

Review: Tim Mulgan: Future People - A Moderate Consequentialist Account of our Obligations to Future Generations

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interests between developmental objectives and a concern for future generations. Given scientific uncertainty, future generations may not even benefit from current generations' sacrifices and the latter may be deeply altered by such policies, especially from a distributional perspective. Reflecting on our relationship to future generations, Dr. Pierron indirectly echoes such a concern. According to him, our need to imagine future generations must be neither guided by a "heuristic of fear", nor by that of unalterable idolized future generations.

Ms. Kouadio's very informative article on the legal provisions in Côte-d'Ivoire to protect future generations represents an original case study. The particular circumstances in which developing countries find themselves with respect to environmental protection is noteworthy. Indeed, this article makes it necessary to consider: first, the fairness of restricting the use of natural resources by current generations acknowledged to be impoverished (a difficulty equally faced in setting a just savings principle that would apply to the first and poorest generations), second, the international dimension and share of responsibility by other countries in resource depletion and lastly, the additional difficulties of enforcing environmental protection within a developing country (e.g. due to the fragility of state structure).

Dr. Robichaud and Professor Turmel's article on cultural patrimony enlarges the debate of what type of transfer should be made to fu-

ture generations in a generally environment-centred debate. The article opens up the possibility that the transmission of cultural heritage has ambiguous benefits and costs. While fascinating, the comparability of such public goods with environmental goods, or the nature and extent of the demands needed to appropriately preserve cultural diversity will undoubtedly require more analysis than this short article could allow. Languages have evolved and some have certainly died but it remains to be appraised whether speakers of modern languages today live in a less culturally diverse environment. It also remains to be argued that cultural goods necessarily replace each other: one may love both rock but also classical music. Proposing the "transmission of a sane linguistic context and linguistic diversity" from generation to generation does not define the content of such obligations or by whom they should be borne, whether it entails positive and/or negative demands.

Undoubtedly, this new addition to the literature of intergenerational justice will help to boost the francophone discussion of the topic. Overall, the book's greatest merits lies in its capacity to reveal the tensions inherent to intergenerational justice itself and with other major social and economic objectives such as economic growth and intragenerational justice. We might regret the absence of discussion between the texts, including between the theoretical proposals and more empirical case studies. This allows, however, the

reader to chart the large number of theoretical lines and practical difficulties present in this field. Thematically, the dominance of articles on environmental affairs and pensions reflects industrialised countries' most topical concerns within the field of intergenerational justice. Nevertheless, while politicians are summoned to take decisions very soon for the sake of future generations, the philosophical debate remains fiercely open.

Dan Sylvain and Joerg Tremmel (eds.) (2010): Générations Équitables. Paris: Connaissances et Savoirs. 323 pages. ISBN: 978-2-7539-0173-5. Price: 21,00 €

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Tim Mulgan: Future People – A Moderate Consequentialist Account of our Obligations to Future Generations

Reviewed by Joseph Burke

With *Future People – A Moderate Consequentialist Account of our Obligations to Future Generations*, Prof. Tim Mulgan has given us a book of profound worth on the subject of our duties to future generations and, indeed much more besides. His earlier book *The Demands of Consequentialism* (2002) was described as "powerful and impressive" (Chappell, 2002, p. 897) and "a formidable achievement" (Eggleston, 2009, p. 125). The same can be said for this methodical work, which attempts to show that a 'Combined Consequentialism' can offer a superlative account of what we owe to those not yet living. The author exhibits

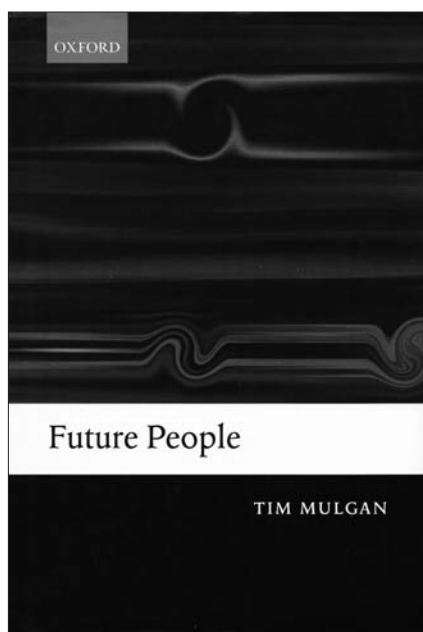
scholarly patience, an openness to acknowledge limitations and a willingness to tirelessly search out difficult problems to confront his own ideas with.

