

# Intergenerational Rights and the Problem of Cross-Temporal Relations

## Abstract

This paper considers the prospects for a theory of intergenerational rights in light of a certain ontology of time. It is argued that the attempt to attribute rights to future persons or obligations to present persons towards future persons faces serious difficulties if one denies the existence of future times and objects (a position I call ‘No-Futurism’). The difficulty of attributing rights to non-existent future persons is diagnosed as a particularly intractable version of the problem of ‘cross-temporal relations’ that plagues No-Futurist views like presentism. I develop a version of the problem of cross-temporal relations regarding cross-temporal normative relations. I then consider and reject various solutions to the problem available to No-Futurists. The upshot of the discussion is that which ontology of time we choose sets constraints on the kinds of explanations we may offer for our future-directed obligations.

**Key Words:** Future Persons, Rights, Obligations, Time, Presentism, Eternalism

## 1. Introduction

Many philosophers believe that presently existing persons have obligations to future persons or generations. Some of these philosophers further believe that future persons or generations have rights against present persons to certain resources or living conditions.<sup>1</sup> In accounting for these rights and obligations, the majority of these philosophers make the common sense assumption that future persons and generations do not yet exist. But this assumption appears to make trouble for claims about obligations to and rights of future persons. *Prima facie*, it is hard to see how we could have obligations to non-existent persons or how non-existent persons could be bearers of rights against us.

Certain views on the ontology of time also deny the existence of future objects. Presentists, for example, hold that only what is present exists; a list of what the most unrestricted qualifier ranges over only includes what is present and not anything that is non-present. Growing block theorists likewise deny that any future objects exist, although they think that past and present objects do exist. A well-known challenge to views that deny the existence of non-present objects is accounting for relations that seem to hold between present objects and non-present objects. The challenge is that ordinary and scientific discourse appear to make reference to relations holding between things existing at different times, e.g., *Washington was taller than Napoleon*. Given that relations obtain only when their relata exist, ordinary and scientific discourse commits us to things existing at different times, a conclusion incompatible with views like presentism. Call this the ‘problem of cross-temporal relations’ for views that deny the existence of non-present objects.<sup>2</sup>

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<sup>1</sup> For attempts to attribute rights to future persons and/or develop theories of intergenerational rights see, Baier (1981), de Shalit (1995), Elliot (1989), Feinberg (1974), Herstein (2009), Hoerster (1991), Meyer (2015), Partridge (1990), Pletcher (1981), Rawls (1972), Reichenbach (1992), Schlossberger (2008), and Sterba (1980). See Parfit (1984), Beckerman and Pasek (2001), De George (1981), and Steiner (1983) for critique.

<sup>2</sup> Rea (2003), Davidson (2003), and Torrengo (2006, 2010) pose the problem of cross-temporal relations for presentists. See Markosian (2004), Crisp (2005), and De Clercq (2006) for presentist defenses.

The challenge facing attempts to account for obligations to and rights of future persons can be seen as an instance of the more general problem of cross-temporal relations. In what follows, I'll develop this problem, which I'll call the 'problem of cross-temporal *normative* relations' (PCNR henceforth) and consider some possible solutions. It'll be argued that these putative solutions, some of which are advocated in the literature, face serious objections if we assume that future objects do not exist, a view I'll call 'No-Futurism.' What the discussion reveals is that the assumption of No-Futurism puts certain constraints on viable *explanations* for our obligations directed at future persons.<sup>3</sup> The explanations that are available to the No-Futurist, I'll argue further, are not the kinds of explanations of our obligations to which rights-based approaches to intergenerational ethics appeal. Let me note, before proceeding, that the content of our future-oriented obligations is not at issue here. There won't be any discussion of what exactly it is, if anything, present people owe to future persons. I'll conclude the paper by reflecting on the sort of ontology of time—viz. eternalism—that would back cross-temporal normative relations and the attribution of obligations towards future persons and their rights against us.

## 2. The Problem of Cross-Temporal Normative Relations

In this section, I'll present in more detail the general problem of cross-temporal relations and its normative relations version (PCNR). To see the problem of cross-temporal relations, consider Presentism:

*Presentism*: It is always the case that, quantifying unrestrictedly, everything is present.<sup>4</sup>

Presentism entails that there are no past and future objects. There is a highly plausible principle regarding the conditions for the instantiation of any relation, sometimes called the "Principle of Relations":

*Principle of Relations*: For all objects  $x$  and  $y$  and all relations  $R$ , if  $x$  stands in  $R$  to  $y$  (or  $y$  stands in  $R$  to  $x$ ), then  $x$  and  $y$  exist.<sup>5</sup>

*Presentism* plus the *Principle of Relations* entails that there are no relations holding between present and non-present objects. The pairing of these two views appears to pose a problem for anyone who accepts the following plausible claims:

- (1) The arson's match caused the forest fire.
- (2) Washington was taller than Napoleon.
- (3) I admire Socrates.

