

**Reciprocity with Posterity:  
Intergenerational Environmental Justice  
within a Rawlsian Framework**

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## Part 1: Introduction to Theories of Environmental Justice

More so than ever before in human history, the environmental crisis faced by today's world imposes extreme global implications and demands a global response. Myriad environmental challenges today call upon thinkers from diverse backgrounds to come together to develop innovative and lasting solutions—from engineers to politicians, ecologists to philosophers, astrophysicists to grade school teachers and everything in between. And still, as new generations of the human race are born into the gravity of this situation, it is unclear from where the ultimate solution will come.

Philosophers and ethicists, for their part, have been working to incorporate environmental concerns into current moral theory, and to develop new perspectives from which systems of environmental protection and conservation can be incorporated into domestic and international law. In this vein, there has been an overarching dichotomy separating two main avenues for environmental philosophers (Callicott, *Introduction*). One group, representing the ecocentric approach following the work of John Passmore, Richard Routley, Arne Naess and Paul Taylor among others, has argued that traditional ethical theories have suffered from species chauvinism and worked to refocus those traditional theories with a new biocentric or ecocentric lens. The other group, representing the anthropocentric approach, maintains that environmental concerns can still be successfully incorporated into ethical and legal systems built on traditional anthropocentric foundations and has been working to strengthen and further implement international environmental human rights. Both approaches have their benefits. The approach based on biocentric and ecocentric perspectives is capable of yielding stronger judgments and values for environmental protection since it is derived more directly from environmental and ecological interests. The approach based on anthropocentric foundations is more readily

implemented in current legal and political systems worldwide due to its amenability with a wider range of human interests. Again, both avenues have their pros and cons, and certainly both are noble endeavours in the environmental spirit, but for the latter reason, based on its greater ease of applicability, this paper will proceed along the second avenue exploring anthropocentric prospects for environmental justice.

Among those that have worked to develop anthropocentric systems of environmental justice, many have (rightfully) discovered that a prominent and recurring challenge lies with the problem of intergenerational justice (see Tremmel; Gosseries and Meyer). In other words, when trying to develop systems of environmental protection based on human interests, the problem often becomes one of how to secure the basic environmental needs of future generations and our moral responsibility in relation to them as currently existing agents. The idea is that the long term health and sustainability of the natural world itself will be protected if we are able to secure environmental rights and basic necessities (like clean water, air, soil and energy) for human generations of the distant future. This paper will begin by analyzing the major philosophical challenges to theories of intergenerational justice generally, and then evaluate John Rawls' contractarian intergenerational system and the way in which it attempts to overcome those challenges. Finally, it will assess the major specific criticisms faced by Rawls' approach on the path toward environmental applications and implementations. I will defend a Rawlsian system of intergenerational environmental justice based on a combination of his earlier work (*A Theory of Justice*) and his later work (*Political Liberalism, the Law of Peoples, Justice as Fairness: A Restatement*), arguing, against some of his major critics, that environmental applications can, to a certain extent, successfully be incorporated into his intergenerational framework.

## Part 2: Preliminary Theoretical Obstacles for Intergenerational Justice

There are two main philosophical obstacles that, historically and today, encumber theories of intergenerational justice. Both are derived in their own way from the logical difficulties of assigning coherent and systematic moral or legal responsibilities to currently existing persons in trust for the welfare of individuals and generations that do not yet exist. Any serious theory of intergenerational justice must in some way overcome these two obstacles. Though, certainly, there will still be further complications to any theory that accomplishes this preliminary task. Overcoming these two obstacles is a necessary but not a sufficient condition for the success of any intergenerational theory of justice. With this note of qualification set aside for later, the two spearheading obstacles in question are generally referred to as the *non-identity problem* and the *non-reciprocity problem*. I will explain each problem, then sketch possible avenues of solution, before delving into an in-depth analysis of the way in which Rawls' contractarian system overcomes these problems in order to build the foundation for his theory of intergenerational justice.

### 2.1: The Non-Identity Problem

The first main obstacle that must be treated on the path toward a reasonably successful theory of intergenerational justice is usually referred to as the *non-identity problem*. While this was the title given to it by Derek Parfit, (Parfit, *Reasons* 359), to whom its credit and first complete articulation are widely accredited, it is also referred to as the *paradox of future individuals* by Gregory Kavka, (Kavka, *Paradox*), among other secondary sources, since Kavka rightfully acknowledges that the problem was “discovered independently by Robert M. Adams,

Derek Parfit, and Thomas Schwartz” (Adams, *Existence*; Parfit, *Doing the Best*; Schwartz, *Obligations*). A considerable number of authors deal with this problem directly, all of whom are paraphrasing each other to a certain degree in its exegesis, but I will stay closely to Parfit’s enunciation of the problem because his technical description suits the technical nature of the problem.

Despite its seemingly abstract nature, the non-identity problem presents a nonetheless serious and lingering obstacle to theories positing a moral responsibility not to harm unborn future individuals. As Kavka remarks, the non-identity problem “moves by a correct route from plausible premises about biology, personal identity and moral obligations to a strongly counterintuitive conclusion” (Kavka 95). Parfit’s articulation of the non-identity problem runs as follows:

Suppose that we are choosing between two social or economic policies (Depletion or Conservation). And suppose that, on one of the two policies, the standard of living would be slightly higher over the next century. This effect implies another. It is not true that, whichever policy we choose, the same particular people will exist in the further future... Since the choice between our two policies would affect the timing of later conceptions, some of the people who are later born would owe their existence to our choice of one of the two policies. If we had chose the other policy, these particular people would never have existed. [...] Because we chose Depletion, millions of people have, for several centuries, a much lower quality of life. This quality of life is much lower, not than it is now, but than it would have been if we had chosen Conservation. [But] These people’s lives are worth living; and, if we had chose Conservation, these particular people would never have existed. Suppose that we do not assume that causing to exist can benefit. We should ask, ‘If particular people live lives that are worth living, is this worse for these people than if they had never existed?’ Our answer must be No. Suppose next that we do not assume that causing to exist can benefit. Since these future people’s lives will be worth living, and they would never have existed if we had chosen Conservation, our choice of Depletion is not only not worse for these people: it *benefits* them. On both answers, our choice will not be worse for these future people. (Parfit, *Reasons* 362-363)

Essentially, the threat posed by the non-identity problem is that it is impossible to harm future individuals. Regardless of how we act today, future individuals can have no logical

complaint of harm or injustice against us whatsoever, since if we had acted differently in any way those particular individuals would never have existed. Given this fact of biological dependency, the fact that “which *particular* future people will exist is highly dependent upon the conditions under which we and our descendants procreate, with the slightest difference in the conditions of conception being sufficient, in a particular case, to insure the creation of a different future person”, (Kavka 93), then morally speaking, we can do no wrong to unborn future generations. If they don’t like the world they inherit, well, too bad, at least they have a life to begin with, and that life is presumably still better than the non-existence they would have inherited had their predecessors acted differently. Regardless of the circumstances into which future people are born, they are still benefitted from being born at all, and since under any other conditions of procreation these people would not have been born, they can hold no complaint against the policy decisions that we choose today. From the premise that unborn future individuals cannot be harmed by currently existing agents, according to the non-identity problem, comes the alleged conclusion by extension that we can have no moral responsibility in relation to them. Current generations are, supposedly, completely irreproachable with respect to posterity. The operative word in the unfolding of the non-identity problem comes to be *harm*, as we will see below, since the validity of the non-identity problem in fact depends to a great extent on how we interpret and define the notion of harm.

