1. Introduction: the just distribution of natural resources

Natural resources are obvious candidates for redistribution, yet they are currently very unequally divided: different individuals own and use very different amounts of natural resources. As Paula Casal has recently noted\(^1\), redistributing natural resources seems at least as legitimate as the distribution of other resources, such as result of individual labour. Like the latter, natural resources are scarce, they are all purpose means and some of them are necessary for survival. Moreover, natural resources are easier to share and hence to redistribute than some other goods and, unlike the goods resulting from individual labour they had not been produced; therefore, their redistribution does not raise the usual worries of enslaving, exploiting or disincentivising the talented.

Various proposals for taxing either ownership, or use, or both ownership and use of natural resources have been recently put forward by scientists and by philosophers coming from very different traditions of thinking about justice. These proposals seek to advance several goals: most obviously, they aim to improve distributive justice, by honouring a principle of equal entitlement of all human beings to natural resources, or by alleviating poverty, or by improving the situation of the worst off. (Or, indeed, by aiming at several such desiderata at the same time; some philosophers' proposals are explicitly of an ecumenical type, hoping to represent an improvement, relative to the status quo, on different principles of distributive justice.) Another goal of global taxation of natural resources is environmental: various philosophers and scientists hope to use taxation in order to slow down climate change, help the conservation of natural resources and limit pollution. Some of these environmental goals are important because they affect the fate of existing people who are very likely to be the victims of pollution or climate change; it is easy to understand their protection as a matter of justice. However, other environmental goals have to do with future generations, most of whom have not yet been born. It is more difficult to see why aiming for these latter goals is, too, a matter of justice rather than a matter of merely improving the world.

Fighting poverty and advancing environmental values are likely to go hand in hand in many policy contexts, since, as it has been noted, a wide gap between the poor and the rich worldwide

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1 Paula Casal, 'Global Taxes on Natural Resources', *Journal of Moral Philosophy* 8: 307–327, 2011. Much of the discussion in this paper draws on the symposium on the taxation of natural resources of which this is the first article. The other articles are Hillel Steiner, *The Global Fund: A Reply to Casal*, Thomas Pogge, *Allowing the Poor to Share the Earth* and Paula Casal, *Rejoinder to Pogge and Steiner*. 
diminishes the number of individuals who have both the motivation and the capacity to protect the environment. However, the two goals are distinct and, to some extent, competing: higher consumption of natural resources, in combination with better distribution can address poverty, but not necessarily ensure sustainability. We usually think that demands of justice ought to have priority over other normative demands; therefore, the existence of a duty of justice to achieve sustainability will make a significant difference to how we ought to design the global taxation of natural resources. The first aim of this paper is to show that such a duty exists. The second aim is to consider how it impacts on the evaluation of current proposals for global taxation of natural resources.

Why ought the present generation to accept an environmental obligation concerning distant future generations? I address this question by drawing on the claim that adults have a fundamental interest to rear children that they can adequately parent, an interest which under normal conditions generates a right to parent. In a nutshell, the argument I suggest is: Each generation of adults owes to its contemporary generation of children at least the necessary conditions for having an adequately good life. An element of an adequately good life is to have one's fundamental interests satisfied; and one of these interests is in raising children, who in turn will owe their children at least the conditions for an adequately good life – and so ad infinitum. It follows that a minimal duty of justice owed by currently existing adults to currently existing children is an environment capable of supporting human life indefinitely. In different terminology, this is to say that each generation owes the following generation whatever is necessary for the persons in the next generation to have the opportunity to engage in adequate parenting, including a sustainable world. I explore several variations on this argument to discover what it can contribute to establishing duties of justice concerning future generations. The obligation is owed to already existing persons but concerns all generations to come.

In the next section I explain the attraction of this approach: it contributes to laying out a theory of intergenerational justice that oversteps the most important sources of scepticism concerning the possibility of such a theory. In the third section I make explicit my assumptions. The

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2 This right, as defended by several contemporary philosophers could be interpreted either as a mere negative right, protecting potential adequate parents from interference with attempts to engage in legitimate parenting, or as a positive right, entitling potential adequate parents to active support. A positive right to parent would make the argument of this paper more obvious; however, throughout this paper I assume that the right is merely negative.

3 I intentionally dodge the question of whether the requirement to give children adequately good lives requires inter-generational equality or mere sufficiency, and, if the latter, what is the relevant threshold. Again, the argument would be easier assuming the principle of equality but will also work with the less demanding principle of sufficiency.
fourth section defends one of these assumptions: the case in favour of a *sui-generis*, interest-protecting right to parent. In the fifth section I develop the argument: from a set of plausible normative and empirical assumptions it follows that we owe currently existing children a fairly demanding duty of justice with respect to the likely future state of the environment. I focus on the physical environment – although, if successful, the argument should also apply to the political and institutional environments – and identify sustainability as a requirement of justice towards future generations. This implies, first, that we are not morally permitted to destroy the physical environment, for instance by over-polluting and endangering the ecological system. Second, that we consume resources at a rate that is at least sustainable; given that some sources of energy are non-renewable, this includes investing in new (and clean) energy technology. And third, it implies that we put limits on our procreative behaviour that are compatible with the indefinite continuation of human life at a level of welfare that is typical for adequately good lives.

In the sixth section I examine what kind of moral wrong would result if we failed to discharge a duty of sustainability – that is, if over-polluted the world or reached a population too large to be sustained by the existing level of resources and given existing technologies. In such a case, some members of non-sustainably large populations would have to choose between foregoing parenthood for themselves and making it impossible – or at least very unlikely – for some individuals in the future to engage in adequate parenting. I analyse the wrong at stake by exploring why it is unjust to force someone to choose between having one of their fundamental interests unsatisfied and preventing others from having the same interest satisfied.

The last section shows how the present argument support a scheme of global taxation of natural resources that has sustainability as one of its explicit rationale and that is unwilling to sacrifice too much of it for the sake of other goals. Of the three philosophical proposals for such a scheme currently on offer, Paula Casal's Global Share comes closest to meeting this criterion.