Prima facie, these statements have the form ' $aRb$ ' and appear to entail the obtaining of  $R$  between  $a$  and  $b$ . Given the *Principle of Relations*, statements with this form entail that  $a$  and  $b$  exist.<sup>6</sup> If that's right, then the truth of *Presentism* entails that (1), (2), and (3) are false; conversely, the *Principle of Relations* and (1), (2), and (3) entail that non-present objects exist and, hence, that *Presentism* is false.

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<sup>3</sup> Directed duties are those one has to or towards another party to do or not do something. See May (2015) on directed duties in general and Earl (2011: 71) and Pletcher (1981) on directed duties with regard to future persons.

<sup>4</sup> Cf. Crisp (2004; 2005) and Markosian (2014) for definitions of presentism along these lines.

<sup>5</sup> Cf. Davidson (2003).

<sup>6</sup> Such claims appear, to use Crisp's (2005) phrase, to be 'predicative' of the names in those claims.

PCNR is a specific version of the problem of cross-temporal relations. The problem concerns normative relations that are thought to hold between present and non-present objects, past or future. The problem, as I'll develop it, will be restricted to views that deny the existence of the future, yet attribute obligations towards and rights to future persons. No-Futurism, now more rigorously defined, says,

*No-Futurism*. It is always the case that, quantifying unrestrictedly, everything is either past or present.

*No-Futurism* entails that there are no future objects, including, a fortiori, no future persons or generations. *No-Futurism* plus *Principle of Relations* entails that there are no relations holding between present and future persons. This appears to pose a problem for philosophers who endorse either of the following claims:

- (4) Future persons have rights against present persons that natural resources, the environment, etc. be preserved.
- (5) Present persons have obligations to future persons to preserve natural resources, the environment, etc.

Like (1), (2), and (3), each of these statements appear to have the form ' $aRb$ ' and thus to commit us to certain entities standing in a relation to each other. On the standard treatment of claim-rights, they entail a three-place relation (*having a right against* in (4)) between the rights holder, the duty bearer, and an action (cf. May 2015). Similarly, directed obligations involve a three-place relation (*having an obligation to* in (5)) between the duty bearer, the required action or content, and the rights bearer who stands to be wronged (cf. May 2015).<sup>7</sup> Insofar as relations only relate existing entities, (4) and (5) entail the existence of present and future persons. If so, then *No-Futurism* and the *Principle of Relations* entail the falsity of (4) and (5).<sup>8</sup>

What makes PCNR a further challenge for the No-Futurist who endorses a theory of intergenerational rights, is that there seem to be reasons, internal to a rights-based ethical theory, for taking the truth of (4) and (5) to require the existence of rights and duty bearers. In a rights-based ethical theory, rights (as entitlements, privileges, or claims) are real features or statuses that individuals can possess. Rights, and the interests they derive from, function, in part, to *explain* the obligations others have regarding their bearers. In this way, rights and interests are postulated not simply to motivate action or as an expression of preference, but to explain the existence, content, and normative force of those obligations; rights are postulated as the origin or ground of those obligations. For rights to fulfill this function, it seems, they would need to exist and be possessed by some entity. If they are not, it would seem that we must explain our obligations in terms of other, non-rights-based factors, e.g., consequences, motives, virtues, etc. Insofar as *No-Futurism* denies the existence of future persons, it appears its proponents will have to search for a ground for our future-oriented obligations (if there be any) in something other than the rights and interests of future persons.

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<sup>7</sup> (4) entails (5), but it is controversial whether (5) entails (4). Even if one denies that all duties correspond to correlative rights, i.e., if one rejects (4) but endorses (5), (5) still entails a relation of directed obligation between present and future persons.

<sup>8</sup> The point being made here does not depend upon thinking that present persons owe it to future persons to preserve any particular resources. It only depends upon thinking that present persons have directed obligations to future persons.

### 3. Possible Solutions to PCNR

Since our aim is to determine the prospects of a theory of intergenerational rights on the assumption of that future persons do not exist, let's assume *No-Futurism* and consider what remaining options are available to respond to PCNR.