## 2.2: The Non-Reciprocity Problem

The second main philosophical obstacle to theories of intergenerational justice is referred to as the *non-reciprocity problem* (see Page, *Fairness*; McCormick, *Intergenerational*). The

theoretical problems associated with concepts of reciprocity and justice have a much longer tradition than does the non-identity problem. As Richard Hiskes comments, “philosophers since Aristotle have insisted that injustice is a relationship always characterized by reciprocity in some sense; therefore where is the reciprocity between our future generations and ourselves? How is such a relationship with those who do not yet exist even possible?” (Hiskes, *Green Future* 3). Though the problem can be traced back to the ancient world, the non-reciprocity problem has accelerated considerably in the context of intergenerational environmentalism since Terence Ball’s 1985 essay *The Incoherence of Intergenerational Justice*. The non-reciprocity problem is a natural consequence of the unidirectional arrow of time—the fact that “generations are spread out in time and actual economic benefits flow only in one direction” (Rawls, *Law of Peoples* 254). A useful elucidation of the non-reciprocity problem can be found in Hugh McCormick’s response to Edward Page:

Reciprocity-based justice requires ‘that persons provide benefit for others, including members of different nations or generations, only if the recipients are in a position to reciprocate’ (Page 231). Members of different generations, it is claimed, do not enjoy a reciprocal relation. Earlier generations are able to provide great benefit to future people, but later generations have no such power with respect to their progenitors. If no ties of reciprocity bind different generations, then—according to reciprocity-based accounts of justice—no duties of justice obtain between them. Edward Page calls this the ‘Non-Reciprocity Problem’. (McCormick 451).

It is important for any theory of intergenerational justice to overcome the non-reciprocity problem, since otherwise those theories would not be classifiable in the realm of justice. Failing that, it becomes a theory of supererogatory intergenerational morality, or laudable altruism with no enforceability against defection. In this vein, it is commonly agreed that including intergenerational obligations in the category of justice and legal rights rather than morality and ethical values will tend to strengthen and reinforce those obligations overall. As will be

discussed below, the non-reciprocity problem is of particular concern for Rawls' intergenerational theory of justice, since his contractarian approach is in its most primary foundations built on mutual benefit and reciprocal agreement. Richard Hiskes elaborates in depth the non-reciprocity problem, which is again a central concern in his recent book *The Human Right to a Green Future: Environmental Rights and Intergenerational Justice*. As Hiskes writes:

Hume and Rawls argue that it only makes sense to characterize a relationship as eligible for the application of justice principles if three elements (circumstances) pertain. First, it must be a relationship roughly between equals. Second, the goods that persons seek and concerning which justice principles are needed must be relatively scarce. Third and following from the first two, the relationship is characterized by a conflict of interests between parties who are admittedly self-concerned (or just selfish), because all want the same goods (and are equally capable of acquiring them), but scarcity prevents all from obtaining them in equal measure, much less in the amounts perhaps desired. If these conditions do not pertain, then Hume and Rawls conclude that the circumstance is not one of justice but likely of either war on the one hand or humanistic charity on the other. Neither resides in the moral space occupied by justice. What Hume and others, especially Rawls (1971) and Barry (1989, 1995, 1999), conclude is that no relationship involving present and future generations can manifest all three conditions or circumstances, and therefore justice cannot be established between them. (Hiskes, *Green Future* 11).

The non-reciprocity problem presents a challenge in effect parallel to the non-identity problem against theories of intergenerational justice in the sense that both reach the conclusion that moral and legal obligations to distant future generations fail to maintain logically consistent and coherent philosophical foundations. In other words, both problems undermine any assertion of moral duty to future generations. In the case of the non-reciprocity problem, this seemingly amoral conclusion is derived from the rather crude idea that since non-existing future agents can exert no influence over the presently existing generations, cannot “wield any threat against previous generations”, (Arrhenius 25), cannot return any of the benefits to us that we bequeath to them, cannot “communicate, and reach a joint conditional agreement”, (Parfit, *Reasons* 524-525), then there cannot be any reciprocity between generations, and that therefore,

intergenerational morality cannot be qualified as justice, and we cannot be said to have any substantive or enforceable obligations toward future generations. Confronted with the threats posed by both the non-identity and non-reciprocity problems, I move now to consider possible avenues of solution on the way to constructing the philosophical foundations for a theory of intergenerational environmental justice.

### **Part 3: Solving the Non-Identity Problem**

As noted above, any successful theory of intergenerational justice must first overcome both the non-identity and non-reciprocity problems and, even then, they are not out of the woods). Therefore, on our way toward determining whether a theory of intergenerational environmental justice can be successfully grounded in a Rawlsian contractarian framework, we must first evaluate the way in which he overcomes these problems. Before turning to Rawls' approach, however, it is necessary to examine the different conceptions of harm available to intergenerational theories, since, as mentioned above, a certain conception of harm will be required to overcome the non-identity problem. Having done this, I will then turn to an analysis of Rawls' system of intergenerational justice, which will then elicit the way in which he aims to overcome the non-reciprocity problem.

#### **3.1: The Non-Identity Problem and Conceptions of Harm**

I foreshadowed above that the challenge presented by the non-identity problem and its seemingly amoral conclusion that it is logically impossible to do harm to distant future generations depend to a large extent on how we interpret and define the notion of harm. On this

point, a fruitful note of clarification comes from the work of Lukas Meyer, one of the leading writers on the subject of intergenerational justice, in his article *Past and Future: The Case for a Threshold Conception of Harm*, and from the discussion generated in response thereto. Meyer explores the way in which the non-identity problem interferes with theories of intergenerational justice (and intergenerational harm) due to its reliance on certain traditional identity-dependent notions of harm. The key to circumventing the non-identity problem, then, comes from an “identity-independent” (Meyer, *Past and Future* 149) understanding of the notion of harm that replaces the focus on situated particular individuals with one concerned with the surrounding *threshold* conditions into which future generations will be born.

Meyer begins by identifying and formulating the two traditional notions of harm that suffer from the non-identity problem in an intergenerational context, which he calls the *diachronic* and the *subjunctive-historical* notions of harm:

The diachronic interpretation of harm can be expressed in the following formula: (II). (*diachronic*) Having acted in a certain way (or having refrained from acting in that way) at a time T1, we thereby harm someone only if we cause this person to be worse off at some later time T2 than the person was before we acted in this way, that is, before T1.

The subjunctive-historical interpretation of harm can be expressed in the following formula: (III). (*subjunctive-historical*) Having acted in a certain way (or having refrained from acting in that way at a time T1, we thereby harm someone only if we cause this person to be worse off at some later time T2 than the person would have been at T2 had we not interacted with this person at all. (Meyer, *Past and Future* 148).

