




Injustice without Victims or Arguments from Generational Overlap?: A Reply to Gosseries on Non-Identity

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Abstract

Axel Gosseries considers, and partly defends, several strategies to address the non-identity problem (NIP). We engage critically with two strategies endorsed by Gosseries: the severance strategy and the overlap strategy. The latter comprises two different sub-strategies: the containment sub-strategy and the indirect sub-strategy. We believe that severance is less promising than Gosseries suggests. It comes at a high theoretical cost, which is important to acknowledge even if, ultimately, there is reason to pay it. The sub-strategies that comprise the overlap strategy are more promising, and they can justify more in terms of the scope and content of inter-generational justice than Gosseries suggests in his book. Endorsing the overlap strategies is attractive because doing so limits the need for impersonal considerations in theories of inter-generational justice.

Keywords Future generations · Non-identity problem · Arguments from overlap · Inter-generational justice · Equality

Introduction

Axel Gosseries considers, and partly defends, several strategies to address the non-identity problem (NIP). NIP poses a formidable challenge to the very possibility of inter-generational justice as well as to particular ways of specifying the content of what each generation owes to its successive generations.

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We evaluate two strategies endorsed by Gosseries: the severance strategy and the overlap strategy. The latter comprises two different sub-strategies: the containment sub-strategy and the indirect sub-strategy. The first (i.e. severance) is less promising than Gosseries suggests. It comes at a high theoretical cost, which is important to acknowledge even if, ultimately, there is reason to pay it. By contrast, the sub-strategies that comprise the overlap strategy are more promising, and they can justify more in terms of the scope and content of inter-generational justice than Gosseries suggests in his book. Endorsing the overlap strategies is attractive because doing so limits the need for impersonal considerations in (or in supplement to) theories of inter-generational justice.

The next section introduces and explains the two main challenges with which we engage in the rest of the paper. Section three explains the theoretical price that has to be paid for embracing the severance strategy, Gosseries's favourite way of explaining why inter-generational relationships come under the purview of justice in spite of the NIP. Sections four and five uncover some merits of grounding inter-generational justice in two arguments from overlap, one of which Gosseries discusses at length in his book, but rejects too quickly.

Two Problems

Gosseries discusses two challenges to inter-generational justice. The most important one is the NIP (Parfit 1984). The second is that of identifying the wrong of extinction which we, following Gosseries, call “the Brian Barry problem”.

The NIP (Parfit 1984) arises when a putatively wrongful action is also the necessary condition for the very existence of the wronged person. The assumptions are that individuals cannot have complaints of justice unless they are wronged, cannot be wronged without suffering some harm, and cannot be harmed unless the putatively harming action makes them worse off than they would have otherwise been. Therefore, when an action affects the identity of people born after it is committed, as long as the people in question have lives worth living, they lack a complaint against the performance of that action. Their existence would not have been possible in the absence of putatively wrongful action. For them, this is the only life on offer: the alternative would have been non-existence. This is because, and insofar as, we could only have been conceived by the people who conceived us, at the very moment they conceived us.

This problem arises at the level of individual decision-making (for example in proactive decisions), as well as at the level of policy. If the very existence of a policy—say, whether to act in an environmentally sustainable way—is a necessary condition for the existence of a person, the latter cannot have a complaint against that policy (assuming that they have a life worth living). Consider the following example (based loosely on Parfit 1984):

Green or grey. Generation 1 is deciding whether to pursue a green or a grey energy policy. If they pursue a green policy, G5 living 300 years from now will lead very good lives. If they pursue a carbon-heavy policy, the members of G5

would lead much worse, although still worth living, lives. However, due to the radical societal changes required for the green policy, none of the particular people who make up G5 exist in both the green and the grey future.

The members of G5 would not have been better off under the green policy, because they would not have existed at all. Their lives are worth living, and therefore they would not have been better off not existing. Hence, the members of G5 have not been harmed, on a comparative understanding of the term, by the grey policy. Intuitively, they have a justice-based complaint against G1 for adopting the grey policy, yet the NIP makes it hard to explain what the complaint is.

