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The threat of intergenerational extortion: on the temptation to become the climate mafia, masquerading as an intergenerational Robin Hood

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ABSTRACT

This paper argues that extortion is a clear threat in intergenerational relations, and that the threat is manifest in some existing proposals in climate policy and latent in some background tendencies in mainstream moral and political philosophy. The paper also claims that although some central aspects of the concern about extortion might be pursued in terms of the entitlements of future generations, this approach is likely to be incomplete. In particular, intergenerational extortion raises issues about the appropriate limits to the sway of central values such as welfare and distributive justice. We should be wary of ways in which such values invite us to buy off, or perhaps to join, an intergenerational climate Mafia.

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'I don't think it's bribery; I think it's extortion.

Bribery, you know, is when the person that's giving the money does it voluntarily.

What it is in Washington is extortion because they all ask for the money.'[1]

"[Extortion is] more odious than robbery; for robbery is apparent, and hath the face of a crime, but extortion puts on the visure of virtue".[2]

1. Introduction

In an episode of *The Sopranos*, Mafia don Tony Soprano and his wife Carmela are invited to meet with a Dean at their daughter's university.[3] Tony refuses, 'I'm … not going to lunch with some asshole who's trying to shake me down.' Carmela goes anyway, and is asked to donate $50,000. Tony is unimpressed:

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Tony: You gotta be kidding me.

Carmela: He talked an awful lot about Meadow's having the best possible university experience.

Tony: Yeah, those pricks are holding her hostage.

Later, Carmela presses the issue:

Carmela: All the money you give to Angie Bonpensiero and who knows what other widows you've got on your payroll.

Tony: It's a business expense.

Carmela: But there's not enough to make sure your own daughter is protected?

Tony: I won't pay. I know too much about extortion.

Both Tony and Carmela interpret the Dean's request as in effect involving a protection racket. Yet, while Carmela wants to pay, Tony suggests a strong reason to resist: 'I know too much about extortion.'[4]

In a widely circulated, but presumably apocryphal version (e.g. Sutherland and Swan 2011, 238–239), the demand comes when Meadow is applying to college, and the discussion is more blunt:

Carmela: I think you should pay him, Tony.

Tony: No fucking way!

Carmela: What, your daughter's future isn't worth 50,000 dollars?

Tony: That's not it. That motherfucker's full of shit. He's shaking me down.

Carmela: No, he's not.

Tony: Oh, yeah? Who knows more about extortion, me or you?

Here, Tony and Carmela have contrasting views of the situation. Carmela sees the request as a straightforward business transaction.[5] To her, 50,000 dollars seem a reasonable price to secure their daughter's future. To Tony, however, the demand is offensive and represents a broader threat.

Tony's responses 'I won't pay; I know too much about extortion' and 'Who knows more about extortion, me or you?' have become part of American cultural folklore. In my view, they also offer an important insight into intergenerational ethics. To show this, I focus on some arguments made within climate policy for passing the costs of climate action on to future generations (or, as proponents put it, 'making the grandchildren pay'). Though practically important, the climate examples are largely illustrative. My main point is that extortion is a live threat in intergenerational relations, and that any approach to future generations that ignores it is likely to be fatally flawed. While the threat has largely passed unnoticed in intergenerational moral and political philosophy, and especially in climate ethics, in my view it is the 'elephant in the room,' morally speaking.

The paper proceeds as follows. First, it introduces a paradigm case of climate extortion that is not intergenerational. Second, it points out that the central argument in that case is worryingly similar to arguments for 'making the

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grandchildren pay.' Third, it argues that a specific argument for making future people pay offered by John Broome opens the door to extreme intergenerational extortion. Fourth, it infers that a more substantive approach is needed, specifying ethical criteria for when intergenerational transfers are broadly acceptable, minimally decent, or at least tolerably indecent. Fifth, it identifies a more general reason that intergenerational extortion is a live threat, based on the problem of welfarist and egalitarian overreach. Finally, it argues that we should understand this threat in terms not just of the importance of standard fundamental values, but also their limits.

Before beginning, let me be clear about my strategy. My aim here will not be to explore criteria for identifying intergenerational extortion. (I defer that task for another occasion.) Instead, I take it to be sufficient for current purposes to identify the relevant category, say something about its shape, and encourage those concerned about future generations to take it seriously.