The problem with both the diachronic and the subjunctive-historical interpretations of harm is that they cannot account for harm in an intergenerational context; they are logically defeated by the non-identity problem. The reason why is that both rely on the possibility of asserting that a specific individual’s state of well-being was worsened by a certain act or policy, and by extension, they rely on our ability to definitively assert that a given individual was in a

reasonable state of well-being before our interaction with them. But in an intergenerational context, those possibilities do not exist, since we are dealing only with hypothetical individuals who do not have a prior state of well-being at time T1, were it not for the act or policy that we choose, regardless of its moral approvability. As Meyer plainly states: “in such an [intergenerational] decision-making context, currently living people cannot claim that the people whose interests and rights they are required to respect are in a particular state of well-being at the time they take their decision, or that specific future people will be better or worse off depending upon what decision they take” (Meyer, *Past and Future* 148). Crucially, it is impossible to claim that an individual’s state of well-being was worsened by a given action in a context where that action is a precursor to that individual’s very existence. The diachronic and the subjunctive-historical notions of harm are both too dependent on the situated particularity of the individual in question of being harmed and, as such, are not logically capable of overcoming the non-identity problem in an intergenerational context.

The key then becomes, as Meyer and many others have argued, replacing the diachronic and subjunctive-historical with a *threshold* notion of harm (or *subjunctive-threshold* according to Meyer’s terminology), since the focus on threshold conditions rather than particular individuals carves the path for circumnavigating the non-identity problem. Meyer sets out the subjunctive-threshold notion of harm in the following way:

(I). (subjunctive-threshold) Having acted in a certain way (or having refrained from acting in that way) at a time T1, we thereby harm someone only if we cause this person’s life to fall below some specified threshold. (Meyer, *Past and Future* 147).

The threshold notion of harm differs from the diachronic and the subjunctive-historical on this crucial point: focusing on a threshold of well-being rather than an individual’s circumstances compared between two points in time, the threshold notion of harm allows us to

assert that someone has been harmed without needing to demonstrate their actual state of well-being at a certain specified time (an allowance that is required when considering hypothetical individuals of the distant future). Thus the threshold notion is by extension capable of asserting harm done to an individual by a certain act or policy even if that act or policy is itself responsible for that individual's very existence. As Meyer writes: "both the diachronic and the subjunctive-historical interpretations of harm require that the existence of the harmed person or people qua individuals is independent of the harming act or policy. [...] But if we adopt the subjunctive-threshold reading of harm at (I), future people can be said to be wronged by our having chosen a policy that harms them, notwithstanding the fact that the existence of the specific people who are said to be harmed is caused by our having chosen to pursue this policy" (Meyer, *Past and Future* 147-149). This is the key to overcoming the non-identity problem. A threshold conception of harm can successfully circumvent the non-identity problem by focusing on the conditions that an individual is born into, rather than the situated particularities of an individual's conditional state. This is the meaning of Meyer's description of the threshold notion as 'identity-independent'. Elsewhere, he elaborates that "the threshold understanding is unaffected by the non-identity problem, for here the finding of harm does not require a hypothetical comparison with the situation that would have occurred in the absence of the harming action. Such a notion of harm limits the practical significance of the non-identity problem to different degrees depending upon how the threshold is substantially defined" (Meyer and Roser, *Enough for the Future* 228).

With the non-identity in the rear-view mirror of the threshold conception of harm, the problem becomes, of course, as Meyer and Roser rightfully acknowledge, one of defining precisely what the threshold will entail—what is the minimum level of well-being required for a person, group or generation, irrespective of historical circumstance, and in what does it consist?

When turning to Rawls' argument, as I will demonstrate below, this problem translates into one of determining the amount of capital and natural resources required to preserve the just basic structure of a well-ordered society from generation to generation.

### 3.2: Defining the Threshold

The problem of how to define the proper threshold has led to three prominent theories: the *prioritarian*, *egalitarian*, and *sufficientarian* threshold conceptions of harm. Each theory represents a different form of distributive justice in the intergenerational context, but their points of difference revolve around what the primary focus of the threshold should be. The prioritarian conception, on the one hand, yields priority always to the lowest and least well-off in a given group or generation, much like a Rawlsian intergenerational difference principle, though it is important to distinguish, with respect to Rawls' theory, that the difference principle is for the sake of *intragenerational* justice and the just savings principle is for the sake of *intergenerational* justice. Rawls is clear in separating the two, and argues against employing the difference principle for the sake of intergenerational justice. Therefore, the prioritarian conception of an intergenerational threshold will allocate its resources according to a ratio by which the less well-off an individual or group is, the more benefits they receive. The egalitarian conception, on the other hand, centers around equality between individuals and between generations. According to the egalitarian conception, which places an intrinsic value on equality between benefactors, benefits will be distributed evenly to all future individuals and groups while ensuring that they reach a threshold of well-being equal to that of the currently existing generation. The sufficientarian conception, finally, does not necessarily or always prioritize the least well off, nor does it give an intrinsic priority to equality, so long as everyone reaches a level of well-being

above a certain minimally sufficient threshold level. When applied to intergenerational environmental justice, sufficientarian threshold approach would allocate its resources so as to ensure that everyone is guaranteed at least a sufficient amount of the basic supplies required to establish a reliable subsistence or state of well-being.

One of the problems generally associated with the first two conceptions, (prioritarian and egalitarian), is that they place excessive, unreasonable and uniform demands on current generations, irrespective of whether the generation in question is particularly privileged or destitute. Furthermore, the prioritarian and egalitarian conceptions do not necessarily promote improvement, or an increase in the average level of well-being between generations. As Meyer and Roser explain, "... to define the threshold standard of well-being of future people as the level of well-being achieved by currently living people (whatever it may be) is less than plausible, unless we were to attribute intrinsic value exclusively to intergenerational equality, so understood. This view would deny that currently living people may stand under a duty of justice positively to save for future people so that they will achieve a sufficientarian level of well-being" (Meyer and Roser, *Enough for the Future* 229). The egalitarian definition of the threshold, in particular, is capable of ensuring equality between generations, but if the threshold is low to begin with, this is not particularly helpful to future generations, since guaranteeing their equality will guarantee their poverty. It is not clear why equality between generations should have intrinsic value if individuals fall equally under deplorable conditions. In the context of intergenerational environmentalism, anyway, the primary concern should be that every generation inherits a supply of clean water, air and soil—the basic necessities of life— that is sufficient to support a just society in which there is equal opportunity for all, as Rawls would argue, rather than ensuring that every generation is on equal terms. For these and other reasons,

Meyer, Roser, and Rawls, among others, advocate the sufficientarian conception of harm for an intergenerational threshold.

It is not necessary to delve into all the details of the debate on how we ought to specify the intergenerational threshold here. It is sufficient for my cause in this paper to understand generally how the threshold conception of harm is capable of circumventing and overcoming the non-identity problem in an intergenerational context, and to understand how Rawls' interpretation of a sufficientarian threshold, specifically, accomplishes this task. As Meyer and Roser write: "a particular reason for holding a sufficientarian understanding of intergenerational justice relies upon a certain response to the so-called non-identity problem. [...] In responding to the non-identity problem, we develop a two-stage argument. [...] A threshold understanding of harm allows us to justify the following propositions: the dependency (or contingency) of the number and specific identity of future people upon our decisions does not matter where the question is our potentially harming future people's interests and violating their rights" (Meyer and Roser, *Enough for the Future* 227). Since the sufficientarian threshold can circumvent and overcome the non-identity problem, it provides a first foundation for a successful theory of intergenerational justice. It is important, however, to keep the different conceptions of the threshold in mind when turning to Rawls, in order to understand the unique way in which he employs a threshold concept to construct his foundation for intergenerational justice.