The related *Brian Barry problem* (BBP) assumes that a desirable account of inter-generational justice should explain why it would be unjust for a generation to consume or squander all of the available resources and then excuse itself from inflicting injustice by refusing to bring into existence any new people (at least when this generation could do otherwise at no great cost to themselves). Intuitively, making the planet uninhabitable for future people is in itself objectionable at the bar of justice. Yet, it is unclear how it can harm, let alone wrong, anyone, in the case that no more people come into existence. (Assuming, plausibly, that future people are not harmed, let alone wronged, by not coming into existence.) A theory that does not explain what is unjust about such a course of action seems to permit current (fertile) generations to do what appears like cheating their way out of duties of justice, by refusing to perpetuate society.

Full Severance Strategy

One could meet the NIP by adopting a severance strategy, which consists in conceptually disconnecting harm and wrong. If it is possible to act wrongly—for example unjustly—towards future people without harming any future person in particular, the NIP disappears.

Take the above example of the energy policy. It cannot be wrong to adopt the *grey* policy because it makes the members of G5 worse off, since they are not harmed. Yet, severance allows us to say that the grey policy is wrong because it makes the people in G5 very badly off, even if none of the particular people which make up G5 could have been better off. It is worse, even though it is not worse for someone.

Gosseries says that severance targets the link between harming and wronging, or committing an injustice. This is not entirely right. In fact, he operates a more radical kind of severance. He wants to sever the idea that an act is an injustice from the idea that it is wronging someone. In Gosseries's words, "full severance would entail that we endorse what has been referred to as a 'non-person-affecting' view" (p. 49). This certainly severs the link between harming and wronging, too. But there are other ways to sever this link, which he also considers in the book.¹ These strategies attempt to maintain the link between harm and justice but rethink the notion of harm—e.g. in

¹ For a discussion of this alternative which Gosseries calls the *new grammar* approach, see Unruh 2024.

terms of a threshold notion of harm.² Parfit himself thought that we can wrong people without making them worse off (Parfit 2017; Kumar 2003). This is because we have duties to “general people” based not on their numerical identity but on the kind of beings they are. Such severance strategies—usually referred to as wide-person affecting accounts—involve the recognition of harmless wrongs. But these are explicitly not victimless or plaintiff-less wrongs. Unlike strategies that cash out the notion of harm in a non-comparative way, like Gosseries’s, wide-person affecting views let go of the idea of *harm* but not of the idea that an injustice is a wrong *to* someone.³

Gosseries proposes the introduction of full-fledged *impersonal* values in theories of (inter-generational) justice, which requires accepting (quite plausibly) that there are harmless wrongs, where the latter are violations of duty, without violating a duty *to anyone*. But he goes further, more radically, by also accepting a non-person affecting view about justice in particular. Namely, he deems that the grey policy in the above example is unjust because it results in a state of affairs in which the correct pattern of distributive justice cannot be realised. Of the different responses to the NIP that he discusses, Gosseries prefers this strategy, for which, indeed, one of the authors of this piece has much sympathy. (The other has less, but he grudgingly accepts it may be the only way forward in light of the NIP problem.) It is not an unfamiliar view. It fits with certain versions of telic luck egalitarianism. G.A. Cohen, Anca Gheaus and Kasper Lippert-Rasmussen 2015, for example, embrace the radical decoupling of wrong and wronging, or wrong to (e.g. Segall 2016; Lippert-Rasmussen 2015; Cohen 2008 ch. 4; Gheaus 2013), when they claim that inequalities can be unjust—for example in pre-Columbian times between the Incas and Europeans—*even if nobody is wronged*. Justice here refers to a state of affairs. The world is unjust with such inequalities in it.

The full severance strategy comes at a substantial theoretical cost, namely accepting that an injustice can exist without there being any victim of it. The NIP is usually understood as putting pressure on the idea that members of future generations, especially distant ones, can have any complaints of justice against current environmentally harmful policies. If other parties lack the possibility, and hence duty, to improve their situation, future people who could not have existed without violations to justice between contemporaries lack a complaint as long as they have lives worth living.

To illustrate, suppose that a form of strict egalitarianism is correct. The numbers below represent the amount of whatever it is that ought to be distributed (welfare, opportunities, primary goods, etc.). Take an energy policy example again. Suppose that we, G1, have to decide on an energy policy and have two options:

² Whether such a wide person-affecting strategy is plausible as a middle way is of course up for debate. Although it seems to have gained considerable traction, people like Heyd (2014) suggest that it inevitably slides back into a more radical kind of severance.