Establishing moral obligations is complicated by the fact that "our actions have little impact on those who are dead, considerable impact on those currently alive, and potentially enormous impact on those who will live in the future" (p. 1). In consideration of this, Mulgan presents three basic intuitions 'The Basic Wrongness Intuition', 'The Basic Collective Intuition' and the 'The Basic Liberty Intuition', which are, in a sense, the launch pad for

the remainder of the book. The first is that it is wrong to gratuitously create a child whose life contains nothing but suffering. The second is that the present generation should not needlessly cause great suffering to future generations. Finally, the third is that reproductive choice is morally open. Accept these plausible claims and one is set to begin mapping out the moral terrain in this area. Yet, as Mulgan is only acutely aware, placing emphasis on intuitions is fraught with danger. Certainly, the use of intuitions, to make "the journey from the familiar to the familiar" as John Wisdom (in Strawson, 1949, p. 259) put it, is unavoidable in moral philosophy.

However, Mulgan has taken great care to guard against the danger of giving too much weight to our intuitions in this book.

The author asks what theory can best fulfil these three intuitions in consideration of future generations? Non-consequentialist theories, he claims, struggle with 'The Basic Wrongness Intuition' and 'The Basic Collective Intuition', for the same essential reason: A person-affecting theory struggles to compare existence with non-existence, no matter how horrendous the possible life. Alternatively, consequentialist theories can easily account for these first two intuitions: "In any plausible Consequentialist theory, considerable weight is attached to the well-being of future humans" (p. 200). The notable strength of the non-consequentialist person-affecting approach is that it straightforwardly accommodates the 'The Basic Liberty Intuition' because parents must be free to make moral decisions in so far as no persons are harmed by their actions. The failure to recognise as of yet non-existing people safeguards the reproductive choice of parents. Meanwhile, a 'Simple Consequentialism' (SC), which states that 'the right action in any situation is the one that, of all the actions available to that agent at the time, produces the best possible outcome' (p. 17) is doomed to oblige parents to continue to have another child if overall welfare is increased. Therefore, SC fails the Basic Liberty Intuition because it is too demanding. The demandingness objection is a close relation of the concept of integrity as used by the late Bernard Williams, who memorably insisted that "we are not agents of the universal satisfaction system" (1973, p. 118). Of course, for some the demandingness objection is erroneous and a symptom of the bourgeois comforts of the intelligentsia. Others, who may have religious inclinations, might say that there should be no limits to what we should give to the poor and needy for the sake of God. However, Mulgan appears to be right to accept demandingness as an objection, especially as we consider future generations, where temporal floodgates open up the possibility of an overwhelming accumulation of moral duty. As Hooker put it: "the demandingness objection may appeal to some disreputable characters [but] the objection retains considerable force" (Hooker, 1990, p. 71). Thus, Mulgan knows that he must find some way for consequentialism to provide for the three intuitions while protecting reproductive choice, establishing justifiable obligations to future people but, also, not be too demanding.



What of "the dominant contemporary rival in the area of intergenerational justice" (p. 24); the social contract tradition? Contractualist accounts, as represented by Rawls and Gauthier are deemed to be problematic for future generations since, amongst other things, they do not appropriately account for the nurturing of the basic needs of present and, indeed, future autonomous moral agents.

