Rights, Duties, and the Future

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Our age is unique in that we currently possess the technological ability to alter drastically the lives of succeeding generations to an extent never before possible. Within minutes we could effectively destroy all life on our planet. While our actions, hopefully, will not be so drastic, there is precious little life on earth not being affected, for better or for worse, by the environmental and social practices of our time. Yet to bemoan this state of affairs is pointless; all history is an account of actions, changes, and effects, and if this be the path to humanity's destruction, it must also be the path to humanity's survival. What we can rightfully deplore, however, is the lack of anticipation and forethought in our conceptions of proper action. I am not speaking of the all too common blatant disregard for future conditions in favor of immediate self-interests, but of the lack of a consistent philosophical articulation of any moral obligation we have to humanity as a whole: past, present, and future, even among those highly concerned with social improvement, environmental protection, and the like. To be sure, all conscientious moral theories implicitly provide for a "better" future through their prescriptions, but if we expect our collective actions, cultural practices, and philosophical thought to be moral, in the sense that they serve, in Washington's words, as "a meliorating influence on all mankind," not just for a few days, a few years, or even a few centuries, but absolutely, we must have a clear understanding of the rights and duties concerning the future inhabitants of our planet (qtd. in Tuchman 299).

Philosophically speaking, the issue of rights is extremely complex and controversial. In light of the plethora of uses and misuses of the word "right," both past and present, we must first establish a clear, basic definition of the concepts involved. Basically, a right is most easily understood as a claim. However, as Joel Feinberg points out, this definition is somewhat circular, since a claim is usually defined as something like a right (qtd. in Beauchamp 197). But the idea of a claim is somewhat more useful in that it implies both an activity and a recipient. In other words, a claim is necessarily an action performed by an individual, or group of individuals, with respect to another individual, or group of individuals. Even claims
upon material objects entail certain relationships with others by restricting or mandating the actions of others with regard to the objects. This act of claiming is essentially a pronouncement of what is "correct" in the relationship between the maker(s) and receiver(s) of the claim. Now, there are, of course, many senses of the word "correct," and this is one way to distinguish among certain types of rights. For instance, the possessor of a legal right may properly claim to judge (or have judged for him) a certain action as legal; the possessor of a moral right has the ability to pronounce (or to have pronounced for him) the morality of the relevant activity or state of affairs. In short, a right is a statement of what is right, or correct, or proper with regard to relationships and associations within a given community: legal, moral, etc.¹

Under our current definition of a right, the source for authority for any such claim, or right, is necessarily found within the elements of the relationship involved in the activity of claiming. What this means is that the authority for a right originates in the individual or group upon which the claim is made. And, as before, rights may be further defined and classified according to the association which makes them possible. For example, a legal right of a citizen of the United States is based upon the internal rules

¹ I believe that this definition offers a good clue to the philosophical distrust and/or distaste for the concept of rights. A right is often seen as some sort of semi-mystical possession which governs human interaction, and failing to find a proper basis for such governance, philosophers reject the notion of rights, or at least claim that rights are secondary to some other necessary basis for decisions, such as a theory of ethics or justice in general (see Margaret Macdonald, qtd. in Beauchamp 208-210; and Ruth Macklin, qtd. in Beauchamp 214-215). And it is the case that a strong argument can be made that in our present definition of a right assessments of their ultimate value cannot be made any more than "good" or "right" can be defined anywhere without the help of a more fundamental outlook. However, to realize these limitations is not to render the concept or consideration of rights pointless. What an analysis of rights does allow is a more practical and immediate judgment of the consequences of more general ethical theories. An articulation of rights, within any context, forces consistent interpretation and formalizes conclusions, which are two areas of concern which general theory all too often leaves open to dispute. Particularly for our purposes, an articulation of the nature of the rights of future individuals will not so much proscribe specific action as force consideration of future beings regardless of the ultimate standard of "good" employed in any given ethical analysis.
of political association present, and the assertion of such a right takes the form of a claim upon the United States government for the protection, rectification, or retribution made necessary by a confirmation of the right of the claimant. (Similarly, the government may make a claim upon the individual, a right to tax, for instance, to the extent which the formal association between the individual and the government allows.) Other legal rights, likewise, find their origin and authority in the applicable political association. Rights involving any sort of contract necessarily arise from the association defined by the contract, and those parties involved are hence the makers and receivers of claims regarding that contract. Certain rights may be conferred, even without the consent of the recipient, if a given association provides for such actions (e.g., children, citizens in a totalitarian state, etc.), and again claims are made upon the issuing authority. Equal rights would be those conferred or agreed to on the basis of some type of equality: as humans, as citizens, as adults, etc. Thus far we have a fairly consistent notion that a right is the statement of a valid claim, in relation to a given association, and that it is from this association that the right derives its existence and meaning. This may not be as lofty and noble conception of rights as some people are used to, in that it portrays all rights as contingent and mutable, but it does not necessarily degrade the rights we possess as individuals who have entered into, or at least accepted, different associations. On the contrary, it makes the rights we do possess, as citizens of the United States, for example, all the more valuable in that they represent a highly evolved and civilized form of association, not merely the long-awaited articulation of some supposed standard which humans have always been endowed with.²