#### *The 'Future People Will Exist' Strategy*

Perhaps the most straightforward response to PCNR is to argue that we have obligations directed at future persons and they can be attributed rights because they *will* exist and *will* have interests and rights. Here is how such an argument might run with respect to rights: Even though future persons do not now exist and do not now have rights, such persons *will* exist and *will* have rights. They will have rights in virtue of the interests they will have in the future. Because present persons can do something *now* to frustrate the interests they will have, we can violate the rights they will have. Therefore, we may attribute rights to future persons.<sup>9</sup> The concern with this argument is the assumption that we can do something now to frustrate the interests of future persons. No doubt we can now perform an action such that the effects of that action will frustrate the interests of future persons, *when they come into existence*. But, on the assumption of *No-Futurism*, we cannot now perform an action that frustrates the interests of future persons, for no such persons or interests exist.

Robert Elliot (1989) gives an argument in this vein that attempts to preserve the normative implications of attributing rights to future persons while stopping short of doing so. He imagines as case in which I now plant a booby-trap in a time capsule that is opened at a later time by a person not presently existing. If we suppose that the booby-trap inflicts grievous injury at that later time, Elliot argues, "What I do now plausibly is a violation of a right of that person, albeit not of one presently existing...All that we need to accept to make this point is that some future event can render a present event a violation of a future right. This seems unproblematic" (1989: 162). But it is problematic if *No-Futurism* is true. We would have to give a plausible account of how a non-existent event (i.e., the booby-trap grievously injuring a future person) can "render" a present event a rights violation. This is challenging, first, because such rendering, if understood causally, would require us to countenance backwards causation, which many find problematic or implausible. Second, whether the rendering is causal or non-causal, Elliot's view entails a cross-temporal relation between present and future events. Moreover, if we endorse *Presentism*, we have the problem of explaining how the injury could render the past event a rights violation given the fact that the past event no longer exists at the time the injury occurs.

Elsewhere in that same article Elliot argues that we can in fact attribute rights to future persons on the grounds that their rights may exist in the present. He writes,

They [the rights of future persons] will of course have future bearers and so the rights of future generations will not float free of subjects. They will be the rights of particular people. And whether they exist depends on whether those particular people come to exist... So, a present right, which is the right of a future person, exists, if it is the case that there will be a person in the future who will then be the bearer of the right. (1989: 161)<sup>10</sup>

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<sup>9</sup> See Hoerster (1991: 98-102) (cited by Meyer 2015) for such an argument. Partridge (1990: 54) claims that future persons can be deprived, in the present, of that to which have a right.

<sup>10</sup> Partridge (1990), Schlossberger (2008), Feinberg (1974), de Shalit (1995), and Reichenbach (2003) also appear to take this line.

The first problem with this argument is that if we assume *No-Futurism*, then even though the rights of future persons *will* have bearers, they presently do not, i.e., they presently “float free of subjects.” Rights without bearers seem impossible if we understand a right to be an entitlement to (not) do something or be (not be) in a certain state. It seems there cannot be such an entitlement without one who has the entitlement. Elliot, however, has a different understanding of what it is for a right to exist. He says, “First, it is to say that there is a normative principle that specifies or marks out a type of right...Second, it is to say that the principle has normative application, that it is activated” (1989: 161). What grounds could there be for thinking that the principle is “activated”? It seems that it is only if the right has a bearer, someone who is entitled to something, that the principle could have any normative force. Indeed, Elliot says, “the present right is the right of a future person if *it is in virtue of* that person’s future existence that the principle specifying the right has application” (1989: 161, emphasis added).<sup>11</sup> But this suggests, as does the quote from above, that presently existing rights stand in a dependence relation to non-existent persons; the presently existing right depends for its *existence* and *normative force* on something that *does not exist*. The PCNR simply crops up at a different point for Elliot’s account. We should be skeptical that any such right exists or is “activated” if *No-Futurism* is true.<sup>12</sup>

The ‘future people *will* exist’ strategy relies on the seemingly innocuous assumption that future persons will exist and will have rights and interests. But it is a well-known challenge to account for the truth of future contingent propositions such as,

- (6) Future persons will exist and will have rights.

The problem may be put as follows. It is plausible to think that truths require grounding in reality. For many, this means, at minimum, that ‘truth supervenes on being,’ i.e., that if there is a difference between worlds  $w$  and  $w^*$  with respect to what is true, then there is a difference between  $w$  and  $w^*$  with respect to what exists and what properties/relations are instantiated at those worlds.<sup>13</sup> If such a principle holds, then for any future contingent proposition  $p$ , if  $p$  is true, then there is something on which  $p$ ’s truth supervenes. But if future persons and times do not exist, then there seems to be no plausible supervenience base for (6)’s truth. No-Futurists have given responses to this problem, but they have been criticized for being ad hoc and in some cases compromising human freedom.<sup>14</sup> Moreover, the problem of grounding future contingent truth (and the desire to ward off fatalism) has led some No-Futurists to hold that there are *no* future contingent truths. Tooley (1997) and Bourne (2006; 2011) claim that future contingent propositions are neither true nor false, but have a third truth-value, viz. indeterminate. Todd (2016) argues that all future contingent propositions are false. If either of these options is correct, then (6) is either indeterminate or false, in which case a key

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<sup>11</sup> See Reichenbach (2003: 214) and de Shalit (1995: chapter 5) for similar views.

