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2.1 Introduction

In this chapter, we introduce and sketch themes in the contemporary political philosophy of justice. We focus on Rawlsian political philosophy for two reasons. First, Rawls's work is the most important contribution to contemporary political philosophy of justice, and must therefore be given a prominent place in any account of the state of the discipline. Second, while the field has developed well beyond Rawls's contributions,¹ we believe that understanding Rawls is the key to understanding the subsequent developments. We begin, therefore, with an extended discussion of Rawls's theory. We will then sketch two major developments and current debates in contemporary political philosophy. This sketch has a dual function. It is valuable in itself, for anyone wishing to become acquainted with what is going on in contemporary political philosophy, and it is also valuable, we hope, in providing examples of how one can use Rawls's work to understand current debates.

¹We describe some of these developments later in this essay.

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Our essay consequently has the following structure. We begin (Sect. 2.2) with a brief sketch of the broad outlines of Rawls's theory of justice, concentrating on the elements that have proven to be the most influential in the field. We then focus on one particular feature of his theory (Sect. 2.3), namely the claim that "the primary subject of the principles of social justice is the basic structure of society, the arrangement of major social institutions into one scheme of cooperation" (Rawls, 1999a, p. 47). This is then the basis for the next two parts of our essay, in which we discuss the developments mentioned above, namely the debates on international (Sect. 2.4) and intergenerational justice (Sect. 2.5).

2.2 A Brief Sketch of Rawls's Theory of Justice

Rawls understands society as a fair cooperative venture between free and equal persons in which individuals pursue their conceptions of the good life. Rawls's aim is to provide principles of social justice, i.e., principles that govern how a society as a whole should be organized and maintained. He provides these principles for the ideal case of

a “well-ordered” society, where the society in question is faced with “realistic, though reasonably favorable, conditions” (Rawls, 2001, p. 13) and there is strict compliance with the principles of justice. Rawls is engaging in “ideal theory,” rather than, for example, examining how social institutions should be organized in societies which face severe scarcity of resources. Another restriction is that these principles of justice are meant to apply within societies; they do not hold for the global order of states.² Furthermore, Rawls restricts his argument to liberal democratic societies: he argues for principles that must be followed in order for a liberal democracy to be just.

Rawls (1980) regards the task of justifying a conception of justice as primarily the “practical social task” of “articula[ting] a ... conception of justice that all can live with who regard their person and their relation to society in a certain way” (p. 519). For Rawls “justification is argument addressed to those who disagree with us, or to ourselves when we are of two minds ... Being designed to reconcile by reason, justification proceeds from what all parties to the discussion hold in common” (Rawls, 1971, p. 580). When we are of two minds we are not in “reflective equilibrium.” To be in reflective equilibrium means to have reached the status of personally or interpersonally being able to agree with a theory after a process of self-examination in which one took account of all possibly relevant considerations.³

These considerations include considered moral judgements “at all levels of generality” (Rawls, 1971, p. 8). We have reason to consider these judgements reliable since they were formed under conditions which render them likely to be correct (Rawls, 1951, pp. 181–183). People often disagree about these judgements and for Rawls, the deep disagreement of people in liberal societies concerns the proper relation of liberty and equality (see Rawls, 1993, p. 227) and individuals often hold an apparently inconsistent set of such judgements (e.g., when they hold both that

all people ought to be treated equally and that compatriots take priority in the allocation of medical services at state hospitals). What goes into the philosophical process of examination ought to present those seeking reflective equilibrium “with all possible descriptions to which one might plausibly conform one’s judgements together with all relevant arguments for them” (Rawls, 1971, p. 49). For Rawls, these arguments may be informed not only by the leading traditional moral theories (such as utilitarianism, perfectionism, and contractarianism), but also by, e.g., considerations of psychological theories, political science, and theories of epistemology.

The conception of justice which is eventually accepted is not necessarily the one which accounts for the considered moral judgements with which those seeking reflective equilibrium begin. Rather, the conception which accords with all relevant considerations and moral principles matching considered moral judgements duly revised in reflective equilibrium is affirmed. Eventually, by the process of adjustment of all parts, we can reach an understanding which we can accept as a whole, i.e., a conception in reflective equilibrium. Rawls claims this is the theory it is reasonable to adopt: “Justification rests upon the entire conception and how it fits in with and organizes our considered moral judgements in reflective equilibrium ... [J]ustification is a matter of the mutual support of many considerations, of everything fitting into one coherent view” (Rawls, 1971, p. 579).

A theory of justice is justified relative to the person(s) involved in the process of reflective equilibrium. In his post-*A Theory of Justice* writings Rawls can be understood to have responded to, among other things, his so-called communitarian critics (see Mulhall & Swift, 1996). Now he interprets his coherentist conception of justification and reflective equilibrium in a pragmatic way that relativizes the conception of justification, and its tasks and methods, to a sociohistorical context.

Ethical inquiry should be directed toward the resolution of value-conflicts as they can be found in particular sociohistorical traditions. The test of a conception of justice is its success at resolving value disagreement among concerned parties. The considered moral judgements can be interpreted

²Rawls himself uses the term “peoples” and peoples are not the same as states.

³For a helpful discussion of Rawls’s method of reflective equilibrium see Daniels (1979), Scanlon (2002). For a critical assessment see, e.g., Raz (1982).

as settled convictions of a sociohistorical tradition, held by people who belong to that specific culture. In order to overcome the deep disagreement on the proper relation of liberty and equality, we have to organize our convictions “by means of a more fundamental intuitive idea within the complex structure of which the other familiar intuitive ideas are then systematically connected and related” (Rawls, 1985, p. 229). In Rawls’s conception of justice as fairness, this “more fundamental idea” is that of a society as a system of fair cooperation between free and equal persons.

The task is then to come up with principles of justice which systematize the intuitive idea and our moral convictions by appealing to “the deeper bases of agreement embedded in the public political culture of a constitutional regime and acceptable to its most firmly held convictions” (Rawls, 1985, p. 229). These principles apply to a particular set of social institutions within a society, namely the “basic structure,” which comprises the most important social institutions, such as the economy, the legal system, etc.⁴ In Rawls’s view, social justice requires that the basic structure be organized and run according to the principles of justice; but once that structure is in place, it does not require that individuals act according to those principles in their daily lives.

The function of principles of justice is to “assign ... basic rights and duties and ... determin[e] ... the proper distribution of the benefits and burdens of social cooperation” (Rawls, 1999a, p. 5). For Rawls, the relevant goods to be distributed are “primary goods,” which he defines as “things that every rational man is presumed to want. These goods normally have a use whatever a person’s rational plan of life”⁵ (Rawls, 1999a,

p. 54). In order to work out what these principles are, Rawls employs the famous device of the original position. The idea behind the original position is both powerful and simple. Rawls is trying to work out principles that govern how people ought to live together in a society. One way of doing this is to ask: what principles would people agree to live under? In the real world, the agreement would be affected by factors such as the power relations between individuals and their knowledge of their prudential interests. These seem intuitively to be factors which should not be relevant to determining principles of justice. Therefore, Rawls places the parties in the original position behind the “veil of ignorance,” which means that they do not have knowledge of “the particular features and circumstances of persons” (Rawls, 2001, p. 16), including their own.