After showing these contractarian approaches are not without criticism, Mulgan discusses Scheffler's influential reflection on consequentialist and deontological theories. Scheffler integrated restrictions and prerogatives into what he considered to be the legitimate core of consequentialism in order to acknowledge the integrity of the agent. In what he called the 'Hybrid View', presented in *The Rejection of Consequentialism*, Scheffler identified an 'agent centred prerogative' as having "the effect of denying that one is always required to produce the best overall states of affairs..." (1994, p. 5) and an 'agent centred restriction' as having "the effect of denying that there is any non-agent relative principle for ranking overall states of affairs from best to worst such that it is always permissible to produce the best available state of affairs" (1994, p. 2). These structural features built into consequentialism defend the theory from heavy criticism by respecting the moral significance of the personal point of view. Mulgan recognises this as a promising move towards allowing agents to give preference to their own meaningful endeavours and a means of overcoming the demandingness objection. Ultimately, however, Scheffler's theory has significant failings for a theory of intergenera-

tional justice because it is "insufficient either to ground the broad prerogatives of common sense, or to provide the intuitively necessary restrictions" (p. 104). One central reason for this is the individualist perspective of the Hybrid View, one also pervading SC, that only asks what the individual should do assuming all others continue as they are. Being unable to assess or justify behaviours in their collective consequences is, Mulgan points out, critical in the context of future generations (p.127).

Thus, Mulgan needs a collective theory and he finds one in Rule Consequentialism (RC), where "an act is morally right if and only if it would be judged to follow from the optimal set of rules by someone who had internalized those rules and had grown up in a society where such internalization was the norm" (p. 184). Hence, from the outset, there is an explicit consideration of the wider community in our moral obligations. The aim of RC is not to assess any rule alone but rather to identify the full set of rules, or the code, which society should undertake. RC respects people as fallible, hence the ease with which a code can be internalised by a society and the cost of it being taught are factored into its evaluation. Since RC is concerned with the passing on of the ideal code to posterity, it must necessarily reflect on our forward looking duties, a clear plus in Mulgan's search for an appropriate theory.

If a consequentialist account is to be successful there must be a particular view of the value that is being promoted. Thus, Mulgan moves to defend the Lexical Claim: "If x is lexically more valuable than y, then, once we have a *sufficient* amount of x, no amount of y can compensate for a *significant* reduction in x" (p. 67). This forms a central part of his book. The success of the lexical claim for Mulgan requires that between lives there can be a difference in kind, not just degree. Lives above the level set by the lexical claim are defined broadly "in terms of the successful pursuit of valuable goals" and "certain connections between goals, agency, and community" (p. 70). Since goals are formed in social interaction within a community, one cannot rise above the lexical level in isolation. Lexical levels are culturally dependent, that is there are contextual interpretations of the lexical level, but this is not to be considered a move towards cultural relativism. Different interpretations of the lexical level can exist with varying social frameworks. However, only a certain number of interpretations can be reasonably justified within any social fra-

network, this Mulgan terms the ‘lexical threshold’ (pp. 270-271). People adopting the ideal code will undertake ‘quasi-lexical levels’, which means they “knowingly act in a manner best explained by supposing that they adopt something broadly analogous to a quasi-lexical threshold of some unspecified sort” (p. 145). Those who have rejected Mulgan’s recognition of the demandingness objection will also no doubt be perturbed by the laxity of this moral guide, with its quasi-lexical level. Nevertheless, it should be borne in mind that a central criticism of RC accounts has been that they reduce moral agents to rule-following automatons. Therefore, it is important for Mulgan to allow room for the agent to act. Consequently, those who have accepted the ideal code, and its quasi-lexical level, “realize that, when they pursue their own goals at the expense of the impersonal good, and especially when they set thresholds (...) they are acting as if there were a morally significant difference in kind between what they pursue and what they forgo, such that the former is not reducible to any available amount of the latter” (p. 144). Thus RC, with a quasi-lexical level, can help overcome some of Mulgan’s original worries about what would be asked of us under a consequentialist view of our obligations to future people. Moreover, Mulgan sees it as quite plausible that parental obligations can be part of the ideal code because, for one, the costs of teaching the code would be reduced thanks to our natural inclination to protect our own children and, to a somewhat lesser extent, all children in our society. Consequently, he arrives at the flexible lexical rule which tells one to “reproduce if and only if you want to, so long as you are *reasonably sure* that your child will enjoy a life above the lexical level, and *very sure* that the risk of your child falling below the zero level is *very small*” [Emphasis in the original] (p. 174).

