A Realist Approach to Legitimacy, Climate Change and Future Generations

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General introduction

Climate change is one of the, if not the, most pressing problem that modern society faces. And yet, political action of large contributors to global carbon emission fails to address the problem of climate change properly. In 2016, the United States pulled out of the Paris Climate agreement. In 2021, global carbon emissions once again reached an all-time high of 36.1 gigatons and the carbon emissions of China and India, two out of the three largest contributors of carbon emissions in the world continue to rise.[1] In short, proper action against climate change seem lacking.

The following facts about climate change are worth considering first. The living conditions of people that will come to inhabit this world in the future will be (in lesser or greater degree, and generally speaking) negatively affected by us not acting upon climate change. Climate change might have some positive effects in certain situations, for example by the increasement of the growing season which allows farmers to grow more crops, but 'even though the science is riddled by large uncertainties in some respects, it is very probable that the effects will overall be harmful rather than beneficial' (Meyer & Roser 2006, 223)). The IPCC made predictions about the course of climate change if it's not properly addressed. These include a significant decrease in air quality (which results in the increase of a plethora of health problems for a large part of the population, including life expectancy), more pollens, rising of sea levels (which would result in the relocation of millions of people at the very least, and floods and deaths at the worst), more rainfall which can result in more floods and mudslides, and more wildfires, the precursor of which has already been seen in parts of North-America, Northern Russia and Australia (IPCC 2021). The impact that these effects will have on future people will vary, some might even be positive, but most will be negative, varying in level of impact from being an inconvenience to their lives, to impacting their vital interests.

Why then, if the effects of climate change will clearly have a severe impact people's lives living in the future, does political action fail to reflect the pressing nature of the problem? One reason is that concerns about climate change still exist in the realm of 'normal politics'. With 'normal politics' I mean that people can still vote on them, governments can choose to direct their funds elsewhere – there is no notion of priority attached that would make it more important than other political considerations like, for example, human rights in countries with a "human rights culture". I believe that a similar kind of priority is appropriate for considerations about climate change.

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[1] From: Hannah Ritchie, Max Roser and Pablo Rosado (2020). *CO₂ and Greenhouse Gas Emissions*. Published online at OurWorldInData.org. Retrieved from: 'https://ourworldindata.org/co2-and-other-greenhouse-gas-emissions' [Online Resource]

In looking for arguments that can support such a view of political priority, the most predominant view contemporary philosophy has been to assign a moral obligation to interests of future generation generally. This 'moralist' perspective is mostly concerned with providing theoretical, ideal arguments on why we have moral obligations to act on climate change. However, it is my view that these views fail to provide practical force to convince governments to act on climate change. In the first section of this essay, I will explain in more detail why current politics fails in its approach to climate change, and why we need a different approach, apart from moral ones, to give adequate practical force.

As such, the main purpose of this essay is to propose a stronger, more universally accepted foundation on which to base our obligation to act upon climate change than has so far been proposed by conventional political thinking in the moral tradition. Hopefully, if governments are aware of their more stringent responsibilities that I propose, they will be more likely to take the necessary action against climate change. The view that I propose in this essay, contrasting to the moral approaches, is a political *realist* approach that borrows from Williams (2009). According to this view, governments are obligated to act upon climate change on the basis of their legitimacy – their very justification of the power that they can exert over their citizens. As such, in order for governments to hold legitimate power over their citizens, a certain concern for future generations (and for climate change in particular) has to be expressed through political action; a failure to take into account certain vital interests of future generations constitutes, in this view, an objection to the state (Williams 2009, 4).

The reason for turning to this approach is the subject of the first section, in which I will firstly show how and why current politics have failed to adequately respond to the problem and climate change, and secondly how moral approaches to politics have failed to bring their theory into practice. Specific to this last point, I will argue that conventional moral theories are too *ideal*, and that arguments from such approaches do not bear the necessary practical force to support the necessary actions to climate change. In the second section, I propose a different view – a realist approach to political legitimacy – which, I will argue, brings more practical force than moral theory. This principle of legitimacy is borrowed from Williams (2009), and will be closely developed specifically in regard to interests of future generations and climate change. In the third section, I will direct my attention to an important problem that normal moral theories face when directed towards future generations – the non-identity problem (Parfit 1984). While moral theories struggle to find replies to this problem, my legitimacy-based approach does not. In the fourth section, I will direct my attention to a cost-sensitive realist based account of problematic real world cases in which some countries are put in a hard-choice situation in regards to interests of current generations and future ones. In such cases, a global approach to the problem is necessary, which entails that affluent countries take a global responsibility to the problem of climate change, rather than a purely domestic one.

Legitimacy and Moral Theory

Introduction

It is my view that the global political situation around climate change is such that not enough is being done to counteract the effects of climate change. Policies that allow for extensive pollution and emission of greenhouse gasses are still being implemented, and the global emissions of greenhouse gasses continue to rise. Why? It is clear that *current* political policy doesn't reflect the need to address this problem enough. There are a number of important things to unpack from this problem and where to go from here. This I will do step-by-step in this section.

The first objective of this section is to show that current politics doesn't succeed in giving proper attention to certain key interests of future generations through purely democratic means, as well as giving three possible explanatory reasons. Because of the current inadequate response of politics, I propose a higher prioritisation of key interests of future generations which will function both as a solution to global warming, as well as an argument that can speak for other cases involving future generations. In particular, I will argue that certain interests of future generations call for attention outside of the 'normal' democratic process. I will do this by investigating whether it's possible to give more priority in political practice to questions surrounding climate change.

This essay as a whole seeks to treat a realist perspective of legitimacy and its relation with future generations. But, before I can introduce this realist theory, I first have to give some context on why we would want (or need) to take the route of this realist perspective, rather than others. The realist notion of legitimacy is often one that is contrasted with political *moralism* (Williams 2009). Moralism, in contrast with realism, argues that moral theory has priority over politics, and that political practice should always be derived from moral theory. As the second goal of this section, I will follow this picture of opposition. As such, as a way to introduce the notion of legitimacy, I will start with explaining the *moralist* notion on which priority of political consideration can be based. Specifically, I will use Rawls' theory of justice as a proponent of moralist political theory to anchor my arguments on (Rawls 1971). Then, I will show (following Williams' (2009), Valentini's (2012), Sangiovanni (2008) and Farrelly's (2007) argumentation) a number of problems that arise from a moralist position. The problems raised with Rawls' theory of justice are, however, problems that persist within other moralist political theories as well. As such, these problems will provide ample reason to steer away from moralist theories as a whole for providing priority in political practice, and allow for a serious consideration of the realist interpretation of legitimacy in the second section of this essay.

Current politics

In the introduction of this essay I've stated the predictable negative effects of climate change. However, some other facts on the current situation with regards to climate change are important for me to expand on here. Namely, it is my view that not enough is being done to counteract the effects of climate change, which can be seen by considering the following facts on greenhouse gasses.

It's hard to consider all factors contributing to climate change (for instance, large scale deforestation or all the different contributing greenhouse gasses) in this essay. As such, for the sake of argument, I will use the data provided for one (major) contributor to climate change – carbon dioxide – to base my argument on. A general assumption that the same trend found in carbon dioxide emissions are also present in many other contributors to climate change is generally correct. As such, the consideration of only carbon dioxide will prove enough to base my argument on.

In the last thirty years, the emissions of carbon dioxide have diminished in Europe and the United States, where the yearly emissions in Europe have steadily diminished since 1980, the same is the case for the United States since 2006 (Richie et all. 2020)[2]. However, while many affluent western countries have cut down on carbon dioxide emissions in the last years, they still have a relatively very high emission of carbon dioxide per capita; the United States emits 14.24 tons carbon dioxide per capita, while Europe (EU-27) emits 7.74 tons per capita.

During the same past years during which affluent western countries have cut down on their carbon emissions, some other countries (some of which are fast growing economies) have exponentially increased their carbon emissions. (data) Where China was responsible for 7.67% of the total global carbon emissions in 1980, they were responsible for 30.65% in 2020. So, not only their annual share of the global carbon emissions is still rising, their gross carbon emissions are still rising as well. However, China emits 7.41 tons carbon dioxide per capita, which is comparable to the levels of Europe, but is only about half of the United States. The past trend indicates a possibility for further growth in the future.

These facts are important, firstly, because the consensus between several different global institutions and efforts (UN, IPCC, Paris Agreement) is that the world needs to become carbon neutral within a foreseeable timeframe in order to build enough climate resilience[3] to keep risks within 'acceptable'

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[2] Subsequent data on carbon emissions share the same source.
[3] A note on the meaning of 'resilience' in the IPCC report: 'Resilience in this report is defined as the capacity of social, economic and ecosystems to cope with a hazardous event or trend or disturbance, responding or re-organising in ways that maintain their essential function, identity and structure as well as biodiversity in case of

levels (by 2050 is the now adopted deadline). This rests on the notions that (1) any delay in becoming carbon neutral might cause global warming to exceed 1.5 degrees Celsius (pre-industrial levels); (2) 'If global warming transiently exceeds 1.5°C in the coming decades or later (overshoot), then many human and natural systems will face additional severe risks, compared to remaining below 1.5°C (high confidence)' (IPCC 2022, 21); (3) if global warming exceeds 1.5 degrees Celsius, irreversible changes to several ecological systems will make it increasingly harder to cool the planet again: 'Climate resilient development pathways are progressively constrained by every increment of warming, in particular beyond 1.5°C […]' (29). Thus, in order to minimize the harmful effects of climate change, efforts have to be made to not exceed the 1.5°C limit.

Secondly, these facts are important because the verdict by the most recent IPCC report on past and current trends regarding carbon emissions are not positive: 'Past and current development trends (past emissions, development and climate change) have not advanced global climate resilient development (very high confidence)'[4] (IPCC 35). These past and current development trends amount to the situation in which we are now, which is described by a chairman of the IPCC as a 'crossroads' (IPCCa 2022, 1)[5]: 'The decisions we make now can secure a liveable future' (ibid.), and 'It's now or never, if we want to limit global warming to 1.5°C (2.7°F). […] Without immediate and deep emissions reductions across all sectors, it will be impossible' (IPCCa 2022, 2). These claims are especially striking towards countries whose carbon emissions are still rising. However, they also strike at countries who have already 'bent' the curve towards a downwards trend. While it's positive that Europe's collective emissions and the United States' emissions are dropping, their gross emissions per capita are still higher than China's (whose emissions are still rising). These countries need to make an effort to reduce their emissions *more* than they are currently doing.