Consequently, the eventual agreement is not tainted by power relations or naked self-interest. The idea of the original position, with the parties being behind a veil of ignorance, also expresses the liberal ideal of persons as free and equal. It expresses the ideal of persons being equal because all members of society are equal parties in the original position, “by the fact that these representatives are symmetrically situated in that position and have equal rights in its procedure for reaching an agreement” (Rawls, 2001, p. 20). It expresses the ideal of persons being free in a number of ways. For instance, parties know that each representative in the original position is free in the sense of having the power to form their own conception of the good (they do not know the particular fact of which conception of the good they hold). This knowledge affects the principles of justice that will be agreed on in the original position, because these principles will have to honor and promote that freedom of each individual person (to the extent it is compatible with the freedom of all others).

The original position is a “device” of representing central considerations that are relevant for justice. It is not meant to be an account of either an actual or hypothetical agreement. It aims to model, first, “fair conditions under which the representatives of citizens, viewed solely as free and equal persons, are to agree

⁴ See the next section for extensive discussion of this idea.

⁵ One of the central issues in the debate has been to work out what the relevant goods are for principles of distributive justice. This is the so-called “equality-of-what” question (Sen, 1980). Some of the important candidates that have been proposed as the currency of distributive justice are equality of opportunity (for resources, or welfare, or both, with the latter construed as equality of access to advantage), equality of resources directly, capabilities and basic needs. See also Braybrooke (1987), Cohen (1989), Dworkin (1981), Nussbaum (1992), Nussbaum (2000), Sen (1992).

to the fair terms of cooperation whereby the basic structure is to be regulated” (Rawls, 2001, p. 17), and, second, “acceptable restrictions on the reasons on the basis of which the parties, situated in fair conditions, may properly put forward certain principles of political justice and reject others” (Rawls, 2001, p. 17).

We can now state Rawls’s principles of justice:

- (a) “Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and
- (b) “Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle)” (Rawls, 2001, pp. 42–43).

We now turn to more detailed discussion and focus first on the claim that “the primary subject of the principles of social justice is the basic structure of society, the arrangement of major social institutions into one scheme of cooperation” (Rawls, 1999a, p. 47).

2.3 Justice and the Basic Structure

According to Rawls (1971) “justice is the first virtue of social institutions, as truth is of systems of thought” (p. 3). His theory of justice is largely concerned with a subset of these social institutions, namely the institutions of the so-called basic structure of society (Rawls, 1971). Rawls (1993) claims that the basic structure of society is “the first subject of justice” (p. 257) and the development of a conception of justice for this subject has “a certain regulative primacy with respect to the principles and standards appropriate for other cases” (pp. 257–258). Rawls provides the following preliminary definition of the basic structure: it is “the way in which the major social institutions fit together into one system, and how they assign fundamental rights and duties and shape the division of advantages that

arises through social cooperation. Thus the political constitution, the legally recognized forms of property, and the organization of economy, and the nature of the family, all belong to the basic structure” (Rawls, 1993, p. 258; see also Rawls, 1971, p. 23; Rawls, 2001, p. 10).

The basic structure is identified in this way because Rawls wants to demarcate a particular subject for his principles of justice, namely “the domain of the political” (see e.g., Rawls, 1993, pp. 11–12). The political domain for Rawls is distinguished by two features above all. First, membership of it is involuntary. Entering it is clearly involuntary, because it is caused by an accident of birth. Further, for Rawls’s purposes, which have to do with formulating principles of justice for a closed society, exit is also involuntary.⁶ The second distinguishing feature of the political is that “political power is always coercive power backed by the government’s use of sanctions, for government alone has the authority to use force in upholding its laws” (Rawls, 1993, p. 136). Consequently, for Rawls, “the political is distinct from the associational, which is voluntary in ways that the political is not; it is also distinct from the personal and the familial, which are affectional again in ways the political is not” (Rawls, 1993, p. 137). Having identified this domain of the political, Rawls’s aim is to provide “a moral conception worked out for a specific kind of subject, namely for political, social, and economic institutions” (Rawls, 1993, p. 11). This moral conception is the political conception of justice, and the aim of such a conception is to answer the fundamental question of “what is the most appropriate conception of justice for specifying the fair terms of cooperation between citizens regarded as free and equal, and as fully

⁶Rawls does not ignore the importance of immigration (see Rawls, 1993, p. 136, fn. 4). But he considers that it is appropriate to “abstract from it to get an uncluttered view of the fundamental question of political philosophy” (Rawls, 1993), namely what principles of justice should govern a society that “is to be conceived as a fair system of cooperation over time between generations” (Rawls, 1993, p. 18). The question of immigration is to be dealt with a later stage, when “discussing the appropriate relations between peoples, or the law of peoples” (Rawls, 1993, p. 136, fn. 4).

cooperating members of society over a complete life, from one generation to the next” (Rawls, 1993, p. 3).

We can say that by his description of the basic structure, and his interpretation of its normative significance, Rawls dignifies the political. The political space is where the fundamental issue arises of how individuals, each holding their own particular conceptions of the good (which may and often will conflict), can nonetheless agree on the principles that should coercively govern their association as a society, and in a way which respects each as free and equal. Further, this domain is not just where the issue arises—it is also where it must be settled.

This separation of the political domain from comprehensive conceptions of the good identifies the subject of justice. The principles of justice apply directly to the political domain, and not, for example, to associational or affectional relations.⁷ The demanding principles of distributive justice identified by Rawls (the well-known principles of equal rights to basic liberties, equality of opportunity, and the distribution of basic goods to the maximum advantage of the worst-off) apply to the set of institutions that constitute the basic structure. Additionally, the principles hold specific rules for transactions between the individuals who are members of a society formed by the basic structure.

2.3.1 What Is the Basic Structure?

Three features have often been understood as providing criteria for identifying what belongs to the basic structure. First, pervasive influence on the life prospects of people who live under those institutions constituting the basic structure (see e.g., Cohen, 1997; Hodgson, 2012); second, it is the institutions of the basic structure which create the basic conditions of stable social cooperation

⁷This issue was famously the site of one of the important feminist objections to Rawls’s theory, which argued that the family, despite being what Rawls would call an affectional association, is an institution that does belong to the basic structure and is subject to the principles of justice (see Kittay, 1999; Okin, 1989).

(see e.g., Heath, 2005); third, the institutions of the basic structure have the coercive nature of political power (and are consequently in a special way in need of justification) (see e.g., Blake, 2002; Nagel, 2005).

While commentators have often understood the three features as mutually exclusive criteria for identification of the basic structure we suggest they ought to be understood as being joint criteria. The basic structure is an institutional expression of a complex ideal of justice,⁸ which is realized by those persons who engage in fair cooperation according to principles of social justice. They thereby autonomously choose their lives under conditions of pluralism of conceptions of the good life. The basic structure renders these morally important choices and relationships possible, because the options that are available to members of the society are essentially determined by the institutions of the basic structure. When the basic structure is just, the resulting procedural background justice ensures that the decisions and actions of individuals in pursuit of their projects do not undermine the possibility of cooperation as free and equal persons.