2. Is sustainability a duty of justice?

Imagine that a particular generation consumes all resources, leaving only enough for the consumption of its current children or perhaps for its current children and their own future children, and thereby brings an end to humanity. (Suppose the last generation for whom there are enough resources wisely abstain from procreating, knowing that not enough is left for future decent lives.) Would this be objectionable? Many think so.4

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But do the members of that generation violate a requirement of justice if, through their avoidable actions, they foreseeably and avoidably make the world unable to sustain adequately good lives for more than one, two, or indeed a large but limited number of future generations? This question – in various alternative formulations – is taken to be a foundational question of any theory of intergenerational justice. The argument I explore, premised on the belief that all individuals have an interest-protecting right to parent, answers this question by side-stepping some of the most important reasons for scepticism about theories of intergenerational justice.

Some people doubt that there can be a theory of justice towards distant future generations because the vast majority of the future generations' members do not yet exist and may never exist. This fact generates several difficulties. Philosophers who believe that some form of reciprocity must hold between individuals who owe each others duties of justice worry that since cooperation with not yet born people is in principle impossible, so is owing them duties of justice.

Those who do not think that reciprocity is necessary for establishing who are the recipients of duties of justice can still be sceptic that any duties of justice are owed to distant future generations. There is a widely shared belief that one commits an injustice if and only if one violates somebody's rights. But it is not straightforward that unborn people can have rights: whether or not they will ever be born depends on their potential progenitors' decision. On this account, a theory of intergenerational justice must necessarily be restricted to what is being owed to those members of the future generation that already exist: the already born children. It cannot be about duties of justice towards more distant future generations, or even towards those children of presently living adults that have not yet been born (or, perhaps, conceived.) Moreover, those who adopt a choice theory of rights – like most libertarians – and who think that only individuals who have a capacity of choice at moment \( t \) can have rights at moment \( t \) will have to deny that there is any scope for inter-generational justice, since only currently existing adults can be right holders.

The libertarian criticism however is not relevant if one thinks about rights as protecting interests. On the interest account of rights, future people will have powerful interests and hence

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5 This afflicts various contractarian theories of justice. For an early critical discussion of this problem see Brian Barry, 'Circumstances of Justice and Future Generations', in *Obligations...*, pp.204-248.


rights if and when they will exist, rights which we are now able to violate through our present actions that have delayed harmful consequences. An example is making now a deposit of nuclear waste that will kill people who have not yet been born; those who deposit nuclear waste can clearly harm future people.

Yet – and this may be the most difficult obstacle for theories of intergenerational justice – it is not clear that all of our current choices can harm members of distant generations, since these very same choices partly determine their identity. This is the much discussed 'contingency problem', a variant of the non-identity problem to which Derek Parfit and others have first drawn attention. It is difficult to see how there can be a complaint of justice unless there are victims and perpetrators of justice, and unless the victim has suffered some sort of harm at the hands of perpetrators. It is very unlikely that our current decision can harm members of distant generations: if individuals' numerical identity is determined by the identity of the particular sperm and ova that lead to their conception, then the time of conception plays a crucial role in determining one's identity. The identity of the children who will be born in the future depends on decisions made by members of the current adult generation and the timing of action on those decisions. Present decisions that may result in an environmentally degraded future world and hence in degraded living conditions for future people will also determine which particular individuals will exist. Different decisions – decisions that will perhaps be better for the environment – would result in the existence of different future individuals. If so, future individuals, as long as their lives are worth living, will not have grounds to complain that our present decisions harmed them: they would not have existed at all but for these decisions. This famous version of the non-identity problem has been taken by many to show that the issue of duties concerning distant future generations cannot be an issue of justice. Several solutions exist to the contingency version of the non-identity problem. Yet, the problem continues to grip philosophers' interest and to fuel scepticism about the possibility of theories of intergenerational justice. Side-stepping it is more appealing than denying its challenge. I do this by focussing on what we owe to already existing people.

Sceptics about the possibility of intergenerational justice can recognise that it is morally objectionable to consume the world resources at a non-sustainable rate or to destroy the environment. They may even recognise that we are under an obligation not to create impoverished


9 For another, recent, employment of this strategy – based on different premises – see Joseph Mazor's 'Liberal Justice, Future People, and Natural Resource Conservation', Philosophy and Public Affairs 38(4): 380-408. Mazor believes that duties concerning future generations are owed by adult individuals to each other, rather than to their children.
life conditions for distant future generations if there can be obligations owed to no one, such as the obligation to bring about better rather than worse states of affairs. But if there cannot be complaints of justice without rights violation, or at least without harmed victims, the obligation is not one of justice. Current over-use of resources and environmental destruction, while creating an unnecessarily bad future world, cannot violate the rights of unborn people (assuming that it is up to us whether or not there will be future people), nor can they harm any particular future individuals (assuming the truth of the contingency problem). And if duties concerning future generations are not duties of justice it is likely they will be judged as less capable to justify coerced limitation on consumption, pollution and reproduction for the sake of future people. This is in line with a long tradition of thinking that justice is the sovereign virtue and that reasons of justice trump other kinds of normative reasons\textsuperscript{10}.

Yet, many believe that the current threat of foreseeable environmental degradation is one of the most important and urgent ethical problems faced by our generation. Here I hope to show that one can validate this belief and defend a demanding duty of justice concerning distant future generations without rejecting either the conceptual relationship between justice and rights violation or at least infliction of harm, nor the relevance of the contingency problem. I will also not challenge the assumption that justice is the sovereign virtue. (Although I think the latter approach is very promising, it is bound to remain especially controversial.) Hence, I assume that the scope of our duties of justice concerning distant future generations is indeed restricted to duties of justice towards currently existing children.

