results in the fusion of a different egg and sperm and hence a

¹ For the most influential discussion of the so-called "non-identity problem", see Derek Parfit (1984: 351- 381).

different human being). With respect to some pairs of individuals, it may be the case that they would have procreated exactly at the same moment in time regardless of whether the mass-coordinated global policy of emission-reduction had taken place - but these non-identity-affected people would be few in number.

Consider, by contrast, a very small-scale policy, say, the policy adopted by one individual to cycle to work, rather than drive a car. That policy will not affect the procreative behaviour of others, or, therefore, the identities of their future children. Because small-scale climate policies of that kind do not affect the identities of future people, the failure to adopt those policies can contribute to harming future people. Broome concludes that this means that, unlike governments, private individuals can have duties of justice towards future people.

Although Broome believes that justice is indifferent with respect to the effects our large-scale climate policies have on the environment of identity-affected people, he doesn't conclude that governments may disregard those effects in deliberating over which of those policies to implement. Paying serious attention to those effects is required by the duty of goodness. Indeed, he believes that governments are required to implement policies that reduce our aggregate GHG emissions on the ground that such policies will do very much more good than not implementing them.

These two contentions, that duties of goodness are weaker than duties of justice, and that it is only duties of goodness that regulate identity-affecting policies, have a troubling implication. The next two sections explain that implication. The remainder of the paper then makes a suggestion: we should think about adding a

third contention to the two that Broome makes. The third contention is that there is a third type of duty – apart from duties of justice and duties of goodness – that gives the future effects of large-scale climate policies a different and intuitively more satisfactory kind of relevance for how governments should deliberate over those policies. This third duty is not directed at particular individuals, as duties of justice are, and neither does it tell us to promote the goodness of outcomes. Instead, it demands of us that we show concern for the intrinsic value of human life. Drawing on Ronald Dworkin’s reflections on the nature of that concern, I will attempt to explain the difference it makes to how climate matters for future people.

2. Justice and goodness

Broome’s two contentions have a troubling implication that he does not address for how governments should deliberate about climate policy. To see the implication I have in mind, we need to discuss the terms “justice” and “goodness” in a little more detail.

Consider two cases in which Broome illustrates the relationship between the duties of justice and goodness. The first case is one in which goodness overrides justice: the government, Broome says, must build a motorway through someone’s farm, even though this violates a right of the farmer’s. That’s because there is a lot of good at stake for others. When this happens, Broome says, the government should compensate the farmer. The other case is one in which justice overrides goodness: a visitor to a hospital may not be killed so that a doctor can use his body parts to save five dying patients, even if doing this would bring about more good.

What exactly is it that “goodness” refers to in the motorway case that overrides the farmer’s claims and that justifies building the motorway? One thing it might refer to is the quality of the state of affairs that is brought about if the motorway is built. What moves us to favor building the motorway, so one might think, is the fact that this realizes a better state of affairs than would otherwise be realized – better, say, because it contains a higher sum of utility, or because of some other factor that it contains apart from a high sum of utility, e.g. how that utility is distributed across persons. Let us call this kind of goodness, *impersonal goodness*.

Notice, however, that there is a distinct consideration in favor of the motorists that we might be using the term “goodness” to label. This is the fact that the motorway will make many people better off than they would have been. I will call this distinct consideration, *person-affecting improvement*.² Person-affecting improvement is distinct from impersonal goodness. That (a) there is more impersonal goodness in a state of affairs may hold because (b) many people have been affected for the better in bringing about that state of affairs. But facts (a) and (b) are distinct from each other, and we can care about either fact independently of whether we care about the other. The difference between them is seen most easily

² Note that by a “person-affecting improvement” I have in mind improvement in the welfare of token individuals. Person-affecting improvement favours an outcome, then, only when a given person enjoys an increase in welfare than that *same* person enjoyed before. If, other things equal, a person in one outcome would enjoy more welfare than a *different* person would in another outcome, bringing about the former, rather than the latter, would *not* be a person-affecting improvement in my sense.

when we think about future people who depend for their identity on a decision we need to make. Suppose that, depending on what we decide, one set of future people will enjoy a higher level of aggregate utility than different set of future people. In that decision, there is no person-affecting improvement at stake (no token individual will be affected by that decision), but there is impersonal goodness at stake (assuming aggregate utility is impersonally good).