2.3.2 The Constitutive and Instrumental Significance of the Basic Structure for the Validity and Realization of Rawls’s Ideal Principles

What is the relation, if any, between the idea that the basic structure is the first subject of justice and the scope as well as validity of the principles of distributive justice?

⁸Rawls justifies the idea of the basic structure as the first subject of justice coherently in terms of his method of the reflective equilibrium (see e.g., Rawls, 1993; fn. 8, and see Sect. 2.1, above): The main ideas justify each other; the justification of the idea of the basic structure is based on identifying a systematic connection with the other main ideas. Thus many of the considerations that Rawls presents in favor of the idea of the basic structure are connected with the other main ideas of his conception of justice as fairness.

For Rawls, the basic structure, first, is constitutive of the validity of his demanding principles of distributive justice, and a just basic structure (i.e., a society structured by Rawlsian principles of justice) is, secondly, instrumentally important because through it Rawlsian social justice is fully realized.

Rawls justifies the constitutive importance of the basic structure with two considerations: first, principles of justice or other moral standards can only claim validity for certain social subjects; the validity of Rawls's principles can be justified for the basic structure. Rawls argues for an irreducible plurality of principles which owe their existence to differences in the structure and the social role of institutions (Rawls, 1993, p. 262). Rawls proposes to methodically develop this pluralism of first principles in a way that the principles are sequentially ordered, so that the factual interconnectedness of the subjects or spheres is considered. The methodological primacy of the basic structure means that Rawls suggests to initially clarify the principles of justice for the designing and regulating of the basic institutions of a society. Later, principles of justice and moral standards for other subjects are to be justified, especially for issues of individual behavior under non-ideal conditions, for the regulation of international and transnational relations as well as intergenerational relationships and of private associations or non-basic institutions (Rawls, 1993, pp. 259–262; Rawls, 2001, pp. 11–12). Rawls justifies the constitutive importance of the basic structure, secondly, with the already mentioned first main argument in favor of the basic structure as the first subject of justice: The basic structure is a particularly important subject of justice because of its pervasive effects on the life chances of individuals. To be sure, it is not the empirical claim of the influence of the basic structure of society on the life chances of people that Rawls uses regardless of other considerations as an argument in favor of the idea of the basic structure as the first subject of justice (but see Cohen, 1997). Rather, Rawls argues for the characterization of the basic structure as the first subject of justice because justice as fairness requires a specific institutional form. The ideal of persons with a sense of justice and the ability to

develop a conception of the good and live by it, who treat others as free and equal and cooperate with them according to comprehensible rational principles and rules, requires a specific social order, i.e., a basic structure regulated in accordance with these principles and rules. The institutions that make up the basic structure thus rightly have a fundamental impact on the capabilities, talents, expectations, and interests of the members of society, on their options and opportunities in life. Only because these institutions have that influence, citizens can realize the ideal of exercising their essential moral abilities of autonomously pursuing their conception of the good while simultaneously respecting others as being free and equal in their exercise of the same abilities.

Second, a just basic structure (i.e., a society structured by Rawlsian principles of justice) is instrumentally important in the sense of being the condition of the complete realization of Rawlsian social justice. The basic structure maintains the background justice of society as a whole. Stable just circumstances are possible if the system of the basic institutions, whose rules are determined by the Rawlsian principles of justice, is accompanied by well-recognized rules for the cooperation between members of the society who pursue their respective conception of the good life autonomously and in doing so often form a private association (Rawls, 1993, p. 300f; see also Rawls, 2001, p. 10). The individuals and associations are free to make their transactions only when “elsewhere in the social system the necessary corrections to preserve background justice are being made” (Rawls, 1993, p. 269). Only these two sets of rules together, i.e., the rules for the basic institutions of society and the rules which individuals and associations have to follow (nongovernmental/non-basic institutions) in their transactions, can secure the conditions of fair cooperation between free and equal citizens. Persons should be free in the development and implementation of their respective life plans according to their conception of the good life. The reasonable pluralism of such conceptions that Rawls assumes is incompatible with the moral claims of, for example, a classical utilitarian position (see e.g., Rawls, 1993, pp.

xviii–xix.; Rawls, 1999b, p. 15). Nonetheless, individuals in the pursuit of their projects, in their numerous transactions, their cooperations in partly nongovernmental associations and in their contributions to non-basic institutions of society, have to follow the rules of a society regulated according to principles of justice. Then they behave in a fair way and preserve just conditions (Rawls, 1993, p. 284). If the citizens comply with conviction to the rules and it is publicly known that the justice of the society is maintained in this way, the society can be considered well-ordered (Rawls, 1993, pp. 201–202; see also Rawls, 2001, p. 8) and remains just, even if citizens violate the rules once in a while (Rawls, 1999b, p. 15).

2.3.3 The Idea of the Basic Structure, the Scope of Rawls's Principles of Justice and Pluralism of First Principles

What, if anything, follows for the scope of Rawlsian obligations of justice from the idea of the basic structure as the first subject of justice? (cf. Abizadeh, 2007).

The claim that the basic structure is the primary subject of justice is, first, understood in such a way that the basic structure is instrumentally important for the realization of justice. In his *Lectures on the History of Political Philosophy*, Rawls supports this interpretation by distinguishing the following questions for the discussion of any conception of justice: First, the question about the reasonable or true principles and their justification, and second, the question: “What workable and practicable political and social institutions most effectively realize these principles and keep society stable over time?” (Rawls, 2007, p. 215). His answer to this question is, as already shown: the basic institutions of the basic structure of society; the principles of justice can only be realized optimally by means of a basic structure. According to the second interpretation, the basic structure is a constitutive element of an ideal of justice. We assume neither that the existence of a basic structure is required

for the applicability of justice considerations, nor that the basic structure has only instrumental value for the realization of justice. Rather, the basic structure is constitutive for the validity of certain duties of justice, and according to Rawls, apparently also for the duties defined by the Rawlsian principles. Furthermore, there can be other duties, whether they are called duties of justice or basic moral duties, which require individuals to render such just circumstances possible and to establish a basic structure and contribute to its fair adjustment. In addition to the rules for individuals and institutions, Rawls distinguishes other principles of justice and basic moral obligations, in particular for non-ideal conditions (see e.g., Rawls, 1971, pp. 7–8 and §§ 18–19; diagram Rawls, 1971, p. 94). Most importantly, this includes the “natural duty of justice” (Rawls, 1971, p. 99) which ascribes to individuals the duty to contribute to the establishment and preservation of a just society. For Rawls, there are other principles of justice for international relations and “local justice” (Rawls, 2001, p. 11). As Rawls emphasizes in *Political Liberalism*: The principles of his conception of justice “are plainly not suitable for a general theory” (Rawls, 1993, p. 261), neither for a general theory of morality (Rawls, 1993, p. 261, fn. 5) nor of justice (Rawls, 1993, p. 272, fn. 10), but only for the idealized case of the “relations among those who are full and active participants in society, and directly or indirectly associated together over the course of a whole life” (Rawls, 1993, p. 272, fn. 10).