³ Gosseries does not explicitly engage with wide person-affecting views (as defended by Kumar 2003 and Parfit 2017), which enable wrongs without harms (or, harms to general instead of specific people). These—defenders of these views—would claim are still *person affecting*, although not particular individual-affecting.

	Green	Grey
G1	6	7
...		
G5	6	4

If we pick the green energy policy, future generations will be as well off as current people. If we pick the grey policy, future generations, consisting of numerically different people, will be worse off. If we embrace either the harm-based or the wrong-based version of the person-affecting principle (something can only be harmful (wrong) if it is harmful for (or wrong to) someone), it is not clear that the members of G5 under the grey policy have any complaints. And if these individuals do not have a complaint, then they are not, presumably, victims of injustice.

The full severance strategy allows the identification of perpetrators of injustice without victims. The perpetrators of injustice are those who are in culpable, even when victimless, breach of their duties of justice. Their offence is not against particular people but against the impersonal value that is realised when the pattern of justice is realised. In our example, those who opt for the grey policy act unjustly because they act contrary to the value of equality. Other theories of justice could also take an impersonal form. Sufficientarians might claim that we have an impersonal duty of justice to avoid creating future generations who fall under the relevant threshold of sufficiency. Relational egalitarians might claim—perhaps unorthodoxly—that we act unjustly if we create a situation in which future generations cannot live together as equals because of the impersonal value of egalitarian relations.⁴

If there can be injustice without victims of injustice (assuming victimhood is analytically linked with having a complaint), and if it is sometimes impossible to improve the situation of individuals who are worse off than justice requires, then it is also true that there can be injustice when it is metaphysically unfeasible for any agent to improve the situation of the worse off. So, for example, one might think that it is unjust that past people had less than we do. Severing the link between injustice and wronging someone also severs the link between justice and metaphysical feasibility. If so, then justice can require the impossible. On this picture, theories of justice are primarily evaluative, i.e. they are primarily about ranking possible states of the world, and only secondarily action-guiding, i.e. about what we should do. This possibility, which has been defended elsewhere, is a minority view today.⁵

How does severance fare in light of the BBP? In order to formulate a satisfactory answer to this problem, part of the axiology of an impersonal view has to attach value to the continuation of humankind.

It is, however, not clear that Gosseries believes that the BBP can be, or needs to be, addressed (as we explain below).

⁴E.g. Elford (2017); in an inter-generational context see Meijers and Timmer (draft). That is, if relational egalitarianism is a theory of justice—as it is indeed usually thought to be. Gheaus (2013) resists this characterisation.

⁵ Gheaus (2013).

The Overlap Strategy

Another type of response to the NIP draws on the normative implications of generational overlap. Arguments from generational overlap derive duties to or regarding remote future generations from duties between overlapping generations.⁶ Generational overlap can be used to circumvent the NIP in two ways: first, by showing that overlap indicate, in contemporary people, duties to generations who continue to exist well beyond our lifetime, but not to remote future generations (containment), or by showing that we can ground robust duties owed to overlapping generations but whose content protects the interests of remote future generations (zipper arguments). We discuss both in turn.

Containment

The containment strategy does not aim to escape the NIP, but to make its implications more palatable. It relies on the fact that inter-generational justice includes positive as well as negative duties—an insight on which Gosseries builds what is, in our view, one of the most valuable developments in the philosophical conversation on inter-generational justice. That some individuals' identity is determined by breaches of what would be a breach of negative duties in the absence of the NIP in no way diminishes the level of positive duties between overlapping generations. Thus, assuming that the existence of some of our grandchildren is only possible due to, say, highly polluting policies, and even if they have no complaint against us for enacting such policies, we do of course owe them positive duties of justice to provide them with various goods. More generally, the currently old have duties to the currently young, in virtue of their coexistence for a period of time, and no matter the circumstances of the latter's coming into existence. The object of the duty may be something realisable only after the older generation has died. Take, for example, the storing of nuclear waste. The old wrong the currently (very) young if they avoidably store the waste in such a way that it is likely to wreak havoc on the currently young after the currently old have died, because the old owe the young a certain level of effort to provide them with a clean environment.⁷ Assuming that at least some of the currently very young will live to be 120, some of the people born in 1908 (the year in which the oldest person alive at the time of writing was born) will coexist with people who will die in 2144. And the people born in 1904 may have duties to the next generations which concern issues beyond the span of their own lives. An argument appealing to straightforward overlap allows principles of justice to cover almost 2.5 centuries.