Moreover, the inadequate political action taken by governments described by the IPCC report has also occurred in the timeframe between now and when the Paris Agreement was formed in 2015. The political action taken since then does not reflect the agreements made, which set us on the current trajectory of exceeding 1.5°C by a large margin. This brings us to the failure of recent (and earlier)

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ecosystems while also maintaining the capacity for adaptation, learning and transformation. Resilience is a positive attribute when it maintains such a capacity for adaptation, learning, and/or transformation.' (IPCC 9)
[4] 'Climate resilient development (CRD) is the process of implementing greenhouse gas mitigation and adaptation measures to support sustainable development' (IPCC 33).
[5] Intergovernmental Panel on Climate Change. (2022, April 4). *The evidence is clear: the time for action is now. We can halve emissions by 2030* [IPCC Press Release]. Retrieved from https://www.ipcc.ch/site/assets/uploads/2022/04/IPCC_AR6_WGIII_PressRelease_English.pdf (This source will be referred to as IPCCa).

policies and political actions. Up until now, the world has collectively not done enough to secure a future in which people are protected well enough against risks accompanying climate change.

I will now provide three reasons that might explain why politics has thus far failed in providing an adequate reaction to climate change in order to show a few ways in which current political systems (mainly focused on modern democracies) allow for inadequate treatment of climate change related issues.

First, while many people find climate change important, modern democratic party-systems do not allow for expressing this concern in voting without often voting for a party that might hold certain other convictions that the voter might disagree with. Politics surrounding climate change is often referred to as 'left', while considerations that prioritize economic growth as 'right' (although there are instances where this isn't necessarily the case, this example aims to show that people's decision while voting do not depend on one single issue promoted by a party, but on the collection of points that they promote). A person who is predominantly politically right-leaning, but recognizes the problems surrounding climate change might be more inclined to vote for a party that coincides with more of his convictions, rather than a party he predominantly disagrees with but which promotes climate change measures. Call this the *indirectness of democracy*.

A second reason for inadequate climate resilient development is caused by its cost-benefit ratio, which makes voters shy away from voting for parties that promote climate resilient development. To make this point clear, the energy transition from fossil fuel-based energy to carbon neutral energy is commonly done by replacing current carbon emitting energy infrastructures by carbon neutral ones. Replacing current operational infrastructure uses government funds which could be used for other things. Currently, *many* countries do not invest enough in climate resilient technology and voters know this. The logical question to ask is: why should a voter in a certain country that makes up for 1% of global carbon emissions be convinced to vote for a party (taking into account the indirectness of democracy) that pledges to make the necessary changes to tackle climate change properly, when the impact that country has on the global problem of climate change is so small? In this scenario, the taxes that this voter would have to pay to accommodate climate resilient development would benefit them much better were they spent on something else that they find important – something that would actually make a difference. In other words, the costs-benefit ratio is significantly worse for climate resilient development than it is for other social developments. I will return to this problem in the fourth section.

A third reason that might explain why action on climate change has been inadequate specifically relates to governments making pledges (like the Paris Climate Agreement), and afterwards

abandoning the line of policy that was promised. A reason for this can be found by looking at the Collective Action Problem (CAP). The CAP is an exponent of the *free rider problem*, which can be summarized as 'that the efficient production of important collective goods by free agents is jeopardized by the incentive each agent has not to pay for it' (Hardin & Cullity 2020). Traditionally, this problem can be explained to have been the source for policies of states around the world to choose against climate resilient development, in favor of other interests. Every country only emits a portion of the global carbon emission; and, every country outside of the top six emitting countries emits less than 2% of global total emissions. The notion that if they choose to spend heavily on policy aimed at reducing carbon emissions, but that their contributions are extremely small on a global perspective gives rise to the incentive to be a free rider. If different countries around the world give in to this incentive, other countries might follow suit 'by the sense that the large number of free riders are getting away with something unfairly' (Hardin & Cullity). This is the source of the CAP; collective action is very hard to achieve if there are no binding mechanisms in place that prevent free riding.

These points make it clear that there is a certain political freedom in which political practice can to act in a way that highly increases risks accompanying a rise in temperature of the planet for future generations (many people in this generation will also feel the effects of climate change, but if we stay on this course, the bulk of the problem will land on future generations). This freedom occurs because policy related to climate change is still universally practiced in the 'normal' realm of politics. By 'normal' politics I mean political topics that are subject to democratic pluralistic practice. It is my view that the situation with regards to climate change and past development trends which I presented earlier, as well as with regards to the possible reasons I explained, provide ample reason to investigate whether an argument can be made for the treatment of this issue outside the scope of 'normal' politics, and within the scope of legitimacy related issues. In order to develop this view properly, I will now first introduce a common approach to legitimacy. According to this view, the principles on which legitimacy should be based are of a moral nature, contrasted with a political interpretation I will introduce in the succeeding section. These moral interpretations are, in my view, problematic, which I will expand on later in this section.

Moralist Approach to Political Priority

The first and most common way of giving priority to certain principles in politics is offered by moral political theory. Principles used in a theory of political philosophy generally exist in a hierarchy with one another; some principles or set of principles are deemed of greater import than others, and thus deserve a more prominent place in political thought and action. To most people in academic and

public discourse, the most appealing (and most common) approach to the duties of politics is of a moral nature. Williams offered the term 'moralism' to describe such theories (Williams 2009, 2). Such an approach would formulate a certain set of moral principles that work in a particular relation with one another. There are different ways in which these kinds of theories have taken form in the past, but they share a certain commonality. In short, Williams argues that moralists advocate the 'priority of the moral over the political' (ibid.), and that 'political theory [according to moralists] is something like applied morality' (ibid.).

One of the most academically discussed examples of a moral theory of that offers priority of certain moral principles over others is offered by Rawls. For him, justice is 'the first virtue of social institutions, as truth is of systems of thought' (Rawls 1999, 3). Rawls developed an ordered moral theory of justice, which consisted of a hierarchical set of principles which need to be satisfied before all others, and which satisfaction was the most important of all political action. I expect that the readers of this essay are somewhat familiar with Rawls' theory of justice, but I'll nevertheless stipulate his method and main idea summarily. In his method of arriving at his main ideas, subject are placed in an original position while being behind a 'veil of ignorance', in which they aren't aware of the position they will come to have in society, the conditions of their society itself, as well as any personal physical and mental properties. The set of principles raised from this method are firstly fair, for they are raised from the 'fair' original position, and secondly stipulate a fair ordering of society which we all should agree to. Rawls argues that the principles of justice that are then agreed to should entail a full liberal interpretation of equality, as well as distribution of wealth as to equalise opportunity, as well as making sure the least well off are not forgotten (Rawls 1999). The most important reason for people in the original position to accept this conception of justice is because Rawls assumes that people employ a *maximin strategy*, which aims to maximise the worst possible position that they might find themselves in in society.

I could try to formulate an argument based on principles that Rawls adopts in his theory of justice for why considerations about climate change should be included in this prioritized theory (although my assumption is I might fail in this). However, I believe it would be more fruitful to treat other problems seriously that do not only apply to Rawls' theory of justice, but on moralist political theory as a whole. I believe that these problems are strong enough so to steer my search for political priority in actual political practice away from moralism as a whole.

Problems

The focus of the problems with Rawls' theory of justice I propose here is on the notion that it is too *ideal*, which is summed up by Valentini (2012). 'Ideal' in this context is explained by Valentini as 'the concern that the dominant – Rawlsian – paradigm in the discipline was somehow too detached from reality to guide political action. From this perspective, much of the current work in political philosophy is defective because it is of little (possibly no) practical help' (Valentini 2012, 654). Moreover, the 'idealness' of a theory has been conceptualized by Farrelly (2007) as the degree to which a political theory is *fact-insensitive*. This fact-insensitivity causes a number of problems, of which I will focus on two.

The first problem concerns the moral content of the theory, in particular the stringency of the principles, which makes Rawls' theory of justice 'utopian' (657). While Rawls is considered a 'moderate' ideal theorist (Farrelly 2007, 845), his theory still 'assumes away some crucial facts characterizing real-world politics' (Valentini 2012, 658). This can be seen in the following case. Rawls' theory stipulates justice as being liberal in quite an extensive sense. One of the ways in which this is apparent is in Rawls' principle of equal rights and liberties – the most important of the principles that make up his theory of justice, and which gets priority before all others. Rawls argues that the people behind the veil of ignorance will rationally come to this principle as being the most important because of the maximin strategy that they would there rationally employ; they do not yet know in what social position they will come find themselves in in society. As such, Rawls argues, that it would be rational for them to formulate this principle, and choose this principle as the most important one. However, in arguing that this would be the case, Rawls assumes, wrongly, that people would rationally make this choice by ignoring certain real-world facts.

First, Rawls assumes a *cost-blind* approach to rights. 'One of the basic facts of political sociology is that *rights have costs*' (Farrelly 2007, 851)'. It costs an extensive amount government funds to secure the rights that Rawls proposes be the most important ones in a theory of justice. As such, Farrelly has argued that it's not possible for many different low-income countries to secure these basic rights in practice; 'It is more than just a coincidence that the world's most stable constitutional democracies are also those that enjoy the highest levels of economic and technological development, are rich in resources and have an educated citizenry' (850). Now, in Rawls' original position, the participants do not only not know what place in society they will come to have, they don't know if their society has the funds to support this notion of justice. 'Just as we cannot assume that we will be born with 'reasonably favourable genetic endowments' or into a family with 'reasonably favourable social advantages', nor can we assume that we will be born into a society that has the reasonably favourable

conditions stipulated by Rawls' (850). As such, they don't know whether the conditions of their society will be able to support a constitutional democracy. This amounts to the conclusion that 'the assumption that these favourable conditions will hold in our society violates the requirements of the maximin rule' (850).

The second problem is the related to the point made about the utopian character of Rawls' theory of justice; the theory employs a sense of justice that is not remotely *universally accepted*, both in public discourse and philosophy alike. It ignores the fact that there can be 'reasonable disagreement about justice' (Valentini 2012, 658). Valentini notes that, 'while reasonable disagreement about justice is not a key assumption for the elaboration of conceptions of justice, it is for that of conceptions of democracy' (659). Within a pluralist democracy, the people adhere to many different notions of justice, which, as stated, is *reasonable.* Let's say, for the sake of thought, that we accept Rawls' theory of justice as perfect, we would have to accept *full compliance* from society in order for it to be implemented, which would prove problematic. Granted that certain disagreements about justice are reasonable, this idea of full compliance would be in straight opposition to a pluralist conception of democracy. Ideal theorists can reply by stating that they are arguing on the level of ideal theory, and that their main concern is formulating a principle of justice that is theoretically sound, but that leaves the problem that the theory ignores these real world facts, and that practical implementation in full would be impossible.

Much like the criticisms raised towards Rawls' theory of justice, other moralist political theories share the same problems, though the arguments against them might take different precise formulations. Although it would be helpful from a broad philosophical perspective to think through some of the arguments, it doesn't serve this essay to do so. Rather, it serves this essay enough to take note of the following: that moral theories are contentious and hardly ever capable of being rationally universally accepted; this being the case because of either methodological problems one might have with the theory, fact-sensitivity of the principles of the theory, or intuitive differences with the principles (Farrelly 2007; Sangiovanni 2008). In effect, moral principles yielded from philosophical inquiry have great difficulty in securing a prominent, undisputed place in political action; and thus, 'real' politics does not base its legitimacy on such ideal principles. Most strikingly, ideal theories are concerned with the *theorizing* of political concepts. They try to stipulate what we take to mean 'justice' 'fairness' 'equality', and so on, and they try to formulate (normative) principles on the perfect ideal of these notions, all the while being much less concerned, to their detriment, with the facts about real-world politics in which these concepts have to take form.