3. Further assumptions

I assume that bringing into existence individuals in general is neither intrinsically wrong\textsuperscript{11}, nor that it is morally mandatory, no matter how good the lives of the prospective individuals would be; rather, it is permissible. I subscribe to the generally endorsed view that a right to procreation is not unconditional: if the prospects of the future child to lead a life worth living are dim, then prospective parents do not have the right to procreate. As mentioned, it is possible that life is not

\textsuperscript{10} On the importance of thinking about duties to future generations as duties of justice rather than duties of humanity, see Barry, in \textit{Obligations}...

\textsuperscript{11} This is contested: David Benatar argued that individuals never have a right to procreate since they have a duty not to procreate. And Seana Shiffrin's account of harms, benefits, and procreation cast doubt on whether it is ever legitimate to bring another person into being. See David Benatar, \textit{Better Never to Have Been: The Harm of Coming Into Existence}, Oxford University Press, 2006 and Seana Shiffrin, 'Wrongful Life, Procreative Responsibility, and the Significance of Harm', \textit{Legal Theory} 5: 117–148, 1999.
worth living, i.e. that the mere value of being alive is not capable to offset any amount of disvalue that that life may contain. For the purpose of this paper, if the environmental conditions are sufficiently deteriorated, people's lives are not likely to be worth living. The amount of physical suffering provoked by constant natural disasters, lack of clean air and water and other basic resources, including the fear and social breakdown likely to accompany them can be enough to make the lives of those confined to such conditions not worth living.

The next set of assumptions is about rights in general and parenting rights in particular. I assume that the interest-protecting theory of rights is correct: rights protect fundamental interests.\footnote{And hence I fail to engage sceptics who believe both that only agents capable of making choices have rights and that only rights violations represents injustice.} If individuals cannot satisfy their fundamental interests without violating other people's rights, then their fundamental interest does not amount to a right. Yet, the interest persists and, if the impossibility to satisfy it legitimately cannot be blamed on the agent then the agent is harmed. Imagine, for instance, that you arrive in a place without knowing that it only has enough drinking water for its inhabitants, and that each inhabitant already owns their fair share. You do not have a right to their water, yet your interest in water persists and you are harmed because you cannot satisfy it. Moreover, as I argue in the penultimate section, if somebody foreseeably and avoidably puts you in this situation they inflict an injustice on you.

For reasons I give in the next section, all individuals who are able to be adequate parents have an interest-protecting right to parent, as long as this does not violate anybody's rights. If the fundamental interest in parenting cannot be legitimately satisfied because, for instance, the world is in a state of environmental disaster, the interest cannot ground a right; however, the interest remains and individuals unable to (legitimately) satisfy it are being harmed. By a right to parent I understand a right to \textit{rear}, rather than procreate. Only if procreation is either necessary or the overall best means to make available a person who needs raising could the right to rear as defended here entail a right to procreation. Because at the level of a generation procreation is necessary for parenting I assume, for the purpose of this article, that at least some individuals have a right to procreate; the right is qualified by the requirement that the prospective child will be likely to have a life worth living. I do not discuss whether the right to parent is positive or negative; the less contentious negative right will do for the present purpose.

Next, I make a largely uncontroversial assumption about duties owed to children: adults owe a minimum level of welfare and/or resources to the members of the next generation. Here I do not take a position on whether duties owed to children are, fundamentally, collective duties\footnote{These, in turn, could be duties collectively had by all parents or by society at large, including parents and non-parents.} which then...
individual parents discharge towards individual children or whether we collectively have duties towards children only in cases when parents are unable to discharge their duties. In either case, any generation of adults has a duty of justice towards the co-existing generation of children, to be understood either as a mere aggregation of individual duties or as a collective one.

In its most demanding form, the duty is to ensure that children enjoy an *equally* good life as the adults, whether equality is understood to apply to opportunities, resources, welfare, advantage or any other metric of justice. In its least demanding form, the duty is to ensure that children enjoy a *sufficiently* good life. Again, I do not commit myself to either equality or to (any particular standard of) sufficiency. But I assume that, if sufficiency is the correct principle of justice, its threshold is not lower and probably it is much higher that the threshold beneath which life is not worth living.

Assuming the less demanding standard of sufficiency is enough for the argument to work; adopting the egalitarian standard instead will make it easier to generate a more demanding duty of intergenerational justice. The choice between sufficiency and equality may make the difference between a theory of intergenerational justice that *allows* savings and one that *requires* savings.

I also make (and in section six defend) the assumption that there is a duty not to put someone in an avoidable situation in which it is foreseeable that that person will have to choose between not having a fundamental interest of herself satisfied or else violate other people's similar interest-rights. (Exceptions may be cases when it would be more costly for me *not* to place someone in this situation than the costs than it would be for them to remedy the situation. I assume such exceptions do not apply in the case at hand.) In section four I discuss what kind of wrong this is. There could be a fundamental interest not to be foreseeably and avoidably put in a situation in which one must choose between either forfeiting the satisfaction of a fundamental interest or else harming innocent others in the process of seeking its satisfaction. When people find themselves in such a situation, they have to choose between becoming either a victim or a perpetrator of injustice. It is plausible that we have very powerful interests not to be forced to give up the satisfaction of fundamental interests on pain of becoming themselves right violators.

Fourth, I assume that children do not have the authority to waive the rights they will have as future adults, or to decide that they will not seek the fulfilment of a fundamental interest they will have in the future.

The next assumption combines a normative and an empirical element. If the environmental conditions are very impoverished, life is not worth living and, if we fail to prevent resource depletion and the rapid climate change to the effects of which we as a species cannot adapt, somewhere down the time line there will be a generation whose prospective children will not have lives worth living.

Finally, I assume several undisputed empirical facts: that currently there are children as well
as adults in the world, that children come into existence through human procreation (whether natural or artificial) rather than out of nowhere, that we necessarily start life as children and that different generations necessarily overlap. Less obviously, but still highly plausibly, I assume that many – maybe most – people want and will continue to want to rear children.