A point that will be important for my argument in what follows is that impersonal goodness and person-affecting improvement don't have the same significance in our moral reasoning. Consider aggregate utility as an example of impersonal goodness. How much should the consideration that a state of affairs contains more aggregate utility than another state of affairs have in our moral reasoning? When contemplating the different (identity-affected) future populations we might help to bring about, I do not believe our attention is drawn so much to the aggregate utility in each of those populations. If each individual member of two entirely different, and differently-sized, future populations would have the same level of welfare, we wouldn't necessarily think we should bring about the larger population just because it contained more aggregate utility, or, if we did think this, we wouldn't give this consideration so much weight as to allow it to override the (non-negligible) interests of people living today. Or, consider distributive equality as another example of impersonal goodness: some people believe that the less inequality there is in the distribution of some significant good between people, the better a state of affairs. But most of those who believe this do not believe that we

should promote distributive equality by setting back some people's (non-negligible) interests without benefiting others, i.e. by "levelling down".

By contrast, I believe we give a lot of weight to person-affecting improvement in our moral deliberations. The consideration that many people's lives will go better seems to have far more weight in our deliberations over policy than any concern about impersonal goodness. For example, it is person-affecting improvement, not impersonal goodness, that makes us side with the motorists and against the farmer.

So much for "goodness". Consider next the meaning of the term "justice". Earlier, we noted Broome's contention that people whose identities are affected by a climate policy decision can have no right that the government adopt one climate policy or another. Broome does not explicitly supply the reason why a person cannot have a right against a decision that affects his identity, but I suggested the reason was this: a right exists only to protect an interest or freedom and a person has no interest or freedom at stake in a decision that affects his identity. Stated more generally, we could say that a person can only have a right against a decision if his interests are affected by that decision. The implication seems to be that "justice" regulates only person-affecting decisions (here I assume that "justice" refers only to duties that correlate with rights).

But think again about the hospital case, in which justice prohibits killing a visitor so that a doctor can use his body parts to save five dying patients. Think, in particular, about why the hospital visitor has a right not to be killed by the doctor. It cannot be because he has a stronger interest at stake than any of the dying patients.

(We would think he has a right not to be killed even if his interest was only as strong, or even less strong, than theirs.) It is rather because he has a certain status – which all persons have – that bestows on him a right not to be harmed in terrible ways for the sake of others. Let me call this status, with slight inaccuracy, *inviolability*.³

Consider now the fact that a person’s right to inviolability can be violated by actions that don’t affect that person’s interests. Imagine the following scenario: if a doctor presses a button, a machine will inseminate an egg with a sperm and simultaneously insert a code into the genetic material that will guarantee that that newly created human will die of a heart attack at age 40.⁴ This will enable the doctor eventually to use his organs to save other people’s lives. If the doctor presses the button, this human will have a life worth living and if not, he will not exist. So, if the doctor presses the button he won’t affect the interests of the newly created human. Still, I think most people would say that the doctor may not do this because of the inviolability of the human being he would be creating. That human being has a strong right against being used as a means to others’ ends, even if he has no interests at stake.

The conclusion we should draw from that example is that “justice” is ambiguous. For the sake of clarity, we should mean by it one of or another of the following two things. Either we can stipulate that “justice” applies both to person-affecting decisions and to non-person-affecting decisions, where the latter category

³ “Inviolability” normally refers to a right not to be subjected to a destructive attack *simpliciter* (Kamm 2001: 225), rather than to what I am using it to refer to here, namely, a right not to be subjected to a destructive attack *for the sake of others*.