<sup>12</sup> A similar concern seems to apply to Sterba’s claim that there are “enforceable requirements upon existing generations that would benefit or prevent harm to future generations” (1980: 431). If future persons do not exist, it is difficult to see how their non-existent rights and interests could be the source of such requirements. Schlossberger (2008) holds that rights can exist in advance of their bearers because rights are publically sanctioned warrants for demanding, believing, or feeling something as one’s due. Again, this does not explain how the rights and interests of non-existent future persons could be the source of these warrants. Moreover, this view has the problem of explaining how such warrants could *belong to* future persons or generations rather than be general, impersonal moral reasons for certain actions.

<sup>13</sup> See Lewis (2001) and Bigelow (1999) for formulations of this thesis. See Merricks (2007: chapter 4) for critique.

<sup>14</sup> See Markosian (2004; forthcoming), Tallant (2009), Baia (2012), Cameron (2010), Crisp (2007), Merricks (2007; 2009), and Bigelow (1996) for presentist responses to this problem. See Keller (2004) for critique and Rea (2006) for an argument that presentists cannot maintain bi-valence with respect to future contingents and (libertarian) free will.

assumption in arguments for attributing rights to future persons is not true. This particular challenge may not be decisive against the No-Futurist who wants to attribute rights to or obligations towards future persons. It does, however, put her in the difficult position of needing to argue that (6) and its ilk are true and needing to defend an account of how future contingent truths are grounded (or why they need no grounding).

This challenge is difficult enough. But it is compounded by the fact that in whatever way the No-Futurist explains the truth of claims like (6) (either by identifying its ground or absolving it of the need for ground), that explanation will not involve the postulating the existence of future persons and their rights or interests.<sup>15</sup> Consequently, the No-Futurist cannot explain either the ground for (6) or the source of our future oriented obligations in terms of the rights and interests of future persons. But the rights and interests of future persons are precisely the kinds of things we'd appeal to, to explain our future oriented obligations on a theory of intergenerational rights. In this respect, *No-Futurism* has an explanatory burden not shared by rival ontologies such as eternalism, which can explain the source of our future directed obligations in terms of actual future persons and their rights and interests.<sup>16</sup>

### *The Surrogate Strategy*

The next attempt to solve PCNR admits that (4) and (5) entail that normative relations obtain, but it denies that non-present objects are among the relata of these relations. Instead, this strategy accounts for (4) and (5) by identifying 'surrogates' who are the relata of the relevant normative relation. If successful, the solution satisfies *No-Futurism* and the *Principle of Relations* while affirming normative claims like (4) and (5). De Clercq (2006), for example, defends a surrogate strategy regarding putatively cross-temporal comparative, causal, and semantic relations. In each case, his proposed surrogates are abstract entities.<sup>17</sup> In the normative case, Herstein thinks that we can attribute rights to future generations understood as *types* of future persons (2009: 1182). A type of person, as he understands it, is a set of properties that more than one individual may exhibit. We might also appeal to presently existing "roles" or "offices" that future persons will hold, e.g., being a citizen of a certain nation, being a student at a certain university (Baier 1981: 173). Other versions of the surrogate strategy might appeal to haecceities of future persons.<sup>18</sup>

The first challenge for this strategy is that it is intuitively implausible to think that the proposed surrogates are the kinds of things that have rights against us or to which we have obligations. We typically think that only living, conscious, sentient, interest-having, and claim-making moral subjects like persons have rights and obligations. It makes no sense, for example, to say that we have obligations to propositions, universals, or numbers. Hence, if this strategy is to be made plausible, its proponent needs to provide a conception of how its surrogates are the appropriate bearers of rights. Types and haecceities of future persons are (sets of) uninstantiated properties. It is exceedingly difficult to see how uninstantiated properties (or sets thereof) could be subjects of rights or interests for they do not have any of the characteristics we typically think are required of rights or interest holders. Roles or offices would seem to be abstract entities as well. It

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<sup>15</sup> Below, I'll consider some No-Futurist-friendly ways in which the existence of future persons might be acknowledged.

<sup>16</sup> In contrast to presentism and growing block, eternalists hold that past, present, and future times and objects all exist. See section 4 below for a more detailed characterization of eternalism and its connection to intergenerational ethics.