While Gosseries is overly optimistic about the prospects of the severance strategy, he is too pessimistic about the promise of the containment sub-strategy. In particular,

⁶ It may not always be *overlap* that does the work; a better term might be “chain of generations”. On some versions of these accounts, the crucial work is done by an account of procreative responsibility, i.e. these accounts would still have something to say in May-fly cases. See Meijers (2024).

⁷ Arguments relying on overlap which ground duties to the next few generations of this kind include Hubin (1976), De-Shalit (2005), and Blake (2021).

he notes that this strategy is powerless in the case of some individual procreation that raises typical non-identity worries:

as broad as it may be, the containment strategy is limited in two important ways. The first limitation concerns the bioethics issues subject to the non-identity challenge that we discussed earlier: cloning, optimal age of reproduction, wrongful life ... Those ethically concerned with such cases want to avoid the very act of cloning itself, the very medical misinformation leading to the conception of a disabled child, or the very fact of having a too large or too small age gap between biological parents and their children. The consequences of these acts are *irreversible*. (p. 47)

We agree, of course, with the irreversibility point. Yet, unless it is impossible to improve the overall state of individuals conceived in cases like the above, containment is not silent on these issues. Assuming, as we should, that procreators have positive as well as negative duties towards their procreatees, the containment strategy implies that the putative wrongfulness of the conditions in which one has been procreated may bear on what the child is owed. The fact that someone procreates very early or very late in life or *via* cloning, or in conditions in which passing on genetic diseases is unavoidable, does not diminish the overall level of that person's positive duties towards their procreatee once they exist. Let us assume, plausibly, that procreators, or third parties, are morally required to provide their procreatees with a certain level of (opportunities for) wellbeing.⁸ If so, even if the containment strategy cannot explain why the procreatee has a complaint against being created as a clone, or as having a genetic disease, or having parents who are too young or too old, it can explain why the procreatee has a straightforward complaint if the circumstances of their birth causes their level of (opportunity for) wellbeing to fall below the level specified by justice. The crucial question then is whether the procreator—or whoever the duty-bearer is—can do anything to compensate the disadvantage that made the existence of their child possible.

In most cases, it is hard to see why parents should not be able to compensate the disadvantages incurred by the child due to the condition of their procreation. People who had children when they were too young or too old can compensate by excelling at parenting in some way. Other cases, like those involving genetic disease, also seem non-problematic, since we typically assume that (some) compensation for genetic disadvantage is possible. One way to go about identifying the right level of compensation is to employ a Dworkinian hypothetical insurance scheme, by asking how much individuals who are in possession of their fair share of resources would be willing to pay to avoid the disease. Other strategies may be available to determine what and how much compensation the procreatees are being owed.

⁸Since the procreatees are for at least a limited amount of time children, some of the content of the duty is most likely correctly identified in terms of wellbeing rather than opportunity.

The Indirect Sub-strategy

The indirect sub-strategy aims to show that we have duties *regarding* remote future generations whether or not we have duties *to* them. We call “duties regarding future generations” those that are owed merely in protection of the prospects of future generations, but not owed to them. The way in which duties regarding future generations are grounded takes the form of an argument from overlap.⁹ They come about as a part of discharging duties that a generation owes to overlapping generations.¹⁰ Since the duties are always owed to an overlapping future generation, but not to remote future generations, the indirect sub-strategy seeks to bypass the NIP.

We call indirect arguments from overlap *zipper arguments*.¹¹ Zipper arguments ground duties regarding future generations in duties between contemporaries. In other words, duties regarding remote future generations are derived from duties between different birth-cohorts at a particular time. Take an artificially simplified case, where people procreate at 50 and die at 100. At any point only two generations are alive:

T1	T2	T3	T4	T5
G1	G2	G2		
	G2	G3	G3	
			G4	G4

Duties between G1 and G2 are not mysterious; they are straightforward duties between contemporaries. Arguably, it is wrong for G1 to place G2 in a position where they cannot live together justly with G3. If equality applies between G1 and G2 and between G2 and G3, by simple transitivity equality should also obtain between G1 and G3. G1 has duties regarding G3 regardless of whether they have duties *to* G3, because G2 will have duties *to* G3. In Gosseries’s words:

We owe more to our children than what we owe them *as children*. We also owe them resources not just for themselves, but also to enable them to pass them on to their own children, grandchildren, and beyond. (Gosseries 2023, p. 12)

Gosseries entertains, at several points in his book, duties regarding future generations. But he is hesitant to endorse them.¹² We argue that zipper arguments are better equipped to deal with some of the challenges that Gosseries raises than he suggests. The indirect sub-strategy results from the combination of two claims:

⁹ Endorsed, for example by Gosseries (2001).