#### **Part 4: Rawls' Approach to Intergenerational Justice**

Having in mind the way in which a threshold notion of harm can overcome the non-identity problem, I can now turn to the principle goal of this paper, which is an analysis and evaluation of a Rawlsian system for intergenerational environmental justice. In addition to the

non-identity problem, the question of how Rawls' system can overcome the non-reciprocity problem will be of particular and central concern to his contractarian theory of justice, as was noted above, insofar as its foundations are built on reciprocity, mutual agreement and mutual benefit. I will lay out Rawls' theory of intergenerational justice before examining the way in which its unique application of a sufficientarian threshold is designed to overcome the non-reciprocity problem.

#### 4.1: The Original Position and the Just Savings Principle

Rawls employs social contract theory as a theoretical foundation for his system of intergenerational justice. As is characteristic of Rawls' political and moral philosophy, his system of intergenerational justice is derived from the famous thought experiment called *the original position*. In the original position, a group of rational deliberators are placed behind a 'veil of ignorance' that hides from them the circumstances of their particular identity, backgrounds, interests etc. Being ignorant of themselves in this way, the deliberators, acting as representatives of actual interest groups, come together to rationally choose the principles and rules of cooperation and justice by which they will agree to live their lives. The principles and rules that they agree upon are thus thought to be fair, equal and just for all involved, and are intended to serve as a fundamental contract by which different individuals can coexist in a system that is reasonable and mutually beneficial for all. Insofar as this agreement between the rational deliberators is formed in such a way as to be rationally beneficial for all parties involved, (obviously with a certain degree of compromise), therefore it provides the contractarian foundation for Rawls' theory of intergenerational justice.

There are a number of ways by which a theory of intergenerational environmental justice can be derived from the original position. Some have tried, in the environmentalist spirit, to include other species in the group of veiled deliberators, (Singer; Rowlands; Sterba) in order to represent the interests of all life forms and thereby protect more directly the world's ecosystems and environmental resources. Others have tried to include multiple and distanced generations in the group of veiled deliberators—something that Rawls himself considered—in order to create a fair and equal system of mutual benefit across time (sometimes referred to as the *time travel strategy*). Ultimately, though, arguing that both of these approaches fail to meet the circumstances of justice set out in the non-reciprocity problem and that it causes too many complications for his theory of justice between contemporary agents, Rawls adopts an approach in which the veiled deliberators know that they all belong to the same generation and historical circumstance, but they are ignorant of which specific generation that is in time or the historical context in which they exist, calling this the 'present-time-of-entry' interpretation. Being ignorant to which historical generation they belong, and thus being forced to promote the interests of all generations simultaneously, Rawls believes that the veiled deliberators will opt for a *just savings principle*, according to which they would agree to set aside certain socio-economic, cultural and environmental resources to be inherited by succeeding generations with the understanding that they themselves will inherit the same sort of package. Rawls explains this principle as follows:

As for the adoption of a just savings principle, we proceed as follows. To preserve the present-time-of-entry interpretation of the original position, the question of savings must be dealt with by constraints that hold between citizens as contemporaries. Since society is to be a fair system of cooperation between generations over time, a principle governing savings is required. We must not imagine a (hypothetical and nonhistorical) direct agreement between all generations, so we say the parties are to agree to a savings principle subject to the condition that they must want all previous generations to have followed it... The correct principle then, is one the members of any generation (and so all generations) would adopt as the principle they would want preceding generations to have followed, no matter how far back in time. Since no generation knows its place among the

generations, this implies that all later generations, including the present one, are to follow it. In this way we arrive at a savings principle that grounds our duties to other generations: it supports legitimate complaints against our predecessors and legitimate expectations about our successors. (Rawls, *Justice as Fairness* 160)

In this way, Rawls' theory of intergenerational justice is derived from the original position. Since the veiled deliberators do not know to which generation in time they belong, and are ignorant of the particular socio-economic and environmental conditions of their particular generation, it is reasonably deduced that they will select a policy ensuring that they inherit a certain sufficient supply of resources, with the agreement that they will pass on to the next generation at least that same amount of resources. The just savings principle is therefore intended to be understood as a form of social contract that every generation would rationally agree to.

One of the benefits of Rawls' approach to intergenerational justice, following the just savings principle, is that it is based on a particularly straightforward and sensible moral concept that, as Alexandru Gabor points out, is equivalent to an intergenerational golden rule: "...the Rawlsian principle – each generation should save a fair share to preserve just institutions on the assumption that all other generations saved in accordance with the same criterion – drew the parallel of a Golden Rule between generations: 'Do unto others as you would have them do unto you'." (Gabor 209). According to Rawls' contractarian system, we have an *a priori* moral duty to preserve for future generations an inheritance sufficient to maintain a well-ordered just society across generations. Taking a closer look at what specifically that inheritance will consist of allows us to understand the way in which Rawls employs a threshold conception of harm in the intergenerational context.

## 4.2: The Just Savings Principle as a Threshold Conception

Rawls' consistent focus on "background justice" (Rawls, *Justice as Fairness* esp. 51-55) and the "conditions needed to establish and to preserve a just basic structure over time" (Rawls, *Justice as Fairness* 159) is of central importance to his theory of intergenerational justice. Rawls understands the essential nature of a society to be a system of cooperation through time, and in this light, his primary concern for intergenerational justice is that a society preserves the basic ingredients required to sustain conditions of justice in a well-ordered society across generations in time. It is in this sense that Rawls' approach represents a sufficientarian threshold theory that allows him to circumvent the non-identity problem entirely; his intergenerational focus for justice is with the conditions of societal institutions rather than with particular individuals' rights. Rawls' theory is identity-independent, and therefore capable of overcoming the non-identity problem, insofar as it posits a notion of harm that is irrespective of which particular individuals come into being with posterity, but instead focuses on the threshold socio-economic and environmental conditions into which those generations are born. The way in which he defines the threshold, then, is based on the conditions required for a just basic structure in society. As David Heyd comments:

Rawls discusses the just savings principle in the context of his analysis of the concept of the 'social minimum'—that minimal standard of living of the worst off group in society that is required by the difference principle... In other words, the difference principle obliges us to take into consideration not only the situation of the worst off in our society but also the kind of society we are leaving for future generations. The just savings principle demands that we leave enough capital and resources for future generations while making transfers to our contemporary poor... (Heyd 170-171).

Precisely speaking, then, there is a certain element of the prioritarian threshold conception in Rawls' intergenerational system in combination with the sufficientarian threshold. For in fact, as Rawls clarifies, the just savings principle is intended to be understood as a

qualification of and restriction to the difference principle in an intergenerational context. The difference principle is pervasively prioritarian, insofar as it is designed always to favour and compensate the least-advantaged members of a given society. Rawls provides the following clarification: “the relation between the difference principle and the principle of just saving (*Theory* section 44) is this. The principle of just saving holds between generations, while the difference principle holds within generations. Real saving is required only for reasons of justice: that is, to make possible the conditions needed to establish and to preserve a just basic structure over time. Once these conditions are reached and just institutions established, net real saving may fall to zero” (Rawls, *Justice as Fairness* 159). With his focus on background justice and the conditions required to preserve a just basic intergenerational structure, then, Rawls’ approach should be understood as a threshold conception of harm in the way that it overcomes the non-identity problem, since his concern is not with the identity-dependent state of well-being of particular individuals, but rather with the identity-independent social conditions into which those individuals are born. With this in mind, I turn to an analysis of the way in which a Rawlsian intergenerational system can be interpreted to overcome the non-reciprocity problem and maintain a form of reciprocity-based justice across time between distant generations.