Here the important question arises: do humans possess any natural rights which exist prior to any social or political associations? If this were the case, a claim concurrent with such a right would have to be made in relation to nature in general.³ Considering the precariousness which dominates the association between mankind and nature, the only valid claim

² Many will no doubt see a danger in defining rights as so contingent and mutable. I admit to this danger, but maintain that it is inescapable, and that only by acceptance of it may we fully guard against it (see Richard Rorty’s essay “The Contingency of a Liberal Community” in Contingency, Irony, and Solidarity).

³ By “nature” I mean that physical set of conditions which exists for all humans, regardless of social or cultural associations.
which one could make, or right which one could possess, would be the right to survive to the best of one's abilities; nature guarantees nothing but a chance, and in some cases a slim chance at that. Yet this simple right to a chance for survival may be more significant than it seems at first glance. For if a human, through his or her action, deprives another human of that chance for survival which that individual would have had if not for his or her actions, has not that which all humans—as creatures of nature—possess been altered, has not a right possibly been violated? If a human perishes through the actions of a hungry tiger, the violence of a lightning bolt, or the force of an earthquake, nothing unnatural has occurred, and hence no natural right could have been violated or moral rule transgressed (assuming, of course, that no other human was responsible for the victim's presence in such dangerous circumstances). But in as much as human action changes the conditions of an individual's relation to his or her natural circumstances and lessens the chance for survival which would have otherwise been present, a right may be said to have been violated. If this analysis is correct, it would mean that there is one right which may be regarded as absolute, which applies to all humans by virtue of their being creatures of nature (or, if you prefer, by necessarily existing within a certain range of physical conditions and conforming to certain physical restrictions and standards): each human has a right to survive to the best of his or her abilities. Of course, under the definition and theory that the maintenance of a right, yours or another's, is what is right, if every human possesses this right absolutely, it is restrictive in the sense that no person may rightfully deprive another of this right, even in the assertion of his or her own right.

How, then, does this view of rights concern future individuals? Clearly, in as much as most rights are contingent upon associations and/or agreements made, individuals who do not yet exist cannot be said to possess any such rights. True, some current political associations, for instance, will grant certain rights concurrent with the existence of a new individual life, and it certainly seems proper and moral for us to guarantee that those rights which we currently value should be available to new individuals, but they certainly cannot possess them prior to existence. However, in as much as any absolute right exists for all humans regardless of any associations, a case

4 This is true not so much because claims could not be made, although that would be somewhat problematic, but because no association has been formed.
can be made that the right of survival to the best of one’s abilities exists now for all individuals who will come into being. In other words, the individuals of the future may be said to atemporally possess a right of survival to the best their abilities, free from any hindrance by other individuals, prior to the fact of their existence. Hence, the right to survival to the best of one’s abilities is not merely absolute in the sense that every human has, does, and will automatically possess it, but that all humans who do and will exist possess that right at any given time.