⁴ This scenario is explored in Kazuo Ishiguro’s novel, *Never Let me Go*.

includes decisions about whether to breach inviolability, or we can stipulate that “justice” applies only to person-affecting decisions and then reserve a space within our moral vocabulary for a third type of duty which, like “justice”, is goodness-overriding and owed to individuals, and which includes the duty not to breach inviolability. Because it gives us a more fine-grained vocabulary, I will adopt the second stance. Later, I suggest a version of the third type of duty.⁵

For now, I want to make another point about “justice”. Consider again the motorway case. Presumably, if “justice” is on the side of the farmer, it is referring to a right other than the right of inviolability. (I assume that the farmer’s right of inviolability does not extend beyond his body, to his property). To what consideration other than inviolability does it refer? The only possibility I can think of is that it refers to a right a person has to having his interest fulfilled when it is weightier than any other individual interest with which it might happen to conflict. The farmer’s interest in retaining his farm – or, stated more abstractly, a person’s interest in the stability of an important possession - is graver - or so, at least, we might be presuming – than the interest each motorist has in speeding along the

⁵ Notice that I am not arguing for the existence of a third type of duty by definitional fiat. I believe there exist weighty, non-person-affecting considerations that are distinct from impersonal goodness, considerations that have implications for large-scale climate policy. I could make that point using a two-duty vocabulary, by saying that “justice” refers, among other things, to the non-person-affecting considerations I am trying to identify; but I think we are less likely to become confused if we say that “justice” refers only to person-affecting considerations and then categorize the duty to attend to the non-person-affecting considerations that I want identify as a third type of duty.

motorway. That is what we might mean when we say “justice” comes down on the farmer’s side. The point I want to make is that when *that* is what “justice” refers to, we believe justice is much more susceptible to being overridden by person-affecting improvement than when “justice” refers to the right of inviolability (as it does in the hospital case).

3. A troubling implication

These points about the meanings of “goodness” and “justice” help me state a worry about the implications of Broome’s view. To see the problem, it is helpful to first ask ourselves a hypothetical question. Assuming we have duties only of goodness and justice, which climate policies should we adopt if our decision were to have an impact only on people whose identities are not affected by climate policies? To make it easier to discuss this, let me assume that the only people whose identities are not affected by climate policies are currently alive people.

I believe that the answer to this hypothetical question might well be that we would have to adopt climate policies that allow GHG emissions to continue undiminished. It is of course true that this would set back the interests of many currently alive people who live in some of the poorest parts of the world: they will suffer the damaging consequences of climactic changes, such as flooding, for example. But climate policies that require a reduction in emissions will also set back the interests of many other people in some of the poorest parts of the world. Due to the negative economic effects of these climate policies, many people will earn less income, or will lose their jobs, or will not be offered jobs to begin with, and many of

them live in deep poverty, for example, in rural areas in China and India. Climate policies will deprive them of very significant benefits. Those who would suffer the climactic consequences of undiminished emissions may have graver interests at stake than those who forgo economic benefits as a result of policies that require a reduction in emissions. (Dying from flooding, after all, is worse than living in deep poverty, to put it crudely.) But this would not necessarily mean that we should adopt policies that reduce emissions. If, as the motorway case shows, we can have reason to side with goodness (as person-affecting improvement), and against justice (as fulfillment of the graver interest), that conclusion would be premature.⁶ For it might be the case that the amount of person-affecting improvement that would be forgone by reducing GHG emissions is so great as to justify overriding the graver interests of those who would suffer as a result of those emissions (though they would have to be compensated to the extent that this is possible⁷). That this might be the case is suggested, in particular, by the following fact.

⁶ Note that we can't appeal to the consideration that favors the hospital visitor in order to reject undiminished emissions. Undiminished emissions will harm many amongst the currently alive, but those emissions do not violate their rights of inviolability. It distorts the truth to say that the victims of emissions are being used as means for the sake of others.

⁷ People who die as a result of human-induced climate change cannot be compensated; one might think that this is a decisive reason against permitting emissions to continue undiminished. But I don't think it is. There are many reasonable, large-scale policies that we implement for the sake of person-affecting improvement that we know will cause or allow some people to die: we build motorways and railroads; national health care systems divert resources away from

The setbacks to people's interests that will occur as a result of policies that require a reduction in emissions will materialize fairly soon. For example, people in China or India who rely on working in exporting industries would have less work available to them, and this would happen more or less immediately after the implementation of climate policies. By contrast, the harms that current emissions will bring about will materialize much later. This is in large part due to the so-called "thermal inertia of the oceans", i.e. the fact that increases in air temperature take time to heat up the oceans. As Davidson writes, "Because of the thermal inertia of the oceans, it takes about 50-100 years before the climate responds to changes in the oceans" (2008: 471). The response may come sooner than that, but not much sooner.⁸ By the time the harms caused by current emissions materialise, many people who are currently alive will be dead. This means that the group of currently alive people who are negatively affected by emissions is likely to be much smaller than the group of currently alive people who are negatively affected by policies that require a reduction of emissions. If we consider the impact of our climate policy

marginal improvements in curing fatal disease, towards conditions that aren't life-threatening. In these cases and others we do not regard the uncompensated deaths of some as a decisive reason against proceeding with policy. So it is not obvious why we should adopt that stance in the case of large-scale climate policy.