#### **4.3: Overcoming the Non-Reciprocity Problem: An Indirect Reciprocity**

Understanding that a direct form of reciprocity and explicit agreement between distant generations—that is, between people who currently exist and those that do not yet exist—is practically impossible, Rawls’ theory develops a form of “indirect reciprocity” (Heath 33). Instead of a ‘payback’ approach, where one generation can help another with the understanding that they would be repaid, Rawls’ theory can be understood as a ‘pay-it-forward’ style approach to reciprocity. As was discussed above, a direct form of reciprocity cannot be established with a

distant future generation that is incapable of reciprocating any harm or benefit to its predecessors. This causes a particular and significant problem for Rawls' contractarian system, where "Rawls emphasizes that [contractors in the original position] are mutually disinterested" (Heyd 175).

Now, it is difficult to assert a theory of justice based on reciprocity between generations that are assumed to be self-interested and mutually disinterested, but it is not impossible. The problem, in a sense, becomes one of moral motivation, as has been often been discussed in reaction to Rawls' work, since after having inherited from a previous generation, there seems to be no compelling incentive to continue to comply altruistically for the sake of people whom we will never meet. At first, in *A Theory of Justice*, in order to account for this motivational discrepancy, Rawls developed a 'heads of families' principle that was designed to establish a direct line of care for succeeding and overlapping generations, such that grandparents would care for their children and grandchildren so as to leave an inheritance to them sufficient for a just savings principle. In this way, with each generation 'caring' for its descendants in two subsequent generations, Rawls had intended to create an indefinite causal link between succeeding generations that would provide the motivational foundation to underlie the reciprocity required for the just savings principle. Many philosophers have taken issue with the heads of families principle, however, since its altruistic tendency seems to be inconsistent with the rational egoism and mutual disinterestedness that characterizes Rawls' most primary assumptions in his social contract theory. As a result, in the later work *Political Liberalism*, the heads of families principle is replaced by, or at least combined with, the *universalizability principle*, according to Joel MacClellan's interpretation of Rawls in his article *How (Not) to Defend a Rawlsian Approach to Intergenerational Ethics*.

The universalizability principle provides a simpler and more straightforward solution to the non-reciprocity problem, (which MacClellan describes as a motivational problem), that allows a Rawlsian intergenerational system to remain consistent with the rational self-interestedness and mutual disinterestedness that characterizes his broader theory of justice. MacClellan asserts that “this universalizability principle has several advantages of the heads of families and time travel strategies. It does not sneak a conception of the good through the back door because it does not require that we have progeny and take up their interests. It motivates a savings principle solely and explicitly in terms of the interests of currently existing generations... Here in [*Political Liberalism*], Rawls asks us to consider our own interests... Furthermore, the Universalizability Principle is not only consistent with the assumptions of rationality and mutual disinterest; these assumptions entail it” (MacClellan 75).

A simple illustration of the universalizability principle in an intergenerational context is given by Marcel Wissenburg: “If your grandparent offered you \$5000 on the condition that you promise to give your grandchild \$5000 at say the same age, and the alternative is to start in life with nothing but the clothes in which you were born, it would be irrational not to accept your grandfather’s offer” (Wissenburg, *An Extension* 176). The key here, according to MacClellan’s interpretation of Rawls’ just savings principle, as in Wissenburg and Gabor among others, is that it presents a theory that is beneficial to each succeeding generation, and as such, it is a principle that every generation would agree to according in accord with their own rational self-interest, with minimal compromise. In this way, despite the lack of direct agreement or direct reciprocity between distant generations, still there is a rationally self-interested and mutually beneficial foundation for intergenerational justice that can be understood as an indirect reciprocity compatible with reciprocity-based theories of justice. Gabor comments that “the savings

principle in justice as fairness purports to establish a ‘reasonable rate of saving’ as a natural duty of every generation, and everyone gains when such a rule is accepted” (Gabor 306). Paden, for his part, adds that “understood in this way, a decision to adopt a savings principle would (given a sufficiently long time-frame) be in the interest of the parties as it would guarantee that their lives would be made better by the accumulated savings of past generations while requiring little current sacrifice. As a result, the self-interested parties in the original position would adopt a savings principle” (Paden, *Reciprocity* 252). Instead of somehow paying back the benefits received from previous generations, then, each new generation is required to pass on to the next at least the basic socio-economic, cultural and environmental resources required to sustain the institutions and conditions of a just society, according to Rawls’ theory of intergenerational justice. In this way, Rawls’ theory should be interpreted as based on a sufficientarian threshold conception of harm in order to overcome the non-identity problem, and on a form of indirect reciprocity in order to overcome the non-reciprocity problem.

#### 4.4: The Motivation, or Compliance Problem

Rawls is not alone in arguing for this form of reciprocity-based intergenerational justice. Janna Thompson and Lawrence Becker, despite their communitarian opposition to Rawls’ contractarianism, both argue for a parallel theory in which we have a responsibility to pass on, or pay forward, the benefits and resources we receive from our predecessors: “We have a duty to reciprocate for benefits that we obtain from others, argues Lawrence Becker (Becker 229). Many of the benefits we have received come from past generations. We cannot reciprocate by providing benefits to our forebears, but Becker thinks that duties of reciprocity exist even when it

is impossible to give back to those who have benefitted us. We can most fittingly discharge our duty, he argues, by passing on these, or comparable benefits, to people in the next generation. Becker grounds his account of intergenerational obligations on the duty of reciprocity—on the obligation to make an appropriate return for a benefit” (Thompson 30-31). The duty to provide for intergenerational justice, then, is a duty that corresponds to the compromise made in the original position, when the veiled deliberators are selecting the principles that will govern their lives according to the most possible liberty that is compatible with equal liberty for all.

However, there is still debate over the question of whether, “once the people in the original position emerge from behind the veil of ignorance, they will find that ‘past generations have either saved or they have not’ (Rawls, *A Theory* 292), and, therefore, that they would tailor their choice of principles in order to benefit themselves” (Paden, *Rawls’ Just Savings* part 4). This question represents the traditional problem of compliance in ethics, (why be moral?), applied to the case of Rawlsian intergenerational justice, reflecting a sort of intergenerational prisoner’s dilemma in which it benefits everyone communally to agree to compromise, but benefits each person individually to break their promise. It would seem that, as Paden discusses in reaction to Jane English, (English, *Between Generations*), “as a result, they would reject the savings principle. However, English argues, this argument is based on a misunderstanding of the nature of the theory that Rawls is trying to develop. As English points out, Rawls’ theory is supposed to be an ‘ideal theory’, the purpose of which is to establish a goal ‘to guide the course of social reform’ (Rawls, *A Theory* 245)” (Paden, *Rawls’ Just Savings* part 4). The particular strength of Rawls’ contractarian approach to intergenerational justice is often praised because of its grounding in rational self-interest, as something that naturally appeals to all different types of agents. The compliance problem, however, brings into question whether it is rational to comply,