In searching for a way to give fact-sensitive, reasonably universally acceptable priority to climate resilient development, I propose that we look to political realism, which I will develop in the following section.

The Basic Legitimation Demand

Introduction

In this section I will look to the realist approach of legitimacy in order to provide political priority such that considerations about climate change can find the proper urgency for politics to be treated seriously in practice. In the first part of this section, I will develop the realist notion of legitimacy. This realist approach borrows from Williams' realism (2009). In short, the realist approach offers this priority by means of *legitimacy* of states. The approach argues that the first question of politics is 'in Hobbesian terms of securing 'order, protection, safety, trust, and the conditions of cooperation' (Williams 2009, 3). A state's legitimacy is dependent on it being able to provide an *acceptable answer* to the first question of politics. The acceptability depends on social, political and historical circumstances, and is established by a reciprocity between citizens and state. This principle is the Basic Legitimation Demand (BLD); 'Meeting the BLD is what distinguishes a LEG from an ILLEG state' (4). This approach to legitimacy will be fleshed out in detail in the first part of this section by means of looking at different elements that make up the approach. Particularly, I will subsequently look at the notion that the contents of the BLD is historically and socially determined; that the BLD is of a *political*, rather than moral character (as the theories mentioned in the previous section); and *to whom* an acceptable answer to the first question of politics has to be offered.

In the second part of this section, I will develop an argument that promotes the inclusion of certain key interests of future generations in the first question of politics. In common interpretations of legitimacy, as well as in mine, a state has to offer an acceptable answer to the question of legitimacy to *current citizens* of the state. That poses a problem with regards to climate change, for much of the backdrop of negative effects of climate change will be put on future generations. As such, much of the negative effects of climate change will not directly negatively affect a large portion of the population, for the current prediction models indicate that they will be felt most severely nearing the end of this century.

However, it is a fact that many of us do care about climate change. In particular, I will argue that one of the explanatory reasons for why we care is that many of us do not want our children to live in a world where climate related risks might impact their health and wellbeing. This is relevant because of the view that I propose that argues that parents who are in a (ideal) loving relationship with their children *share* their children's interests. As such, the interests of their children do not only impact themselves, but their parents as well. By means of this approach, I will argue that the parent's prospect of their (future) children having to live in a future world with increased risks to their health and wellbeing impacts the parents to such a degree that this constitutes an objection to the legitimacy of states if they choose to ignore climate resilient development. I will then connect this argument to

current facts about the world, and argue that the group of people radically disadvantaged are significant enough such that states need to take them into account in their BLD. Then, at the end of this section, I will respond to two possible criticisms against this approach.

Basic Legitimation Demand

The content of Williams' theory of legitimacy has two main components. In the first place, it accepts Hobbes' demands for 'order, protection, safety, trust, and the conditions of cooperation' (Williams 2009, 3) as the first priority of politics in order to justify its power over its subjects. These demands constitute the most vital interests of their subjects that require us to not descend into a Hobbesian state of nature, for if any and all of these demands aren't met, a war-like state of affairs ensues. Williams, as well as Hobbes, argue that a state is in the first place meant to save people from terror, which makes it necessary that 'the state – the solution [to the state of nature] – not become part of the problem' (4).

Secondly, Williams argues that, for a state to be legitimate, there needs to be an *acceptable* answer to the first question of politics; of securing these earlier Hobbesian notions. Providing an acceptable answer to the first question of politics is what he calls the basic legitimation demand (BLD), and 'meeting the BLD is what distinguishes a [legitimate] state from an [illegitimate] one' (4). However, 'acceptable' in this context extends further than these very basic Hobbesian terms. For him, an acceptable answer to the first question of politics entails the claim that none of the subjects of the state can be 'radically disadvantaged' (4). He defines 'being radically disadvantaged' firstly as being disadvantaged to what one can *fear*; and 'what one can fear' means 'what someone would reasonably be afraid of if it were likely to happen to him/her in the basic Hobbesian terms of coercion, pain, torture, humiliation, suffering, death' (4). This fear, however, does not need to originate from the direct actions of the state. So, when a person, or a group of people, exist in a state where they are at risk of the aforementioned disadvantaged conditions, the responsibility falls on the state to ensure that these people are alleviated of them, regardless of if they are caused by bodies of power, other people or no one in particular.

However, Williams' account develops the political significance of the notion of 'what one can fear' beyond the very minimal Hobbesian notion;

> '[…] the conceptions of what is to be feared, of what is an attack on the self, and of what is an unacceptable exercise of power, can themselves be extended. This may indeed be explained in terms of an ethically elaborated account of the person as having more sophisticated interests […]' (8).

The interpretation of what kinds of fears are infringing enough, and are deemed 'vital interests' that that can be feared to be infringed on are open to interpretation, and take different forms in different states; i.e. the contents of the BLD differs per country. Some countries take certain liberal values to be of vital interests to people, which are protected under the BLD as an effect. Others hold a more minimal conception of the BLD. However, no country that aims to be legitimate only counts the bare Hobbesian requirements for legitimacy as the contents for their BLD.

This notion of the BLD, even if interpreted liberally, is inherently fact-sensitive, and as such, does not suffer from the same problems as the moralist approaches we mentioned in the previous section. It is non-ideal, because it doesn't stipulate what a the requirements of a state *should* be; rather, it rationalized the requirements of state from what they are by looking at what is an acceptable answer to the first question of politics.

I will now take the time to develop this approach to legitimacy, in particular by explaining some key elements that make up the theory. First, I will show how the contents of the BLD are socially and historically determined, and how interpretations of the BLD can take different forms. Second, I will show how this theory differs from the moralist approach we discussed in the previous section, specifically by offering a *political* account of legitimacy. Lastly, I will show *who* has a right to treatment justified by the principle of legitimacy, and how that is relevant for interests of future generations.

Historic and social determination of BLD

I will now look at the notion that the contents of the BLD can be extended beyond the minimal demands of a state to be legitimate in Hobbesian terms (Williams 2009, 8), specifically by showing how the practice of human rights developed and evolved to incorporate more interests over time. This will make clear how the contents of the BLD changes over time, and is determined by social and historical circumstances. (I make a distinction here between the historical, practical development of human rights *practice* in the past, and human rights *theorizing*. The former has been, as I will explain, a political emergence of the our most vital interests in political practice. The latter has more in common with political moralism, since it theorizes about what *should* be taken into account in human rights practice. My focus here lies on the former sense. However, this does not mean that human rights practice and the BLD can be used interchangeably. Human rights practice might be one way in which the BLD is expressed, but this isn't always the case. As such, I use it as an example in which the BLD might be expressed, but not as a definition of the political expression of the BLD as a whole.)

The Hobbesian terms of safety, security and order are the most basic demands for human life to exist within a state, but since the English civil war (during the end of which Hobbes wrote *Leviathan*) the emergence of modern democracy, as well as liberalism and other more stringent political theories, has lead us to new conceptions of what we find to be acceptable answers to the first question of politics. Williams states on liberals that 'they adopt […] more demanding standards of what counts as a threat to people's vital interests, a threat in terms of the first problem itself; they take more sophisticated steps to stop the solution becoming part of the problem' (7). In the liberal framework it's not enough to merely alleviate people from a state of war; disadvantage between people happen on the basis of race, gender, and affect (minor) health conditions, income, living conditions, to name a few ways in which people might be disadvantaged, none of which are included in the narrow Hobbesian interpretation of the first question of politics. But, as our understanding of the social realm grows, so does our understanding of what we can rationally fear and what we deem vital to human life. So, what we would now call an acceptable answer to the first question of politics demands us to take seriously a more comprehensive account of the BLD.

Such developments can be made clear by showing a historical account of the origination of human rights, and the subsequent development and evolution of the comprehensiveness of the contents of human rights. I will now treat Hunt's (2007) interpretation of the development human rights as to show how the contents of what is an acceptable to the BLD changes over time. Human rights originated in France 'in 1762, the same year that Rousseau first used the term "rights of man" (Hunt 2007, 70). During this time, it was standard practice to sentence people to death for crimes that didn't involve murder, and to torture those convicts in the time leading up to the carrying out of the sentence. This was done in part to get the convict to name accessories to their crimes, but a large part of the ordeal was public spectacle, as well as the pain itself being an added part of the sentence. Hunt describes in vivid detail how inhumane and gruesome these torture methods were.

During this time, Voltaire became publicly involved with regards to the practice of torture. In 1762, a couple months after the execution and prior torture of a man named Calas, he wrote letters on behalf of the family to raise money, as well as a pamphlet and a book. 'The most famous of these was his treatise on Tolerance on the Occasion of the Death of Jean Calas, in which he first used the expression "human right"' (Hunt 2007, 72). It was only later, in 1766, that Voltaire 'denounced judicial torture' (75) for the first time, and 'in 1769 he felt compelled to add an article on "Torture" to his Philosophical Dictionary, first published in 1764' (75). He argued that 'A civilized nation […] can no longer follow "atrocious old customs." What had long seemed acceptable to him and many others now came into doubt' (75). This ultimately amounted to a movement in France: 'In 1780, the French monarchy eliminated the use of torture to extract confessions of guilt before sentencing, and in 1788,

it provisionally abolished the use of torture just prior to execution to produce the names of accomplices' (76).

Since then, human rights have been under constant development. In the course of the nineteenth and twentieth century, human rights progressed in such a way as to include (anti-)child labour laws, equal voting rights, abolishment of slave-ownership, and rights to education. And currently, philosophical debate has steered in a direction whether to include environmental rights into human rights practices.[6] These developments can be interpreted as a shift in the scope of what the people deem acceptable, and what people feel is acceptable is susceptible to change over time; in realist terms, the contents of the BLD is susceptible to changes over time.

As stated earlier, human rights practice is not a way in which the BLD necessarily has to be expressed. This example was meant to show how one way in which the BLD can be expressed evolves and develops over time. Our concern, however, is with the complete scope in which the BLD can be expressed – what it means to be radically disadvantaged and what constitutes an acceptable answer to the first question of politics. Often times, human rights are taken to be universal across states. The *structure* of the BLD is universal across states as well – all politics have to deal with the first question of politics – however, the *contents* of the BLD is something that is state-dependent; and the contents of the BLD is what is socially and historically determined by means of a complex and contingent reflexive practice between citizens and state. The emergence of human rights in France is exemplary of this. I will come back to this point in relation to the concern of climate change in current society.