There are, Mulgan acknowledges, grievous problems for RC. In particular, the issue of partial compliance is deeply problematic for the theory as it undermines the code’s teaching and uptake by future generations. Mulgan argues that demands become unreasonable when one looks to the obligations one has beyond one’s own group (one’s group being those with whom one shares the goals that give meaning to our lives). Consideration of posterity, especially far into the future, exacerbates the negative effects of partial compliance and thus the problems for RC. However, instead of abandoning RC, Mulgan argues for something at once conservative and

yet extremely radical. First, he builds upon the sturdiest aspects of the SC, RC and the Hybrid View to provide a ‘Combined Consequentialism’. Secondly, he splits morality into two loosely bordered realms. Two classification schemes are brought together to organise these realms. The first separates according to the moral status of the individual who is the object of moral concern; between the spheres of bare humanity and that of the moral community. The second divides according to the effects of one’s acts on others’ well-being and thus relies on the distinction between needs and goals. The two schemes map onto each other to give the Realm of Necessity where “we, as active members of a moral community, encounter someone who currently lacks the resources or capacities to participate fully in that community” (p. 345) and the Realm of Reciprocity where “we, as active members of our moral community, decide how we will interact in pursuit of our joint and individual goals” (p. 345). This division is required in a world where “no moral based on one route alone can hope to provide a full account of the relationship between values and reasons” (p. 346). Mulgan claims that RC offers the best account in the Realm of Reciprocity, SC works best in the Realm of Necessity and the Hybrid View balances the two realms. Where does this leave our obligations to future generations? Regarding reproductive choices, Mulgan suggests we see these as in the Realm of Reciprocity. Mulgan concedes that determining and fulfilling the obligations we have to future people of my own community “straddles the two realms” because the lack of reciprocity between non-overlapping generations places such obligations in the Realm of Necessity, while rule consequentialist considerations for the passing on of the moral code also suggests that they belong to the Realm of Reciprocity. He concludes that this can be accommodated by the bi-partite schema and does not invoke a need for a third realm (p. 350).

The book is far more nuanced and wide ranging than can be expressed here but to conclude some issues of concern should be raised. *Future People* suggests that there rests in the wings the details of a value theory, pointing as he does to an unpublished manuscript entitled “Valuing the Future” (p. 252). While he admits that “any complete Rule Consequentialism needs a complete account of value” (p. 142), he also hopes that his central arguments can be supported by the sketch of a value theory provided. Nevertheless, how this value theory would be filled in raises questions.

Mulgan acknowledges that he has “assumed that human well-being is the only relevant source of value. Other values, such as environmental values and the well-being of animals, and various possible holistic evaluations of human communities have been put to one side” (p. 79). In fact, intriguingly, his current work is based on an ‘Ananthropocentric Purposivism’. This proposed theory promises to outline how the universe has a non-human-centred purpose that supports “a liberal impartial morality built on genuinely objective values” (Mulgan, 2010). Mulgan tells us “a lexical level might feature either in the foundational theory only, or in the agent’s theory, or both” (p. 62) but how divergent would a non-human centred foundational theory’s lexical level be in relation to that expressed under a rule consequentialist ideal code? There are valid reasons why Mulgan has avoided fleshing out his value theory here but, nonetheless, the query persists how compatible can the projects of value promotion be when they alternatively engage lexical levels based on non-human-centred and human-centred conceptions of value?

There is another question with relation to value. Mulgan recognises the potential circularity of RC: “The purpose of the ideal code is to determine what is morally permissible. Yet we cannot compare competing codes until we have determined which projects are morally permissible, as only then can we know which projects are valuable” (fn 36, pp.157-158). He proposes a viable escape route via an independently construed understanding of ‘valuable ends’, whereby “...this circle is avoided if we can find an account of the notion of ‘valuable ends’ which does not presuppose a theory of right action. We can then specify the value to be promoted without circular reference to the content of the ideal code” (fn 36, p.158). However, Mulgan seems to have closed this route off to himself. Of the two ways consequentialists can approach value, that is a foundationalist strategy (a theory of right action is only derived when a full theory of value is determined) and an independence strategy (develop a theory of right action and value theory separately, reuniting them when completed), Mulgan says: “both assume we can construct a theory of value in isolation from our theory of right action. I believe this is a mistake...Attempts to construct an intuitive value theory operate (often implicitly) with a theory of right action” (p.55). Thus, if the possibility of a distinct value theory apart from a theory of right action is not available, how is the circu-

larity that Mulgan correctly fears avoided for a moderate consequentialism, including, in part, an ideal code?