4. The right to parent: *sui-generis*, not derivative

The belief that adults have negative parental rights is sufficiently widespread and important to be given official protection in national and international legislation. More specifically, the right to become a parent, proclaimed by documents such as the 1968 Declaration of Teheran, The United Nations and the World Health Organization\textsuperscript{14} is a combination of two different rights: a procreative right and a child-rearing right. The right to parent in this context means that individuals must not be interfered with if they attempt to procreate as often as they wish, and that they have a right to rear the children they produce unless and until they become guilty of negligence or abuse towards their children. (In some countries legislations go beyond this, and provide individuals who have difficulties to procreate subsidised or free health treatments.)

Many people believe that individuals have a right to parent – by which, from now on, I understand a right to rear children; yet, this right can be justified in different ways and not all justifications of the right to parent are equally helpful for thinking about duties concerning distant generations. As a human right proclaimed by international documents, the right to parent – running together reproduction and childrearing – seems to be justifiable by appeal to other negative rights, such as the right to bodily autonomy and rights that protect individuals' freedom to form and maintain intimate relationships. The likely normative story behind this understanding of the right to parent goes like this: adults have a right to do as they please with their bodies, as long as they do not inflict harm on others; hence, they should not in general be prevented from engaging in consensual sexual activities, from which children may result. Causal responsibility for the existence of these children then results in moral responsibility for the children's welfare. This is the causal account of parental rights and duties: procreative parents owe duties to their children and, in order to be able to

discharge these duties properly, they have a right to parent. The right to parent, thus understood, is a right of non-interference from others with procreative and childrearing activities. If it is to be understood as an interest-protecting rights, then it protects the interests in bodily autonomy, association and in being able to discharge one's duties. It is not necessarily a \textit{sui generis} right to the extent to which it does not rely directly on a fundamental interest in parenting.

Understood like this, the right to parent is conditional on whether the exercise of bodily freedom on which it rests is legitimate or not. Assuming, as I have, that conditions can be so bad as to make life not worth living, and that being brought into existence under these conditions constitutes harm, bodily autonomy does not always grant individuals a right to procreate. It is reasonable that the right to parent cannot outweigh the prospective child's right not to be harmed. Therefore, in cases in which the life of their prospective child would not be worth living, procreation cannot be defended as an exercise of one's freedom because exercising it would inflict harm on the prospective children.

Therefore, when thinking about justice concerning distant future generations that may face extreme environmental conditions, a right to parent derivative from a right to procreation (in combination with a duty to rear the children that one has procreated) is not helpful. It cannot, without assuming a fundamental, \textit{sui generis}, interest in parenting, answer the question of what kind of injustice would be committed by a generation that does not pass on to the next a sustainable environment. In case the members of a particular generation had insufficient world resources to ensure that the lives of additional children are worth living, the members of that generation would inflict harm on any child they continue to bring into existence. Appeal to a right to bodily autonomy cannot ground a right to procreate in situations of natural calamities or extreme scarcity of resources, since procreating under such conditions \textit{would} result in harming. Therefore a parental right derivative from a right to procreate plus a duty to rear the children one has procreated is insufficient to justify the kind of robust obligation concerning all future generations that I propose here.

By contrast, suppose there is indeed a fundamental, and \textit{sui generis} interest to parent. It is true that such an interest could only amount to a right if its satisfaction does not entail the violation of other rights as it would be the case if people living under very impoverished environmental conditions were to bring into existence children whose lives would not be worth living. However, even if people had no a right to parent under these circumstances, they would still have the fundamental interest to experience the important and unique goods of parenting. Not being able to fulfil a fundamental interest without harming others itself constitutes harm – or so I shall argue. But first let me expand on what makes parenting so important and unique as to warrant its status as a fundamental interest.
Recently, Harry Brighouse and Adam Swift have argued that a right to rear can be understood, more robustly, as protecting the *sui-generis*, and very powerful, interest in parenting\(^\text{15}\). Specifically, the interest is in having an intimate relationship with children towards whom one has fiduciary responsibilities; over time, the relationship is supposed to foster children's own development. Several features of parenting make it uniquely valuable, according to Brighouse and Swift. These features are: the inevitable asymmetry of vulnerability between parent and children, the fact that children have no power to exit the relationship, the spontaneous and unconditional nature of children's emotional responses to the parent and the parents' duty to look after the wellbeing and development of their children. The value of parenting consists both in the enjoyment of the child's love and trust and in the opportunity that it gives parents to acquire self-knowledge and foster their personal and moral development. Through parenting well, adults experience what it is to be morally responsible for the wellbeing of an individual who is both structurally vulnerable to you and intimate with you. Very importantly, these features of parenting turn it into a unique sort of relationship, one that cannot be substituted by any other kind of relationship.

While not all individuals value parenting – or value it for the reasons identified by Brighouse and Swift – parenting is a central element of most people's conception of a good life. According to their account, it makes an objective contribution to wellbeing if it is undertaken voluntarily and done well. All these features – its unique joys and opportunities for moral growth plus the fact that it is so generally and highly desired – make parenting a fundamental interest, capable of grounding a right to rear children. The right, according to Brighouse and Swift, is conditional on the prospective parents' abilities to rear children adequately.

None of the above features of parenting however depends on individuals being either the genetic or the birth parents of the children they rear. Relationships with adoptive children can display the same asymmetry, no-exit nature and spontaneity of feeling, and call for the same duties as relationships with biological children. Therefore, they can afford the same joys and challenges. The right to parent, understood as an interest-protecting *sui generis* right does not entail a general right to procreate because procreation is not necessary for satisfying the interest in parenting. On this account, it is possible that a particular individual does not have a right to procreate (because, for instance, she is the carrier of a transmissible disease that would make the life of the prospective child not worth living) but, at the same time, has an interest-protecting right to rear an adopted child. Conversely, this account of a right to rear allows for the possibility that an agent has a right to procreate (based, perhaps, on individual rights to bodily autonomy) yet, not being able to offer at least adequate care to his prospective child, he lacks a right to rear children. The right to rear and the right to procreate are, on this account, independent rights.