One reason that it is sufficient is that we are not in a situation where one should insist that charges of extortion satisfy very high standards of proof, as if the point is to secure a conviction in a criminal trial. Instead, the point is to persuade us, the current generation of decision-makers, that there is a case to answer, and specifically that we are at risk of becoming extortionists, or complicit in extortion. Since who we are as moral agents matters to us, this is an important task. Elsewhere, I argue that the task is especially important in strongly intergenerational contexts such as climate change, where the current generation occupies an evaluative perspective that is not neutral and is subject to few external correctives (Gardiner 2011). In such settings, the threat of moral corruption – the distortion of ways in which we conceptualize the challenge facing us – is severe. Specifically, if we are to avoid becoming intergenerational extortionists (e.g. the climate mafia, the nuclear waste mafia, and/or the genetic disease mafia), we must recognize the temptations of our temporal position and perhaps also limits to the purview of some central political values.

A second reason is expressed by James Lindgren, an authority on the history of extortion as a legal concept:

> All of these areas – bribery, blackmail, insider trading, commercial bribery – share problems of determining underlying entitlements to the leverage being used. … It is notoriously difficult to separate bribery (*or extortion*) from gifts, tips, campaign contributions, and log-rolling. [Nevertheless,] … *that one doesn't* [yet?] *have a good theory to explain the entitlements isn't a refutation* … of the important principles underlying bribery … (Lindgren 1993, 1708)

In other words, the fact that determining the precise boundaries of a concept like extortion may be difficult does not show that there is no such concept, nor that it cannot do important work. Sometimes, it is crucial to identify the elephant in the room before taking on the more difficult task of determining precisely what makes it an elephant, and especially what distinguishes it from other large mammals, some of whom may, in some lights, look a lot like elephants.[6]

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2. Global extortion

To motivate the idea that extortion is an important concern, let us begin with a paradigm non-intergenerational case. In the period leading up to the Paris Agreement, Eric Posner made the memorable claim: 'You can have justice or you can have a climate treaty. Not both.' Over a number of years, Posner and his colleagues (call them, 'the Chicago lawyers'[7]) have vigorously pursued the line that ethical concerns, and especially concerns of justice, are largely "idle" and often a serious obstacle to progress in the 'real business' of cutting emissions, and that instead climate agreements should be made primarily on the basis of national self-interest (e.g. Posner and Weisbach 2010; Gardiner and Weisbach 2016).

2.1. The vulnerable pay principle

Interestingly, the Chicago lawyers do not spell out the implications of rejecting justice in any detail. Nevertheless, occasionally there are suggestive passages:

> [An optimal climate treaty] could well *require side payments to rich countries* like the United States and rising countries like China, and indeed possibly *from very poor countries* which are extremely vulnerable to climate change – such as Bangladesh. (Posner and Weisbach 2010, 86)

> Suppose, as seems clear, that India and Africa would pay little and gain a great deal from an agreement, whereas the United States would pay somewhat more and gain somewhat less … *the standard resolution of the problem is clear*: the world should enter into the optimal agreement, and *the United States should be given side-payments in return for its participation*. (Posner and Sunstein 2008, 1569)

These passages suggest a striking proposal. To achieve an appropriate climate treaty, the very poor and low-emitting nations (e.g. Bangladesh, Ethiopia, and Haiti), should "compensate" the richer, high-emitting countries (e.g. the US and China) with "side-payments." In other words, the extremely vulnerable should 'pay off' the big emitters in order to induce them to restrain their emissions.

It is not clear how personally committed the Chicago lawyers are to such proposals. Still, these passages should not be dismissed as merely unfortunate asides. Instead, the vulnerability of the very poor plays a key role in the background reasoning of views of this kind. Consider the following reconstruction:

Nationally Adequate Protection Argument (NAP)[8]

(1) Each country will support robust climate action (e.g. especially major emissions reductions) if and only if, and to the extent that, it benefits that country.[9]
(2) Some countries benefit more from robust climate action than others.
(3) *Those that benefit most are typically the very poor and low-emitting nations (e.g. Haiti, Bangladesh).*
(4) *Those that benefit least are the richer, high-emitting countries (e.g. the US, China).*

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(5) *Those who benefit most from climate action do so largely because they are much more vulnerable to negative climate impacts.*
(6) *If the richer, higher emitting countries engage in robust climate action only to the extent that it benefits them, they will not do enough to protect the most vulnerable countries.*
(7) Therefore, to get adequate climate action to protect the most vulnerable countries, those countries (e.g. Haiti) must compensate the richer, higher emitting countries (e.g. the US and China).

2.2. Presumptive objections

The basic proposal and the reconstructed argument initially strike people as morally shocking, and for good reason.