Thirdly, RC gives weight to our psychological make-up in attempting to identify the ideal code. It seems plausible that people could have a disposition towards complete theories, or at least, the veneer of completeness. If people prefer a theory that suggests it can account for everything this may undermine Mulgan's view of RC. His astute discussion of risk and uncertainty argues that their interrelated effect "justifies the Rule Consequentialist reluctance to seek more detailed moral conclusions than the complexity of the subject matter permits" (p. 254). Yet how can this be balanced with the possibility that people may desire not only "more detailed moral conclusions" but the appearance of a theory with all the answers. Giving the false impression of completeness may not be a problem for Mulgan's RC if it could be shown to lead to better results: "transparency [is] not necessarily a virtue" (p. 155). At times Mulgan seems to be advocating an esoteric morality in the vein of Sidgwick who himself said: ". . . on Utilitarian principles, it may be right to do and privately recommend, under certain circumstances, what it would not be right to advocate openly; it may be right to teach openly to one set of persons what it would be wrong to teach to others; it may be conceivably right to do, if it can be done with comparative secrecy, what it would be wrong to do in the face of the world; and even, if perfect secrecy can be reasonably expected, what it would be wrong to recommend by private advice and example" (1907, p. 489). If this is Mulgan's view, he certainly departs from Hooker's (2002, p. 85) perspective of RC: "Such paternalistic duplicity would be mo-

rally wrong, even if it would maximize the aggregate good." Mulgan, at least in this book, seems not to have offered us protection from the Noble Lie.

Lastly, Mulgan admits that the Realm of Necessity and the Realm of Reciprocity are not strictly separated: "The boundaries between moral realms are fluid...Any attempt to separate the two realms neatly and completely is bound to be an oversimplification" (p. 346). Accepting this, one may still query the nature of the division. We are told that RC is applicable in the Realm of Reciprocity, which prevails between members of a moral community whereby "the notion of moral community...is of a society of comparatively equal moral agents who can interact in mutually advantageous ways in pursuit of their goals" (p. 343). It seems to me the ideal moral code that RC would promote must include rules for distinguishing between those who can be considered part of my moral community and those who are not: One must know how to make this distinction in order to appropriately learn and apply the code. Hence the division of realms of morality itself must be acceptable as part of the code. The need to teach to people that there are two realms of morality as a result of two kinds of lives may be prohibitively costly for the code.

These issues aside, in *Future People* we have a solid piece of philosophical analysis which invigorates the debate on intergenerational justice by bringing a long needed robust consequentialist perspective on this topic. Moreover, Mulgan shows that the issue of intergenerational justice has important implications for public policy and the nature of morality itself. His work should take centre stage in further scholarship in this area.

Tim Mulgan (2006) *Future People. A Moderate Consequentialist Account of our Obligations to Future Generations*. Oxford: Oxford University Press. 384 pages. ISBN: 0-19-929220-X. Price £13.25

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Richard P. Hiskes: The Human Right to a Green Future – Environmental Rights and Intergenerational Justice

Reviewed by Joseph Burke

Richard P. Hiskes is based at the University of Connecticut as a professor of political theory, some one thousand five hundred miles from the BP oil disaster site that began to haemorrhage on April 20th, 2010. Despite the distance, it seems fair to assume that the political implications of the slick black tide have drifted

north as far as the Nutmeg State. In the introduction of his book, *The Human Right to a Green Future – Environmental Rights and Intergenerational Justice*, Hiskes pre-empted the frustration Americans now feel in trying to hold the fourth largest company in the world to account: "Environmentalism needs a new and more muscular political vo-

cabulary grounded in today's central political ideas of human rights and justice" (p. 2).

Consequently, Hiskes moves to develop a justification for environmental human rights, which he understands as the foundation for intergenerational environmental justice. This is, as he himself acknowledges, an ar-