

Abstract (early stage): Future people's rights

Hubert Schnueriger

It is not straightforwardly obvious that questions of intergenerational justice and sustainable development can be framed in terms developed in the context of intragenerational justice. For example, it is not uncommon to question the possibility of framing them in the language of rights. The most fundamental challenge in this regard is expressed by an ontological worry, the so called 'non-existence problem': How can it be that in the future living people do have rights that guide the behaviour of people living at present? Surely, the former will have rights against their contemporaries. But they cannot have rights at present against people living now. This worry has been put forward quite early in the debate (e.g. by De George 1981; Macklin 1981). However, it has astonishingly seldom been addressed carefully.

In a first step, the argumentative structure of the ontological worry will be highlighted. In a second step, the most influential defence of rights talk trying to meet this worry will be discussed. This defence admits that people living in the future do indeed not have rights at present, but will have rights in the future. As it is possible to harm people yet to come into existence by acts performed at present it is possible to violate at present the rights people will have in the future, or so the argument goes (e.g. Meyer 2005, Gosseries 2008, Bell 2011). As will be shown, this defence of rights talk in intergenerational contexts faces problems of its own and cannot overrule the non-existence objection. Its most fundamental weakness, however, consists in giving the Non-Existence Objection too much credit by trying to come to terms with its ontological presuppositions. Both proponents of the Non-Existence Objection as well as proponents of the 'Future Rights of Future People'-conception go astray by conducting the debate on future people's rights on a highly problematic ontological basis. Instead of trying to steer between the Scylla of present rights of future persons and the Charybdis of future people's future rights it is more seminal to defend rights-talk in intergenerational issues on the basis of a general theory of rights-ascriptions that escapes notoriously contested ontological commitments. Hence, the general contours of the concept of rights will be outlined in a third step. An emphasis will be laid on two characteristics: a) rights in the context at hand correlate with duties; b) rights always have a specific kind of justification. These two characteristics taken together imply that rights correlate to duties with a specific kind of justification. In a last step, it will be shown that this allows for a smooth answer to the ontological worry based on a most plausible general understanding of the concept of rights and its role in practical reasoning. It is not particularly difficult or problematic to ascribe rights to future people that are immediately relevant for present policies and actions.

Lit.:

Bell, Derek: Does anthropogenic climate change violate human rights?, *Critical Review of International Social and Political Philosophy*, 14/2, 2011, 99-124, DOI: 10.1080/13698230.2011.52970

De George, Richard T.: The Environment, Rights, and Future Generations, in: Partridge, Ernest (Ed.): *Responsibilities To Future Generations. Environmental Ethics*, New York: Prometheus Book 1981, 157-165.

Gosseries, Axel (2008): On Future Generations' Future Rights, in: *Journal of Political Philosophy* 16 (4), 446–474.

Macklin, Ruth: Can Future Generations Correctly Be Said to Have Rights?, in: Partridge, Ernest (Ed.): *Responsibilities To Future Generations. Environmental Ethics*, New York: Prometheus Book 1981, 151-155.

Meyer, Lukas: *Historische Gerechtigkeit*, Berlin: de Gruyter 2005.