Considered together, the first and second interpretations limit the scope of application of the Rawlsian principles of distributive justice to objects that can optimally be regulated by a basic structure; because only with regard to such objects must people fulfil the natural duty of justice to regulate it in a just way. According to Rawls, this is not the case for our relations with incurable, severely mentally disabled people or with animals. It is his view that other principles of justice or other moral standards may apply here (Rawls, 1971, p. 15). However, the fulfilment of the claims of justice defined by the principles for the basic structure is not necessarily morally more important than the fulfilment of other principles of

justice or moral standards for other subjects (see also Freeman, 2014, pp. 89–90). The methodological priority of the basic structure as a subject of justice is compatible with the possibility that, after taking into account the moral requirements of other subjects, the fulfilment of the principles of justice for the basic structure is linked to the fulfilment of these other moral requirements, or even that the latter have priority over the former. With regard to the principles of international and intergenerational justice this seems to be Rawls's view. The principles and obligations of international law and of fair interaction with future people limit the extent to which the principles of justice should be fulfilled within a single society. It would be impermissible to put the less advantaged in one's own society in a better position at the cost of unfair international trade relations, the non-fulfilment of the international duty to assist so-called burdened peoples who cannot establish stable just conditions without assistance (Rawls, 1999b, pp. 105–112, 112f), or at the cost of the breach of the principle of just savings, whose fulfilment is essential in order that future generations can live under conditions of justice (Rawls, 2001, pp. 159–160).

2.4 Extending Justice in Space: Global Justice

There is an obvious and close connection between political and social developments on the one hand and developments in political philosophy on the other; indeed, one author goes so far as to say that “living political philosophy arises only in a context of political urgency” (Williams, 2006, p. 155). While that may be a little exaggerated, the basic thought is plausible. Skinner, for instance, has shown how the political and military struggle of Italian city states for independence was intimately tied up with and an influential cause of theoretical changes, for example in understandings of the concept and conditions of liberty (Skinner, 1998). Closer to home, it is surely no coincidence that the modern renewal of (analytical) political philosophy began in the late 1960s and early 1970s in the USA, during a time of

much political upheaval in that country, such as the war in Vietnam and the growth of the civil rights movement. Unlike some other branches of philosophy, political philosophy has always been directly engaged with the social world and has always sought to respond to it.⁹

The research direction of political philosophers over the last three decades is not, given this point, surprising. Some of the biggest developments—political, social, technological, cultural—in that time have been the increased power of human action in both space and time; growing awareness of this power; and progressively deeper connections and interdependencies between all members of the global order (most obviously, states). As a consequence, the biggest growth areas in political philosophy over that time have, in our opinion, come in the area of what is sometimes called “extensions of justice;” i.e., in the fields of international/global justice and intergenerational justice.¹⁰ In what follows, we will attempt to quickly sketch what we hope is a useful map of those two debates.

In this section, we discuss the extension of theories of justice to the global arena, and focus on the questions of international distributive justice: are there principles of international distributive justice? Are these the same as those that hold within single societies? Who are the relevant agents when it comes to fulfilling these principles: collectives such as states or individuals?¹¹ Building on the previous sections, we will use the

⁹As Ryan (2012) shows in his excellent account of the history of political philosophy.

¹⁰Our claim is not that these subjects were new. There is a history of thinking about international justice (see e.g., Coulmas, 1990; Held, 1995; Beitz, 2005; Höffe, 2007) and intergenerational justice (see e.g., Birmbacher, 1988, Chapter 1; Jonas, 1984; Muniz-Fraticelly, 2009). Our claim is rather that in the last 30 years there has been a significant amount of work done on these issues (see e.g., Meyer & Roser, 2010 (on intergenerational justice); Blake & Smith, 2013 (on international distributive justice)).

¹¹There are important other debates in the field of trans- and international justice that, owing to limitations of space, we do not discuss. For example questions of justice as related to issues such as immigration, just war theory, humanitarian intervention and assistance, territorial rights, colonialism, international trade.

idea of the basic structure to describe these debates. One of the earliest issues raised in the global justice debate was the question: is there a global basic structure? In seminal work, Beitz (1979) argued that there is a global basic structure, on the grounds that the global order demonstrated a significant degree of economic interdependence, significant enough to justify understanding the global order as a system of mutual cooperation. On that basis, he claimed that Rawlsian principles of justice ought to apply globally; that is, he accepted (more or less) the Rawlsian theory and (particular interpretations) of (a) the basic structure and (b) its relevance for justice, and on this basis sought to extend the scope of Rawlsian distributive justice.¹²

This view belongs to a family of views that has been given the label “cosmopolitanism.” Cosmopolitanism has many varieties (see Caney, 2005, pp. 3–7; Pogge, 1994), but in our context the common feature of cosmopolitan views is that they all hold that the same principles of justice apply globally and domestically. Beitz’s view itself can be separated into positions on three issues. First, there is the empirical question of whether there is a global basic structure. Second, there is the theoretical question of how best to understand what the basic structure is (see preceding sections). Third, there is the issue of if and how the basic structure is relevant for justice—that is, even if there is a global basic structure, does this imply anything for one’s view on global justice? In terms of these three questions, Beitz, in the first edition of his monograph, answered the first question affirmatively (Beitz, 1979); this affirmative answer was grounded in part on his answer to the second question, namely in terms of structures of widespread trans- and international economic interdependence. Given a certain interpretation of the Rawlsian account of the relationship between the existence of a basic structure and justice, this meant that Rawlsian principles of justice governed (at least some of) the relations between people living in different states.

¹² Another seminal work of Rawlsian cosmopolitanism is Pogge (1989).

One of the most important strands of reaction to this view has consisted in attempting to work out how best to understand the basic structure.¹³ Sangiovanni (2007), for instance, argues that the basic structure is to be understood in terms of reciprocity, and that for distributive equality as a demand of justice to apply, there has to be a relation between individuals such that they “ultimately rely ... (on each other) ... for the basic goods necessary to pursue and develop a plan of life” (p. 35). Another view, perhaps most famously advocated by Miller (2007), is that the ground of obligations of distributive justice—which can be understood as a functional equivalent of the basic structure for Rawls—is shared national membership. This view can be understood (but does not have to be) as a way of interpreting and developing the central Rawlsian claim that the rights and obligations of distributive justice arise only when people stand in certain normative relations to each other within a state. A third interpretation of Rawls identifies the basic structure with coercive institutions. Blake (2002), for instance, argues that the obligations and demands of distributive justice arise because state coercion requires justification; the corollary is that when there is no state coercion, there is no need for this justification, and consequently the obligations and demands of distributive justice do not arise. Another proponent of the coercion view is Nagel (2005).¹⁴ For Nagel, “justice is something we owe through our shared institutions only to those with whom we stand in a strong political relation. It is, in the standard terminology, an associative obligation” (p. 121). The strong political relation Nagel identifies as relevant is that of sharing a basic structure, its key feature being that it is comprised of coercive institutions that people have no choice about

¹³ As we saw in the previous sections, this has also been a very important issue in the context of domestic justice. It is fair to say that some of the motivation for this work is owed precisely to the importance of the issue for discussions of global justice.

