On Partial Non-identity Cases, Teaching Frugality and Philosophy's Performativity. A Dialogue with my Critics

Axel Gosseries*

Abstract: In this paper, I address some of the concerns raised by my three colleagues about the views defended in my book *What is Intergenerational Justice?*. I challenge the claim that the existence of partial non-identity cases renders unnecessary the three proposed avenues to tackle the non-identity challenge. And I come back to the reasons why endorsing an impersonal concept of harm is not desirable. I then discuss the meaning of the 2 C° target in climate policy and I address concerns about what teaching frugality requires in concrete terms. Finally, I consider the risk that pleading for a more distributive understanding of climate justice may in fact weaken our overall commitment to climate action.

Keywords: Intergenerational justice, Distributive climate justice, Non-identity problem, Frugality, Role of philosophy.

I am extremely honored and grateful to Filippo Magni (hereinafter "FM"), Francesca Pongiglione (hereinafter "FP") and Fausto Corvino (hereinafter "FC") for having taken the time to dwelve into my latest book, *What is Intergenerational Justice?* (hereinafter "WIJ"). Hereinafter I try to do justice to their arguments.

1. I begin with FM's paper. He claims that the responses to the non-identity problem proposed in WIJ's chapter 1 overlook the existence of *partial* non-identity cases. These are cases in which, when facing two alternative courses of action, at least *some* of the people at stake exist in both possible worlds. Following FM's suggestion, we can refer to such people as "overlapping*" people, in a sense that differs from the usual "overlapping generations" sense. They are located at the overlap between the various possible future worlds. They will come to existence whatever the course of action we take and whatever possible world results from it. FM claims that if we take the existence of such overlapping* people seriously, offering alternative accounts of the type of those presented in chapter 1 of WIJ is *unnecessary* to address the so-called "non-identity" challenge.

* FNRS Research Professor; Prof. extraordinaire, UCLouvain.

The basic intuition is that whenever we face a situation in which the action at stake affects the numerical identity of only *some* of those impacted, we can account for our obligations towards non-overlapping* people, through focusing on duty-beneficiaries whose existence *does not* depend on which course of action ends up being taken. When we claim that actions that affect both the present and the future can be addressed through focusing on their present impacts, we are actually adopting a strategy with a similar structure, "deriving" beneficial effects for the future from duties to the present only. FM claims that our duties to future people could be derived from our duties to the sub-group of *future* people whose coming to existence does *not* depend on the course of action we pick.

Here are three possible points of friction. The first one touches on scope. FM claims that "only regarding a very remote future it seems to be plausible to say that two present actions can (…) change the identity of all the people who will live in two alternative possible worlds". My understanding is that the range of cases affected by the non-identity problem is broader than that. I suspect that our disagreement on this specific point should be settled on factual grounds, for instance in light of what actuarial science could teach us.

The second point of friction arises from an *incompleteness* concern. I am assuming here that FM holds that we still have *some* duties *towards* non-overlapping* future people. I am worried about two ways in which FM's proposed solution could be read as incomplete. The first way relates to the fact that he does not deny that we need an account of our duties to the (very) remote future. If the latter involves duties of a *different nature* than those to the non-remote future, we need a positive account, which we don't have. The second, and more significant, worry is that I have doubts about a solution that offers an account that "derives" what we owe to a non-remote future group from an account of our obligations to one of its sub-groups (here, the overlapping* people).

Consider an analogy. Imagine a society with two racial groups. We could claim that both the existence and the content of our duties towards one of the subgroups – or perhaps simply beneficial effects to them without entailing any duty – will be derived from the duties (if any) that we have towards the other subgroup. This is a problem because the type of account that we would ideally want is one that explains why we do have *obligations towards all* these people, regardless of their race. And what FM's proposal lacks is such a *direct* account of our duties. Finally, whenever the content of our duties depends on the number of future people and assuming that only one part of them will be overlapping*, how do we account for the right quantitative obligations without any direct duties to the non-overlapping* people? This suggests that FM's proposed solution is incomplete. It does not tell us *why* we owe things to a large part of our descendants. It is also unclear how robust it can be when quantitative dimensions are at stake and when duties need to adjust to population size.