having emerged from the veil of ignorance, when those agents might be faced with the opportunity of taking advantage of those who have sacrificed for them. Perhaps it would indeed be the case that some of the veiled deliberators, once emerged from the ignorance of the original position, would find themselves in a position to take advantage of the rules they had previously agreed to. But we must interpret Rawls' theory as it was intended, as "hypothetical and nonhistorical" (Rawls, *Justice as Fairness* 160), and his argument ought not be discarded due to the fact that it may not immediately resolve the perennial problem of compliance in ethics. It is intended to be understood as a moral compass applicable to any given generation in time, not as a detailed list of instructions applicable to generations in real historical situations regardless of those generations' socio-political inheritance. Rawls' theory suffers from the compliance problem only as much as, and not more than, any other ideal theory of justice. With his focus on institutional justice and the basic structure of a just and well-ordered society, ethicists can be encouraged by its ability to draw out and implement institutional moral and legal obligations for future generations from a straightforward and mutually agreeable ideal. Rawls' approach to justice based on (indirect) reciprocity has been a leading theory in the field with a lasting and promising influence for intergenerational justice.

## **Part 5: Specific Criticisms Concerning Intergenerational Environmentalism**

Now, above I set aside the note for later that the non-identity and non-reciprocity problems are necessary, but not sufficient conditions to the success of any intergenerational theory of justice. Having assessed the way in which Rawls overcomes both of those preliminary problems, I turn now to an evaluation of some of the more targeted criticisms specific to Rawls' intergenerational system and its amenability with environmental justice.

## 5.1: Rawls: All Economics, No Environmentalism

The first of these more specific criticisms comes to be as a result of the historically shifted focus of intergenerational ethics. Originally, in fact, the intergenerational justice debate, famously transpired between Edmund Burke, Thomas Paine and Thomas Jefferson, (see Gabor 299-300), centered around the problem of generational sovereignty in the context of American constitutionalism in the late 18<sup>th</sup> century. At other times, the debate has focused on historical reparations and the problem, for example, of how to properly compensate the descendants of families afflicted by slavery. Currently, however, given the changing nature of the problems inherited by the political landscape of the 21<sup>st</sup> century, the debate over intergenerational ethics has acquired a concerted environmental focus.

Some critical philosophers have argued the claim that Rawlsian intergenerational justice is too heavily focused on economics, and not enough so on environmentalism—that while his approach is favourably disposed to the economic interests of future generations, it cannot adequately provide for their environmental needs (see Thero; Schramme; Gabor; MacClellan). The too economic, not environmental enough criticism arises principally at face value from Rawls' choice of language in his discussion of the just savings principle, which bears a prominently economic tone according to its apparent focus on “real capital accumulation” and “net real savings” (Rawls, *A Theory* 285-288), along with the fact that Rawls does not discuss environmental issues in any relevant or significant depth. Roger Paden brings out the criticism poignantly:

Rawls reduces ‘the question of justice between generations’ to a set of questions involving ‘the just savings principle’. In doing so, Rawls makes the simplifying assumptions that discussions of intergenerational justice should be conducted almost

completely in economic terms and that, as a result, present generations will have discharged their justice-based duties to future generations when they have ‘saved’ at a rate consistent with this principle. Intergenerational duties, in Rawls’ view, require only that each generation ‘put aside ... a suitable amount of real capital’ (TJ 285), including ‘not only factories and machines, and so on, but also ... knowledge and culture, as well as... techniques and skills ...’ (TJ 288). Clearly, this is a limited list... (Paden, *Rawls’ Just Savings* 27)

Paden’s latter point here about the broadened and inclusive definition of capital is crucial, however, in supporting Rawls’ ability to respond to the anti-environmental criticism.

Understanding the term ‘real capital’ not as exclusively economic, but as being inclusive of varied forms of capital stock is the key. Gabor, moreover, reiterates the importance of assigning an extended and inclusive definition to Rawls’ sense of capital:

A marginal controversy on the savings principle revolved not around the questions of justification or coherence, but on the scope of the saving scheme: what is to be saved and how much? ... Some critics considered the scope of savings as being too narrow, for it disregards issues like ecological destruction and environmental damage, or duty to preserve natural and cultural capital, infrastructure, and a theory of justice between generations is bound to cover these long-term damages to future generations. Others derived an extended list of implications from the savings principle, for example the duty to preserve and save factories, technologies, knowledge, education, culture, learning, a minimum welfare for all individuals, an amount of real capital, a capacity to deal with internal dangers and crime, but also a potential of reaction against external threats or invasions. (Gabor 305-306).

In addition to assigning an extended and inclusive definition of capital in his discussion of the just savings principle, another key to emphasizing environmental interests in a Rawlsian system of intergenerational justice is to place basic environmental needs—clean water, air and soil--- in the category of social primary goods (see Schramme). While it might seem contradictory *prima facie* to include basic *natural* necessities in the *social* category of Rawls’ dichotomy between social primary goods and natural primary goods, they are in fact properly categorized with the social primary goods, according to Rawls’ definition, as goods not endowed

at birth and therefore subject to the rules and stakes of distributive justice in the negotiations of the original position. Schramme provides a useful discussion on this point, and by extension, an explanation of how environmental justice can be understood to be at the forefront of Rawlsian intergenerational ethics in the original position:

[Environmental] goods are all-purpose means, because they are useful for the pursuit of every possible rational life-plan. This feature makes primary goods especially apt to be regarded as *distribuenda*, because they do not presuppose a substantive theory of the good... Rawls distinguishes between *social* primary goods like rights, liberties, opportunities, self-respect, income and wealth, and *natural* primary goods like health, vigour, intelligence and imagination... It seems obvious to me that natural resources are primary goods because they fit Rawls' generic definition of 'all-purpose means'. One could even argue that they are the very conditions of other primary goods, hence the most primary of primary goods (Partridge 210; Dobson, *Justice and the Environment* 126; see Hayward, *Political Theory* 156ff.). Without natural resources like clean air, water and fuel we could not survive, let alone thrive. So the environment is the epitome of Rawlsian social primary goods. (Schramme 149).

With a broadened and inclusive understanding of capital in the interpretation of Rawls' just savings principle, and by including basic environmental necessities in the category of social primary goods distributed in the original position, we are in a position to emphasize environmental needs at the forefront of our duty of fairness to provide for the interests of future generations. As the necessary prerequisites to all other social activities, and under the conditions of scarcity that make them troublesome today, environmental resources are certainly subject to the stakes of distributive justice according to Rawls' difference principle and the just savings principle in an intergenerational context. Paden elaborates that "for example, with respect to the moderate scarcity condition, the just savings principle might entail a duty to preserve natural resources if there is a reasonable danger that future generations would be so impoverished by our current consumption that this condition would no longer hold—if, for example, poverty would become so deep and widespread that it would become likely that all people would abandon the

principles of justice and enter into a Hobbesian state of nature.” (Paden, *Rawls’ Just Savings* part 2). The fact that natural resources are required to preserve the institutions of a just and well-ordered society over time is indisputable, and represents the key to answering the overly economic, anti-environmental objection. Therefore, in this vein, Rawls’ contractarian approach to intergenerational justice, according to the preservation of primary social goods, can be said to avoid the charge of being overly-economic at the expense of environmental capacities.