<sup>17</sup> Different presentists are more or less clear about the classes of truths to which their putative solutions apply. De Clercq (2006: 387) claims that his is a general solution for cross-temporal relations of *all* kinds. Markosian (2004) and Crisp (2005: 11-15) both deal with different kinds of relations but are less clear about the scope of their solutions.

<sup>18</sup> A haecceity of an entity is the individuating "thisness" property of the entity. Keller (2004: 96) and Markosian (2004: 55) discuss the use to which presentists might put haecceities.

may well be that persons qua holders of a particular office have rights against us and we obligations to them, but it is doubtful (pace Baier) that offices per se have rights against us or we obligations to them. So even if De Clercq's abstract surrogates explain cross-temporal comparative, causal, and semantic relations, the strategy does not appear to be applicable to PCNR.

A second difficulty for any surrogate strategy is to explain how fulfilling our obligations (supposing there are such obligations) to the surrogate qualifies as fulfilling our obligations to future persons. If there is no such explanation, then in the fulfillment of our duties, we will not have lived up to our duties to *those particular* future persons, but to some numerically distinct entity (cf. Earl 2001: 68-9). This problem plagues Herstein's and Baier's views. There seems to be no plausible way to explain why fulfilling our obligations to types of future persons or to offices that future persons will occupy constitutes fulfilling our obligations to *individual* future persons. For one, a type of person will never be identical to a token of that type; an office will never be identical to the person who occupies it. It is also no use to say that it is *in virtue of* future persons being tokens of those types or occupying those offices that we fulfill our obligations to those persons by fulfilling our obligations to those types or offices. For this would require there to be a relation between a type/office and a token/occupant that does not exist, which is something a No-Futurist cannot countenance. One might think that we can fulfill our duties to future persons by fulfilling our duties to their presently uninstantiated haecceities (supposing there are such duties). But it is implausible to think that haecceities of future persons have rights against us or we obligations to them. Future persons will have rights, not in virtue of their unique individuality—which the haecceity characterizes—but in virtue of the roles or offices they will occupy (cf. Baier 1981: 173). So even if presently existing haecceities will be instantiated by future persons, those haecceities are not relevant to their future rights and so are inappropriate surrogates for the rights of future persons.

#### *The 'Future Persons Do Exist (they are just different than you thought)' Strategy*

As odd as it sounds, the No-Futurist could respond to PCNR by arguing that future persons do in fact exist, and hence can be among the relata of the normative relations involved in (4) and (5). Obviously, proponents of this strategy cannot take 'future person' to refer to people who do not now, but will exist or to a person existing at a time later than this one. Instead, the No-Futurist could modify Williamson's (2013) ontology of non-concrete objects and argue that future persons exist, but are presently "pre-concrete objects."<sup>19</sup> Determining the viability of a No-Futurist ontology of non-concreta is beyond the scope of this paper, but a few considerations weigh against this option in the present context. First, the appeal to pre-concrete objects is poorly motivated. Many of those who attribute rights to future person assume that such persons do not exist because that is the view of common sense. But if maintaining the view of common sense ultimately requires commitment to the present existence of non-concrete objects, it is difficult to justify the initial commitment to *No-Futurism*.<sup>20</sup> Second, it is implausible to think that pre-concrete objects are candidates for rights. The reason is that Williamson only negatively characterizes non-concrete objects: they are not concrete, not abstract, and not spatial (2013: 7, 13). Even if non-concreta may bear properties, mere existence is insufficient for having rights. The No-Futurist is not entitled to

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<sup>19</sup> Williamson holds "necessitism," the view that necessarily, everything necessarily exists and "permanetism," the view that always, everything always exists. On his view, past entities have not gone out of existence, but have only become "ex-concrete." Orillia's (2015) "moderate presentism" combines Williamson's ontology with presentism. Sullivan (2012) defends a non-presentist version of the A-theory that makes use of an ontology of non-concreta.

<sup>20</sup> This is not to say there aren't other metaphysical reasons for *No-Futurism*; it's just to say that for moral philosophers et al. who attribute rights to future persons, *No-Futurism* should lose its common sense appeal if it requires commitment to non-concrete persons.

say that future persons are presently non-concrete *persons*, for future persons are merely the same *objects* as certain presently existing non-concreta.<sup>21</sup> And even if certain non-concrete objects *will* be persons with rights, that does not entail that those non-concrete objects now have rights or indeed any moral standing. At any rate, such a view requires substantial argumentation from the No-Futurist. But any attempt to answer the question ‘why think non-concrete objects are candidates for rights?’ by attributing to such objects features that we associate with rights bearers, e.g., having interests, being sentient, being conscious, etc. is likely to make the appeal to non-concreta more artificial and ad hoc in this context. Until the No-Futurist has met these challenges the appeal to pre-concrete persons is unpromising.

