

generation has the potential to irreversibly reduce the wellbeing of numerous future generations. We have a great responsibility to avoid this.

Biography:

Joerg Chet Tremmel is Assistant Professor at

the Eberhard Karls-University Tübingen, Germany. He holds a PhD in philosophy from the University of Düsseldorf (2008), and a second PhD in sociology from the University of Stuttgart (2005). He completed his studies with a MA in political sciences from the Johann-Wolfgang-Goethe-University of

Frankfurt (2003), and an MBA in economics from the European Business School, Oestrich-Winkel (1998). Research interests: 'Shorttermism' of Political and Business Systems; Applied Ethics (esp. Intergenerational Justice, Climate Ethics); Epistemology.

CONFERENCE PAPERS

Ontological debt and Intergenerational Justice –

The Case of Climate Change *by Prof. Dr. Viriato Soromenho-Marques*

John Rawls accurately described the problem of intergenerational justice (IJ) as an almost impossible test to any theory of justice.¹ Nevertheless, the way Rawls dealt with the extremely complex IJ problem was very much in the line of the classical framework in which the idea saw the first light of the day, in the late 18th century.

In 1784, Immanuel Kant explained that the idea of progress towards a cosmopolitan society was the only rational device that could allow any future generation to judge the contribution of previous generations.² Therefore, Kant introduced the model of a contract between generations, where, in spite of the temporal asymmetry in the reciprocity of duties between the living and those waiting to be born, we were able to identify a common endeavour, amidst a chain of efforts in time and space. No one was better able to depict than Edmund Burke the “partnership...between those who are living, those who are dead, and those who are to be born.”³ The compact between generations raised the question of knowing what would be the real evaluation, either positive or negative, regarding the heritage brought within the timeline of succeeding generations.

The question about the “burden of history” (*die Last der Geschichte*), voiced by Kant in 1784, echoed by Burke in 1790, was transformed by Thomas Jefferson in his correspondence with James Madison (1789-1790) in what I call the ‘standing debt paradigm’ of the intergenerational justice principle (IJP).⁴ We may easily identify the same debt paradigm in Rawls (1971) who tries to explain the duties of each generations regarding the continuity and enhancement of the material and cultural flows of history’s fabric.⁵

The main point this presentation wishes to sustain, however, brings the debt paradigm to its

own limits. Putting this IJP paradigm under test, within the contemporary landscape underlined by the huge challenges caused and brought by climate change and the global environmental crisis.

Climate change, under the perspective of the intergenerational justice principle (IJP) both precedes and goes beyond the debt paradigm: a) it precedes the debt paradigm because its ontological nature takes into consideration the basic pre-conditions of justice, namely the existence of a planet able to accommodate human beings; b) beyond the debt paradigm, because the implications of climate change are unable to be framed in a cost benefit analysis, given the risk of collapse.⁶ Therefore, I conclude that in order to have the expectation of a real legal implementation of international justice in the sphere of climate change, we will need to combine a double approach: a) the intergenerational justice principle (IJP), seen in the framework of the ontological debt prospect, may be understood as a meta-justice principle, more as a guide for practical reason, than a tool to concrete action; b) The key for workable justice will be the acting combination between the IJP and the Principle of Common but Differentiated Responsibilities (PCDR).

The future of climate change negotiations will depend dramatically on the right hierarchy between the rational priorities of IJP, as a meta-justice concept, over the PCDR, understood as a vital workable justice device. Only through that strong combination will we be in conditions of avoiding a legal vacuum after the expiration of the Kyoto Protocol, by the end of 2012.

Notes:

1. Rawls, John (1971): *A Theory of Justice*, New York: Oxford University Press, ed. 1990,

§44, p. 284.

2. Kant, Immanuel (1784): *Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht* [1784], *Gesammelte Schriften*, Berlin: Königl. Akademie der Wissenschaften, ed. 1902, vol. VIII, pp. 30-31.

3. Burke, Edmund (1790): *Reflections on the Revolution in France*, Selected Works of Edmund Burke, Indianapolis, Liberty Fund, 1999, vol. 2, pp.192-193.

4. Banning, Lance (ed.) (1995): *Jefferson and Madison. Three Conversations from the Founding*, Madison: Madison House, 1995, p. 166.

5. Rawls, John (1971): *A Theory of Justice*, New York: Oxford University Press, ed. 1990, §44, p. 285.

6. “Perhaps in the end the climate-change economist can help most by not presenting a cost-benefit estimate for what is inherently a fat-tailed situation with potentially unlimited downside exposure...”, Weitzman, Martin L. (2009) *On Modelling and Interpreting the Economics of Catastrophic Climate Change*, *The Review of Economics and Statistics*, Vol. XCI, February, p. 18.

Biography:

Prof. Dr. Viriato Soromenho-Marques (*1957) teaches in the Departments of Philosophy and European Studies of the University of Lisbon, where he is Full Professor. He was Chairman of Quercus (1992-95). He was Vice-Chair of the European Environmental and Sustainable Development Advisory Councils network (2001-06), being member of the Portuguese Council (CNADS). He is the scientific coordinator of the Gulbenkian Environment Programme. He is member of the Advisory Group on Energy and Climate Change by invitation of the President of the European Commission