## 5.2: Rawls: Only a Weak, Light-Green Environmentalism

The previous section answered a common criticism against Rawls’ theory by demonstrating how in its most primary tenets it can be interpreted to lay the groundwork for environmentalism within intergenerational justice, rather than purely economic savings between generations. A second common criticism against Rawls’ theory, related to the first by extension, is that it can only accomplish the task of long-term environmental justice in a weak sense of the term, only as far as ‘light-green’ theories extend on the environmental spectrum. I will refer to this second criticism as the ‘light-green criticism’. As Welburn comments, “despite numerous attempts, the general consensus among those receptive to the idea that Rawls’ notion of ‘justice as fairness’ can indeed be extended to incorporate environmental concerns is that such a theory cannot extend beyond minimal, ‘light’ green notions of environmental justice.” (Welburn, *Rawlsian Environmental Stewardship* 387). Thero agrees: “The diverse difficulties that arise in attempting to apply Rawls suggest the conclusion that Rawlsian ethics may not be a suitable foundation for an adequate long-term environmental ethics.” (Thero 93). This second criticism against Rawls argues, then, that even if we accept the interpretation outlined in the previous section by which environmental concerns can be incorporated into an inclusive definition of

Rawls' sense of 'real capital', still environmental protections can only be implemented in this system of intergenerational justice according to a weak, 'light-green', anthropocentric and instrumentalist valuation of nature, and therefore can only support a narrow and limited long-term environmental justice that is incapable of responding to the gravity of the worsening environmental crisis in coming years. The criticism alleges that "beyond a minimal commitment to preserving the material basis of a liberal society" (Welburn, *Rawlsian Environmental Stewardship* 391), Rawls' contractarian system cannot offer much in the way of environmental protection. It is necessary to evaluate, then, just how far environmental justice can reach within Rawls' contractarian intergenerational system, and whether this extent is sufficiently promising, or unfavourable compared to other intergenerational systems.

Now, before delving into an in-depth evaluation of this second criticism, it is helpful to consider Welburn's definition of 'light-green' and 'dark-green' environmentalism, in order to properly set the framework of the debate. As Welburn discusses:

On the subject of environmental ethics, it can be said that there exists a spectrum of green concerns if we utilize Dobson's distinction that 'lighter' green ethics will be broadly anthropocentric and instrumentalist (environmentalism), and that 'darker' green ethics will encompass more ecocentric positions that value wider nature and environmental goods as possessing some form of intrinsic value (ecologism). Central to my line of enquiry here, however, is the idea that lighter green ethics views environmental crises as specifically human crises: any impending ecological crises are of note because they threaten human society. Wider nature is both secondary and instrumental to the imperatives of economic development and human progress... Now although this is a very general (and perhaps oversimplified) explanation of the differences between light and dark green notions of environmental concern, it is necessary to highlight the fact that the majority of green political thinkers engaged in extending Rawls' political theory are of the view that his political liberalism could contribute only to the very light green end of the spectrum. Indeed Rawls' own work offered only instrumental, political reasons for incorporating an appreciation of wider nature into debates on justice. (Welburn, *Rawlsian Environmental Stewardship* 390; citing Stephens; Dobson, *Citizenship*; Dobson, *Green Political Thought*).

The problem, for environmentalists, is that Rawls reduces environmental concerns to a merely instrumentalist value and, furthermore, by including environmental values in his category of ‘comprehensive doctrines’, they are not afforded the protections of constitutional rights, but rather left to fight in the democratic lobbying arena against all other comprehensive doctrines (all forms of religious, political, social, cultural and economic values about the ultimate ends and goods of life). By categorizing environmental values as a comprehensive doctrine of the good rather than a basic right, Rawls significantly reduces the level of legal and political protection to which those values are entitled within his liberal society. Welburn explains:

Here Rawls acknowledges that any green concerns, for example, a theory of environmental stewardship, beyond a minimal commitment to preserving the material basis of a liberal society, find their arguments from a ‘comprehensive doctrine’ (that is, a moral, religious or political worldview). Such views are thus excluded from the scope of constitutional essentials and the makeup of the basic structure of society, whereby the institutions of a well-ordered society are to be governed by principles of justice agreed to in a hypothetical original position. For Rawls, just institutions cannot be used to favor one philosophical or political doctrine at the expense of other conceptions. Politically, Rawls supports an instrumental (light green) position that does not involve the arguments from darker green, ecocentric concerns. Rawls effectively leaves it to chance that pro-environmental policies and initiatives would win out during the process of democratic deliberation, beyond agreement on the first principles of justice. At present, addressing green concerns within Rawls’ theory is optional rather than mandatory. (Welburn, *Rawlsian Environmental Stewardship* 391).

The focus of Welburn’s reponse to the damage done by the light-green criticism balances on the question of whether a theory of environmental stewardship can be incorporated into, or is perhaps already embodied by Rawls’ system of intergenerational justice. In addition, he deals with the question of whether a theory of environmental stewardship compatible with Rawls’ system can support a darker-green, long-term ecocentrism, or whether it is limited in its scope to a light-green instrumentalist environmentalism. Welburn is concerned with the argument that “stewardship is too anthropocentric to be considered an example of a stronger environmental view... that in seeing ourselves as trustees of resources, we simply transfer a narrowly

instrumentalist mindset to an intergenerational setting.” (Welburn, *Rawlsian Environmental Stewardship* 394).

Welburn in fact offers a unique and powerful answer to the light-green criticism, drawing on Osborne and Gauthier (Osborne, *Environmental Stewardship*; Gauthier, *Morals*), in order to defend the position that “it is possible that we can view environmental stewardship in a manner that both complements and extends Rawlsian liberalism by incorporating stronger green concerns.” (Welburn, *Rawlsian Environmental Stewardship* 395). Welburn argues that the key tenets of environmental stewardship are already built into Rawls’ intergenerational system, by way of his focus on the ingredients required to maintain the just institutions of a well-ordered society, in such a way that they invite and can support simultaneously both light-green and dark-green environmental perspectives. The linchpin here is that citizens of a liberal society already act as stewards to the institutions that form the basic structure of that society. Citizens come and go with the rise and fall of generations, but the institutions are designed to remain intact through time. Therefore, citizens of the sort of ideal liberal society promoted by Rawls are already raised as political and socio-economic stewards in a manner equivalent to the stewardship required for environmental justice. The problem remains, however, that the specific environmental values beyond those required to maintain the material basis of a liberal society are not guarded constitutionally in the same way that the institutions of a well-ordered society are, in Rawls’ framework, but they are rather left for their survival to the sphere of democratic lobbying and activism. A further argument is required, then, to support the dark-green versions of environmentalism in a Rawlsian framework.

Welburn finds this further argument in the virtue of education itself, as is so often the final plea of moral theories. The success of Welburn’s thesis, as with so many other ethical

philosophers, depends on proper moral education in developing the values necessary to correct the course of the human society toward justice. As Welburn writes:

A second response to this challenge is that liberal stewards could be educated in the key principles of environmental stewardship as part of a wider curriculum on citizenship in the well-ordered society. Rawls argues that the 'state's concern with their education lies in their role as future citizens, and so in such essential things as their acquiring the capacity to understand the public culture and to participate in its institutions . . . and in their developing the political virtues, all this from within a political point of view.' (Rawls, *Justice as Fairness* 157). A sense of environmental stewardship, as a value on a par with the liberty and equality of moral persons, is thus to be inculcated within a citizenry. In summary, the qualities required of a citizen steward of a liberal well-ordered society will be similar, if not the same, as those demanded by the duties of environmental stewardship. Both types of citizens must recognize their responsibility to maintain transgenerational goods. (Welburn, *Rawlsian Environmental Stewardship* 403).