⁸ According to Hansen (2005: 1), "25-50 years are needed for Earth's surface temperature to reach 60 percent of its equilibrium response" to so-called "climate forcings", i.e. "changes in the planet's energy balance that tend to alter global temperature." So the "climate lag" may be shorter than the 50-100 year period that Davidson mentions, but not much shorter.

decision-making on currently alive people alone, it is therefore not obvious that we should implement policies that reduce GHG emissions.

The worrying implication of Broome's view is that it doesn't give us reason to depart from that answer once we also take into account the future effects of climate policy. Broome wouldn't be able to respond to undiminished emissions by invoking the beneficial future effects of reducing GHG emissions. "If we reduce GHG emissions," so one might think, "then, as well as protecting current people from harm, we promote goodness in the future." True, but the goodness at stake in the future is not goodness as person-affecting improvement, that overrode the farmer's interests (or, to stick with the current case, that might override the interests of poor people today who would have to forgo economic development). Future goodness (given that it is identity-affected) is the other kind of goodness, namely, impersonal goodness. As we noted earlier, however, impersonal goodness is a weak consideration in our moral deliberations (see p. 7 above), and one we normally dismiss when it comes at the expense of some people's (non-negligible) interests.

Could climate policy protect future people against harm?

One may think the following response is available to Broome. It builds on his claim that private individuals do indeed harm future individuals when they emit GHGs in their small-scale policies (see p. 4 above). In particular, consider a climate policy that takes the form of forcing private individuals to adopt small-scale policies to reduce their emissions, for example, by imposing strict penalties on private individuals who

pollute above the level of their emissions permits. Such a policy prevents present private people from harming future people. Wouldn't that mean that it protects future people against harm? If so, Broome can rely on the duty of justice in order to argue against undiminished emissions.

This line of argument fails. It's true that if climate policy prevented a few private individuals from emitting beyond a certain amount, then that policy would prevent those individuals from harming future persons. But the kind of climate policy we are hoping to justify will regulate and affect the behaviour of many present private individuals. The overall effect that policy will have on the identities of future persons will therefore be great. Hence that climate policy will not protect future people against harm.

That reasoning might seem a little quick. In the absence of large-scale climate policy, it is a fact (a) that private individuals will harm future individuals through their emissions. If a large-scale climate policy that is aimed at stopping this were effectively implemented, then fact (a) this stops being a fact. Shouldn't we then conclude that large-scale climate policy prevents future individuals from being harmed?

No we should not. Large-scale climate policy prevents present people from harming future people. But it doesn't protect future people from being harmed by present people. That sounds a bit odd, but it's true. Large-scale climate policy would ensure that present individuals don't harm future people but only by altering the identities of the future persons who are affected by present individuals. Preventing present people from harming future people *in that way* doesn't protect future

people from harm. Preventing A from emitting will only protect B in the future from harm, if the act of preventing A from emitting leaves B in the future intact. If preventing A from emitting ensures that C exists instead of B in the future, then B is neither harmed *nor* protected from harm. So, in the final analysis, we have to conclude that large-scale climate policies will not protect future people against harm. Justice remains indifferent about the negative future effects of large-scale climate policy decisions.

4. The value of human life

So far I have argued that Broome's two main contentions fail to give enough weight to the interests of identify-affected people in the future (at least if we assume we should adopt a climate policy that substantially reduces the current level of emissions). There may be alternative interpretations of justice and goodness that could allow us to give those interests sufficient weight.⁹ My aim is not to discuss the merits of these alternative interpretations, or to suggest a superior argument for how we might justify assigning strong moral weight to the interests of future people. Rather, I want to show that we can benefit from expanding the moral resources beyond those that Broome works in *Climate Matters* when thinking about the ethical challenges posed by climate change. Specifically, I think we should add and appeal to a third category of moral duty, apart from those of justice and goodness, when thinking about the ethics of climate change.