A second option is to identify future persons with presently disembodied persons.<sup>22</sup> Conceiving of future persons qua disembodied *persons* avoids the problems facing pre-concrete objects being appropriate candidates for rights mentioned above. However, this response raises a new problem. If persons prior to their embodiment have rights against present persons to certain resources in the future, that would seem to entail that they have a right against us (or other future persons) to be embodied, since embodiment is a condition on enjoying those resources. But it is wildly implausible to think that every disembodied person (supposing there are any) has a right to be embodied. Present persons, for one, are incapable of satisfying such a right for every disembodied person. Perhaps the No-Futurist will say instead that it is only those disembodied persons who *will* be embodied that have rights against present persons. But which disembodied persons will be embodied is contingent upon our choices and actions (and those of other future persons). Given the fact that no disembodied person has a right to become embodied, it would seem that there is no ground for attributing rights to resources or to conditions of living to a select group of presently disembodied persons. However, one might think that such persons have rights *conditional* on their future embodiment. But a conditional right would only correspond to a conditional duty for us; unless the condition is met, it would be a duty without any force, i.e., it would not require us to do or refrain from doing anything unless the condition is met. Such conditional rights may be irrelevant to us if *No-Futurism* is true. If the conditions specified by a conditional right are met at a time after persons presumed to have the correlative duty have deceased, then the conditional duties of such persons will never go into effect in their lifetimes.

A third option is to identify future persons with non-actual possible persons. There are two familiar conceptions of non-actual possible persons: the Lewisian (1986) modal realist view that non-actual possible persons are concrete persons existing in other possible worlds and the ersatz possible worlds view that non-actual possible persons are persons represented as existing by a non-actual world, i.e., an abstract representation of a way the actual world might be. The latter conception of possible persons is a non-starter for the No-Futurist. For the sense in which a non-actual possible person exists in an ersatz possible world is that she *would exist* if that world obtained, (cf. Plantinga 1974). On the other hand, identifying future persons with non-actual possible persons understood in the Lewisian sense is not promising for the No-Futurist either. For one, Lewisian possible worlds are spatiotemporally disconnected. Hence we can have no causal interaction with persons in other possible worlds. It is hard to see how they could have rights against us given that there is nothing we can do satisfy or frustrate their interests or rights. Second, in the best-known defense of modal realism, Lewis (1986: 210ff.) denies transworld identity. Hence no person who did, does, or will actually exist is identical to anyone existing in another possible world. Hence, no

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<sup>21</sup> Williamson’s necessitism denies the essentialist thesis that persons are essentially persons (2013: 8).

<sup>22</sup> Thanks to X and Y for (independently) raising this possibility.



possible person will become a person in the actual world. So even if non-actual possible persons had rights against us, it would not follow that future persons have rights against us.<sup>23</sup>

Perhaps there are other ways for the no-futurist to conceive of the existence of future persons. However, this strategy is not promising given that three obvious ways of doing so fail to explain how such persons may have rights against present persons.

### *The 'Deny the Principle of Relations' Strategy*

Another strategy for combating PCNR is to deny the *Principle of Relations*, which, recall, says,

*Principle of Relations*: For all objects  $x$  and  $y$  and all relations  $R$ , if  $x$  stands in  $R$  to  $y$  (or  $y$  stands in  $R$  to  $x$ ), then  $x$  and  $y$  exist.

Denying this principle comes at a cost. For it is *highly* plausible; so much so that many consider it an indubitable fact.<sup>24</sup> One way to make sense of non-existent rights holders is to attribute to future persons an ontological status other than existence.<sup>25</sup> The best-known way to do this is to appeal to a Meinongian ontology that distinguishes between being and existence.<sup>26</sup> She could then say that there are future persons who bear rights but who do not exist. However, the appeal to different modes of being is dialectically suspect if one is a No-Futurist because it is the view of common sense. Like the postulation of pre-concrete persons discussed above, the postulation of persons with being but not existence finds no support from common sense. The Meinongian, moreover, must address challenges similar to those facing proponents of the surrogate strategy. The first is the question, why think persons with being but not existence are candidates for rights? This question is a challenge because non-existent being is an unfamiliar ontological status. Without some positive characterization of that status, there is no way to judge that such entities could be persons or that they have any of the features necessary for having rights. At any rate, the No-Futurist Meinongian is in no position to insist that non-existent entities are rights-bearers. This problem is compounded by the fact that some neo-Meinongians, such as Yourgrau (1993: 143), take 'being' and 'existence' to be logically primitive notions. The second question is, how can one and the numerically same person transition from having being to existence? Answering this question poses the challenge of explaining how causal interactions between existing entities can bring an entity out of being and into existence. Without a positive account of the status of being without existence, this question, like the previous one, cannot be answered. At any rate, if one's goal is to respect common sense and account for the rights of future persons, the Meinongian strategy is not going to be appealing.