¹⁰ Other arguments from overlap are direct sub-strategies: they aim to show that we have duties of justice to remote future people. They appeal for example, to common projects, and forms of cooperation between non-overlapping generations. See for instance Karnein 2022; Heath 2013; Corvino 2023.

¹¹ A term Gosseries (2001) introduced in the debate about duties to future generations.

¹² In earlier work, he was more optimistic, writing that he believes that our “*obligations to remote future generations can be dealt with through the prism of our obligations towards the generation that directly follows us*” (Gosseries 2001, p. 296; see also Gosseries 2005).

1. “Their duties are our duties” (Gosseries 2023, 2001, p. 297): duties that a future generation G2, which overlaps with our own generation G1, has towards its overlapping generation G3 bear on the content of our (i.e. G1’s) duty towards G2.
2. “Duty to make sure they can procreate permissibly”: each generation has a duty, towards the members of its future overlapping generation, to ensure that they will be able to engage in permissible procreation.¹³

Gosseries raises two objections to the indirect sub-strategy. First, that the strategy to circumvent the NIP with indirect arguments from overlap may end up very demanding if it includes positive duties:

the problem is that if this strategy is followed ad infinitum, it might end up being as demanding as “better future” under certain interpretations, were our duties to be interpreted as more than negative obligations – which they should be. (Gosseries 2023, p. 85)

Here, “better future” refers to the view that we might owe to future generations *more* than what we received from previous generations. Gosseries discusses utilitarianism (p. 50) as an example of such a theory, which is prone to sacrifice the interests of earlier generations for the sake of later ones because this tends to maximise aggregate utility. Many find this overly demanding. Although Gosseries does not expand on the reasons why we should reject the “better future” implication, he seems to rely on the Rawlsian objection against utilitarianism, namely that it does not take seriously the distinction between persons. Gosseries seems to believe that taking *all* future generations into consideration would yield too demanding a view of sustainability, one which might severely limit the options of those alive today.

Three things can be said against the demandingness objection. First, if zipper arguments are indeed demanding, it is not clear why this is an objection at all. Often, it is taken to be a virtue of arguments from overlap that they can ground robust and demanding duties regarding future generations. In a sense, that is their entire point. Philosophers turn to zipper arguments because it is difficult (for reasons of non-identity and non-contemporaneity) to ground adequately demanding duties of justice towards non-overlapping future generations directly. The demandingness of the resulting duties seems to be more of a welcome implication, instead of an objectionable result of zipper arguments. Moreover, it is not an implication that is, as such, in tension with the separateness of persons—which we assume is the main objection to utilitarianism.

Second, most defenders of zipper arguments have little sympathy for utilitarianism; indeed, given that utilitarianism does not itself run into the NIP, which zipper arguments are designed to address, it is non-utilitarians who turn to the latter. Zipper arguments are concerned about the distinction between persons and hence unlikely to endorse *sacrificing* earlier generations for later ones. An egalitarian zipper argument would require that future generations are not worse off than previous ones, but not that they are better off than we, or our predecessors, are.

¹³ Defended, for example, by Gheaus 2016.

Third, it is not clear why duties regarding future generations would be more demanding than duties towards future generations as grounded by the severance strategy—for instance, than egalitarian duties flowing from the impartial importance of equality. The demandingness of the duties does not, *pace* Gosseries, follow from the “their duties are our duties” claim. Rather, it results, if at all, from the “duty to make sure they can procreate permissibly” claim. But this is a plausible claim, and so the demandingness of zipper arguments is merely the familiar demandingness of the morality of procreation.