⁹ For an argument that appeals to impersonal goodness, see Mulgan (2006). For an argument that appeals to person-affecting considerations, see Kumar (2003).

To begin with, recall what the duty of goodness involves. When Broome describes the duty of goodness, he describes it as a duty aimed at bringing about something, namely, a better world. The duty of goodness, he says, tells you to give some of your money to people who are poorer than you, because: “On balance the world is made better by the donation. For that reason, morality requires it.” And, as well as requiring you to do this as a private individual, “[m]orality also requires governments to make the world better” (2012: 51). The key feature of the duty of goodness is that it requires us to act in certain ways because of the quality of the state of affairs that this action brings about. It is because “the world is made better” that the duty of goodness requires that we give money to poorer people.

Now, as several writers have pointed out, that we must produce a state of affairs of a given kind is not only the kind of action that “goodness” can require of us. We needn’t believe that goodness can capture our moral attention in that way only. Take, for example, the goodness many see in the ancient Cedar trees of Lebanon: that they are good does not seem to imply that we should plant their seeds across the face of the Earth, but calls for a distinct kind of action, namely, that we preserve those of them there are.¹⁰

I want to suggest that the value of human life similarly grounds a duty that is different in kind from duties of goodness and duties of justice. Furthermore, I

¹⁰ As Scanlon writes (1998: 88): “When we consider the things that are generally held to be intrinsically valuable...it becomes apparent that in most cases taking them to be valuable is not simply, or even primarily, a matter of thinking that certain states of the universe are better than others and are therefore to be promoted.”

believe that that distinct duty has important implications for climate policy. Let me give an example that suggests the duty I have in mind, before trying to be more explicit.

Suppose that a person is born and brought up in a cellar and still finds himself there now, after many years. He has very limited space to move around in, and a very limited number of objects to interact with. But food is thrown down to him every day, and so, he is able to continue living his life. That's a terrible situation. The words that come closest to helping me say what I find so horrible about it is the extreme frustration of the capacity this person has to make something of his life. I would prefer it if there had instead been a rat running around in the cellar, that could gnaw at the few objects and eat the food thrown its way.

Suppose now that this person in the cellar will come into existence in the future unless we decide otherwise, in which case a different person would exist who would live in a house with a garden, with more objects, and also other people, to interact with. Suppose our decision about this will make no difference to anyone or anything else. Would it be wrong if we still decided to bring about the person in the cellar? I think so.

What does that show? It doesn't show conclusively that the duty of goodness and duty of justice fail to exhaust our duties. Presumably, the cellar is a less valuable state of affairs than the house and garden, so the duty of goodness can explain why we should bring about the house and garden instead of the cellar. But imagine now that the choice we face is between one house and garden, and a thousand cellars, each with a small amount of good in it that together add up to more in total than

the good that would occur in the one house and garden. If all we had to do was promote goodness, we should bring about the thousand cellars.¹¹ But surely that would be wrong.

Maybe we could describe the duty of goodness in a way that would allow us to get the right result. I've been implicitly assuming that the value of a state of affairs depends on the amount of aggregate amount of utility it contains. But we could think that the value of a state of affairs depends on how much it contains of something else, which we could vaguely call "the realization of human potential." We could think a state of affairs is more valuable the more of that kind of realization it contains, and we could add a lot of weight to differences in that kind of realization – so much so, that the existence of one life that is more realized in the house and garden contributes more in that utility calculation than the existence of the far less realized lives in the thousand cellars.¹²

But even when described in that way, the duty of goodness doesn't seem to generate the right result. Suppose we could choose between creating (a) a state of affairs with one person in a house and garden and (b) a state of affairs in which there are two houses and gardens, each with one person in them (assume that the

¹¹ This widely discussed implication of the duty of goodness is standardly referred to as the "repugnant conclusion". See Parfit (1984: 388).