¹⁴ His arguments are not entirely clear, nor is it entirely clear why his paper has had the influence it has had, but nonetheless, it has, and it will therefore be necessary to sketch his position a little.

joining. The major difference between Blake and Nagel comes in the conclusions each draws. For Blake (2002), a shared set of coercive institutions justifies the claim that “liberalism can consistently limit its concern for relative deprivation to the domestic arena, and be concerned only with absolute deprivation in the international arena” (p. 259). That is, Blake thinks principles of justice do apply globally, but that a further, more stringent set of principles applies domestically. Nagel, however, concludes that no principles of justice apply globally. This is because the only people entitled to demand the uniquely high justificatory standards required of sovereign states are members of that state, as it is only the members who are required to actively comply with the coercive demands of the state. Further, the only people who have to respond to these demands are also the members, because it is only the members who are responsible for the system that makes these coercive demands. From this it is but a short step to the claim that global institutions are neither (a) involuntary nor (b) coercive in the same way, and therefore the demand and responsibility for justification that constitute the ground and determine the content of “the positive obligations of justice,” simply do not arise. So for instance, in Nagel’s view, while we have duties to alleviate world poverty, they are to be understood as humanitarian duties rather than duties of justice.

The most straightforward empirical counter to this view is to object that the global order is indeed an instance of a coercive structure, or at least sufficiently so to make principles of global distributive justice applicable to it (see e.g., Cohen & Sabel, 2006). A different objection is to argue that even if Nagel is correct in claiming that the state is coercive in a special way, it does not follow that no requirements of justice apply at the global level (Julius, 2006). A third development is to argue that even if there is no global basic structure, there may, under certain conditions, be a duty of justice to create one—this being an interpretation of Rawls’s “natural duty of justice” (see Sect. 2.2) (see Beitz, 1983, p. 595, and more recently Ronzoni, 2009). This last position is interestingly similar to Rawls’s own view on international justice, even though Rawls’s

normative interpretation of international relations is non-cosmopolitan: for Rawls the appropriate subject matter for international justice is relations between societies (“peoples,” in his terminology) rather than between the individual members of a society. The relevant agents are societies, and principles of justice for the international order apply to relations between societies, not relations between individual persons qua individuals (Rawls, 1999b, § 4). This claim has been one of the central issues in the discussion: who or what is the relevant agent in the global context? What, if anything, is the normative significance of states? Rawls’s theory of international justice is a prominent example of the views which argue that the relevant collective agent—nations, or states, or communities of a certain kind—possesses a normative significance that can play out in different ways.¹⁵ As noted above, the cosmopolitan view is that membership of a state is irrelevant when it comes to justice (see Pogge, 1989, p. 247). Cosmopolitanism has been further linked with global egalitarianism, namely, the view that there is a set of egalitarian principles of distributive justice which is the same (in content and weight) both within and beyond states. This last link is not theoretically necessary—strictly speaking, one could be cosmopolitan by holding that *no* principles of justice apply both within and beyond states—and a recent development in the field has been the development of globally egalitarian theories of justice which nonetheless think that the state, and being a member of it, is normatively relevant in terms of whether, which, and how principles of justice apply (see Risse, 2012; Ypi, 2011).

However, Rawls also gives importance to the establishment of a just basic structure: he claims that well-off liberal societies can have an obligation that is expressed in terms of contributing to establishing a basic structure. He calls this “the duty of assistance,” and his claim is that “well-ordered people have a *duty* to assist burdened societies” (Rawls, 1999b, p. 106). The aim of this duty “is to realize and preserve just (or decent)

¹⁵ Other prominent examples are Tamir (1993), Miller (1995), Walzer (1983).

institutions” (Rawls, 1999b, p. 107). For the non-cosmopolitan Rawls, this realization or preservation refers to the just or decent institutions within and of a particular society, rather than to putative global institutions—what is important is that something like a just (or decent) basic structure is securely established within each society, and well-off societies can have a duty to help other societies bringing this about. Rawls suggests that this duty of assistance is analogous to the duty he proposes regarding intergenerational justice, namely the duty of just savings (Rawls, 1999b, pp. 106–107) (see Sect. 2.5 below).

Now, Rawls’s work did indeed shape and continues to shape the debate, but it has been suggested that the field is now moving beyond it (Blake & Smith, 2013). In later work, Pogge can be understood as arguing that the debate on the basic structure misses the point when it comes to global justice. Rather, it is a simple matter of responsibility for causing avoidable harm—global institutions cause world poverty, and so people have a responsibility not to participate in or support such institutions (Pogge, 2008). This argument does not have to rely on claiming that the institutions in question together comprise a global basic structure. Another important example outlined by Blake and Smith (2013) is the attempt to ground obligations of distributive justice in non-associative ways; i.e., to simply deny the Rawlsian claim that a shared basic structure is a necessary condition for justice to apply. Barry (1989, pp. 183–189) and more recently, e.g., Caney (2005) argue that obligations of global distributive justice do not arise or depend on interactions between people. Rather, we should appeal to intuitions of impartial considerations and treatment as equals that we find in a different part of Rawls’s theory, namely the claim that arbitrary inequalities of any kind are unjust.

2.5 Extending Justice in Time: Intergenerational Justice

Today the question of what we owe future people (and of how currently living people ought to go about fulfilling their intergenerational duties) has

become a pressing international issue. The consensus of scientific opinion is not only that the observed warming of the globe over the past 50 years is caused by human actions (see e.g., Cook et al., 2013) but also that the in-principle avoidable anthropogenic climate change imposes heavy risks on future people by significantly increasing the likelihood of very many future people’s basic human rights being violated (see e.g., Caney, 2010).

Rawls (first in Rawls, 1971, and in 1999a, especially § 44; Rawls, 1993, p. 274; Rawls, 2001, especially §§ 49.2 and 3) suggests an ingenious way of extending the scope of his conception of distributive justice to the relations between generations. Rawls proposes a principle of “just savings.” A society “saves,” as Rawls understands it in the intergenerational context, when the society undertakes actions that make later generations better off at the expense of earlier generations. For Rawls the value that counts is people’s ability to maintain a just society. Savings concern all actions necessary to maintain a just society, the long-term investments in infrastructure, the transfer of capital as well as “knowledge and culture” and “techniques and skills” (Rawls, 1999a, 1999b, p. 256). Mitigation measures would also clearly count as Rawlsian “savings,” even though Rawls does not even mention the reduction of pollution in his discussion of the savings principle.