We now move on to discuss Gosseries’s other worry about arguments from overlap, namely that our inter-generational duties will increase considerably if the population grows in the future. The demo-sensitivity of our duty regarding future generations is a function of demographic changes not only in the generations immediately after us, but in all future generations. This, too, is a worry of over-demandingness, but one that need not apply at all. Instead of taking demographic change as given, a proper account of inter-generational justice should pass a judgement on what is permissible demographic change. That is, principles of inter-generational justice should include some guidance on the direction of demographic change as well as limits on individual entitlements to procreate.¹⁴

Arguments from overlap can explain this feature: for each generation it is true that by increasing their level of procreation, they also increase the amount of resources that the next generations have to transfer (which may have severe consequences *per capita* in conditions of scarcity). Excessive procreation, which occurs if G1 creates a G2 so large that adequate transfers to G3 (and onwards) will be very hard to realise, would make the members of G2 considerably worse off (*per capita*). Because of demographic growth, they would have to either (a) look after a larger human population in the future or (b) partially forego their own procreation.¹⁵

Would it be reasonable to expect such a generation to stop procreating, and thereby to avoid incurring any duties to future people? In other words, could a theory of inter-generational justice be satisfactory even if it was not able to resolve the BBP? Gosseries entertains this question at several points in the book. He seems to think that, in conditions of extreme pressure on resources, it would be permissible for a generation to end human history, assuming this comes about as a unanimous decision. Yet the condition of making a binding unanimous agreement about putting an end to humanity is impossible to meet, since at any time in the population there will be minors who are unable to give consent to such a momentous decision (Gheaus 2015). But even if it were possible to meet the condition of a unanimous decision, we question the coherence of this position with Gosseries’s enthusiasm for the severance strategy, which, we have argued, depends on the belief that impersonal value can determine moral permissibility. Human extinction seems highly disvaluable on any plausible axiology.

Arguments from overlap have a clearer story to tell than alternative strategies why expecting a people to refrain from having children is wrong, and why even a unanimous decision to stop procreating is impermissible. Imposing on a genera-

¹⁴ See MacIver 2015; Gheaus 2016; Meijers 2017.

¹⁵ Gheaus 2016.

tion the choice to either entirely refrain from having children, or else discharge very demanding duties of inter-generational justice, severely disadvantages that generation because people have weighty interests in having and raising children. In addition, there are non-trivial reasons to think that ending human history requires more than unanimity within one generation: it also non-trivially affects previous generations, at least if we grant (rather minimal) post-mortem interests. Not only our plans which end with our generation, but also the plans and projects of all generations before us. And if we have weighty reasons to be invested in the future, this seems to entail that we also have a powerful, and morally relevant, interest in the survival of humanity after we are gone.¹⁶

A More Appealing Indirect View (Gosseries-inspired)

So far, we have argued that Gosseries's criticism of arguments from overlap is not decisive. In this section we explore some reasons why arguments from overlap could yield duties towards the future that Gosseries thinks only full severance views can. If this is right, there is no need to pay the theoretical costs of the full severance strategy for the sake of an attractive account of inter-generational justice.

A more plausible family of arguments from overlap than the ones considered by Gosseries places liabilities, instead of duties, at the heart of the account, thereby eliminating a problem with the claim that "their duties are our duties". To appreciate the problem, consider the following two cases, both of which assume an egalitarian principle of justice between overlapping generations with respect to permissible consumption, and assume that each generation must leave to the next generation whatever is required by indefinite sustainability.

Less and not enough to act. G1 leaves G2 less than what indefinite sustainability requires. It leaves so little that G2 cannot possibly give G3 enough to keep G3 at the same level of consumption as G2 even if G2 were to considerably reduce its consumption and procreation. Because ought-implies-can, G2 no longer has a duty to provide G3 with equal consumption.

It would be a mischaracterisation to say that G1 has placed G2 in a position where it cannot act on their duty to G3 to keep it at the same level of consumption as G2. Rather, G2 cannot have such a duty in the first place.¹⁷

The second case is:

Less but enough to act. G1 leaves G2 less than what indefinite sustainability requires, but enough to ensure equality of consumption between G1 and G2.

¹⁶ See arguments from, e.g. Thompson (2009), De-Shalit (2005), Scheffler (2018), Heyd (1994), Meyer (1997). The idea that duties to past people can ground a duty to continue human existence has also been criticised. See e.g. Finneron-Burns (2022) contra (Kaczmarek and Beard 2020).