First, the basic proposal appears seriously morally wrong, not least because it is profoundly unjust. Indeed, it seems exactly backwards. For one thing, instead of the more familiar 'polluter pays' principle, the Chicago lawyers appear to propose a *polluted pay* (and *polluters get paid*) approach. For another, the natural presumption is not just that polluters should pay, but also that they have background responsibilities both not to expose the polluted to such threats, and to protect them if they should arise. In addition, since the specific threat of anthropogenic climate change is imposed on the vulnerable largely by the high emitters, those who must be paid off have *created the demand*. Rather than 'compensation,' this looks more like 'money for menaces.'

Second, the underlying rationale for compensation is morally even worse. The polluted pay approach is actually driven by a *vulnerable pay principle (VPP)*. Countries like Haiti must 'compensate' high emitters *because* they are extremely susceptible to climate threats and the high emitters are not. Being vulnerable is not an incidental fact about them; on the contrary, it explains the basic proposal. It is *because* they are so vulnerable that countries like Haiti, Ethiopia, and Bangladesh should pay.

Third, in context, the 'vulnerable pay' approach seems doubly shocking. The extreme susceptibility of countries like Haiti is driven largely by the fact that they are very poor. Specifically, their poverty plays a central role in explaining their other key vulnerabilities, such as food insecurity and lack of access to quality health care.[10] Consequently, to a major extent, the driving force behind the reconstructed argument is the idea that the vulnerable should pay *because* they are poor, institutionally weak, and otherwise ill-equipped to cope with the consequences of severe climate change. By contrast, what grounds the big emitters demand for compensation is the claim that they have less to lose *because* they are richer and so better positioned to cope. Again, morally speaking, this seems to get things backwards (e.g. it violates normal, capacity-based principles).

In summary, there are strong ethical presumptions against the whole polluted pay approach. Most notably, the reconstructed argument encourages a

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situation where the richer countries ruthlessly take advantage of the situation of the world's most at-risk populations.

2.3. Specific challenges

There are a number of more specific kinds of reason to resist the reconstructed argument. Let me briefly mention two before moving on to the reason that I want to concentrate on here, which is that the argument risks endorsing extortion.

The first kind of reason involves the argument's empirical presuppositions, and in particular the claim that the richer, high emitters have much less to lose than poorer nations. This can be contested on numerous grounds. First, the claim turns on a brand of economic and technological optimism. The main reason that the richer nations are thought to be better placed is that they are richer and have larger economies. However, it is far from clear how robust this assumption is, especially in the face of escalating climate damages and the pressure they may place on existing socioeconomic systems (e.g. one cautionary tale is the recent history of migration in Europe). Second, the claim appears to underestimate the extent to which we now live in a globally interconnected world, where societies and their economies are tightly interlinked (e.g. 'when China sneezes, the world gets a cold'). Third, even more importantly, the idea that richer countries will be able to cope at all with climate change at the mid- to high-end of current projections just because they are (currently) richer seems unduly complacent (e.g. 5 C is equivalent in magnitude to an Ice Age shift). Fourth, the claim that richer countries will do better than the poorer obscures the important fact that many of the bad effects of climate change are likely to fall disproportionately on the poor wherever they live, including in richer countries (e.g. Hurricane Katrina). More generally, the background attempt to carve the world into two classes (the rich, high-emitting nations who are less vulnerable and the poor, low-emitting nations who are more so) is itself dubious.

The second kind of reason concerns feasibility. As we have seen, the most vulnerable nations are very poor (almost by definition). They are also relatively weak geopolitically and militarily. Consequently, it is far from clear that they have anything to offer that would be sufficient to induce the least vulnerable to take additional climate action.[11] Consider for instance that in 2013 the entire GDP of Haiti was around 8.5 billion dollars; by contrast, the US consumed just over 7 billion barrels of oil in 2015, which at $50 per barrel is already 35 billion dollars. More generally, US GDP was around 17 *trillion* dollars ($17,000 billion), and China's $9.2 *trillion* ($9200 billion).

Given this mismatch, Haiti's bargaining power appears very limited. For one thing, it is unclear that the US or China would value even a large chunk of the Haitian economy, or more generally the economies of very poor nations as such, more than continuing their emissions. Perhaps even a 'large chunk' would just

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be too small to be tempting, or perhaps high-emitting countries simply strongly prefer their current ways of life. Moreover, even if Haiti and similar countries could come up with something that the big emitters really wanted, it is not clear that this would be sufficient inducement. For example, suppose that Haiti were to discover large diamond reserves within its borders. The richer, more powerful nations might still secure those resources through other means, economic or military. If this is cheaper than giving up fossil fuels, they would have no reason to exchange emissions for diamonds. (We return to this issue later.)