¹² This response to the worry that the duty of goodness entails the repugnant conclusion is a version of what Parfit calls "the Lexical View" (referring to the fact that the importance of bringing about some goods lexically overrides aggregate utility – the lexically more important good in our current case is "the realization of human potential"). See Parfit (1984: 414).

two persons in this second outcome are each able to realize their lives to the same extent as one would be if he existed on his own). If we believed in the revised version of the duty of goodness just described, we should think (b) is the obviously correct choice. But I see nothing wrong with choosing (a).

So I think the example does show that our duties are not exhausted by the duty of justice and duty of goodness. What it suggests is that if the future will contain the kind of potential that a human life is, then we need to care about the environment in which that life will be lived, not because the realization of that potential contributes to a state of affairs we should bring about but because it is intrinsically bad for that potential to be radically limited.

Beyond thingness and inviolability

To elaborate on the duty to care about the value of human life, let me describe two restrictions on how we might describe that duty that I think we should avoid. The two restrictions are interrelated. The most important restriction is in the scope of what “human life” refers to. One might think “human life” refers to a particular kind of thing – say an entity with a particular biological structure, or a person. But “human life” can also refer to something less tangible, like a process, or a story, or, more specifically, as Dworkin suggests, to a response on the part of a person to an opportunity: “The nerve of the sacred,” – the “sacred” being Dworkin’s term for the kind of intrinsic value possessed by human life – “lies in the value we attach to a

process or enterprise or project rather than to its results considered independently of how they were produced” (1993: 78).¹³ (We should note that “human life” can also be intrinsically valuable when it is understood as a particular thing or person: my point is only that that is not the *only* way in which human life has a value that can ground a third type of duty.)

Dworkin observes that our reactions to the end of another person’s life are strongly affected by how old that person was when he or she died (1993: 86-7). We generally find it much worse for the life of a teenager to end than for the life of a very early *fetus* or for a very old person to end. The greater awfulness of the end of a teenager’s life suggests that the value of “human life” refers not only to a biological entity or a person: an old person is no less a person than a teenager and a *fetus* is no less biologically human than a teenager and old person. The greater awfulness of a teenager’s death is due, Dworkin believes, to the fact that this person has started to invest in her life and yet has still not been able to see the fruits of that investment. No such investment has occurred, by contrast, in the life of an early *fetus*, and much of it has been redeemed in the life of an old person, many of whose plans have at least partially reached their objective.

Does the value of human life, when interpreted as a response to an opportunity, establish a duty on the part of others that is different from the duty of goodness? Consider the man in the cellar. What disturbed me about his case was

¹³ Richard Wollheim gives a fine statement of the multiple meanings of “human life” (1986: 2): “There are persons, they exist; persons lead lives, they live; and as a result, in consequence – in consequence, that is, of the way they do it – there are lives. So there is a thing, and there is a process, and there is a product.”

the extreme restriction his environment places on his ability to respond to the opportunity of life. We have strong reasons not to bring about a life that can be responded to so poorly. But this talk of our having to avoid bringing about a poor response to a life might suggest that there is something that we must seek to promote more of, rather than less. Should I not then describe the kind of action that the value of human life demands of us as an act of *promoting* something?

Yes I should, but that does not necessarily mean that it is a duty of goodness. A duty of goodness tells us to promote something because that thing contributes to a valuable state of affairs. If our duty to enable people to respond well to the opportunity of life took *that* form, it would be a duty that is ultimately grounded in the fact that the world should contain more well-responded-to-opportunities. But we can think of our duty to enable people to respond well to the opportunity of life differently. We can believe that it is just bad in itself (i.e. independently of its contributory effect on a state of affairs) that the opportunity that a human life represents is not responded to well and that it is just good in itself that it is.¹⁴ That intrinsic badness or goodness can ground a duty on our part not to bring about an environment in which only a poor response to life can be made.

A second, related restriction we should avoid when thinking about the value of human life concerns the actions that the value of human life requires of us. We should not think that these actions are restricted to respect for inviolability (by

¹⁴ As Dworkin puts it (2004: 370), “once a human life has begun it is important that it go well. That does not entail, nor do I believe, that the more lives that go well the better.”

which I mean a right not to be harmed for the sake of others). One might be tempted into having that thought if one thinks of human life in “thing-like” terms, on the model, say, of a classic painting or Cedar tree. It might prompt one to think of the value of human life as consisting in the continued existence of a valuable entity, and hence of the treatment it demands as involving something akin to respect for inviolability. But if human life could refer also to something “un-thing-like”, such as a response to an opportunity, then it is easier to appreciate that respect for inviolability is not the only kind of treatment that the value of human life might demand of us. It might demand of us a far more general category of treatment that involves how we act or not act upon the circumstances that influence a person’s capacity to respond well to the opportunity of having a life.