Political realism

I have just argued how the contents of the BLD is historically and socially determined. Now I will turn to a different aspect of the realist interpretation of legitimacy. In particular, I will expand on the

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[6] On the inclusion of environmental rights in human rights practice, Caney (2021) provides additional context: 'some have argued that many of the adverse impacts [of climate change] can accurately be described as threatening people's human rights (Caney 2010b). This view maintains that persons have certain human rights to life, health, water, food, not to be displaced—and that climate change is unjust because it violates these human rights. Others are sceptical of the applicability of human rights, arguing that they are too inflexible and are unable to provide guidance when trade-offs are necessary (Moellendorf 2014: 24–26 & 230–235)' (Caney 2021). See: Caney, S., 2010b, "Climate Change, Human Rights and Moral Thresholds", in *Human Rights and Climate Change*, Stephen Humphreys (ed.), Cambridge: Cambridge University Press, 69–90. And Moellendorf, Darrel, 2014, *The Moral Challenge of Dangerous Climate Change: Values, Poverty, and Policy*, New York: Cambridge University Press.

notion that this interpretation is *political*, and how this approach differs specifically from political moralism discussed in the previous section.

The main difference with the moral approaches of priority is that Williams gives a *political* principle of legitimacy, rather than a moral one. He argues that the question of legitimacy (in Hobbesian terms of securing 'order, protection, safety, trust, and the conditions of cooperation'(Williams 2009, 3)) is the first question of politics. The reason for why it is the first question in politics is in the first place to be understood in the temporal sense of the word 'because solving it is the condition of solving, indeed posing, any others' (Williams 2009, 3). But, more importantly, it is also to be understood in the sense that it has priority over all other questions in the political realm. Legitimacy is the principle of justifications of coercive power, and the specific uses thereof. It is a central question of politics in the sense that it should always be taken into account when making any and all political decisions, and an answer is required 'all the time' (3). In this sense, legitimacy is not a status that a political body can claim absolutely, after which it can act unscrupulously. Rather, it is a standard that political powers must always be accountable to, and always adhere to in every action that the state takes, and in every structure of institutions that already exist in society. As such, in contrast to the moralist approach which we discussed in the previous section, where morality is prior to politics, he argues that political normativity in the form of legitimacy should take a priority position over 'normal' politics.

Moralists could argue that the contents of the BLD is moral in nature, because certain interpretations of what it means to be radically disadvantaged can be extended by an expanding understanding over time of what we deem vital interests – what we can rationally fear would happen to us. An example would be countries that take certain liberal values as vital interests of human life, and have these incorporated into their BLD. As such, they could argue against Williams' view that this would still imply that morality takes priority over politics, thus promoting the moralist thesis. But, even if principles that make up the BLD are moral in nature, the structure of politics makes it so that the first question is still political in nature, as it's inherent in there being a political realm. Williams argues this point as follows:

> The situation of one lot of people terrorizing another lot of people is not per se a political situation: it is, rather, the situation which the existence of the political is in the first place supposed to alleviate (replace). If the power of one lot of people over another is to represent a solution to the first political question, and not itself be part of the problem, *something* has to be said to explain (to the less empowered, to concerned bystanders, to children being educated in this structure, etc.) what the difference is between the solution and the problem, and that cannot simply be an account of successful domination. It has to be something in the mode of justifying explanation or legitimation: hence the BLD. (Williams 2009, 5)

Conceptualizing the principle of legitimacy as political in nature makes a stronger claim of political priority than a moral one. Where moral theories argue from an ideal point of view, sometimes from utopian perspectives, realists argue that it is a political necessity – a political reality – that this question should be first, and that the legitimating demands be met. While there can be a rational disagreement on the specific contents of the BLD and the stringency thereof, the structure that the first question of politics poses is the same for all states.

Legitimacy to Current Inhabitants and Relevant Groups

A final element of Williams' BLD that is important for us is that the BLD only has to be met towards the current inhabitants of the state whom the state can rightfully coerce, and that the groups that are radically disadvantaged need to be politically relevant enough. I will treat these notions here subsequently.

On the scope of people that are relevant to the satisfaction of the BLD, Williams notes:

> '[…] first, anyone over whom the state claims authority has a right to treatment justified by the claim of LEG; second, there is no right to be a member of a state, if one is not a member—or, at any rate, no such right that follows from just this account; third, there is no claim of authority over enemies […]' (6)

This involves that legitimacy has to also be offered to groups living in a country that do not formally have a status of citizen, yet still realistically fall under the authority of states. These groups involve, firstly, stateless persons, such as slaves, inhabitants of occupied colonies in the colonial era. Other, currently more relevant, groups that are not formally enjoy citizen status are migrants, migrant workers, non-migrants and undocumented residents. While these different groups of people may hold different rights within a country (some migrant workers, while not having obtained full citizenship, hold more political rights than non-migrants – depending on the country they reside in), they are still groups of people whom the state can claim a certain degree of authority over, and as such still have a right to benefit from the most basic rights that any human being should realistically need under the BLD.

From this conceptualization of legitimacy, it follows that the future people are not directly (or at least readily apparent) included in its demands for current states. Legitimacy only has to be justified to current inhabitants of the state, not to people who currently don't live in the country (or live outside but still have citizenship). This conceptualisation would exclude future people, for they are not current

inhabitants of the state, and moreover, would gain their citizenship the moment they are born. Under this conception, future people are still conceptualized as aliens in a comparable way as foreigners are, which explains one of the difficulties of judging the interests of future generations in terms of the BLD.

Moreover, groups that feel they are in a state of being radically disadvantaged based on their conception of what they see as their vital interests need to be *significant enough* to be politically relevant – to make a realistic political impact on the BLD. The threshold of how big this group needs to be can't be logically or theoretically determined, but is determined by the interaction between state and society. The process of developing the BLD is what determines what counts as a relevant enough group, which is a complex, reflexive interaction between citizens and state. It can be understood as a certain social movement, a recognition by society that a certain interest many of them share *needs* to be answered by politics – anything less is unacceptable. The specific lines are vague, and Williams himself is not clear about what determines a group to be relevant enough. However, from the argument I will forward in the next part of this section, I believe that wherever this threshold lies, it should be clear that it has been met with regards to climate change. This argument will promote the view that certain interests of future generations concern the BLD of states now.

Future generations

We already discussed an obvious but important fact of legitimacy, that future people can't directly make an appeal on it, only current people are in the position to do so. Although it is the case that future people cannot make an appeal on legitimacy, it is a fact that their interests are at least connected to ours. People find it important to know that there is a prospect of a good future for their children, their children's children, and so on – that there is a prospect of a 'good' future, that there is something to leave behind. This idea of propensity is important, and I will investigate this phenomenon in more detail in the following paragraphs. As a last point of importance, I wish to add that my argument for the inclusion of climate change related interests take a less comprehensive form than certain liberal interpretations of the BLD. I will argue that the basis for the inclusion of these interests into the BLD are reasons that are much more commonly shared between different people around the world than liberal values are. As such, I hope that my argument can be more widely accepted such that it provides the urgency that the problem of climate change for it to give force to real, practical change.

It is my view that our interest (i.e. people living now) to take the interests of future people seriously in political practice, for the considerations of interests of future generations profoundly impact people

now. I will argue that the interests of future generations can, and do, have a deep impact on the interests of people living now. Moreover, I now wish to argue that the interests of future people have such an impact on current generations that they are counted among the vital interests represented in the BLD of many countries, independent of future people not being able to make an appeal on legitimacy. In other words, ignoring certain future people's interests will leave many people living now in a state of being *radically disadvantaged*; thus, inaction by the state on certain interests of future people is an objection to many states.

Before continuing, I'll summarise quickly. People living in a state being radically disadvantaged is an 'objection' to that state (Williams 2009, 5). Being radically disadvantaged means being disadvantaged with regard to what one can fear, where 'what one can fear' means what one would 'reasonably be afraid of if it were likely to happen to them' (4-5). The object of fear is objectional to the state if (1) one is to take a Hobbesian interpretation in terms of 'coercion, pain, torture, humiliation, suffering, death' (Williams 4), or if (2) one takes a more comprehensive interpretation. For the purposes arguing that certain interests of future generations are included in the BLD, the respective BLD doesn't need to have a full liberal interpretation, as will be shown from the argument I will subsequently propose. Rather, if people accept that certain interests are *shared* between generations, then this will be sufficient for certain interests of future generations to be considered by the realist interpretation of legitimacy.

Now, in the first place, it is a fact that many people care for future generations. It matters to us whether they get to live good lives and aren't harmed by our actions. In that sense, one could say that we fear *for them.* On behalf of the people that come to inhabit this planet after we are gone, *we* experience an actual fear if a situation if posed which endangers their possibility of having a good life, puts them in danger, or any other thing that might impact future generations in such a way for us to fear for them. In this way, it is my view that our concern for future generations can be incorporated withing the scope of the realist interpretation of legitimacy. People living now are being radically disadvantaged by experiencing the fear that we impact the planet in such a way as to make future people's lives harder. My argument for this view is two-fold.

The first part is based on the obvious, but often overlooked facts that (1) future generations are made up of the children (and children's children) of people who are alive now, and (2) that many people have deeply caring and loving relationships with their children. The relationship that parents have with their children is (ideally) one of the most profound relationships one can have with anyone, and 'establishing such relationships tends to be the primary reason adults in our culture give for wanting and having children' (Schoeman 1980, 8). Schoeman describes such intimate relationships as follows:

'Ideally the relationship between parent and infant involves an awareness of a kind of union between people which is perhaps more suitably described in poetic-spiritual language than in analytic moral terminology. We *share our selves* with those with whom we are intimate and are aware that they do the same with us.' (Schoeman 1980, 8)

Such a relationship entails that both people involved engage in a relationship that becomes something that is bigger than the sum of their parts[7]. What I mean by this is that one's interests are not only one's own anymore, but are shared by the other person, and vice versa. If one of the two is harmed, the other, by extension, as well. What one aspires, feels, wants or does is not only limited to the effects it has on the one person, but on the other as well. It would only be logical that in such a relationship, one person would fear for the well-being of the other person; not for the sake of the other person alone, but for the sake of themselves as well, because they share each other's interests. Interests of either person are tied to the well-being of the other.

This type of relationship can be illustrated by the following example. If one is asked if they have to choose between their child or themselves, even in life or death situations, people choosing for the lives of their child is not uncommon. Take a woman in childbirth who is suffering medical complications during the procedure, and they are forced to make a choice between themselves and their yet unborn child. It isn't uncommon for people in the situation of the woman to choose for the life of their child over their own. It would definitely not be a moral obligation for the woman in the example to pick the child's life over their own, but it does show the way in which her interests are fused with her child. This is as extreme an example as they come. The mother in this example has makes the biggest sacrifice one can make in favour of her child. The example is meant to illustrate how such decisions can be made in extreme circumstances, but it should then also be accepted that lesser sacrifices are often being made in favour of their child's interests. It is enough here to summarize here with the claim that children matter so much to many of us that it is not uncommon for people to forego their own interests, sometimes even their lives, in favour of their children, because we share ourselves with them.