My third worry about FM's standpoint is the most serious one. One of WIJ's intentions is to invite readers not to assign an excessively central role to the notion of harm in our account of justice. This is reflected in my treatment of rectificatory duties in WIJ's chapter 4 as well as in chapter 1 on the non-identity problem. While

I spend most of the first chapter explaining the nature of the problem and presenting the first two “solutions”, in the end, these developments essentially set the stage for emphasizing the importance and plausibility of the “severance” solution. Here is how I see a central difference. What FM claims is that there is no need to move away from a harm-based account because most significant situations belong to the realm of partial non-identity. What I lean to in chapter 1 is that there is no need to rescue the possibility of a harm-based account because a more directly *distributive* account provides us with a more robust ground for our duties to the future.

To sum up on partial non-identity cases, besides scope issues, I have two main concerns. First, an account that derives benefits (or duties?) to non-overlapping* people from duties to overlapping* ones seems problematic to me. In addition, even towards overlapping* people, the notion of harm remains too central in this account and offers a less satisfactory account than a more directly distributive one.

I will be shorter on FM’s second point because I suspect our disagreement to be mainly terminological – as well as related to my third concern above. FM argues (with others) that it is possible to stretch the meaning of our concept of harm to include impersonal (non-person-affecting) harms. My view is that, as for a narrow concept of harm, we ultimately need to rely on a theory of distributive justice to account for the normative relevance of the counterfactual baseline on which the notion of harm typically relies. Admittely, the third (and main) solution proposed in WIJ’s chapter 1 goes “non-person-affecting” in an explicit manner. Yet, I think that while moving away from the standard concept of harm in its “narrowly” person-affecting version is possible, it is likely to be misleading. It stretches the concept of harm in such a manner that it loses a sufficient connection with its initial meaning. In addition, it does not render explicit enough what is actually needed to determine whether a harm has occurred, i.e. an assessment of the baseline situation and of the departure from it through the prism of an explicit theory of justice. For these two reasons, I think that it is preferable not to rely on the concept of “impersonal harm” and rather to frame such “impersonal” intuitions more directly and explicitly in distributive terms.

2. In her paper, FP looks at two dimensions discussed in WIJ: the 2C° target for global temperature increase (chapter 4) and the idea of teaching frugality (chapter 3). FP challenges my interpretation of the 2 C° target as “necessarily” implying “that we do not assume that natural systems should be left untouched” (WIJ, p. 136). She claims that this target is *compatible* with the view that “natural systems should be left untouched, meaning that whenever we can, we ought to try and set that as our goal”. My interpretative claim about the meaning of the 2C° target means something like “all things considered, we concluded that it is acceptable or even required to move away from natural temperatures”. This entails that we accept that there are circumstances in which we may be required to move away from natural systems, even if we see this merely as a (lesser) evil. This is indeed compatible with the 2 C° norm endorsing a pro tanto concern for preserving *natural* climates. I share this concern when I claim that “it is wise to think twice before departing from *natural* global temperatures” (WIJ, p. 135).

Perhaps one disagreement with FP has to do with the "possibilist" way in which she phrases her view above. I think that if it were a matter of what we *can* achieve – in the sense of being socially and technologically capable of achieving – in terms of reductions, we ought to go significantly below 2 C°. The view rather seems be that it is not "desirable" to do so, potentially because of the conjunction of a variety of *normative* considerations. Such *pro tanto* considerations may include the importance of preserving the naturalness of our environment. But they may also incorporate concerns of justice, including about how heavy it would be for the current generation to move to a more ambitious target. Granted this possible interpretative disagreement, my main goal was to stress that the connection between our climate norms and a natural baseline is complex. This opens the gate to consider that even if – *quod non* – global warming were mainly natural, we might still have a pro tanto (and probably an all-things considered) duty to keep it under control.

