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Intergenerational justice, intra-generational counterfactuals, and the non-identity problem

by Ramon Das

A natural way of understanding the difficulty posed by the non-identity problem (NIP) for questions of inter-generational justice is that it blocks the transmission of plausible moral claims about collectives to their individual members. It is plausible, for instance, that some rich states of North America and Europe are morally responsible for historic injustices associated with colonialism and slavery; and for historic emissions that have produced harmful climate change. Likewise, it is plausible that indigenous peoples and African Americans have been harmed by the legacy of colonialism and/or slavery; and that many poor, undeveloped states have failed to benefit (via industrialisation) from historic carbon emissions. Yet the NIP seems to block the transmission of such claims about groups to present-day individuals.

In all such cases, the fundamental non-identity problem derives from a natural counterfactual reading of *what it means* to say that present-day individuals are morally affected by long-ago actions or events. Such counterfactuals are overtly intergenerational, purporting to consider what the moral implications for an individual would be, had some event(s) prior to her conception not occurred. For instance, if we understand “Anika has been harmed by the legacy of colonialism” as the counterfactual claim that Anika would have been better off had British colonialism never occurred, then we face the familiar problem that Anika *would not have existed* had British colonialism never occurred. Again, it is the overtly intergenerational reading of the relevant harm claim that invites the NIP. And this raises the question: is there another way of understanding such claims that preserves their meaning but avoids the NIP?

I argued that there is.¹ Focusing on the case of climate change, I show that there is a way of understanding the claim that citizens of rich developed states have benefited from industrialisation that appeals to *intra-generational* counterfactuals rather than the usual intergenerational ones. For instance, we can understand “Esther has benefited from industrialisation” as the counterfactual claim that Esther is better off than she would have been, had she been raised from birth in a poor, undeveloped country. This reading of the relevant benefit claim evades the NIP altogether, since it rests on *intra-generational* counterfactuals that do not refer to events that occurred before Esther was conceived.

I’ll now suggest that this *intra-generational* approach to intergenerational justice can be extended to certain cases of historic injustice, when three conditions are met. First, it should be relatively easy to imagine (counterfactually) that a person could have been raised in a group very different in morally relevant respects from the group in which she is (actually) raised. Second, being raised in that alternative group should make a morally relevant difference to the person’s life. Third, it should be plausible that the relevant groups have been harmed by or benefited from some historic

action or event. When these three conditions are met, morally relevant historic harms or benefits are plausibly transmitted from collectives to their present-day individual members and the NIP does not arise.

For example, suppose that Haiti – the poorest country in the western world – has been harmed by the legacy of French colonialism. (This satisfies our third condition.) If so, it seems intuitively plausible that a present-day Haitian, Phillippe, has been harmed by that legacy as well. We can understand this claim as follows: statistically, it is highly probable that Phillippe is materially worse off than he would have been, had he been adopted at birth and raised by a French family in France.

In this case, it is deeply plausible that our first two conditions are met, since it is easy to imagine – indeed is doubtless true – that some very poor Haitian children have been adopted by French families, and plausible that they have benefited (at least materially) from being raised in France. In general, the first two conditions will be met in cases in which historic injustice involves two geographically distinct groups (e.g. France and Haiti) and is closely linked to vastly different life prospects for present-day inhabitants of the two groups.

Compare this to the case of slavery in the United States. In this case, the two groups (American whites and blacks) are not geographically distinct in anything like the way that France and Haiti are distinct. More important, due to the inherently racial aspect of the relevant historic injustice, it is unlikely that the second condition is met: it is far from obvious that an African American child would be better off being raised by a white family in a predominantly white neighbourhood. So it seems fair to say that the *intra-generational* approach doesn’t work equally well in all cases of historic injustice. Nonetheless, it clearly works and avoids the NIP in some important cases.

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Notes

1 Das, R. (2014): Has Industrialization Benefited No One? Climate Change and the Non-Identity Problem. In: Ethical Theory and Moral Practice, 17(4), 747-59.