Here, someone might comment that we do not yet have these intimate relationships with our future children yet, for they don't yet exist. They would argue that such intimate relationships might come to

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[7] Defining intimate relationships in this manner is not new in philosophy. Descartes for example defined the 'reasonable' part love (as opposed to the part of love that he considers passionate) as 'joining oneself to another': 'The first in my view consists simply in that when our soul notices (s'apercoit de) some good, present or absent, which it judges to be fitting for itself, it joins itself willingly to it, that is to say, it considers itself and the good in question as a whole of which it is one part and the good another' (Descartes 1991, 306) In: Descartes, R. (1991). *The Philosophical Writings of Descartes*. Volume III: The Correspondence. Transl. J. Cottingham, R. Stoothoff, D. Murdoch & A. Kenny. Cambridge: Cambridge University Press.

develop once they are born and when they grow. Here we come to the second part of my argument. I would argue, contrary to the above comment, that it doesn't matter if people's children (and their children) already exist or not; many people already share themselves in a way with their future, not yet born children. A fact is that many people aspire to have children one day, and one of the main reasons for this is because they aspire to build intimate relationships with their children[8]. These 'future' intimate relationship will be jeopardized by any danger or harm that we can rationally expect might happen to them. The expectation of the intimate relationship that we will come to have with our children, (something that people who aspire to have children one day can reasonably expect to happen) is enough to already *share ourselves* (as Schoeman puts it) with our future children's interests. We care about their lives, and so we care about things that might come to happen to them. In that sense, the intimate relationship already exists (at least in a lesser sense) from the part of the person that aspires to one day have children; and in that sense we do already share ourselves with our future children. Many people who want to have children one day but aren't yet in the position to do so already make sacrifices (set aside their own interests) for the sake of the interests of their future children. So, the aspiration to have children causes a will to share their interests with their children (and as an effect, their children's children); this is at least one explanation for the existence of a widespread care for future generations in current citizens of states.

In the case of climate change, we care about the future world we live in, and if that will be a world that will be affected by climate change. We fear for them in relation to this problem, because a world that will continue to be affected by climate change will in the future be a worse world to live in than it is now. The ways in which climate change will impact future life without proper climate resilient development are in my view of a similar nature of the 'Hobbesian terms of coercion, pain, torture, humiliation, suffering, death' (Williams 2009, 4). Climate changes poses an increased possibility of humiliation, suffering, pain or death occurring to future people through increased possibility of wildfires, floods, tropical storms, rising sea levels and a drop in air quality. If we take seriously our intimate connections with them – if we accept that many people have such intimate connections to future generations – then we have to accept that people living now experience a rational fear themselves because of the sharing of interests. As such, these people will be are radically disadvantaged, and thus, interests of future generations connected to climate change strike at legitimacy claims.

Another group that we have not considered until yet, are the younger generations that are already alive, and who will in the future feel the significant effects of climate change described in the IPCC

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[8] According to a survey quoted by Schoeman (1980), wanting to have intimate meaningful relationships was one of the main reasons for people to want to have children (Schoeman 1980, 8). Lois Hoffman, "The Value of Children to Parents – a National Sample Survey".

report discussed in the first section. However, I hope from my earlier analysis it is clear that this group is radically disadvantaged based on their rational fear of having to live impactful effects of climate change in the future.

This concludes the main argument for why future generations matter for the BLD. However, I will add a few points to strengthen my claim that interests concerning climate change matter for political legitimacy. In particular, I will return to two claims that I made earlier in this section, and connect them to facts about people living today. These claims are; (1) that the group that is radically disadvantaged needs to be politically significant enough to matter for the BLD, and (2) that current society is indeed at the point of historical and social development of the BLD that not taking the proper measurements stipulated by the IPCC and UN violates the BLD. Both of these points will be considered by means of survey data.

I will first present survey data concerning public opinion on climate change in Europe. (The following statistics are of comparable level in other high-emitting countries like India, China and the US. This makes it so that my arguments concerning this interpretation of the BLD must be widely accepted in these high carbon emitting countries). The share of people that think climate change poses a major threat to future people has been consistently growing over the past decades, in younger and older generations alike, to the point where it is now: 'More than nine in ten Europeans (93%) believe that climate change is a serious problem, including 78% who say it is a very serious problem […]' (European Commission 2021, 7). In 2011, only 68% of people thought it was a very serious problem, while percentages before that were even lower. Moreover, Europeans perceive climate change as the biggest problem the world faces today, ahead of poverty, hunger, lack of drinking water and infectious disease (ibid.). While it is also true that '[…] younger people express greater climate change beliefs than older people', and 'young people are more concerned about addressing climate change' (Milfont et. all 2021, 1, 5). But it is also true that climate belief is rising among young and older people alike (ibid.).

Regarding (1), we have argued earlier that the group of radically disadvantaged people needs to be politically significant enough to matter for the BLD. These statistics show that there is a trend in which the group that is *concerned* with climate change is growing. Now, we don't know how large the portion of the people that see climate change as a 'very serious problem' are being radically disadvantaged; i.e. some people might feel concerned about climate change based on moral convictions that fall outside the BLD. This poses a problem, as it is opaque how large the portion of society is that is being radically disadvantaged, such that these statistics alone cannot determine whether they are politically significant enough.

However, I believe that the fact that climate change is seen as a 'very serious problem' by 78% of the people, we can infer from the two groups that I argued are radically disadvantaged because of climate change (young people who will live the effects, and people who share the interests of their children), who are almost certainly part of the 78%, are politically relevant enough to matter for the BLD.

Regarding (2), the percentage of people who see climate change as a very serious problem has grown significantly in recent history, and the problem is now judged, on average, to be the most important global problem of current times. This is indicating of a development of the perceived social urgency regarding this problem, which we can see by the statistics, as well as by a rise in activism, protests, public discourse, call for reduction of personal carbon footprint, and many more social initiatives to combat climate change. I presented arguments that indeed judge vital interests of future people to be necessarily engaged with by politics according to the BLD. If the current situation does not indicate that an acceptable answer to the first question of politics needs proper climate resilient development (with the perceived social urgency as high as it is), then I'm not sure how high it needs to be.

Objections

Now, the view that I proposed might find some resistance. I will now turn my attention to two complaints that one might have with this view, before turning my attention in the following section to an important general problem that moral theories about intergenerational justice generally need to deal with.

The first complaint concerns the scope of people who might have share interests of future generations. There are many people who might never want to have children, which excludes a large portion of the population from this sharing of interests of future generations. There also might be a lot of people who do want children, but who do not experience the shared interests of their future children in the way in which we just described (the type of intimate relationship we described, admittedly, is an ideal one). This would exclude a large portion of citizens, and, some might argue, would weaken the objection that this might have on the authority of the state.

I would respond that it does not matter if not everyone wants children, nor does it matter if not everyone who has children (or wants to have children – some people are perfectly happy living without ever having children) has this ideal type of relationship with their children. It is enough if a significant portion of people with (aspirations to have) children feel this kind of spiritual bond – of sharing themselves – with their children. Let me explain.

I'm not claiming that this is the only way in which someone can have an intimate relationship with someone, or in which someone can love another – I don't have to. It is enough for me to underwrite that this is a view that is held within philosophy, and unavoidably is being held by many people outside of philosophy – citizens of any state. If this is accepted, then one has to accept that these people experience a rational fear for things that impact future generations. According to the realist interpretation of legitimacy, this group of people would then be radically disadvantaged, which in turn would be an objection to the authority of the state. For this interpretation of legitimacy, it isn't necessary for all people to be radically disadvantaged in relation to some fear they might have; it is enough for a (small) group of people to be radically disadvantaged for it to be an objection to the state.

A second complaint could be made about whether it would not be rational for people who fear for climate change by means of shared interests with their children to not have children (yet), rather than argue that this would make them radically disadvantaged. During times of uncertainty or fear for the future, people often put off getting children until the situation is resolved or more hopeful.

I'd respond that, in the case of climate change, it isn't clear whether this situation will be resolved. If states around the world decide against proper climate resilient development, this decision by states will put these people in an impossible choice. On the one hand, a group of people will be radically disadvantaged because they fear for the interests of their future children, which they share. On the other hand, this might lead them to choose to not have children. I would argue that the latter option would leave a certain group of people in an equally disadvantaged position as the former. Having children can be one of the most vital interests in a person's life, and many people experience a real fear when considering the possibility that they will never have children in their lives. The possibility – the freedom – to rationally choose to have children or not, as opposed to being coerced to not have children out of fear for their future wellbeing, is an equally, if not more, vital interest included in the BLD than the one we discussed in this section.

The non-identity problem and rights of future people

Introduction

We ended the last section with two complaints one might have with the proposed inclusion of some interests in the realist interpretation of legitimacy. This section will focus on one of the most pressing problems that moral theories on intergenerational thinking have to face; the non-identity problem (Parfit 1984). The complaint with which we ended the earlier section were aimed at the realist theory at legitimacy, but the non-identity problem especially problematic for conventional intergenerational moral theories. My realist theory focused primarily on the impact that interests of future generations have on current generations. Conventional intergenerational thinking, however, focusses only on the future subject as a moral object. As such, I will start this section off by offering some context to the problem itself by means of language more familiar with conventional intergenerational thinking. Then I'll continue by stipulating and clarifying the problem, and showing why this is a problem to moral theories. In the second part of this section I will forward an argument showing why the realist theory of legitimacy I proposed can easily avoid the problem altogether.

Moral Context

Most of us would agree that it would be wrong for us to ignore the evidence of the negative impact that climate change has on the environment, and as an effect on us and future generations. The same is true for neglecting to act on the changes our behaviour makes on the environment, and try to make choices that would counteract the negative impact of behaviour. But it's hard to see how considerations about justice would apply to future generations because of the simple fact that there is no reciprocity between us and them because of our asymmetrical relationship with future generations. We cannot talk to, hear from or ask future generations, and there is no mutual cooperation (Meyer 2021). Moreover, there exists an asymmetrical power relation in which it is possible for current generations to set back the interests of future generations – for example by flawed environmental policies – but not the other way around.

The way in which some philosophers have tried to approach these problem of irreciprocity and asymmetrical power relations is by arguing that, while future people do not yet technically exist, they should all the same be granted certain rights in the same manner as current generations. Moreover, those rights should be considered on the same political level of importance as rights of people alive today. One of the practical appeals to such approaches is that it allows certain potential rights of future generations to be included into our current human rights practices, and as such giving it more

practical power. Moreover, such approaches aim at protecting certain aspects of the lives of future people that we now find important, and are protected by the same rights in current generations, so that their interests are protected regardless of them being able to advocate for them themselves. For instance, the idea of including environmental rights for future generations into human rights is aimed at protecting future generations from similar effects on the environment that current people are should be protected against.