If the right to survival to the best of one’s abilities exists, what duties or obligations does it entail, if any? First, we should consider the notion of correlative rights and duties in general. Tom Beauchamp summarizes this thesis as follows, “One person’s right entails someone else’s obligation to refrain from interfering or to provide some benefit, and all obligations similarly entail rights” (202). The standard criticism of this view is that not all rights entail duties and/or that not all duties entail rights. Beauchamp asks, “Such goods as adequate housing, clothing, food, health care, education, and a clean environment populate the United Nations list of ‘human rights,’ yet does anyone have a corresponding duty” (205)? I would assert that under a definition of rights as valid claims upon associations that an individual deprived of one or more of these goods could make a valid claim.

5 Of course, when we enter the world our right to survival to the best of our abilities on our own is not much of a right, but we shall discuss the extent to which other humans are obligated to help us assert our right when we examine correlative duties to this right.

6 As to the metaphysics of possession without being, I would offer that perhaps as an absolute right applies to all humans, it also applies to humanity as a whole. And if humanity has a right to survive to the best of its abilities, this right is effectively represented by a conception of the rights of not yet existing humans.

7 As to the possession of this universal right by individuals who have died, they have presumably exercised their right to survive to the best of their abilities and failed at some point, thus sacrificing any possible future assertion of that right. This is not to say that their rights may not have been violated during their lives to such an extent that they did die, or that some sort of compensation to humanity should not be extracted from the violators of their rights, but it is to say that any further protection of their right is futile. As Ernest Partridge points out, “The distinction [of rights between the unborn and the dead] follows from the fact that we (or perhaps others) can affect the conditions of life of the unborn, but we cannot alter the completed lives of the dead” (249).
upon the United Nations and rightfully demand that the situation be rectified to the extent which the association makes such rectification possible. The organizations and agencies of the United Nations no doubt think that they are, to the best of their ability given the limited authority vested in their association with citizens of member nations, working to establish and protect these rights as is their duty. Certainly in a situation where the maintenance of these rights is rendered impossible, members of the United Nations consistently appeal to the association as a whole to fulfill a duty to come to their aid. The problem here is that some rights can only be stated as futile claims owing to the lack of authority present in the association responsible for the creation of these rights. This does not mean no duty exists, but that the right itself is insubstantial since a right, as a claim, divorced from effective duty, is essentially empty rhetoric. Likewise, Joel Feinberg argues that there exist duties which do not correlate with rights. He says, “Duties of charity, for example, require us to contribute to one or another of a large group of eligible recipients, no one of whom can claim our contribution from us as his due” (qtd. in Beauchamp 204). But what is the origin of these “duties of charity?” Under Feinberg’s analysis a “charity judge” could presumably be appointed to go to individuals, in the name of all in need of charity, and reprimand them for not giving to someone. This idea is absurd: for there simply exists no such duty beyond promises made by individuals explicitly or implicitly, by membership in an association. For example, as a Catholic a given person, in the affirmation of his or her religious beliefs, may have acquired a duty to be charitable, and the Catholic Church would then certainly have a right to demand that person fulfill his or her duty and be charitable toward someone in need. In essence, the confusion here is caused by the broad sense of the word “duty.” Duties exist, as rights do, as the result of associations and the ensuing repayment of debts or fulfillment of promises, but we often inappropriately (at least from a strictly philosophical perspective) see the duty as toward the object of the promise, for instance, as opposed to the individual or group to which the promise was made.

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8 I would, however, agree that these rights are “claimable” only in so far as individuals are involved, through the aegis of their own government, with the U.N., not as humans in general.
How does the correlativity thesis then apply to the aforementioned absolute right of survival to the best of one’s abilities? An absolute right would have to be correlated to an absolute duty, or a duty which is binding universally, upon all aspects of the association between humanity and nature. In a sense, nature fulfills its duty by being consistent, in that certain actions will, according to the so-called Laws of Nature, always produce certain results. But humans also possess a duty to 1) survive to the best of their abilities and 2) ensure that others are able to survive to the best of their abilities. In other words, human beings have an absolute obligation to adopt practices (environmental, cultural, social, philosophical, etc.) which allow all existing, and future existent, human beings to survive to the greatest extent which they are capable of surviving. This would necessarily entail the creation and maintenance of the most effective institutions, mechanisms, and associations possible to maximize the survival possibilities of all humanity. This rather encompassing duty goes beyond a simple principle of non-interference in an individual’s “natural” ability to survive because the abilities of the individual in question are, under humanity’s absolute duty, to be given every possible chance of manifestation in so far as another individual’s possibilities are not mitigated. And to the extent which nature—as it exists within each human—can act to fulfill this obligation, it is morally bound to do so. Summarily, human beings are absolutely obligated to maximize the survival possibilities contained within other humans, and all future humans, to the extent which the knowledge and ability of those thus obligated permits. Thus a human being, as an absolute possessor of the right to survive to the best of his or her abilities, is also, by the nature of his or her humanity and material existence, the embodiment of the absolute duty to protect and promote this same right in the rest of nature as it exists in other present and future human beings.