The argument in the next section presupposes an interest-protecting, *sui generis*, right to parent, understood as a right to rear rather than to procreate. The right to procreate children whose lives are likely to be worth living may be over-determined. It is possible that the right is grounded in a right to bodily autonomy, but it can also be in some cases also entailed by a right to rear children: for an individual who – being an adequate prospective parent – has a right to rear, a right to procreate can be a necessary means for exercising her right to rear. This case is contingent on the existence of adoptable children. At the level of generations, however, a conditional right to procreate can be firmly grounded in the right to rear. Procreation by *some* people is the only mean of bringing children into the world. If we have a right to the necessary means of fulfilling our rights, then a (conditional) right to rear entails a (conditional) right to procreate.

5. Duties of justice to children and the unacceptable choice

Adults have both a right to rear children and a duty of justice to ensure that their children will be able to lead a sufficiently good life. Various resources are needed for a sufficiently good life, including environmental resources such as clean air and water and sources of energy. In particular, individuals have sufficiently good lives when their rights are not being violated. One of these rights is to engage in parenting. Then, one of the things that each generation of adults owes to its contemporary generation of children are the conditions under which these children will be able, in due course, to rear their own children adequately. Since at the level of generations procreation is the only way in which children can be brought into the world, justice requires each generation of adults to to give to their contemporary generation of children the environmental conditions in necessary for legitimate procreation. And, because the fundamental interest in parenting is moralised – it is an interest in rearing children well – children are owed even more: the environmental conditions in which they will be able to parent adequately. These include an environment that is good enough for their prospective children to have lives that are not merely worth living, but sufficiently good.

Let me use the following model: call the first generation of adults G1, and its contemporary generation of children G2. G2 will in due course become the second generation of adults with G3 being its contemporary generation of children, and so on. G1 has a duty to ensure that G2 inherits the environmental resources that will allow it to exercise its right to rear children adequately. For this, G2 must be capable of permissible procreation. However, suppose that G1 uses up environmental resources, or else damages the environment beyond recovery, failing to leave the necessary resources for G2 to engage in adequate parenting, but otherwise leaving enough to support a sufficiently good life for G2. G2 inherits from G1 a world capable to sustain G2 at the level necessary for a sufficiently good life minus the resources that G2 would require in order to engage in adequate parenting. Yet, if having one's fundamental interests protected is part of having a
sufficiently good life, this means that G1 has in fact failed in its duty to provide for a sufficiently good life for G2. G1 has wronged G2 by dint of depriving G2 of the conditions for fulfilling one of G2's fundamental interests. Members of G1 have put members of G2 in a situation in which members of G2 must choose to either not satisfy their fundamental interest in parenting, or else to fail in their duty to provide for sufficiently good lives for G3. It would still be possible for G2 to fulfil its fundamental interest in having children (unlike in a case when, say, G1 were to bring about an infertile G2) but G2 can only do this at the moral cost of creating persons, G3, who will be in the same predicament as themselves. That is, G3 would only be able to have children by contributing to making it the case that at some point in the future people cannot give their children a sufficiently good life due to environmental degradation. In other words, members of G2 will have to decide between suffering injustice by allowing a fundamental interest to remain unsatisfied and inflicting injustice on their own children. Members of G1 have put members of G2 in the situation of being either victims of perpetrators of injustice. Below I explain why.

By assumption, to lead a sufficiently good life one needs more than the conditions beneath which life is not worth living. If members of G2 were to procreate, there would be enough resources for members of G3 to lead lives that are worth living, but not enough to have sufficiently good lives. Because procreation is instrumental to the exercise of the right to parent, and the prospective children of members of G2 will have lives worth living, the members of G2 will have an autonomy-based right to procreate. Yet, they will not have the ability to fulfil their parental duty. This means that members of G2 will have to sacrifice their fundamental interest in parenting on pain of inflicting injustice on G3.

If, instead, one assumes that the conditions necessary for having a sufficiently good life coincide with the threshold beneath which life is not worth living, then members of G2 would inflict injustice through the very act of procreating: seeking to satisfy their right to rear children they will create children whose lives are not worth living and who have a complaint of wrongful life against their parents. Independently of where the level of resources necessary for a sufficiently good life is, relative to the threshold beneath which life is not worth living, members of G1 have put members of G2 in the situation of being either victims of perpetrators of injustice.

Given generational overlap, this model takes us all the way to a duty of sustainability. I showed why G1 has a duty to pass on to G2 not only enough to sustain a sufficiently good life for G2, but also enough to sustain a sufficiently good life for G3. Since members of G3 will also have a fundamental interest to rear children, if G1 does not leave enough for a potential G4, then G1 forces on G2 the following choice: either G2 forfeits its right to parent and have a fundamental interest frustrated, or else G2 has children for whom it can provide at the level of required by parental duty but whom it unjustly places in the position to choose between having children (that is, the members
of G4) for whom it cannot provide justly or else remain childless. That is, by leaving enough for only two more generations, G1 forces G2 to behave unjustly. The reasoning goes on *ad infinitum*.

Here is a restatement of the argument: It would be unjust if someone decided to bring into the world children who would most likely live in conditions so impoverished that their lives will not be worth living. And it would also be unjust to put others in the situation of choosing between inflicting this injustice on a potential child or else waiving their right to parent. Any generation that passes on to its children a world that cannot sustain sufficiently good lives indefinitely is in fact imposing on the members of the next generation the following choice:

(a) to allow their fundamental interest in parenting to remain unsatisfied or else:

(b1) either to engage in illegitimate parenting or
(b2) to pass on the choice between (a) and (b1) on a future individual.

Imposing a choice between (a) and (b1) on an individual, or else forcing that individual to pass it on to another seems morally wrong. But what kind of moral wrong is it exactly, and is there a duty of justice not to do this? If imposing such a choice could be plausibly understood as an injustice, then the existence of a fundamental interest to parent may hold a powerful answer to sceptics about inter-generational justice.