The human rights approach has been forwarded as a solution to the non-identity problem. However, while I believe that the argument holds theoretical force, it encounters difficulty securing its ideals universally in practice. It functions as *ideal theorizing*, such as we have seen in the first section of this essay. As such, it is my view that it encounters similar problems in securing the proper practical force that is needed in order to properly tackle the problem of climate change. Before explaining this argument more clearly, I'll first explain the non-identity problem.

Non-identity problem

The non-identity problem can be made clear with the following example. Consider child A. Child A was conceived naturally, but by some particular reason the mother decided that she would alter the pre-born child as to has a diminished capacity to learn new things. The reason for her action here is irrelevant, what is relevant is our moral judgement we would have to this example. Child A would have been without a learning deficit if the mother didn't alter the embryo in the way that she did. In other words, the child would have been better off if the mother didn't act in the way that she did. In that sense we can say that the mother *harmed* the child, because for someone to be harmed, that person needs to be worse off than they otherwise would have been (this is the particular principle of harm that the non-identity problem assumes).

Now consider child B. In the case of child B, the mother decided that she would choose to let specialized doctors choose an egg cell with a particular DNA so that the child that would grow from it would have a learning deficit. A reason for the mother to undertake such an act could, for example, be Munchausen syndrome by proxy, where the person suffering from this syndrome would feel that they would gain something from imposing (or making up) an illness on a caretaker of them – attention for example. But whatever the reason the mother had to make this decision, it's irrelevant for our discussion. When considering the facts of the child's existence, we would say that, based on the child's DNA, it would always have developed a learning disadvantage. In contrast to child A, the actions of the mother of child B did not cause the child to be *worse off* than it otherwise would have been – her actions merely brought the child into existence.

According to the non-identity problem, child A was harmed, but child B was not harmed. This hinges on the harm principle that, for someone to be harmed, they must have had a better alternative state which was denied to them by someone's (or a group of people's) actions. That is to say, someone's actions harm a person when that action makes it that they are worse off than they otherwise would have been.

The non-identity problem is relevant for our discussion about future generations because of the predicate that our actions (including the ones we undertake with regards to climate change) determine the number, identity and composition itself of future people. Our decisions bring about the conditions under which they live, but problematically also under which they come into existence. Imagine a person that would come into existence 10 years from now in a world where we now make the choice as a society to not address the climate change problem. That world would be more polluted as a result, but as a result that person came into existence as well. In another world where we did address climate change by means of green energy alternatives, that person would not have existed at all. That person, existing in a polluted world, does suffer the negative consequences of that polluted world, but we cannot say, according to the non-identity problem, that we *harmed* that person, because there is no alternative world in which that person would have been better off; in that alternative world, they would not have existed at all.

The non-identity problem is problematic because it poses a situation where no harm can ever be done now to people yet unborn, no matter the severity of the act itself or the consequences. This has led to intricate and lengthy replies to the non-identity problem[9].

Rights-based reply

The difficulty in 'solving' the non-identity problem generally lies in showing that we have a moral obligation to future generations who do not yet exist. One way of arguing this is through the formerly mentioned rights-based approach. While it is the case that the non-identity problem argues that we cannot *harm* future people (in the sense that we cannot make them worse off than they otherwise would have been) this does not mean that they will not come to have certain interests that should be protected in the future. The advocates of the rights based approach take the stance that these future interests should, in turn, be protected by ascribing rights to future generations which are aimed at protecting these interest. In this sense, the rights-based approach is aimed at circumventing the non-identity problem by providing a threshold – a non-fungible baseline – that protects people from falling

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[9] For moral-focused replies to the non-identity problem, see for example: Elliot (1989), Feinberg (1974), Parfit (1984), Roberts (2021).

below it. Anything that is 'protected' by rights becomes irrelevant to the notion of harm that the non-identity problem handles. For instance, a right to clean water makes it irrelevant whether that water was dirtied in the first place through active action by someone else – which would constitute an instance of harm to people who now have to drink dirty water – or by another event that would not constitute an implication of harm. Instead, a right to clean water aims to make it the responsibility of the state to provide people with clean water, regardless of the causes for there not being clean water in the first place.

I'll stipulate ways in which it has been argued that we should ascribe rights to future generations. In the first place, such arguments can take the form of posing that future people do not yet have rights, but will come to have rights when they are born, and we have a moral obligation as to not infringe upon those rights at that time:

> 'Clearly present actions and policies will affect the interests of people who exist in future. And the rights people have in the future will be determined by the interests which they have then. So, it would seem that if we can adversely affect their interests, which we can, we can violate their rights. The manifestations of such violations might not occur in the present but the actions or policies which cause them do.' (Elliot 1989, 162)

Or, that those rights already exist contingently, based on whether the person will or won't come into existence:

> 'He may say that there is no present bearer of the right but that, nevertheless, the right exists now and its present existence is contingent on the future existence some person who will then be the bearer of the right. This future person will subject of the right, the individual whose interests the right would protect. Accepting this requires accepting that there can be present rights which do not have bearers.' (Elliot 1989, 161)

The question of whether we should ascribe rights to future generations itself is contested, as De George argues:

> Future generations by definition do not exist now. They cannot now, therefore, be the present bearer or subject of anything, including rights. (De George 1981, 161)

However, for the sake of argument I'll take a kind stance to the advocates of rights of future generations and look closer at the current situation that occurs if we accept these theoretical arguments. If we follow their thinking, it is my view that ascribing rights to future generations will

result in a number of problems. These problems occur in both of the above described examples of arguments.

Human rights concerned with future generations, in particular environmental human rights being the most important one for our efforts, are in the current situation mostly featured in *theoretical* approaches to human rights. (Although, I do not wish to overstate my claim. There have been actual verdicts by courts against companies such that they force them to cut carbon emissions based on human rights concerns, which indicates that practical interpretations of human rights see this as a political emergence of this particular human right. These practical instantiations, however, have been very few, and not enough to indicate enough of a change to propel climate resilient development to the trajectory it needs to be at.) These theoretical approaches try to theorize what human rights *should* look like.

Comprehensive approaches that include environmental human rights encounters similar problems as ideal theory we have treated in the first section. In particular, they assume *full compliance* to be universally implemented and adhered to, as well as a *cost-blind* approach to rights. The arguments I've made on these two points in the first section are applicable to the situation of human rights theorising as well. As such, while the rights approach theoretically counters the non-identity problem, it doesn't, in my view, do enough *practically* to tackle the climate change problem adequately.

'Outside Europe, most individual victims of human rights abuses have no effective appeal beyond their domestic courts, if there. And even in countries within the global "human rights culture" there is great variation in the degree to which internationally recognized human rights are embedded in domestic legal systems' (Beitz 2001, 269). This claim still holds true for many human rights that are accepted by international human rights organizations, yet see little practical adherence to them. Again, I do not wish to overstate my hand. There *have been* countries that have accepted certain goals set by the Paris Climate Agreement into law. These laws have also been enforced in the past. However, there are also many countries in the world, including some of the biggest carbon emitters in the world, who do not accept the human rights culture in their political practices at all. As such, I believe that my legitimacy based approach to the problem of climate change will offer a better practical answer to the non-identity problem than the rights-based reply.

Realist reply

The commonality between the two arguments forwarded by Feinberg (the concessional and non-concessional argument for rights of future generations) is that they are both focused on the *future*

subject; both try to attribute rights to the future person which will then serve as to hold people morally obligated to respect the relevant interests of that future person. Herein lies the difference between the rights-based approaches and the realist approach I forward, as well as the core of the way in which the realist approach 'solves' the non-identity problem. The realist approach is not focused on the future subject, but on the *current subject* (who engages in an intimate relationship with the future subject, and who engages in a sharing of interests with their future children). The question for the realist approach is not about the obligations we have to future people, but to the obligations we have to people *currently living*, whose interests are tied to those living in the future, as argued in the first section.

Current governments (ideally) have the power and choice to act upon climate change. If they do, the next generations of current citizens (or inhabitants) over which those governments hold power will not be impacted by the heating of the planet; if they don't, they will be at an increased risk of experiencing the negative impacts of climate change. As earlier stated, this includes wildfires, floods, tropical storms, rising sea levels and a drop in air quality. Clearly, the interests of future people will be significantly negatively affected by not acting on climate change. Now, the non-identity problem takes issue with this if the future people is the moral subject, for if they cannot yet exist, they cannot be harmed. However, if one accepts that the interests of future generations are shared with current generations because of the caring and loving relationship they have with their uninstantiated future generations, then one also logically has to accept that by negatively impacting the interests of the uninstantiated future generations, one also negatively impacts the interests of current generations. As such, *current people* are harmed. The non-identity problem no longer holds in this situation, because the question of whether we can or cannot harm future generations is irrelevant. The question becomes; do our actions that impact future generations harm current generations through a relationship of shared interests? My answer is yes, in certain situations where the effects on future generations are grave enough, and where we can rationally predict these effects to happen, we would be harming current generations if we willingly and consciously continue to negatively impact the interests of future generations.

A Realist Cost-Sensitive Global Approach

Introduction

In the previous two sections I have presented my argument for the inclusion of certain interests of future generations into Williams' principle for legitimacy, as well as responded to multiple critical arguments or sceptical views. This concludes the theoretical basis of my project for now. There are, however, certain questions that cannot be ignored from a practical point of view of climate change in particular.

In this section, I will first show how some countries are put in a difficult economic situation with regards to climate change. While some philosophers who argue from a cost-blind perspective of rights (Farrelly 2007, Rawls 1971), I would like to take the time to properly address this concern from a cost-sensitive standpoint. I will do so by looking at real world data about the current situation surrounding carbon emissions.

Furthermore, I will argue that this situation can be conceptualized as being in a *hard choice scenario* with regards to climate change. In essence, some countries might not be able to treat all demands that make up their respective BLD properly, which would result in them being unable to give a proper answer to the first question of politics. I will show one way in which hard problems are conceptualized by Chang (2002), and how this problem might happen in some countries by means of a cost-sensitive approach. I will argue that, in case of such problems, these countries do not share this responsibility alone, but that other countries are just as involved in their climate resilient development – climate change is a global problem that effects all countries.

Lastly, I will develop this notion of global responsibility further. I will first put forward such a moral argument made by Pogge, on why affluent countries would be obligated to offer aid where needed. He argues that affluent countries are actively harming poor countries in certain instances. However his argument still does not function as a binding, political obligation for governments. In contrast to this arguments, I will forward an argument that is not based on helping or stopping harm of countries in need, but on the political basis of the *giving* countries – on the basis to legitimacy to the subjects of giving countries. In my argument, failing to aid countries in sustainable development effectively breaches the demands set by the BLD of the affluent countries themselves; if global warming isn't properly addressed in the entire global context in which it exists, the citizens of affluent countries that

fail to provide aid will be impacted all the same as citizens from any other country in the world. This approach also offers an answer to the collective action problem (CAP) explained in the first section.