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<sup>23</sup> Carter (2001) and Earl (2011: 66-7) come to the same conclusion and for similar reasons.

<sup>24</sup> Even most presentists agree. See, e.g., Crisp (2005: 7) and Markosian (2004: 310). There is a growing literature on whether *Principle of Relations*-denying presentism is a position worth taking seriously. See Hinchliff (1988; 2010), Davidson (2003), Crisp (2005), Brogaard (2006), and Inman (2012) for discussion.

<sup>25</sup> Alternatively, the No-Futurist might understand her attribution of rights to future persons as involving a quantifier that does not entail ontological commitment to future persons. See Hinchliff (2010) and Azzouni (2004). This requires her to justify the appeal to this unfamiliar quantifier. Moreover, if this quantifier has a distinct meaning from the existential quantifier, then the No-Futurist and her interlocutor (e.g., the eternalist) will be talking past each other. For when the No-Futurist says 'there are future persons who have rights,' she is using 'there are' in a different way than her interlocutor is. It may also be the case that the No-Futurist means something different by 'having a right' than the eternalist. It is up to the No-Futurist to argue that non-existing objects instantiate properties in the same way existing objects do.

<sup>26</sup> See Paoletti (forthcoming) who develops a Meinongian version of presentism. See Yourgrau (1993) for a neo-Meinongian position.

### *The '(4) and (5) are not Predicative' Strategy*

Tom Crisp (2005) offers a novel way for the presentist to accept statements that seem to involve cross-temporal relations. The solution depends on distinguishing ordinary claims, e.g., 'Clinton admires JFK' from their philosophical versions, e.g., 'Clinton bears the *admires* relation to JFK.' Crisp argues that only the philosophical versions of these claims commit us to cross-temporal relations; the ordinary, indubitable Moorean claims do not.<sup>27</sup> Ordinary versions of the allegedly problematic truths, argues Crisp, cannot be 'predicative' of the names for non-present objects involved in those truths. That is, if these claims are Moorean facts, then they do not entail the existence of objects corresponding to the names in these claims (2005: 11-14).

Crisp's strategy depends upon the claims in question being Moorean facts. But (4) and (5) are not ordinary claims. They are controversial, philosophically loaded claims involving notions of rights and obligations; (4) and (5) are not Moorean facts. So Crisp's strategy does not apply to (4) and (5). Some other argument is needed to establish that these truths are not predicative of 'present persons,' 'future persons,' 'has obligations to,' and 'has rights against.' Moreover, if (4) and (5) are not predicative with respect to their constituent names, then, by accepting these truths, we are not committed to the existence of any entities (future, present or otherwise) who bear rights or to whom we have obligations. This has the consequence of further diminishing the resources for explaining the grounds our future directed obligations. Obviously, the rights and interests of future persons are not available to explain the grounds for these obligations on this strategy. Nor are the resources of the previously considered strategies, which attempt to account for these obligations by identifying something to which we have the obligation or which has a right against us.<sup>28</sup>

## **4. Intergenerational Rights and the Ontology of Time**

The prospects of a No-Futurist account of intergenerational rights are dim given PCNR. Each of the No-Futurist responses considered above face substantial problems. Committed No-Futurists may wish to defend one of these responses for other metaphysical reasons, but for those whose goal is a theory of intergenerational rights, No-Futurism may be an ontology of time to avoid. This is a significant result, on the one hand, because we've been able to show that a certain view on the ontology of time is difficult to square with a theory of intergenerational rights. It is significant, on the other hand, because it shows that a number of moral and political philosophers, perhaps drawn to *No-Futurism* for its status as the view of common sense, (implicitly or explicitly) hold a view of the ontology of time that does not fit well with their considered normative views concerning future generations. Another upshot of the discussion is that it puts pressure on those philosophers who deny that future persons have rights on the grounds of their (alleged) diminished ontological status to argue for *No-Futurism*. The plausibility, for instance, of Beckerman and Pasek's (2001), De George's (1981), and Macklin's (1981) critiques of attributing rights to future persons largely depends upon the assumption of *No-Futurism* and the denial of views like eternalism.

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<sup>27</sup> A 'Moorean' fact is, according to Crisp, "a true proposition only a fool could fail to believe and believe firmly" (2005: 11).