6. The wrong of imposing a choice between the perpetration and the suffering of injustice

How plausible is it that there is a moral right not to be put, foreseeably and avoidably, in the situation of choosing between (a) and (b1)? Consider an analogy to the situation involving a fundamental interest in drinking water: A leads B to a place where A knows there will only be enough drinking water for the people who already are in that place. For simplicity, also suppose that it is nobody's fault that there is not enough water in the said place, and that B was not in the position to consent to go to a place where there is not enough water for everybody. The people B finds there are peaceful and meek, and B can easily take away their water: they will not resist in any way. It is easy for B to satisfy her fundamental interest in drinking water. Yet, B has a complaint of justice against A, because A forced B to choose between inflicting injustice on those people or else having her own fundamental interest remain unsatisfied; and *A could have avoided this situation*. Similarly, passing on to the contemporary generation of children an unsustainable world involves forcing some of it members to choose between not satisfying their fundamental interest in parenthood or engaging in illegitimate parenting or else forcing this choice on some members of the subsequent generation.

It is however not clear upon what kind of right of B has A infringed. Bellow I consider several plausible, and mutually compatible, ways to criticise the imposition of the choice between
(a) and (b1) in terms familiar from the analysis of other, more widely recognised, forms of injustice. Together, they make the case for a right not to be forced to choose between not having a fundamental interest satisfied and engaging in moral wrongdoing.

Reasonable disagreement
One way to argue that all cases of choice between not having an interest-right of herself satisfied or else violate other people's similar interest-rights raise a complaint of justice is by appeal to what one could have possibly, and reasonably, agreed to. According to an influential understanding of justice, we have a duty to abstain from performing an action 'if any principle that permitted it would be one that could reasonably be rejected by people moved to find principles for the general regulation of behaviour that others, similarly motivated, could not reasonably reject.' If one is morally wronged by being put in a situation one could not have reasonably agreed to, then one is surely wronged by having to choose between being either a victim or a perpetrator of harm. However, appeal to what one could reasonably agree to is particularly difficult in this case, since, on this reasoning, for members of the last generation with enough resources for themselves (but not for potential children) the choice is between existence without permissible procreation and parenting on the one hand and non-existence on the other hand. If G1 passes on to G2 a world that has only enough resources for two more generations (G2 and G3) then a prospective member of G3 may perhaps reasonably say she would rather exist and not be able to engage in permissible procreation than not exist at all.

A right not to be forced to (a) and a right not to be forced to (b1)
The next attempt to analyse what kind of wrong it is to impose a choice between (a) and (b1) assumes that, if the imposition of either of the two options amounts to violating a right, then the imposition of a choice between them also amounts to a right violation. In other words: if foreseeably and avoidably imposing a situation of the type (a) is a rights violation and imposing a situation of the type (b1) is a rights violation, then imposing the choice between (a) and (b1) is a rights violation.

The first horn of the choice is about imposing on an individual to remain childless against her will. Is there a right violation in such imposition, if it is foreseeable and avoidable? Thomas Pogge recently offered an analysis of (human) rights violations that, if correct, would entail that this type of situation is equivalent to a rights violation even if the right to parent is merely a negative right. He claims that rights violations involve unfulfilled rights in conjunction with an active and intentional causal relation of human agents to such non-fulfillment. Specifically, this causal relation obtains when agents foreseeably and avoidably cause human rights deficits. This is how Pogge

formulates his 'Feasible Alternatives Thesis': '(W)e are harming the global poor if and insofar as we collaborate in imposing an unjust global institutional order upon them. And this institutional order is definitely unjust if and insofar as it foreseeably perpetuates large-scale human rights deficits that would be reasonably avoidable through feasible institutional modifications.' Pogge's interest is in the rights such as rights to clean water and medical care. However, if a right to parent exists, then foreseeably avoidably making it impossible for someone to have this right respected would also count as a right violation.

The second horn of the choice is about imposing a situation of type (b1), that is, foreseeably and avoidably pressuring someone into illegitimate parenting. The wrong at sake here is the same as the wrong of foreseeably and avoidably forcing upon an innocent agent to violate a duty of justice. Surprisingly little philosophical literature addresses this issue, but some can be found in literature on moral dilemmas. Genuine moral dilemmas are those dilemmas that involve a choice situation in which the agent cannot avoid doing a violating a duty.

According to Frances Kamm, this is how Bernard Williams thought about the Captain who made Jim choose between killing an Indian himself and letting all the Indians be killed by another: 'Captain's aims and intentions affect Jim's actions so that these actions are no longer the expression of Jim's own aims and projects. This constitutes an attack on Jim's integrity as an agent.' If individuals have a moral right to be treated with respect qua rational agents, this involves that they should be allowed to exert their rational agency without unnecessary constraints and pressures such as moral dilemmas. And perhaps more can be said about the wrong of imposing moral dilemmas on innocent agents: not only it undermines their rational agency, but it also threatens their moral agency. If the dilemma is of the kind that leaves the agent 'damned if she does and damned if she doesn't' (as some insist that all genuine moral dilemma are) then it makes it impossible for the agent to preserve her moral integrity and moral purity: whatever she does, she will have to compromise on principles, and whatever she does, she will be guilty of wrongdoing.

Suppose then that forcing Jim in Williams' dilemma to choose between perpetrating injustice actively (shooting one Indian), and perpetrating it by omission (letting Pedro kill all the Indians) is disrespectful to his rational and moral agency. Then forcing agents to perpetrate injustice (without giving them a choice) is also be disrespectful of both the rational and the moral integrity of that individual. And, if there is a moral right to preserve one's rational or moral integrity, this amounts to

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a rights violation. In this case, people have a right not to be forced to parent illegitimately.

If forcing people to remain childless against their will is a right violation and forcing them to parent illegitimately is also a rights violation, then imposing this choice on them – foreseeably and avoidably – is also a rights violation. The following three subsections are attempts to make sense of the nature of the this rights violation in terms of coercion, denial of one kind of moral autonomy and denial of voluntary choice with respect to engaging in parenting.