Rawls presents the just savings principle as the outcome of a decision reached in the contract-theoretical (hypothetical and nonhistorical) decision-situation of the original position. Certain non-contingent features of the relations between non-contemporaries present a challenge for a theory of intergenerational justice. Indeed, the question of justice as Rawls understands it does not arise: We cannot cooperate with past and future non-contemporaries and, while previous generations can benefit or harm us as we can benefit or harm future people, we cannot benefit or harm previous generations and future non-contemporaries will not be in a position to benefit or harm us (Rawls, 1971, § 22). Rawls responds by abstracting from these features and adjusting the interpretation of the original position for the

intergenerational context (Rawls, 1993, p. 274; Rawls, 2001, § 25.2). Instead of knowing that they exist today (the “present-time of entry” interpretation), the contractors know that they belong to one generation, but they do not know to which particular generation they belong. From behind this “veil of ignorance” they determine a just savings rate.

The contractors must distinguish two stages of societal development. In the accumulation stage future people will reach “the conditions needed to establish and to preserve a just basic structure over time” (Rawls, 2001, p. 159) only if currently living people will save for them. Rawls holds that they have reason based on their natural duty to justice to do so in that stage. Once just institutions are securely established—this is known as the steady-state stage—justice does not require people to save for future people. Rather they should refrain from acting in ways that would not allow future people to continue to live under just institutions. Rawls also holds that, in that second stage, people ought to leave their descendants at least the equivalent of what they received from the previous generation (see Gosseries, 2001 for a comparative assessment of Rawls’s substantive principle). This additional claim can be supported by the idea of a presumption in favor of equality (Sidgwick, 1981, pp. 379–380) and by non-justice-based ethical considerations as delineated below.

Contractors cannot know whether previous generations have saved for them. Why then should they agree to save for future generations? Practically speaking, this is a major issue. When it comes to preserving the natural conditions that will allow future people to live under conditions of justice, most justice theorists today argue that the previous and current generations have not saved enough in terms of mitigating the global consequences of anthropogenic climate change or enabling future people to adapt to the non-avoidable consequences of climate change (see e.g., Shue, 1999; Meyer, 2013). However, Rawls does not address the problem, or at least not in a direct way. He understands previous generations’ noncompliance with a just savings principle as a problem of non-ideal theory (Rawls, 1993,

p. 274, fn. 12). The original position, however, belongs to ideal theory: strict compliance with whatever principles are agreed on is assumed (Rawls, 1971, pp. 144–145). Rawls introduces problems of partial compliance and noncompliance only at the level of non-ideal theory (Rawls, 1971, Chapter iv). In accordance with this understanding of ideal theory, Rawls assumes that the generations are mutually disinterested. He takes the contractors to agree to a savings principle “subject to the further condition that they must want all previous generations to have followed it.” Rawls continues: “Thus the correct principle is that which the members of any generation (and so all generations) would adopt as the one their generation is to follow and as the principle they would want preceding generations to have followed (and later generations to follow), no matter how far back (or forward) in time” (Rawls, 1993, p. 274; Rawls, 2001, p. 160). The principle of just savings thus agreed on is thought to be binding for all previous and future generation. As Rawls never addressed the question of how we should respond to the impact of past generations’ not having saved at just rates it remains unclear how his savings principle can determine what currently living people owe future people as a matter of justice (Dasgupta, 1994, pp. 107–108).

There are a number of principled objections to Rawls’s strategy of abstracting from the special features of intergenerational relations to extend justice considerations intergenerationally (see e.g., Heyd, 2009a). The objection is that these features mean that the circumstances of justice do not obtain intergenerationally, and therefore considerations of justice are inapplicable to intergenerational relations. Theorists appeal to, for example, the current nonexistence of future people (De George, 1981, p. 161), the inability of future non-contemporaries to enforce or waive their claims against currently living people (Steiner, 1994, pp. 259–261), and the impossibility of reciprocity between non-contemporaries (Heyd, 2009a). Furthermore, currently living people cannot have particular knowledge of future people as individuals (Cowen & Parfit, 1992, p. 148). Rawls apparently considers these features of intergenerational relations irrelevant for the

validity and applicability of justice considerations (as does, e.g., Barry, 1977, 1995): we ought to abstract from these features on the principled ground that they are irrelevant for the moral status of future people as free and equal persons. Given this moral status, currently living people are required to relate morally to them as fellow humans; future people will be bearers of rights or legitimate claims in the future; the legitimate claims they have will be determined by the interests they have then; currently living people's actions and policies can severely frustrate basic interests of future people; if they act in such ways when they can avoid doing so and at reasonable costs to themselves, they violate future people's legitimate claims; therefore, currently living people stand under the obligation to protect the basic interests of future people, and this obligation does not depend on the particular identity of future persons (see also Hoerster, 1991, pp. 98–102).

This may seem plausible, but in his brief discussions of intergenerational justice, Rawls bracketed the “non-identity problem” that, among others, Parfit discovered¹⁶ and investigated in his seminal work (Parfit, 1976, 1982, 1984, part IV). The non-identity problem challenges the very possibility of currently living people affecting the interests of future persons, that is, the very possibility of harming or benefiting them, and is widely seen as the most serious challenge to extending justice considerations to intergenerational relations.

Assume that continuing with business-as-usual in climate protection is an example of a policy that clearly violates Rawls's savings principle because the policy will predictably violate the justice claims of future people vis-à-vis the currently living by seriously undermining future people's chances of preserving (or establishing) a just basic structure. The non-identity problem challenges the possibility of criticizing the policy on these grounds: If the currently living people fulfil their justice obligations vis-à-vis future

generations, they will pursue policies that will non-intentionally change who will procreate and when. These policies will therefore bring into existence different people, compared to the people who would have existed under business-as-usual. But if not continuing with business-as-usual would have resulted in the allegedly harmed person not coming into existence, consequently that person cannot be said to have been harmed by continuing with business-as-usual. This reflects a common understanding of harm according to which an action harms a person only if the action causes this person to be worse off than that person would have been had the agent acted otherwise. This counterfactual notion of harm makes no sense with respect to persons whose existence depends upon the allegedly harming action, because they cannot be worse off owing to this action than they would have been had this action not been carried out. For in that case, they would not have existed. The challenge is that this seems to exclude the possibility of our harming future people when we choose among long-term policies with significantly differing consequences for the quality of life of future people, because without the policy the allegedly harmed people would not have existed.

One way of meeting this challenge is to argue that harming a person can be understood differently and in a way that is unaffected by the non-identity-problem (see Meyer, 2003, pp. 147–149; pp. 155–158, for a detailed discussion. For other responses see Schwartz, 1978; Kavka, 1982; Roberts, 1998; Kumar, 2003; and especially Heyd, 2009b, 2014). According to the “threshold notion of harm” an action harms a person only if, as a consequence of that action, the (then existing) person falls below a normatively defined threshold (see Shiffrin, 1999; McMahan, 1998, pp. 223–229; Meyer 2015, sect. 4). On this notion, finding that a person was harmed does not require that this person would be in a better state had the agent acted otherwise. Thus, future people can be said to be harmed by currently living people's actions even if these actions are among the necessary conditions of their very existence as the individuals they will be, if those actions cause them to fall below the threshold.

¹⁶Schwartz (1978) discovered the problem at about the same time. Parfit and Heyd (1992, 2009) have done the most in explaining and investigating the problem's conceptual and normative significance.