That is a very vague statement about the treatment that the value of human life makes us duty-bound to give others. But I only want to maintain the following two points, which do not depend on a detailed view about that matter. First, on any plausible account of what enabling others to respond well to the opportunity of a life involves, the impact our actions have on the natural environment in which they live will have great moral importance. A person’s ability to pursue almost any reasonable plan of life is vulnerable to his or her natural environment. Secondly, the ability to respond well to the opportunity of a life on the part of people in the future is as deserving of our care as is that same ability on the part of currently alive people. The intrinsic value of human life in the future does not demand lesser duties of us than the intrinsic value of human life today. The overall implication is a principle of equality that has significance for climate policy: we must assign the

same moral importance to how our policies affect people's ability to respond to the opportunity of having a life regardless of when they exist.

4. Back to the future

Let me return to my concern about the implications of Broome's two contentions for climate policy. I was worried that if we focus exclusively on duties of justice and goodness, then we cannot assign the right kind of relevance to the future effects of our climate policy choices. We assign inferior moral importance to the effects of climate policies on future people than on people who are currently alive. The question is whether appealing to the duty to care about the value of human life helps us to assign a different, intuitively more satisfactory relevance to the effects of climate policy on future people.

Now, even if a third duty of this sort existed, that does not necessarily mean that we escape the worry I said applied to Broome's view. If we want to justify climate policies that require a reduction of emissions today for the sake of people in the future, we need to show that the third duty is weighty enough to outweigh the interests of those who will be worse off today as a result of emissions reductions. Just as person-affecting improvement might outweigh the farmer's claim of justice, it might outweigh, also, the third duty that demands equal treatment for future people. So we need to show that the third duty can override person-affecting improvement.

In order to illustrate the possibility that it can be intuitively more plausible to give the former more weight, consider the following, very simple example. In the

schema below, person A exists during times T1 and T2, and person B exists during T2 and T3 in distribution I, and person C exists during T2 and T3 in distribution II. We need to decide which distribution we should bring about in the future, i.e. during times T2 and T3. Should we bring about I or II?

	Now		Future	
	T1		T2	T3
A	8	I	6	-
B	-		2	2
A	8	II	5	-
C	-		3	3

Notice that opting for I rather than II makes A overall better off than A might have been (and affects no other person). So, person-affecting improvement tells us to opt for I. Furthermore, notice that the only kind of goodness that could justify our preference for II, is impersonal goodness (because II has more good in it and less inequality). Remember, however, that we don't ordinarily believe that impersonal goodness trumps person-affecting improvement (see p. 7 above). Yet despite this, I submit that it seems most defensible to opt for II. So, something must be pulling us in that direction other than impersonal goodness, and it is something that (by itself or in conjunction with impersonal goodness) pulls us harder than person-affecting improvement does.¹⁵

¹⁵ It may be that the third duty only pulls harder than person-affecting improvement when it pulls in conjunction with impersonal goodness (though I doubt it). This

What's pulling us to II, I suggest, is that II helps us avoid bringing about an outcome in which B will struggle to respond well to the opportunity of having a life. If we try to imagine the different ways that B's life might be worse than C and A, we might picture something about B's personal or external circumstances that prevents him from responding well to the opportunity of a life. Perhaps B lacks the psychological capacities necessary for creating stable and coherent aspirations in life or perhaps B lives in deep poverty.

The lesson I draw from the example is that our decisions about the kind of future we must try to bring about should not be governed only by what happens to currently alive persons (who are represented by A in the example) and to impersonal goodness. We must also care about the identity-affected people who will exist (represented by B and C). If there are going to be people with lives to lead, we have a strong reason to create a better, as opposed to a worse, environment for whoever they are.

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would still be enough to show that the reason we have to care about the future effects of climate policy overrides the person-affecting improvement of allowing emissions to continue undiminished, which is all I wanted to show.

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