¹⁷ One might think that this wrongs G2, because they can no longer engage in the kind of relation with G3 which entails more demanding duties. The problem is then not that they cannot act on their duties, but that they cannot engage in a valuable type of relationship for which these duties are a necessary condition. On such a view, it would be appropriate to say that "their duties are our concern" but not that "their duties are our duties".

However, G2 can maintain equality of consumption between G1 and G3 only by transferring some of their own fair share to G3, thus sacrificing equality of consumption between G1 and G2. G2 is as a result worse off than G1, since they have to either sacrifice their own equality with G1 or their interest in permissible procreation.

In this case, G1 did not, strictly speaking, interfere with G2's ability to discharge a duty of equality of consumption between G1 and G3.

These two examples show that "their duty is our duty" fails to do the work needed in the zipper arguments. The first example shows that duties fail to apply when we undermine others' position to act on them. While it is still true that "their duty is our duty", the principle is moot if there is no duty. The second example shows that "their duty is our duty" is not enough to protect inter-generational equality. G2 still have, and can act on, their duty. A duty-based zipper does not get us a robust inter-generational view.

Yet, Gosseries's containment sub-strategy suggests that a more convincing argument from overlap is possible. Gosseries introduces the case of a father who at T1 acts in ways that diminishes what he will be able to transfer to his future daughter unless he sacrifices the level of consumption that he would have been entitled to, had he either not engaged in the act at T1, or not engaged in procreation. The act at T1 determines the daughter's identity. Gosseries, insightfully, points out that this situation does not make a dent in the daughter's overall claim on her father's resources. The father has a duty to make up for his past action at T1 to ensure that his daughter receives the full amount of her fair share. In other words, the father is liable to his daughter's claims of justice; similarly, the daughter will be liable to claims of justice from generations following her. And there can only be lifetime equality of consumption between father and daughter if the father transfers enough to his daughter to insulate her fair share from the liabilities that she will incur after her father is gone—that is, he ought to transfer what is necessary for indefinite sustainability.¹⁸ This line of reasoning, pursued in the containment sub-strategy, indicates the most promising kind of argument from overlap.¹⁹ Instead of focusing on the duties of younger contemporaries, we should emphasise their liabilities to the claims of generations coming after. Their liabilities are our liabilities.

To illustrate how this changes things, assume an egalitarian distributive principle is true. Suppose G1 leaves enough for G2, but not enough for G3. The following lifetime distribution occurs:

G1	40
G2	40
G3	10

¹⁸Accounts which take such a shape include Gheaus's procreation-based zipper (2016) and Mazor's resource-egalitarian (2010) account. See also Meijers 2024; section "residual duties and liabilities".

¹⁹This does not mean that zipper arguments do not run into other problems. See Meijers 2024; Unruh 2021.

What does G2 owe to G3 once it exists? According to the distributive principle of equality, at least as much as G2 has. So, G2 would meet its duty to G3 if they realised the alternative distribution:

G2	25
G3	25

“Their duty is our duty” does not explain why G1 wronged G2 by placing them in this position. They left them in a situation in which equality between G2 and G3 is possible, albeit only if G3 sacrifices some of their own fair share. Focusing on the capacity to act on a duty misses this important consideration, because previous generations can quite easily change what future generations owe to each other, for example by diminishing the stock of resources. A liability model does not appeal to forward-looking duties but works its way back from the future to the present (making it impermissible for past generations to simply change what later generations can do, and hence change what they ought to do). G3 has claims against G2, and therefore G2 has a claim against G1 that they transfer enough to allow G2 to be equally well off as G1 even taking into account G2’s liabilities.

The liability-based version of zipper arguments that we propose does not, in itself, have an answer to the Brian Barry objection. That objection can be answered either by appeal to the role that impersonal values might play in a theory of justice, or by appeal to a powerful, right-protected interest in procreation and child-rearing (Gheaus 2016).

Conclusion

We have defended two claims. First, that full severance is a theoretically costly strategy. It only makes sense to incur its costs if a more appealing alternative is unavailable to explain adequately demanding duties of inter-generational justice. Second, we have indicated such an alternative. Drawing on several elements of Gosseries’s own work, a strong indirect argument can be made to ground the duties. It is good news that, even without the severance strategy, there is a normative story to be told both about why we have duties towards and regarding future people, and what the content of these duties is.

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