A right to freedom from coercion?
An alternative, perhaps complementary, way to think about the wrong of imposing the choice between (a) and b1) is in terms of coercion. Robert Nozick\(^{19}\), for instance, argued it is coercive to make an agent choose between undesirable options that would not have been pressed on her in the absence of the coercer's actions. Moreover, the case at hand is a highly objectionable kind of coercion, one which diminishes the agent's freedom and responsibility. It is however not clear that we have a right to be free from (this kind of) coercion. Perhaps appeal to an interest in moral autonomy can strengthen the case that we do have such a right.

A right to moral autonomy?
Seana Shiffrin has argued that in order to enjoy moral autonomy – understood as a capacity to exercise one's general autonomy in a morally acceptable fashion – people need to have a range of morally permissible options\(^{20}\). If one cannot pursue one's interests in more than one way on pain of violating a moral requirement is in fact limiting the range of options that one is morally free to pursue to one; under such circumstances one lacks moral autonomy.

A lack of moral autonomy as lack of legitimate choices is particularly troublesome when the interest at stake is fundamental. Being forced to choose between letting your fundamental interest in parenting unsatisfied and either parent illegitimately or else press the choice on another in the future is then a particularly stark way of being deprived of one's moral autonomy. Individuals facing this choice seem to have only one morally permissible course of action open to them: forsaking parenthood; moreover, this course of action necessarily involves the sacrifice of a fundamental interest. This case of situation is then even more objectionable than the ones which make the focus of Shiffrin's analysis, in which agents do in fact have one way to satisfy their interests in a morally permissible way.

Perhaps, then, people have an interest-protecting right to pursue projects central to their identity – such as rearing children – without thereby doing any moral wrong or, at least, without

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having others avoidably impose moral costs on their pursuits of fundamental interests. This explains the injustice that others do when they place individuals in a position in which they can only fulfil their interests by doing wrong.

A right to voluntary choice with respect to parenting?

Finally, one way of defining the wrong involved in the discussed choice is that it makes impossible for all individuals to make a voluntary, and hence responsible, choice about whether or not to become a parent. In Serena's Olsaretti's persuasive analysis of voluntariness in choice, 'an individual's choice is voluntary if it was not made because no other acceptable alternative was available.' While coercion is a typical way of undermining voluntariness, it is not, on analysis, the only way to make voluntariness impossible. Olsaretti writes: 'Choices made in response to offers, warnings, or other situations of constrained choice, for example, may all be non-voluntary, for the same reasons for which coerced choices are non-voluntary – that is, the agent makes the choice he makes because he has no acceptable alternative.' On this analysis of voluntariness, any choice is involuntary if it is made in situations in which agents have only these two options: to let their fundamental interests remain unsatisfied or to impose on another individual somewhere down the line of time that their fundamental interests remain unsatisfied are involuntary. By assumption, people will continue to desire to satisfy their interest in parenting, and hence find it unacceptable to forego parenting. So, even if facing the choice under discussion is not equivalent to being coerced, it is morally objectionable because it denies the individuals who face it voluntariness with respect to the choice to parent. And it is widely endorsed that individuals who would make adequate parents do have a right to make voluntary choices.

Therefore, a generation G1 failing to pass on a sustainable world to the next generation G2 infringes on the moral autonomy of the members of G2; is also makes it impossible for all the members of G2 make a voluntary choice with respect to parenting, and thereby – at least for individuals who wish to parent – to achieve parental autonomy. G2 would have to refrain from procreating at the rate necessary to enable all of them to parent because the alternative – passing on the same predicament, or a worse one, on their on children – is unjust. Therefore, G1 does an injustice to G2. Hence, G1 ought to pass on to G2 a sustainable world. Since G2 is contemporary with G1, this explanation of what inter-generational justice requires is not vulnerable to the contingency version of the non-identity problem.

One may respond to this account of the wrongs of environmental degradation with disbelief:

is the interest-based right to rear children sufficiently important to warrant worries about its frustration in case of environmental collapse? Surely, it is wrong to over-consume, pollute and bring about climate change mostly because this leads to famines, extreme weather events, forced population dislocation and hence avoidable human deaths and suffering – and only secondarily because this can prevent people to fulfil their interest in parenting? I think this remark is correct, and that a right to rear children is secondary in comparison to other interest-protecting rights such as rights to food, clean air and water, security and the like. Yet, assuming that there is an interest-protecting right to rear children, one can provide answer to the challenge that the very existence of future generations should not be taken for granted. It is within our collective power to decide whether and to what extent we will procreate and so an answer must be provided to the question of why it would be wrong to collectively bring about conditions in which procreation is illegitimate. Why do members of the current generation not have a right to consume all the world resources and stop procreating at the point when not enough was left for ensuring adequately good lives to new people?22 As I already noted, appeal to a right to procreate derived from a right to bodily autonomy may not be enough to answer this challenge. A right to procreate seems difficult to defend as a sui generis right – or, in any case, more difficult than a right to rear children.

Is there anything that could let a generation off the hook of a duty of justice to ensure sustainability? If members of the next generation G2 were capable of making an authoritative decision to waive their right to parent, and they did waive it, then individuals from another generation could permissibly procreate at a rate higher than what was sustainable if all the members of G2 wanted to exercise their right to parent. But children cannot make an authoritative decision to waive their rights in general – and hence their right to rear children.

In the absence of a fundamental interest to parent (and assuming there was no duty to procreate) it is at least conceivable that we may be entitled to collectively decide not to bring future generations into existence in the first place and then, together with already existing children, consume the entire stock of world resources. But if individuals have a fundamental interest to parent then making it impossible for our children or their descendants to procreate legitimately is unjust: this would necessarily frustrate some people's fundamental interest to parent. Any generation that fails to pass on to the next generation a sustainable world is in fact preventing at least some its contemporary children from making future voluntary choices with respect to procreation.