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9 A further distinction is often made in this regard, as Mill and Kant have done, in discussions of perfect and imperfect duties. In Mill’s case this seems to be just a distinction between what is basically an articulated, legal right (a perfect duty) and more implicit types of rights resulting from some sort of moral association (imperfect duties) (see Utilitarianism 48-49). In Kant’s case, this distinction seems to reflect a difference between absolute and contingent standards which could be translated as absolute and contingent rights (see The Foundations of the Metaphysics of Morals 5,39-42). In both cases, the argument for strict correlativity can still be made.
This admittedly somewhat polemical conclusion may be valid if we accept the given definition of a right, a claim, and a duty. But what are the consequences of such a view from an ethical perspective? In order to best answer this question, I shall attempt an analysis of some other philosophical positions and evaluate their stance on the problem of rights and obligations concerning the future, and thus demonstrate the implications and meanings of the view set forth above.

Many philosophers have recently maintained that the idea of rights being possessed by the future is not a sound basis for ethical decisions. Richard T. DeGeorge offers three compelling reasons against the idea of "future rights." First, he states, "Future generations by definition do not exist now. They cannot now, therefore, be the present bearer or subject of anything, including rights" (95). On one level, of course, this makes perfect sense, in as much as rights are considered a "possession" equivalent to a material object. But there are numerous cases one can think of that lead to a different conclusion. If a baby is born, and there is no clean air for that child to breathe, and he or she dies after a few months, certainly, if there is anything like a right to a chance for survival free from the debilitating effects of another human's actions, it has been violated. Now, the violation, or action which caused an improper situation, could have happened at any time before the birth of the child, but may not have become physically evident until the child was born. We may say, then, that DeGeorge's viewpoint confuses violation of a right with evidence of that violation. Practically, there is little difference, but without a philosophical position which accepts violation as possible before it is evidenced, the prevention of violations would be rendered exceedingly difficult. Under our previous analysis, humanity, as a species, would also possess the right to survive to the best of its abilities, and if future children cannot survive that right has certainly been violated. Whether or not the "possession" of the right is actually had by the child before it exists or by humanity as a whole actually, again, makes little difference. For the child of the future effectively serves as the instantiation of any rights of humanity, and thinking in terms of the child possessing rights is the most practical way to ensure nothing is violated.