Relevant Middle-Income Economies

Following the argument made in the second section on the inclusion of future people's interests into a BLD, we can accept the implication that every state that would accept the idea of this BLD to hold a responsibility to their current citizens to act on climate change in a way that leaves the effect of climate change within acceptable margins (whatever these may be). (We won't be discussing modern science concerning green energy and other forms in which climate change can be countered, and neither will we discuss what would be deemed acceptable margins. Science, in the context of my essay, is to be understood as a practice that would deliver facts to societies and governments. Acceptable margins are moreover determined by the collection of factors that make up the BLD. The BLD in itself is a function of acceptability in society, and as such, it inherently answers the question of acceptability in itself). In this narrow sense, every country is responsible for their own carbon emissions and other greenhouse gasses to make sure that adhere to their BLD when it comes to reducing emissions to acceptable levels.

However, in a global context of the climate change problem, it is my view that Climate change is something that affects every country, while some contribute vastly more to the problem than others. As such, if some countries that are significant to, or will be significant to global carbon emissions, this doesn't only pose a problem to their respective BLD, but to all, since climate change effects all. To elaborate, let's take a look at some global facts about climate change and economics.

The six countries that are at the top of global CO2 emissions in 2020 were China (30.65%), the United States (13.54%), India (7.02%), Russia (4.53%), Japan (2.96%) Iran (2.14%). After that every country is at least below 2%, where the percentage outside of the top 70 countries drops below 0.1% of global emissions (Ritchie et all. 2020). A further rough distribution of global contribution to CO2 emissions can be found in the figure below. An easy conclusion that can be made is that the global distribution of CO2 emissions is extremely top-heavy, where the top three countries make up for more than half of the total global CO2 emissions, and where the bottom 150 or so countries make up for a fraction of the total.
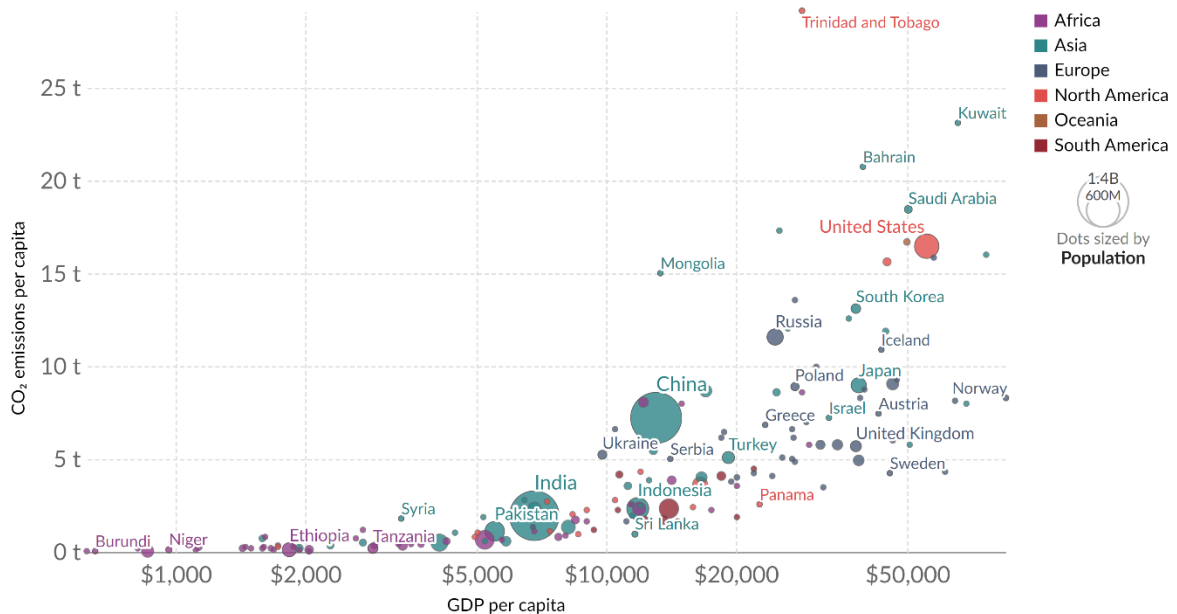
Annual share of global CO₂ emissions, 2020

No data   0%   0.5%   1%   2%   5%   10%   25%
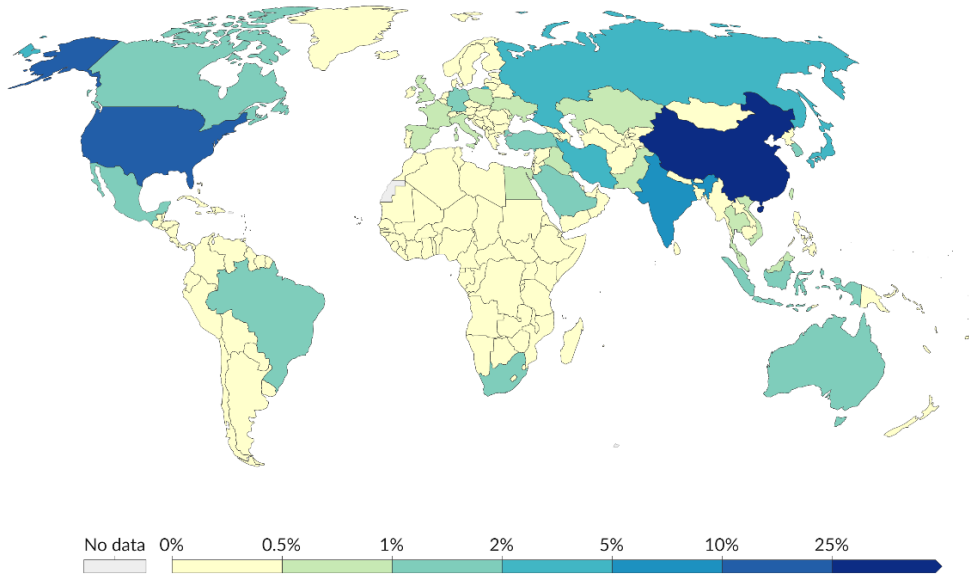
Source: Our World in Data based on the Global Carbon Project   OurWorldInData.org/co2-and-other-greenhouse-gas-emissions • CC BY
Note: This is measured as each country's emissions divided by the sum of all countries' emissions in a given year plus international aviation and shipping (known as 'bunkers') and 'statistical differences' in carbon accounts.

CO₂ emissions per capita vs GDP per capita, 2018

This measures CO₂ emissions from fossil fuels and cement production only – land use change is not included. Gross domestic product (GDP) per capita is measured in international-$ in 2011 prices to adjust for price differences between countries and adjust for inflation.

Source: Our World in Data based on the Global Carbon Project, Maddison Project Database 2020 (Bolt and van Zanden, 2020)
OurWorldInData.org/co2-and-other-greenhouse-gas-emissions/ • CC BY

A second important fact that can be seen in the second image above is that some of the major contributors to CO2 emissions do not have an exceedingly large GDP per capita. While the data on a

general relation between CO2 emissions and GDP 'are highly variable over time and between countries; any generalizations need to be treated with great care' (Grubb, Muller, Butler 2004), it's not necessary for our purposes to investigate such questions, and neither are answers to such questions.

Important is that some countries of the select few that have a disproportionally big impact on the climate are not in a desired economic situation to properly address their respective contribution to climate change. India is still considered as a low-middle income country, which might create problems in political decision-making.[10] Moreover, it is a real possibility that countries that are currently not necessarily a major contributor to global carbon emissions may become so in the future. As such, it is in the interest of all countries that these growing countries do so in a sustainable way.

All put together, the reason I now put my focus towards the tackling the problem of climate change by specifically low-middle income countries is threefold. (1) When added, these countries contribute a significant amount to climate change; (2) low-income countries (or least developed countries), while possibly be put in a situation in the future where they become significant contributors to climate change, as of today contribute a near neglectable amount to climate change; and (3) developed economies should have enough resources to properly tackle their own contribution to climate change. While problems don't necessarily exist (yet) for least developed economies (as their carbon emissions are marginal), as well as for developed economies (as they should have enough funds), they are a probable reality for middle income/low-middle income countries. Also, by addressing this problem, the same answers will be helpful for addressing the possibility of the same problem occurring when a country currently classified as 'least developed economy' experiences such economic grows for it to transition to a low-middle income economy.

The problem that emerges from (future) significant contributors to climate change that are not in a desired economic situation is that, from a cost-sensitive perspective, they might not have the resources available to properly account for all the demands set by the BLD. In such a situation, states would be forced to have to make 'hard choices' between allocating funds to different areas within the BLD, and thus lacking proper attention to other elements in the BLD. I will now turn to one way in which this problem can be conceptualized: as a *hard choice*.

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[10] UNDPAD & UN/DESA. (2014). *Country classification Data sources, country classifications and aggregation methodology*. Geneva: United Nations. Retrieved from: https://www.un.org/en/development/desa/policy/wesp/wesp_current/2014wesp_country_classification.pdf

Hard Choices Within Legitimacy Related Interests

Generally speaking, a hard choice is defined by a situation in which a choice is presented, but neither of the options presented is better or worse than the other (Chang 2002). This is contrasted with an *easy choice*, in which it is clear that one of the options is better than the other. This notion is important with regards to middle-income countries, as they might be put in a position where they simply *can't* perform all the duties tied to their BLD. All duties tied to the BLD are of equal importance in order for the state to be legitimate. As such, none of them are better or worse than the other in terms of priority; they demand equal political priority.

In my view, there are two ways in which this hard choice might be addressed without it resulting in an objection to the state. Firstly, there could be a possibility of altering the principle of legitimacy, which involved introducing a conditional hierarchy within the demands set by the BLD. The BLD would then take the form of different interests that are encapsulated within the BLD being ranked based on priority. As argued in section two, the BLD itself takes priority over 'normal' politics, which makes choosing between allocating resources to interests related to legitimacy related interests, and interests related to normal politics as an easy choice; allocating resources to legitimacy related interests is 'better'. In the same way, one could make an argument that some values within the BLD take priority over other values within the BLD. In essence, the hard choice at question here then devolves into an easy choice, for the priority conditions clearly determine one to be 'better' than the other.

This approach, however, seems cumbersome, and most likely still won't yield the desirable result. One of the strength of Williams' principle of legitimacy is its simplicity. Adding one hierarchy within the BLD itself (for example one where future generational related interests would be regarded as 'second order', thus weakened in regards to current generational related interests) could result in a slippery slope where more of these hierarchies would be added, essentially devolving the BLD into a collection of ranked interests. Such developments could be used by states as a cop out where the top ranked interests are granted more resources and attention than the bottom ranked ones. Such a development would undermine the idea that the BLD should function as the absolute basis for a state to be legitimate. As such, all facets of the BLD should be granted acceptable attention in order for a state to be able to justify its power.

The second and more expedient approach to this hard choice would involve the world to recognize climate change to be a global problem, which demands all states (i.e. the states that recognize attention to climate change as part of their BLD) to not only be responsible for their own carbon emissions, but also for those of countries who are put in a situation of a hard choice with regards to

their respective carbon emissions. Such an approach would avoid the hard choice of low-middle income countries and would ensure a proper treatment to the climate change problem.