<sup>28</sup> Another strategy in this vein that deserves mention is for the No-Futurist could construe (4) and (5) in quasi-realist (see Blackburn 1993) or expressivist-pragmatist terms (see Price 2013). On these views, (4) and (5) are true, but not because they represent, and correspond to, certain moral facts. Nor are they true because they represent certain persons having rights and obligations. This strategy deserves more discussion than I have space for here. However, the general concern for this strategy is whether the quasi-realist and expressivist-pragmatist projects are compatible with standard rights-based approaches (discussed in section 2 above). Thanks to X for drawing my attention to this response.

I want to be clear, however, about the scope of these results. My claim is *not* that No-Futurists cannot explain or account for the obligations that present persons may have to preserve resources and the environment. What our discussion shows is that, given PCNR, the No-Futurist's ontology of time sets constraints on how she may explain the existence and nature of our obligations regarding the future. It precludes the No-Futurist from postulating *directed* obligations to future persons. Directed obligations entail a relation between the one who has the obligation and the one to whom the obligation is owed. Since No-Futurists deny that there are any relations between presently existing objects and future objects, they must deny that there are relations of obligation between presently existing persons and future persons. Of course, it is open to the No-Futurist to account for our future-oriented obligations in terms of *non-directed* obligations, i.e., obligations not owed to particular (groups of) persons.<sup>29</sup> But whatever explanation the No-Futurist offers for these obligations, the interests, well-being, and rights of future persons cannot be their source or ground. Insofar as a rights-based approach to intergenerational ethics involves postulating rights bearers, a rights-based approach is unavailable to the No-Futurist. A more general upshot of this constraint on No-Futurist explanations is that a difference in the grounds of our future-oriented obligations will likely make a difference the very content of those obligations. Obligations grounded in the interests and rights of particular (groups of) people will reflect and require us to be sensitive to their particular interests, needs, and concerns. On the other hand, obligations grounded in general, impersonal moral considerations may not reflect or require our sensitivity to those particular interests, needs, and concerns.

Suppose we did want to adopt a theory of intergenerational rights that explains our future-oriented obligations in terms of the interests and rights of future persons. What view of time would provide the ontology to make sense of such an ethical framework? Clearly, one that postulates the existence of the future, such as eternalism.<sup>30</sup> The eternalist understands the world in time to be a 'block universe,' i.e., a four-dimensional spacetime manifold containing times that are related to each other by the tenseless relations *being earlier than* and *being later than*. Eternalists think that time is similar to space in a crucial respect: being temporally remote from this moment makes no more difference to the ontological status of an object than being spatially remote from this location does for the ontological status of an object. Consequently, past, present, and future objects all exist and are equally real on eternalism. To say that past and future objects exist, is not to say that they exist *presently*. Instead, the eternalist holds that past and future objects exist *tenselessly*, which is to say that they exist at the times they do (either earlier than or later than this one) in exactly the same manner that objects existing at this moment do.

What eternalism offers is an ontology in which cross-temporal normative relations are intelligible. Given that future persons exist on eternalism, it allows us to acknowledge the existence of rights bearers. Some of the rights had at times later than this one may correspond to correlative duties had by presently existing persons. This framework helps explain how we could have

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<sup>29</sup> Dennis Earl (2011) outlines a number of ways in which our non-directed obligations regarding the future might be explained. According to Earl, all three of the main ethical traditions—arretaic, consequentialist, and deontological—offer ways to articulate non-directed obligations to perform or avoid performing actions whose results would be beneficial or harmful for future persons. Deciding whether or not these approaches can offer a satisfactory account of our obligations regarding the future is beyond the scope of this paper. However, there may be reason to doubt that the consequentialist approach is available to the No-Futurist. Fiocco (2013) argues that consequentialism is incompatible with No-Futurism since consequentialism entails the existence of future times.

<sup>30</sup> See my (X) and Gardner (2016) on the connection between eternalism and obligations to future persons. Perhaps versions of the branching future (see McCall 1994) or the moving spotlight view (see Cameron 2015) might also do the job. I leave the compatibility of intergenerational rights and these ontologies to the side right now since some versions of these views do not attribute non-present objects the very same ontological status as they do to present objects.

obligations directed at future persons. For if future persons actually exist at times later than this one, then they are, other things being equal, eligible to be among the relata of normative relations, e.g., *having a duty to A (or not-A) towards X* and *having a right to A (or not-A) against X*, that hold across times. The truth of eternalism would, moreover, help explain the possibility of those obligations in terms of the *actual interests* of those particular (groups of) persons rather than purely general and impersonal moral principles. If we suppose that a theory of intergenerational rights does in fact seek to explain our obligations regarding the future in terms of the interests and rights of future persons, then we have a (defeasible) reason for thinking that eternalism, rather than any version of *No-Futurism*, is presupposed by a theory of intergenerational rights.<sup>31</sup>

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<sup>31</sup> Thanks to...

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