Consequently, presently living people can be said to stand under the duty to consider legitimate justice claims of future people vis-à-vis them in choosing among long-term policies if such policies result in them being in a subthreshold state. Whether and when this is the case depends upon how the threshold is substantially defined. Rawls's principle of just savings can be understood as a plausible substantive specification of the intergenerational threshold; this interpretation is also a plausible defence of Rawls's bracketing of the non-identity problem.

In addition to the limitations described above, Rawls's discussion of intergenerational justice is also limited in his not directly addressing the question of whether and how the just savings principle might be sensitive to the number of people who will live in the future. This number of future people seems clearly relevant for determining whether and how much currently living should save (see Heyd, 1992, p. 47; Dasgupta, 1994; Casal & Williams, 1995, 2004; Barry, 1999, pp. 107–111; Gosseries, 2001, pp. 330–333). However, the just savings principle could indirectly be sensitive to the number of future people: it would at the very least be unjust to choose those further futures in which more people exist than there are resources for just institutions. Consequently, future people's legitimate claims to living under conditions of justice and currently living people's corresponding duties of justice would set a normative framework for decisions concerning future people, including those that have an impact on their number and identity.

However, such a framework does not provide a complete moral theory of intergenerational relations. There are concerns for future people shared by many of us that cannot be accounted for by justice-based considerations, e.g., currently living people's commitment to certain traditions of collective self-understanding and to transgenerational projects whose goals and values can only be realized when future people will want to and be able to continue them (De-Shalit, 1995, Chapter 1; Meyer, 2005, Chapters IV and V). First, many of us believe that it is important that there be future people at all. Consider Jonas's

(1984) famous principle of responsibility: "Act so that the effects of your action are compatible with the permanence of genuine human life" (p. 11). Arguably, theories of justice cannot ground a duty to future people that we bring them into existence even if all of them had extremely good conditions of life (Heyd, 1992; Meyer, 1997; Sanklecha, 2013); they must simply presuppose that future people will exist. Second, many of us believe that future people should have a life that is well above the level of well-being specified by their legitimate justice claims vis-à-vis currently living people. This, in part, reflects a third concern many have: Future people should be able to share (at least certain aspects of) the particular way of life of currently living people. But, presumably, currently living people do not violate the future people's legitimate justice claims by failing to sustain their way of life for them. Thus, we cannot prefer a future with people all of whom have lives far above the level of what intergenerational justice requires to a future with no people on the basis of considerations of rights of future people. What is needed here, and what theories of justice simply lack the conceptual resources to provide, is an account of why there should be future people at all (see Heyd, 1992; Jonas, 1984; Meyer, 1997). Further, as discussed above, we also need an account of how many future people there ought to be, because the number of future people we assume will exist is highly influential in determining what we ought to do now so as to not violate the rights they have against us. This too is not a question that theories of justice—at least as they currently are—are well suited to address.

In summary, we may put it like this: Theories of intergenerational justice, like all other moral theories, contain certain presuppositions they cannot justify (for a more general discussion of the limits of rights-based moralities see Raz, 1986, Chapter 8). As such, there is no principled problem with making the necessary presuppositions. However, in the case of intergenerational justice, the presuppositions concerned with the existence, number, and identity of future people are (a) in principle under human control, i.e., it is in principle possible for currently living people to

decide whether and how many future people there will be, and (b) significant for determining what currently living people must sacrifice now in order to discharge their duties of justice toward future people. Consequently, the presuppositions of existence, number, and identity must themselves be ethically justified, and this justification cannot be purely a matter of justice. The logic of intergenerational justice itself demands a move beyond considerations of justice.

2.6 Conclusion

In this chapter, we have focused on the tradition of “analytic” liberal contractarianism, for which justice is the key concept of political philosophy (see Cudd, 2013). Apart from Rawls, other influential contractarians of the twentieth century include Buchanan (1975) and Gauthier (1986) who reconstruct a Hobbesian version of contract theory, and the Lockean version reconstructed by Nozick (1974). By no means is this the only important tradition, however, and we want to briefly mention important alternatives. Wolff (2013), for example, suggests that “a broad distinction can be seen in that there is a line of intellectual tradition that runs from John Stuart Mill and another from Hegel” (p. 813). In neither of these traditions is justice the key concept of political philosophy. In the Millian tradition, liberty and well-being are the key concepts (see Griffin, 1986; Broome, 2004; and the liberal perfectionism of Raz, 1986; Green, 1988). In a prominent line of the Hegelian tradition, recognition is the key concept of political philosophy (see Honneth, 1992; Honneth & Fraser, 2003). Among the most important critics of Rawls’s understanding of political philosophy are the so-called communitarians (MacIntyre, 1984; Sandel, 1998; Taylor, 1985; Walzer, 1983) who, relying on insights of Hegel (and Aristotle), argue for the importance of tradition and social context for moral and political reasoning, and put forward normative claims about the value of community as well as ontological claims about the social nature of the “self” (Bell, 1993; Mulhall & Swift, 1996). In doing so they mean to dispute Rawls’s claim that political

philosophy’s primary goal is to explicate principles of justice that govern the fair cooperative venture between free and equal persons in which individuals pursue their conceptions of the good life. Another important alternative to the Rawlsian focus has been provided by the feminist critique of both Rawls in particular and liberalism in general. Young criticizes the focus on distributive justice (Young, 1990), arguing that this obscures crucial issues of domination and oppression, and also argues that liberal political theory in the broadly Rawlsian tradition does not sufficiently take the perspectives and interests of marginalized groups into account (Young, 1990). Another feminist critique, different in content but similar in that it also challenges fundamental premises of the Rawlsian tradition (such as the centrality of justice), has been the idea of care ethics (see Held, 1993, 2006).

Our chapter, in other words, has a restricted scope. With this limitation established, we now conclude by identifying some questions and areas of research that we believe are (or should be) central in the tradition we have focused on. Rather than simply listing each issue, we will do so by stating a simple question and analyzing what is required to answer it.

Suppose that we come to the conclusion that some set of principles of domestic, international, and intergenerational justice is valid and that the world in which we live is less-than-just (and possibly extremely unjust in many respects). The first formulation of the simple—and practically very important—question is: what duties, if any, does an individual agent have with respect to contributing to bringing about a more just world? One context in which this question arises is what many consider the most pressing global environmental problem: What duties can an individual be thought to have in contributing to a solution to climate change? This is the context we focus on, not only because of its importance, but also because the problem of responding to climate change is a particularly clear example of a question that involves the issue of extending justice in space and time. It involves extensions in space because any adequate solution will have to involve more than one nation state, and so it is important to ask what a just global

distribution of the benefits and burdens of responding to climate change would be. It involves extensions in time because one prominent way of understanding what an adequate response would be in the first place takes as one of its starting-points, the idea that considerations of intergenerational justice contribute to specifying what we owe future generations in terms of, *inter alia*, limiting global emissions.¹⁷

One issue central to answering the question is the following. Let us accept what is (to us) uncontroversial: the current situation with respect to climate change is unjust. In Rawlsian terms, we could say that the institutions required to deal with the problem are either not in place, or are not just; in other words, the situation is “non-ideal.”¹⁸ A key research focus for political philosophy is, and ought to continue to be, the task of developing a shared understanding of the relevance of non-ideal circumstances for theorizing about justice and about individuals’ duties to contribute to bringing it about. For example, when we try to work out what duties individuals currently have with respect to climate change, what is the relevance of the fact that each individual can expect that (in absence of a coercive collective situation) many or even most others will not discharge those duties? In such a situation, should one “take up the slack” and do more than one would have to do if all others did their share (Singer, 1972; Unger, 1996)? Or is that unfair, and is one only obliged to do what one would have had to do if all others also discharged their duties (Murphy, 2000)?¹⁹

¹⁷Precisely because we think it is both important and interesting, we have worked on several different normative and ethical aspects of the problem of climate change. See for example, Meyer (2013), Meyer and Roser (2006, 2009, 2010), Meyer and Sanklecha (2011, 2014), Sanklecha (2013).