Until this point in this section, the focus was predominantly on the receiving country (i.e. receiving of aid). The aid would be necessary for them to reach the demands set by their respective BLD. I will now shift focus from the receiving countries, to the 'giving countries', and their respective moral and political obligation towards the receiving countries, as well as to their own citizens. Within moral philosophy, efforts have been made to argue why aid should be given to countries in need. I will first put forward such a moral argument made by Pogge, on why affluent countries would be obligated to offer aid where needed. He argues that affluent countries are actively harming poor countries in certain instances. However his argument still does not function as a binding, political obligation for governments. In contrast to this arguments, I will forward an argument that is not based on helping or stopping harm of countries in need, but on the political basis of the *giving* countries – on the basis to legitimacy to the subjects of giving countries. In my argument, failing to aid countries in sustainable development effectively breaches the demands set by the BLD of the affluent countries themselves; if global warming isn't properly addressed in the entire global context in which it exists, the citizens of affluent countries that fail to provide aid will be impacted all the same as citizens from any other country in the world.

Moral claims

Pogge has forwarded an argument on a moral basis (Pogge 2002, 2005). There exists a general acceptance of the moral hierarchy of the following three claims; the least morally stringent principle would involve failing to help someone else, followed by failing to prevent harm coming to that person, followed by the most stringent claim of actively harming someone. Skinner (1972) has argued along the lines of the least stringent claim; failing to help.[11] Pogge argues from the strongest of the three moral claims; i.e. that affluent countries, in the context of global financial institutions, are actively harming the very poor in the world. This argument is relevant because an analogy can be made between the way in which the very poor in the world are harmed by means of the structure of financial institutions that Pogge argues, and the way in which climate change impacts the world. I'll elaborate on this.

Pogge's argument is directed towards the radical economic inequality between the affluent countries on the one hand, and the very poor on the other. Even today, every year millions die because of

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[11] See: Singer, Peter. Famine, Affluence and Morality. In: Philosophy and Public Affairs, Vol. 1, No. 3 (Spring, 1972), pp. 229-243.

poverty related reasons. Affluent countries are in the position to eradicate this poverty with very little drawback, Pogge argues. And while being in such a situation, and failing to eradicate poverty would only amount to the weaker moral claim of failing to help. Pogge goes a step further and argues that the affluent countries in the world are actively harming the very poor in the world by means of the conservation of a shared institutional order:

> There is a shared institutional order that is shaped by the better-off and imposed on the worse-off. This institutional order is implicated in the reproduction of radical inequality in that there is a feasible institutional alternative under which such severe and extensive poverty would not persist. (Pogge 2002, 199)

There have been critical responses to this argument. The particular notion of harm that Pogge uses involves the conservation of a particular global financial order. To this definition, Satz has responded that:

> '[…] I believe that if we cause such poverty, we do so primarily because there is an alternative set of arrangements that could more effectively combat such poverty and we do not work to bring about those arrangements. But such understanding of causation erodes the distinction between harming and failing to remedy' (Satz 2005, 53).

Important here is to note that Pogge's definition of harm does not necessarily distinguish between policies designed in such a way as to conserve a certain financial order, and market mechanisms that coincidentally work in the same manner. An example of such a mechanism is one presented by Piketty (2014) who argues that, because of a faster growth of capital compared to wages, inequalities will persist and grow towards capital holders. Such market mechanisms weaken Pogge's argument, as it shows that the persistence of global inequalities cannot solely be attributed to market policies.

But while Pogge's claim on the extent of moral responsibility is brought to doubt, there does exist a situation under which we bring harm to other countries in the context of climate change. 'In 1995, the Intergovernmental Panel on Climate Change declared it was "more likely than not" the case that global warming was caused by human activity. By 2001, it was "likely." By 2007, it was "very likely." By 2013, it was "extremely likely." There's only one step left in official IPCC lingo: "virtually certain." (Wagner & Weitzman 2016, 48). "Extremely likely" means a certainty percentage of 95%-100% in this context'.[12] The responsibility of the effect of climate change can predominantly

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[12] From: IPCC, 2013: Summary for Policymakers. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

be attributed to human action, at least the continuation of pollution actions after we became aware of human involvement in climate change. Our collective continuing actions regarding polluting energy sources continue to attribute to climate change, and as such, continue to cause harm.

This argument persists when talking about the absence of offering aid to countries that are put in a hard choice with regards to legitimacy related interests. Affluent countries, by recognizing that these countries are in a particular financial position such that they cannot properly address their own carbon emissions, and coincidentally by not offering aid, choose to let global climate change persist and increase. As such, their failure to offer aid harms citizens around the world.

Now, the question can be asked if not offering aid can be counted as 'harming' per se. It seems counterintuitive to be able to harm someone by passivity. This intuition, however, is incorrect. Certain negative rights, like a right to not be cause harm upon, can in some instances imply positive duties (Cruft 2005). Cruft argues that 'there are at least four classes of positive duty that can be entailed by any given negative right' (Cruft 2005, 30), one of which is important to our case.

> *'Duties to stop*. If you start to blackmail me out of my few possessions, in violation of my rights, then you immediately incur a duty to take whatever actions are necessary to stop blackmailing me—and this will sometimes involve positive actions'. (30)

If we understand global warming as a global problem, in which we, as a global society, have a duty to stop, then that entails a global duty to make sure that every country take the necessary actions in order to achieve this. If some countries, because of their financial situation, are unable to do this, it does not absolve other more affluent countries of their responsibility to their own citizens, as well as the rest of the world.

Legitimacy based approach

Pogge's approach has been moralistic in nature, and while Pogge has offered a stronger argument by means of 'harm' than others have (see: Skinner 1971), I believe that an approach based on the realist approach to legitimacy can provide us with an even stronger argument. The argument that I propose will be based on legitimacy, which makes it a political argument rather than a purely moral one. In that sense, it transcends the moral hierarchy of harm we discussed earlier (failing to helping, failing prevent harm and actively harming), and makes it an absolute necessity of government in order to properly justify their very authority; acting upon it, then, isn't a matter of choice anymore, but an absolute necessity.

Carbon emissions, wherever they originate from in the world, will have an impact on the entire world. It doesn't matter whether India, China, Belarus or South-Africa produce them; carbon emissions will get mixed with the atmosphere over time and impact the world as a whole. Therefore, the carbon emissions of one country impact the interests of future generations of every country equally. This brings us to the following situation. Assume that hard-choice countries prioritize other legitimacy related policies over those regarding climate change. The effect will be that carbon emissions of these countries will continue to grow or at least stay equal. This carbon emission will affect the interests of future generations of affluent countries all the same as the hard-choice countries that produce them. Now, hard-choice countries are not in a sufficient financial situation to address all legitimacy related interests; affluent countries, on the other hand, are with funds to spare. Moreover, it is within the legitimacy related interests of affluent countries to reduce carbon emissions in hard-choice countries, for carbon emissions from hard-choice countries effect the legitimacy related interests of future generations of those affluent countries. This, in my view, puts an obligation on affluent countries, based on their BLD, to intervene in the carbon emissions of hard-choice countries. The same is true for checking energy growth in future hard-choice countries (countries that are as of yet inconsequential in global contribution of carbon emissions, but are prone to (near-)future growth) and making sure that future energy growth is within acceptable carbon emissions. As such, the particular carbon emissions of other countries affect the legitimacy of other states *by proxy.*

Now, this approach also succeeds in providing an answer to the collective action problem (CAP) I discussed in the first section. As I explained, the CAP is caused by countries having the incentive to *free ride*, and spend their funds elsewhere. My approach responds stronger to this problem than other moral arguments. It does that in two ways. First, governments have a stronger incentive to act on their own climate resilient development. As I've argued, considerations about climate change are included in their BLD, which take it outside of the realm of normal politics. There is a political priority tied to climate resilient development such that there is more importance tied to it than in conventional moral approaches. Secondly, governments have a stronger incentive to hold other states accountable to their pledges surrounding climate change, as well as help where needed. As such, it provides a stronger global safety net, as well as a stronger global accountability structure.

A note has to be made on the amount of intervention that is required by the BLD. As argued in the second section, the BLD consists of what is deemed 'acceptable'. This trickles over to the extent of the impact that carbon emissions will come to have on society. So, it might be the case that the extent of the impact of climate change is more than zero; currently, the Paris Agreement has set a target of 1.5 degrees Celsius rise in global temperature compared to the pre-industrial level. This acceptable margin is meant to indicate what parameters are acceptable for minimal impact on future life. It might be the case that climate change doesn't need to be addressed in certain countries in a hard-choice

scenario for these parameters to be reached, but if this isn't the case and carbon emissions of hard-choice countries need to be addressed, then this is what will be required based on the BLD of affluent countries. As such, the burden is on the countries who's BLD includes interests of climate change to provide the funds and aid to help the countries whose BLD isn't affected by climate change.

Conclusion

The current situation in the world around climate change is daunting; not enough is being done to steer us away from the course that we are on now – of varying but surely harmful situations in the mid- to long-term future. If we don't act fast to reduce global warming to 1.5°C before 2050, the possibility of returning to normal pre-industrial levels of carbon dioxide in the atmosphere will involve more difficulty, and increased negative effects.

I have shown the risks to human well-being in the future, as well as argued how current politics has failed to provide adequate action on the problem. In an endeavor to provide a strong argument for why states have to act now, I have argued that moral theories surrounding the subject are mostly dealing with *theory* rather than *practice*. While their arguments might seem acceptable on a theoretical level, the difficulty with translating them to practice results in them being largely failing to provide proper practical force to government policy. In contrast to moral theory, I have forwarded a practice based approach that gives political priority to climate resilient development that do not rely on the same moral, ideal reasons with which liberalism, for example, is concerned. As such, my approach is more widely acceptable, and gives proper, global incentive to adequately tackle climate change.

Now what does this view do for us now in current times? On a domestic level, governments have to act on climate change now, as the science indicates, in order to justify their legitimacy. Moreover, on a global level, my realist approach provides reasons that overrule normal, domestic politics. For instance, the Paris Agreement includes aid for developing countries to improve their energy infrastructure. According to moral approaches, as I have argued in the fourth section, this is based on moral reasoning; on the notion that we do it for the sake of *the poor countries.* According to my realist approach, affluent countries have to help them for the sake of *themselves.* In order for affluent countries to be legitimate, help *has to* be offered to countries that don't have the funds for their own sustainable development. By helping them, we help ourselves. By helping them, *our* power is legitimate.

There can be further discussion about the way in which we organize the global arrangement of climate resilient development, what considerations are important, and on what normative positions these arrangements should be based. There have been suggestions made on how we should tackle climate change on a global level, for instance by means of a carbon tax (see: Wagner & Weitzman 2016). Whatever these arrangements should come to look like, I have aimed to provide a stronger normative basis on which to ground these arrangements.

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