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Summary

In the introduction to *Arguing About Slavery*, William Lee Miller describes the resistance to the abolition of slavery in the Southern United States in the mid-nineteenth century:[1]

> "Slavery was integral to the life and culture, as John C. Calhoun kept saying, of an entire region, of eleven states (in 1835) of the Union – of almost half of the nation. When a "pecuniary interest" has that magnitude, it is a formidable opponent indeed. Rationalizations are supplied, positions are softened, conflicts are avoided, compromises are sought, careers are protected, life goes on. Don't try to change what can't be changed. Adapt to it."
>
> "Suppose today some dominant industry, built into the lives and fortunes of a great many people – to a degree of the whole nation – were found to be morally repugnant; what difficulties there would then be in extracting it from the nation's life!"

In fact, we do have such a dominant industry today. The large-scale burning of fossil fuels, an energy source applied to *replace* human labour, is closely interwoven with almost every facet of modern production and consumption. Increasingly, the burning of fossil fuels is considered morally repugnant because we are passing on its costs – climate-change induced damage to health and property – to future generations. And as Miller anticipates, this industry is rationalised in public and political debate as slavery was one-and-a-half centuries ago.

Today, of course, the former rationalisation of slavery is easily exposed, while we must wait for a future time frame from which to effectively judge today's public discourse on global warming. "Errors that slumber peacefully through one age, may be instantly detected in the next, because they are looked at from other points of observation," as the ante-bellum orator Tarbox noted in 1843. Still, I believe the validity of a wide range of arguments for or against climate policy can already be judged today.

The main objective of this thesis is not to champion why we should or should not care about future generations, though I will indeed discuss this topic. Although the moral worth of slaves was publicly questioned at the time of the abolition debates, the analogous question of why we should care about future generations is virtually lacking in the present climate debate. Although highly debated among moral philosophers, our duties to posterity

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[1] Miller, W.L.: 1996, Arguing About Slavery, The Great Battle in the United States Congress, Alfred A. Knopf, New York, p. 11.

remain more or less uncontested in both public and political debate. The main target of this thesis is therefore the kind of rhetorical rationalisation of the status quo which gives the impression that we do care about future generations but nevertheless justifies business-as-usual. The objectives are the following:

- to argue that *in theory* the validity of arguments for or against climate policy depends upon their consistency with the general standards of conduct deemed acceptable for handling risks to others, as laid down in tort law, for example;
- to show by means of examples that *in practice* this consistency test is able to disqualify a variety of oft-used arguments in the climate debate.

In chapter 1, I first sketch the circumstances that go to explain why the status quo – the continued burning of fossil fuels – is rationalised the way that it is. I first discuss the 'inconvenient truth' about climate change. Knowledge about the risk of climate change due to human activities is ever increasing. Despite this knowledge, however, the deliberate human activities to curb the emission of greenhouse gases are still negligible. The political and social inertia is not surprising. Social change is generally induced by face-to-face confrontation between those in the better and worse position or by the former being 'bothered' by the latter. In the case of climate change, those in the worse position are future generations. We cannot be touched by the face of future generations, however, nor can they bother us. Moreover, tackling the problem of climate change will be costly. This combination of circumstances – high present costs of climate policy, benefits for future generations, and their absence in public debate – largely explains the rationalisation of the status quo.

Although the idea is quite uncontested that future generations will experience damage to property and health due to our present acts, the idea is more controversial that this damage involves *wrongful harms*, i.e. violations of future generations' rights to bodily integrity and personal property. It is not self-evident to consider damage to the health and property experienced by future generations a wrongful harm to them, in the same way as we consider, for example, trans-national air pollution a wrongful harm to contemporaries living across the border. Both the identity and the entitlements of future people depend upon our present acts complicating the idea that we could presently violate their rights. In chapter 2, I discuss these issues and I argue that although future generations' entitlements to property originate in our present entitlements, the principles of self-ownership and self-determination require us to take 'reasonable care' of the products of future labour. Furthermore, I conclude that in spite of the theoretical

problems, such as Parfit's non-identity problem, governments are justified to address climate risks by appealing to the rights of future generations to bodily integrity and personal property.

If climate damage involves wrongful harms to future generations, there are two obvious ways to handle the risk of climate change: regulation, which requires a potential injurer to take measures to prevent the harm from occurring, and tort law, which seeks to deter the harm by making a potential injurer liable for the costs of the harm should it occur. In chapter 3, I argue that it is more straightforward to handle the risk of climate change through regulation than through tort law, i.e. making people liable for climate damage. Although a duty of care can be established, tort lawsuits are problematic in the case of climate change because there will be few cases in which plaintiffs are able to prove that the defendant's negligent conduct was the cause of the harm to the plaintiff. If such a causal relationship can be established, the defendants will probably already be defunct. However, although regulation seems better equipped to handle the risk of climate change, the argumentation on which regulation is based should be consistent with the reasonable man standards from tort law. Although regulation and tort law may differ methodologically, the formal requirement of justice assumes that types of reasoning that are considered unreasonable under negligence tort law must likewise be unreasonable for regulating the emission of greenhouse gases. Therefore, the point of view of reasonable man has implications for how future benefits and present costs are weighed up in cost-benefit analysis, how expectations about technological progress are dealt with, and how scientific uncertainty and controversy are handled.

In chapters 4 and 5, I apply the idea of handling risk to future generations according to the reasonable man standard to one topic in particular: the social discount rate, which is commonly used in cost-benefit analysis of climate policy. According to mainstream economics the necessity of climate policy is reduced because future generations are emphatically remote form us and much wealthier. I argue that such arguments would be considered unacceptable, however, in the case of risk to contemporaries. Under current law, neither geographic distance nor differences in wealth between risk creator and risk bearer play any part in establishing a standard of 'reasonable care'. Therefore, consistency with the general standards of conduct in the case of risk to others requires a much lower discount rate than commonly advocated. In chapter 4, it is argued that the social discount rate should be equal to society's marginal propensity to save times the long-term market rate of return on private investment. In chapter 5, concrete numbers are added: it is concluded that the social discount rate is about half a percent, the product of a twenty percent savings rate and a two to three percent risk-free rate of return on alternative investments.

In chapter 6, I explore similarities between the rationalisation of slavery in the abolition debates and the rationalisation of ongoing emissions of greenhouse gases in the US congressional debates on the Kyoto Protocol. Today, the United States is as dependent on fossil fuels for its patterns of consumption and production as its South was on slavery in the mid-nineteenth century. That US congressmen tend to rationalise fossil fuel use despite climate risks to future generations just as Southern congressmen rationalised slavery despite ideals of equality is perhaps unsurprising, then.