Secondly, DeGeorge states that "Such future generations could at least in theory be prevented from coming into existence. If they were never produced it would be odd to say that their rights had been violated. For since
they do not now exist they can have no right to exist or be produced. Now, they have no present rights at all” (96). Again, if we consider a right of humanity to survive—and thus also a duty to allow, even promote its survival, in the sense of making such survival more likely—we see that preventing future generations from coming into existence at all violates this right of humanity as a whole, and thus the right of every individual which would have existed. Now, of course the objection and/or concern here is the question of possible humans verses actual future humans. Bryon G. Norton recognizes this problem when he states, “There is a distinction between possible or potential individuals and future individuals… Future people,… are people who will, in fact exist at some subsequent time. It might be argued that even possible people have rights, for instance, a right to life…. Hence every avoidable failure of conception would involve the violation of a right to exist” (321). The solution to this problem of distinction between possible and actual future individuals may be clarified by a restatement of my original position. All human beings who will come into existence possess an absolute right to survive to the best of their abilities. Likewise, humans have an absolute duty to maximize survival possibilities of every human who comes into existence. Of course, we seemingly have no way of distinguishing between possible individuals and actual individuals until they are, in fact, actualized. But, let us consider how they are actualized. For it is through the actions of existing humans that a possible being is made an actual being. Thus, while we do not know who will exist 100 years from now, we do have control over, and a duty toward, those beings. And, if we are to maximize the survival potentials of those beings, as well as humanity as a whole, a large measure of this may be accomplished simply by manipulation of their number. Basically, what I am arguing here is that our correlative duty to the absolute right of all individuals to survive to the best of their abilities entails responsible procreation, simply because this is an extremely important way in which we presently affect, through our actions, the lives of those future individuals who will exist. This is not the “easy way out” in that, as James L. Hudson says, “… we can always avoid violating the rights of future people by preventing their coming into existence” (101). Nor does it represent, as Hudson later states, “… a sort of moral coercion which is equally illegitimate” since it violates a right to “blameless procreation” (102). Rather, it represents a proper acknowledgment of the right of
all future humans and our duty towards them. To be sure, there was a time when it was a duty to procreate as much as possible in order to ensure the survival of the race and maximize survival possibilities for the future, but, at present, achieving this same goal definitely requires different actions.

Derek Parfit raises a similar sort of objection in his construction of what has come to be known as "Parfit's Paradox." Essentially, he claims that a policy of high consumption of environmental resources, which is clearly not acceptable to us, will produce different future individuals than a more restrained policy would, for a variety of reasons. But those individuals produced under a period of high consumption would not exist but for the depletion of resources, and it would be more against their interests not to exist than to be deprived of any given resource (qtd. in Norton 322-3). What Parfit's supposed paradox actually does is provide us with a good reason not to blame the past for our difficulties, but this does not abrogate any responsibility we have to the future. Again, it is up to presently existing individuals to maximize the survival possibilities of future humans, whoever they may actually be. It is also up to present individuals to create future humans in a way which does not undermine, in fact which enhances, those same survival possibilities. Thus, high consumption would entail a responsibility to low procreation, which may be necessary owing to already committed acts of high consumption. But, such a continued policy obviously jeopardizes the survival of humanity as a whole thus violating everyone's rights.

Another aspect of Parfit's argument will be dealt with in considering the final point of DeGeorge. His third objection is that "Speaking of the rights of future generations as if their rights were present rights... leads to impossible demands on us" (97). Essentially, he states that if future persons possess rights, and there are an infinite number of future persons, anything which alters our environment (the use of a non-renewable resource, for example) is a violation of some future individual's right. As Norton also points out, "All this is somewhat bewildering and has, not surprisingly, the effect of paralyzing rather than guiding decision making" (333). While at first glance this paradox may also seem true, it actually confuses the essential factor of human survival with the non-essential aspects of our culture and society. For instance, humans lived for thousands of years without using uranium as a power source. We know that it would be
perfectly possible for the full exercise of human potential without its use. If we, therefore, deplete the supply of uranium, we are not necessarily violating any right held by future individuals, except in so far as we bring them into a world which, because of overpopulation, destruction of other environmental resources, or just plain stupidity, we make the use of such a non-renewable resource necessary for their survival. In other words, if we construct a society which depends on crude oil for its functioning, and make no provisions for the inevitable depletion of that resource, and thus leave individuals 200 years from now faced with the well-nigh impossible task of a total, sudden restructuring of society once the oil runs out, we have violated their rights by failing to maximize their survival potential to the extent which we could have done so without adversely affecting our own survival. Certainly, this is an awesome duty to live up to, made no less difficult by the actions of our predecessors, but it certainly does not paralyze us to the point of inaction.