The other dimension that FP touches upon has to do with the idea of teaching frugal preferences. Two considerations are central here. First, I agree with FP that there are good reasons to believe that teaching frugality to the next generation requires that we *act* frugally ourselves. This "practice what you preach" intuition may rest both on credibility and on fairness concerns. Second, and more importantly, I think that FP raises an interesting question about the interaction between how extensive our use of available resources currently is and how extensive future options would end up being.

My starting point here is that there is something desirable about preserving a *gap* between our aspirations and the available resources (WIJ, p. 112). Considering a natural renewable resource, developing a resource use that remains below the non-renewability threshold reduces scarcity and increases the degree to which the demands of fairness can be met. When it comes to artefacts – our technology in the broadest possible sense – which are crucial to our wealth, things may turn out being more complex. This is perhaps what FP has in mind when she claims that if "we all succeed in becoming frugal and teaching frugality to our children […] we remove from their baskets what many (most?) people in the world desire: a non-frugal lifestyle". FP's challenge seems to be that when it comes to the availability of a living language or of a complex transportation technology, the very fact of not using it may entail that it will, as a matter of fact, disappear from our menu of options. And if this is the case, the idea of preserving a level of resources that is higher than the one of our aspirations would be threatened. What this may mean is that, in order to keep options effectively available above our level of aspiration, and to make sure that the next generations end up not having less resources than us, we would need to always keep alive some degree of non-frugal lifestyle around, which may – depending on how it is implemented – raise difficult issues of intra-generational justice.

3. In his article, FC examines several dimensions of WIJ, and in particular two aspects of intergenerational climate justice. The first one is a very serious practical concern about my defense of going distributive and non-isolationist. FC's fear is that someone may endorse the critique of the rectificatory account while remaining unconvinced by the defense of the distributive account. One may then use this view "to maintain that pre-1990 emissions do not place special duties on present people, and then bring up classical objections to global justice" to challenge their extensiveness. I totally agree that if this occurs, it will weaken people's sense of global and intergenerational justice. It potentially worsens the already disastrous degree of non-compliance that we are experiencing today.

I guess that this raises the following two questions. One question has to do with the role and ethics of philosophical work. When facing a situation in which public discourse is framed in philosophically misleading terms, I think that it should be said at some point. The interesting question is of course: why? It matters because it is the only way to find out whether we are acting in the right way. And it is crucial for the general public to be given the tools to assess by itself whether we are on the right tracks. The role of philosophers is no different in that respect from, for instance, the one of experts in physics or epidemiology joining parliamentary committees to interact with our representatives and share their mutual expertise. What we say can of course be misunderstood or even misused. While we should remain aware of this, it should not distract us from aiming at enlightening those who have less time to think about such issues. We should also be aware of the reverse practical risk: in continuing to rely heavily on the rectificatory account in public discourse, especially in a manner that detaches it from its implicit distributive background, we keep weakening the appeal of the distributive view. And this is probably a more serious practical risk than the one that FC rightly signals.

There is a second question that we may then ask ourselves: in the reverse case of readers fully endorsing the view I propose, would it follow that the climate duties *of developed countries* are *less extensive* under my account than under one that stresses on rectification for past emissions? This depends on the precise content of our distributive view. But my guess is that a distributive and non-isolationist approach to climate justice may actually put a *heavier* burden on developed countries than one that focuses primarily on rectificatory duties.

I will be shorter on the other aspect to which FC devotes several paragraphs, namely the possibility of relying on Tank's "minor difference claim". In a sense, this also connects with FM's insistence on partial non-identity cases. The idea is to rely on "people whose identity is already fixed" to avoid the non-identity challenge by claiming that adding those with "variable" identity would *not significantly change* the magnitude and/or nature of our climate obligations. Let us leave aside whether this is true. What I would certainly claim is that such a solution that bites the bullet of the non-identity challenge is unsatisfactory for the reason already alluded to above: what we do for the future will be justified without reference to any duty towards the future insofar as a large part of future people are concerned. This is a serious difficulty because we want an account that explains our intuition that we do things for the future because we have duties to *all* those who will come to existence in the future, rather than merely towards present people or a subsection of the future population.