According to Welburn's interpretation of Rawls then, on the one hand, the minimum level of natural resources that are necessary to preserve the just institutions of a well-ordered society are protected by the governmental intervention according to basic constitutional essentials and the first principles of justice (using a sufficientarian threshold), thus corresponding to a light-green theory of environmental justice. Darker-green ecocentric perspectives, on the other hand, while not protected constitutionally by institutions in the same way, can be incorporated into a Rawlsian liberal society but they depend on the arena of democratic activism and the support of citizens and interest groups in order to ensure their approbation. In this way, Rawls' intergenerational system is designed to guarantee a sufficient threshold of natural resources for the (anthropocentric and instrumentalist—'light green') purpose of preserving a well-ordered society through time, but more intensive ecological protections are left to the activism of citizens and interest groups rather than the constitutional intervention of a federal government.

Rawls' system can support both light-green and dark-green environmental motions, but it does not guarantee the latter to the same degree as the former. As Welburn explains, with

reference to Osborne and Hailwood, “for Hailwood, this means valuing nature as “other”: as a liberal, public-political value on a par with liberty and equality of opportunity. Derek Osborne develops this line of thought by stating that environmental stewardship can inculcate a valuing of wider nature in a similar vein to the appreciation of public services and goods (universal health care systems, state education, support for the unemployed, etc.)” (Welburn, *Rawlsian Environmental Stewardship* 395). Therefore, Welburn’s argument—“that it is perhaps possible to look beyond the prevailing consensus and suggest that Rawlsian liberalism can transcend a minimal commitment to preserving environmental goods and resources for reasons beyond mere instrumentalism” (Welburn, *Rawlsian Environmental Stewardship* 397)—can succeed, to a certain degree, but it depends on the moral education of future citizens and the extent to which they value darker-green ecocentric and ecological values for those values to be passed into legislation. I would suggest that as the global environmental crisis worsens, this contingency in Welburn’s argument will become less of a variable premise and more of an urgent necessity, as programs in schools everywhere will be increasingly forced to emphasize environmental education in order to sustain the basic resources and functions of globalized civilizations.

## **Part 6: Conclusion**

The task of defining our obligations to posterior generations with respect to climate change and other environmental challenges, on legal, political, ethical and educational levels, becomes more and more urgent as natural resources (like fresh water) are rapidly depleted by today’s globalized world. As urgent as this problem is, however, the task is riddled with all sorts of difficulties. In order to build the theoretical groundwork capable of accomplishing this task in the political, legal and philosophical arenas, the contractarian philosophical system developed by

John Rawls offers perhaps the most promising avenue by which to explore intergenerational justice.

I began this paper by laying out the problems of non-identity and non-reciprocity, which represent the two major philosophical challenges to any theory of intergenerational justice. These problems are predicated on (1) the fact that the identity and very existence of future individuals depend entirely on our policy decisions today, and (2) the fact that there can be no direct agreement, mutual benefit or harm, or any sort of direct reciprocity between currently existing generations and those that do not yet exist. Both of these problems pose the threat that logically there can be no coherent theory of intergenerational justice. In response, I demonstrated the way in which a Rawlsian system can employ a sufficientarian threshold in order to circumvent the non-identity problem, since by focusing on the surrounding social, economic, political, cultural and environmental conditions into which future individuals are born, rather than the particular individuals themselves, the non-identity problem can no longer apply. Secondly, despite the impossibility of a direct contractual reciprocity between remote generations, I developed a theory of indirect reciprocity according to which individual generations have a moral obligation to pass on to the next generation at least as much of a socio-economic and environmental inheritance as the one they received from the previous generation. In Rawls' system of intergenerational justice, employing a theory based on a sufficientarian threshold and an indirect reciprocity, this obligation to pass on to the next generation at least as much as was inherited from the previous generation translates into an emphasis on preserving at least the minimal basic conditions required for just institutions in a well-ordered society across time.

Having dealt with these traditional philosophical challenges to intergenerational theories, I moved on to assess some of the more specific criticisms against incorporating environmental

justice into Rawls' intergenerational theory. The first objected that Rawls was entirely focused on intergenerational economics, and was incapable of incorporating environmentalism into his theory. This objection can be handled, though, by an extended and inclusive interpretation of Rawls' term 'real capital savings', insofar as it values things like cultural knowledge and natural resources as goods to be saved as much as economic capital. The second specific criticism, being clearly related to the first, concedes the fact that environmental concerns can be incorporated into Rawls' intergenerational justice, but only to a minimal extent that places only an instrumentalist and anthropocentric valuation on natural resources, therefore being capable of only weak, light-green ecological protections. Rawls' system can answer this second objection as well, but only to a certain degree. The basic material and natural resources necessary to preserve the just institutions of a well-ordered society, corresponding to the light-green end of the environmental spectrum, are protected by the first principles of justice and the constitutional essentials of Rawls' political liberalism. Darker-green environmental values are not protected to the same extent in Rawls' system, however. Dark-green environmentalism, which places more of an intrinsic value on ecology and natural resources, are left in Rawls' intergenerational system to the jurisdiction of democratic activists, lobbyists, and interest groups (and ultimately, the proper moral education of future citizens) in order to be passed into legislation. In this way, Rawls' intergenerational system of justice can support both light-green and dark-green environmentalism, but the latter is not afforded the same extent of legal and political protection as is the former. This might be a troublesome conclusion for some ecologists, but nonetheless intergenerational environmentalism can go a long way in Rawls' contractarian system, which still represents the most promising foundation for intergenerational justice, according to my argument.

In sum, ethical theory has come a long way since Terence Ball and Brian Barry asserted the impossibility of intergenerational justice and the idea that we have no real moral obligations to posterity. Far from that, I argue, along with many modern Rawlsians, that our government has a responsibility to intervene in current policy legislation in order to preserve the resources (environmental and other) required for the continued existence of just institutions in a well-ordered society through time. Intergenerational environmentalism requires enforcement by law, not just morality. This will mean setting aside and replenishing enough natural resources, like fresh water supplies, via the establishment of a sustainable system, such that coming generations will be able to preserve the institutions and socio-economic circumstances that are required for a just society in which there is equal opportunity for all. In the case of fresh water, this will put the onus on scientists and ecologists to determine the minimum amount of water required for the daily sustenance of human life, to determine the supplies available to us in local watersheds, and to learn to live within those limits in a way that will sustain the justice and order of our civilizations, without resorting to a Hobbesian state of nature. No longer can we live with a mindset of infinite consumption. Rather, we must leave to our children and grandchildren the resourcefulness and environmental justice of which we are capable, without the waste and industrial degradation. For there to be much of a future at all, our legislation and our education must embrace whole-heartedly the vision of a green future. Embracing our moral and environmental responsibilities to posterity, therefore, is the first step.

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