There are, however, some philosophers who have suggested ways in which “rights of the future” may be made more plausible. Bryon Norton suggests that it is the individualistic nature of basic rights theory which causes most of the problems which arise in any discussion of rights of future beings. He says, for instance, “Indeed Rousseau’s ethical categories, where the General Will (the interests of an organic community not reducible to individual interests) is sharply distinguished from the will-of-all (the aggregated interests of individuals), may be revived as an important possibility in modern ethics” (337). This approach, also, would have some problematic aspects. Namely, that the classical liberal tradition responsible for so much of basic concept of rights in general lacks a vocabulary of discussion removed from the cases of individual interactions and individualistic assertions of rights. But Norton definitely has a point. For instance, in my arguments above, I often mentioned a right of humanity to survive as a species to the best of its abilities that somehow went along with an individual’s right to survive to the best of his or her abilities—in as much as the species and the individual are both objects of the ubiquitous set of conditions and circumstances we call nature. Perhaps what is needed is an articulation of a “species right” somewhat along the lines of Marx’s “species being.” But I believe my position stands well enough without such an articulation in as much as my considerations of future rights are based only
upon what I have taken to be an absolute right—one which categorically applies to all instances of humanity, and which thus may be said to apply to humanity as a whole.

Rolf Satorius also maintains the existence of the rights of future individuals. He states quite simply that “Future generations of course do not exist now; they have no interests now, vital or otherwise, and they can make no claims upon us. But the nature of the vital interests they will have is a valid basis for claims upon us as to how we ought to behave” (197). And he even goes so far as to say, “If we have a right that government protect our right through an effective exercise of the guardianship with which it is entrusted, they have a similar right. My suggestion is that judicial recognition of that right may be required to full secure it” (201). I believe his statements to be plausible in that he implies that a denial of future rights would probably entail a denial of rights absolutely, since there would be no denying the fact that it makes no sense to claim for ourselves what we will not grant to others who will be in the same situation. His suggestion of legal representation does, however, bring up an interesting problem. Any consideration of rights of the future entails some sort of knowledge about future conditions and the future consequences of present actions. Our knowledge in this area is obviously limited and conditional, so how can we insure an effective basis for decisions? Just as our duty to the future entails responsible procreation, I maintain that it also entails responsible investigation. By that I mean we must, to the full extent of our abilities, seek to know the possible and probable consequences of our actions. Ignorance of the scope to which a right is being infringed upon does not mean it has not been violated. Although responsibility may certainly be mitigated in this way, it may only be lessened to the point to which possible investigation was done concerning the effects of present actions. Basically, we have a duty to know as much as we can so as to maximize both present and future survival possibilities. But, the ultimate lack of certainty in dealing with the future can not be conscientiously turned into a denial of either rights or responsibilities; it can only be turned into reasonable caution.

Before concluding, I would add a word about the quality of that survival which results from the exercise of a human’s right to survive to the best of his or her abilities. There are, of course, many forms of “survival” which no one would wish upon the future. But a guarantee of a chance for
survival is not enough to fulfill our duty toward the future, for it must be a survival free from any sort of deprivation (environmentally, culturally, socially) caused by current action or practice. For to the extent which we deprive future individuals of choice, possibilities, and freedom of action, we shall deprive them of that which is the unconditional due to all humans—a fighting chance. Of course, some impositions are inescapable because of the simple fact that our existence always takes place within a given context, but contextual restraints are not the same as negligent deprivations. For humans are also bound to their own struggle for survival, but within our own struggling, we are not simply struggling for ourselves, but for the future as well.

We have seen how the adoption of a certain conception of rights as claims leads to both an account of the contingency of most of what we speak of as “rights,” and to the fundamental nature of a right to survive to the best of our abilities—as individuals and as a species. We have seen how this absolute right entails an absolute obligation, not only to other recognizable beings, but to all beings who do or will exist, since they will unconditionally possess the same right. And we have seen how this position answers some of the problems inherent in a philosophical clarification in an area of increasing concern in our lifetimes. Indeed, there are no doubt other conceptions of responsibility to the future which could serve in this capacity (theological duties, for instance), but these arguments tend to be weak in the sense that we have trouble even applying their consequences to the present, let alone the future. My point is this: in our lives we presently invoke the notion of rights a great deal, reflecting the fact that our mind-set is somewhat comfortable with their use. This is not to say rights theories are free from problems and contradictions by any means; it is merely to say that a rights-based account of responsibility toward the future may be what is needed to actualize and vivify our increasingly necessary concern with the ethical repercussions of our actions, not just within a currently existing moral community, but within the spectrum of human existence as a whole.
Works Cited