¹⁸There are many different understandings of what it is for a situation to be non-ideal; the classical contemporary formulation is found by Rawls, but since then there have been many different accounts. See Rawls (1999a, 2001), Murphy (2000), Buchanan (2004), Sen (2009), Simmons (2010), Meyer and Sanklecha (2009, 2011).

¹⁹For discussions of the problem of individual duties in non-ideal circumstances in the specific context of climate change, see e.g., Banks (2013), Hiller (2011), Johnson (2003), Maltais (2013), Meyer and Sanklecha (2011, 2014), Nolt (2011), Sandberg (2011), Schwenkenbecher (2014).

Another important aspect of this issue, which is directly methodological but has significant substantive implications, is the question of whether ideal theory is useful at all in understanding what we ought to do in non-ideal situations. As outlined above, Rawls’s view was that ideal theorizing contributes by specifying the ultimate aim (in terms of justice) of institutional and individual action under non-ideal circumstances and by providing a standard of justice by which to judge existing circumstances. Ideal theory tells us where we want to get, non-ideal theory tells us how to get there. But it has been argued that ideal theory is irrelevant to determining what to do under current circumstances. Prominently, Sen (2009) argues that in order to know how to act in existing circumstances all we need is to be able to make comparative judgments about justice, and this comparison does not rely on an ideal (pp. 1–18; 96–105). Others have argued that ideal theory leads us astray under non-ideal circumstances because of the problem of the second-best, that is, the problem that when you cannot realize all elements of a complex ideal, the second-best solution may not straightforwardly be to realize as many of the elements as you can (see e.g., Margalit, 1983). The theoretically extreme end of this critique leads to a complete rejection of the relevance of ideal theorizing about justice (Farely, 2007; for an account of the other extreme, i.e., one which rejects the relevance of non-ideal theorizing to discovering what justice requires, see Cohen, 2008).

A third important issue is the one raised at the end of Sect. 2.5, on the limits of justice. As we have said, the work of John Rawls has revived and dominated one particular tradition within political philosophy. One of the results of this has been that theorizing about justice has been central within that tradition over the last four decades. But, as explained above, there are foundational issues in the morality of intergenerational relations that simply cannot be dealt with by theories of justice (Meyer, 1997; Sanklecha, 2013). Given the changed conditions of human action (Heyd, 1992; Jonas, 1984), and the practical urgency of responding adequately to climate change, it is crucial to address those issues. The place they have begun being addressed is in discussions of

climate change and population policies (Broome, 2005, 2012, especially pp. 169–186; Cafaro, 2010; Casal & Williams, 1995, 2004; Heyward, 2012), but these discussions have mostly, in our view, shied away from the question that is theoretically the most basic: should there be future people? It is important, for reasons already given, that more work begins to address this basic question. A recent effort in investigating the value to currently living people of the continuation of (certain sorts of) human life is Scheffler (2013). His work, however, does not engage with an ongoing debate on these issues. In our view, engaging with this debate is a promising research direction. In particular here we think Jonas (1984) and Heyd (1992) have made important contributions (see, also, De-Shalit, 1995; Meyer, 1997; Partridge, 1981; Sanklecha, 2013; Thompson, 2009).

Another issue arises if we believe—as many do—that an individual can legitimately pursue other interests; i.e., her life does not have to be solely about contributing to bringing about a just solution to climate change. Indeed, this appears virtually trivial, but it has deep implications. Simply put, once one accepts that an individual can legitimately have a plurality of interests, one opens the door to potential conflict between those interests (see e.g., Nagel, 1991). If we further believe—as many also do—that at least some of this conflict is to be understood as conflict between a plurality of values, then we have a serious issue. How are we to weigh different values? Can we? (see e.g., Broome, 1991, 2004; Temkin, 2012) Cohen, for instance, as quoted in Swift (2008), says that “philosophers, and, for that matter, non-philosophers, do not know how to compute, in general terms, the comparative weights of the values all of which deserve consideration: no one knows how to draw an ‘indifference curve’ map of those values. But philosophers are sometimes better than others at identifying distinct and neglected values that are worth considering. We often have something novel to say about what ingredients should go into the cake even when we can say nothing about the proportions in which they are to be combined, not because that isn’t important, but because the

problem simply doesn’t yield to general recipe-making. Philosophers sometimes end their articles by saying this sort of thing: it is a task for future work to determine the weight of the consideration that I have exposed. But nobody ever gets around to that further work. They wish they could, but they can’t” (p. 369). Swift himself is more optimistic, stating his belief that philosophers can and are doing more than this. Rawls, for instance, specifies priority rules for his principles of justice, which is certainly a way of indicating the relative weights of different considerations of justice—but the question is whether such specifications can be justified by argument, and to what extent (Feinberg, 1973, pp. 68–83; Thomson, 1986, pp. 33–48; Wellman, 1995; Birnbacher, 2007, pp. 158–172).

The issue of how to understand, analyze, and practically respond to value plurality and value conflict (see e.g., Berlin, 1969, 1991; Chang, 1997; Griffin, 1986; Kekes, 1993; Stocker, 1990; Raz, 1999) is immanent in our entire essay. In a sense, what we have described is a history of disagreement and discord. To stick to the question of this conclusion—there is and will be disagreement between intelligent, informed, and sincere people about what duties an individual has with respect to bringing about a solution to climate change (for discussions of reasonable disagreement and in particular its implications for political morality, see Rawls, 1993; McMahon, 2009). History and our lives demonstrate that such disagreement is not going away. Nevertheless, we can sometimes be in circumstances—for example climate change—in which we still have to act, and where not acting is also a form of action. When it comes to the political arena, the problem is further complicated by the fact that the action involves a collective of individuals, each with some presumptive right to autonomy. A crucial issue for political philosophy is trying to figure out just or even minimally morally acceptable ways of coming to collective decisions in such situations. A standard move is to turn to procedure (see e.g., Gutmann & Thompson, 1996, 2004; Hinsch, 2010; Meyer & Sanklecha, 2014). In our view it is important to investigate whether

and, if so, how it is possible to agree on a procedure while disagreeing about substantive conceptions of the good (Hinsch, 2010, 2011; Waldron, 1999).

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