If the approach I defend is successful, it has the advantage that it generates a demanding obligation concerning future generations, obligation that holds across a number of general theories

22 Axel Gosseries, who also proposed what he calls a 'zipper argument' for duties of intergenerational justice (that is, one based on what each generation owes to the next) is running into this problem. See his 'What Do We Owe the Next Generation(s)', Loyola of Los Angeles Law Review 35: 293-354, 2001.
of distributive justice and is independent from the particular principle of distribution (such as equality and sufficiency) to which one subscribes. Of course, beliefs about the principle of distribution will influence the precise content of the obligation towards future generations. In any case, this will include a demand of sustainability.

7. Implications for the global taxation of natural resources

One implication of this argument is that no generation is morally permitted to procreate at a rate so high that at least some members of the next generation will have to waive their right to parent on pain of endangering environmental sustainability. (The number of individuals that can co-exist without endangering sustainability will of course depend on the level of consumption of those individuals as well as on existing resources and relevant technology. However, I assume that – given that the world resources are finite – only a limited number of individuals can co-exist without jeopardising sustainability no matter how much consumption is reduced without leaving individuals below the threshold necessary for an adequately good life.) Another implication is that the current generation must pass on to the next generation a world that can support in a sustainable fashion a population at least as large as the current population.

The global distribution of natural resources plays an important part in discharging the duty of sustainability. Currently there are several competing proposals for achieving a more just distribution of natural resources, not all of which seem compatible with a duty of sustainability as defended here.

Hillel Steiner has defended a global tax on natural resources called The Global Fund and premised on the principle of self-ownership. As a left-libertarian, Steiner believes that individuals have a right to an equal share of unimproved world resources; those who want to own more than their share must grant others a compensation equivalent to the value of what has been over-acquired. Thus, the proposal is to tax at 100% the market value of all untransformed resources and share the revenues – collected in the Global Fund – equally amongst all individuals who are right holders. Steiner's proposal is incompatible with the argument advanced in this paper because, as already noted, it is difficult to make sense of children's rights if one assumes – as Steiner does – the choice theory of rights; children, according to this understanding of rights, cannot be owed duties of justice. It may be possible to defend a scheme of global taxation of the ownership of natural resources that is not premised on the choice theory of rights. However, as commentators of Steiner's proposal shows, taxing ownership is environmentally unpromising. Taxing ownership encourages intensive use of natural resources to the point of their depletion. Steiner's particular proposal can address the problem of pollution by asking polluters to compensate all existing individuals negatively affected by pollution. But it cannot generate restrictions on pollution insomuch it
detrimentally affects people who have not yet been born. And it cannot limit the use of non-renewable sources of energy, nor can it, in general, address the importance of containing the environmental risk that current decisions can impose on (distant) future generations.

The alternative to taxing ownership of resources is taxing their consumption; Thomas Pogge has suggested this approach. His proposal, called the Global Resources Dividend, suggests a flat and modest tax on the extraction of underground resources (such as oil); the resulting revenues are to be used for the alleviation of worldwide poverty. Unlike Steiner's, Pogge's proposal has an ecumenical justification: it is meant to appeal to Lockean, contractarians and consequentialists and to result in an improvement of the status quo along a variety of principles of distributive justice. And, unlike Steiner's, Pogge's proposal is likely to have direct environmental benefits. His suggested tax will reduce the consumption natural resource by raising their price. It would also accommodate conservation by not taxing non-extracted natural resources. Finally, more recent versions of the proposal include the taxation of unused fertile land; failing to include such land in the tax base would tolerate the existence of large areas of unused fertile land, kept, for instance, as a form of status. But, as Pogge notes, ownership of unused land can be conceptualised as a form of use: 'A country that contains large fertile areas on which nothing is produced … is in the relevant sense using the land — just as you would be in the relevant sense using the bathroom if you locked yourself in there without availing yourself of its facilities.'

Pogge's Global Resources Dividend is better suited to advance sustainability than Steiner's Global Fund. However, it suffers from two shortcomings – from the point of view of advancing sustainability – both of which are due to the fact that the proposal is aimed at improving distribution amongst contemporaries rather than amongst individuals living in different generations. First, the Global Resource Dividend does not put principled restrictions on the use of natural resources and hence fails to incorporate a guarantee that enough non-renewable resources will be left for the use of future generations. Indirectly, the Dividend is a rationing mechanism that operates via market processes; yet, markets are notoriously likely to fail. A rigid global consumption ceiling, rather than reliance on market mechanisms, seems to be the more appropriate tool if ensuring sustainability is a matter of justice. Second, the Dividend does not have a principled way of distinguishing between

\[^{23}\text{Pogge, p.343.}\]
\[^{24}\text{Casal's own suggestion, which I discuss last, includes – albeit tentatively – consumption ceilings or market mechanisms specifically designed to function as a consumption ceiling: 'perhaps we should introduce an upper limit on total consumption and some rationing system, or make taxation progressive, and raise upper rates until they are}\]
environmentally friendly and environmentally unfriendly taxation of unused land. An example of the former has been given above. An example of the latter is taxation of the ownership of land supporting the Amazonian forests. As Casal notes, taxing ownership in this case would lead not only to the destruction of Amazon's indigenous population but also to deforestation and negative environmental consequences.

Casal's own proposal – the Global Share – corrects these shortcomings by recommending progressive taxation of both ownership and use of natural resources. Importantly, it is designed with the explicit aim of minimising environmental damage. The decision of whether to tax ownership of use of each resource is to be guided by the environmental consequences of taxation. Casal notes that not all ownership taxes have detrimental consequences on the environment: 'ownership taxes on some resources – such as unused agricultural land, sea access, and clean energy sources – can, unlike taxes on oil and uranium, become the allies of conservation rather than its enemies'. The Global Share seems to be, to date, the most sustainability-friendly of the comprehensive proposals of how to globally redistribute natural resources.

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Moreover, it seems to prioritise environmental aims: 'Should we achieve the environmental policy objective without raising enough for our poverty relieving objective, we will then increase the rate or expand the base, including use or ownership, depending on the likely impact that this will then have on our two policy objectives' at p.327.

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Casal, 358.