

## **Report from Short Visit in Bochum 3-10 October**

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### **Purpose of the visit**

The purpose of the visit was to meet Klaus Steigleder with the aim to learn about and discuss his theory of human rights with a particular focus on rights for future generations and how to deal with risk from the perspective of human rights.

This visit adds to a prior visit to Marcus Düwell at Utrecht University. The aim here was to clarify what the human rights tradition can learn from the consequentialist tradition and its focus on trade-offs when taking its different perspective into account. Both duties to future generations and uncertainty are issues which the human rights tradition only have addressed to a minor degree, and which traditionally are seen as difficult to handle within a rights perspective.

On the other hand, the consequentialist tradition has worked extensively with both of them, often with the help of formal methods. Hence, the idea was, by bringing expertise from the two traditions together, to make it possible to join forces in clarifying how a human rights position can meet the challenges from climate change, i.e. to give an account of our duties to future generations and to clarify how to deal with uncertainty about the future.

For this aim, Klaus Steigleder is interesting, because he has developed an understanding of human rights which allows for weighing to some extent, and furthermore an understanding of rights and risk which likewise allow for weighing to some extent. Thereby, his theory is more flexible than alternatives in meeting the challenges from climate change and future generation.

### **The work carried out during the visit**

The work carried out consisted some time for preparation and very intensive talks, where a number of issues were unfolded and analyzed.

### **The main results obtained.**

The discussions took their point of departure from the results obtained at the prior visit in Utrecht, which addressed certain challenges raised by Robert Nozick and Derek Parfit concerning side-constraints vs. goals, negative vs. positive rights, the Non-Identity Problem and some basic

understandings of the issue of risk in relations to human rights, and which are described in the report for this visit.

The discussion, therefore, focused on the structure of human rights as a goal, i.e. understanding the values involved in this goal and their relative weight. Second, the discussions aimed to draw implications of this hierarchy of rights for issues of risk. Thirdly, implications for future generations and for poverty were discussed.

The hierarchy consists of two series of values, freedom and well-being, the relative weight of which is in general undetermined. However, each of these consists in a hierarchy of lexicographically ordered values. For well-being, they are the right to life, to basic goods, to non-subtractive and to additive goods. Moreover, there are both negative and positive duties, where the negative apply unconditionally (but respecting the hierarchy), and the positive only apply in cases where there is 'no comparable cost' to the agent.

When it comes to risk, the following factors entering an assessment of a risky act from a human rights perspective were identified: the aim of the act, the considerability involved in performing it, the rough likelihood of the risky outcome, the cost of prohibition or other alternative acts, the severity of the potential harm, the number of victims, whether the act is individually or collectively performed, whether or not we know statistically that harm will occur, and finally issues concerning compensation, possibility to adapt and consensus to be imposed to the risk. The working and weight of each these factors were analyzed. Moreover, the relative weight of risk of harm versus actual harm was discussed, and various applications concerning climate change and poverty discussed. Finally, issues concerning institutions and economic factors were added to the picture. Hence, the basis of a complete theory was developed, which then can be further analyzed with the formal instruments of consequentialism.

### **Future collaboration**

There is great interest in continuing the discussions in the future. Also, common interests concerning ethics and economics will be pursued in the future.

### **Projected publication**

Karsten Klint Jensen & Marcus Düwell: How can uncertainty and obligations to future generations be addressed from a human rights perspective? (Working title). A preliminary version, taking the above results into account, was presented at the final ESF conference in Soesterberg. To be submitted later this year.

### **Other Comments**

I should like to express my gratitude to the ESF for support and the host for a very beneficial visit.