The third set of reasons to resist the reconstructed (NAP) argument is ethical. One familiar reason is that it conflicts with a consensus view in climate ethics, based on a variety of overlapping moral values, according to which the developed countries should take more of the burdens of climate action than the less developed countries, at least in the short to medium term.[12] Another familiar (and related) reason is that the proposal endorses compound injustices. For one thing, vulnerable countries suffer the threat of climate change and then have to pay to fix it. For another, this occurs against a background of wider global injustice against vulnerable nations, which constitutes a significant part of the explanation of their ongoing vulnerability (e.g. the legacy of colonialism).

Still, the ethical reason I want to focus on is much less familiar. The principle that the vulnerable should pay *because* they are vulnerable appears to endorse extortion. In my view, this worry is the 'elephant in the room' when it comes to understanding the ethics of climate change, and intergenerational ethics more generally. Consequently, it is worth emphasizing and exploring.[13]

Extortion is commonly defined as the 'attempt to obtain money or other valuables by means of a threat' or more generally 'through the inducement of a wrongful use of force, intimidation or the undue or illegal exercise of power.'[14] In his classic work, James Lindgren identifies two kinds of extortion in the Anglo-American tradition: 'extortion by threats or fear' ('coercive extortion') and 'extortion under color of office' (sometimes called 'official extortion'). Coercive extortion involves unethical uses 'of a threat or fear to obtain property or advantage from another, short of violence that would be robbery'; official extortion involves 'the use of official authority as a pretext or cover for the commission of some corrupt or vicious act' (Lindgren 1993, 1695).[15] Both are relevant to intergenerational ethics.

As Tony Soprano suggests, a paradigm case of coercive extortion is the protection racket. Mafia organizations demand protection money in exchange for "ensuring the basic security of their victims" by not violently attacking them. This protection money becomes 'compensation' for not exercising that threat.

Obviously, in context, the word 'compensation' is an (ugly) euphemism. When extortionists hold back from violence, there is no "loss" that ought to be made up, so the demand for compensation is morally ungrounded.[16] Thus, Mafia organizations demand 'compensation' against an illegitimate baseline.[17] The most familiar cases are those where the threat violates independent ethical

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constraints, such as constraints against illegitimate threats of physical violence. However, as we shall see, there are others.

Extortion is something we normally condemn, on a variety of grounds. These include, first, that it is disrespectful. Most obviously, extortionists show a lack of respect for their victims. Less obviously, if they accede, victims are coerced into subservient behavior that threatens their self-respect.[18] Second, extortion has wider social costs. For one thing, it is often thought that to accede leaves the victim open to further, and more severe threats, prompting a downward spiral of accumulating costs (e.g. Tony's 'I know how extortion works'). For another, when widely practiced, extortion usually negatively impacts broader social institutions (e.g. by undermining practices on which collective endeavors depend, such as trust). Third, extortion is a threat to how we see ourselves, morally speaking. Although practicing extortion has its benefits, those benefits come at the personal cost of becoming an extortionist. This is a price that many people are reluctant to pay. Extortion may bring extra resources, but such riches are tainted. They amount to 'blood money' that, other things being equal, many would prefer to live without.

Of course, none of this implies that people never have reason to engage in, or succumb to, extortion. Extortion sometimes delivers results. For the extortionist, it is often brings wealth and power. For its victims, acceding to extortion sometimes achieves something valuable (e.g. ransoms are costly, but maybe you get your daughter back). These are the points that the Chicago lawyers will emphasize. Nevertheless, even here the ethical issues reemerge.

First, ethical arguments are needed to make proposals like the Chicago lawyers at all attractive. In particular, though it may be possible to justify passing *some* climate burdens to the vulnerable, as it stands the NAP is *radically unbounded*, so we must specify the ethical criteria that 'making the vulnerable pay' must satisfy in order to count as at all reasonable. Such criteria may invoke a variety of ethical standards, such as the broadly acceptable, the minimally decent, or perhaps the tolerably indecent (Gardiner forthcoming). However, some justification in these terms is essential. One reason is that, as we shall see in looking at the intergenerational case, without such requirements, proposals such as 'polluted pay' are compatible not just with extortion but with such extreme forms of extortion that cooperation becomes morally horrifying, and ultimately unlikely. Indeed, such proposals may even facilitate making the situation of the vulnerable much worse than under severe climate change since they may serve as cover for providing the rich and powerful with additional means with which to extort them. Consequently, they pose profound risks to vulnerable people.

Second, maintaining Carmela Soprano's attitude in the apocryphal scene – seeing extortion as a straightforward business transaction – is difficult. For most people, 'it's not personal, just business' is a deeply impoverished, indeed offensive, way of understanding extortionate practices. Even Tony, himself a

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mob boss, finds taking such a perspective on the Dean's offer unacceptable. Recognizing that he is being 'shaken down' is central to his assessment of what is going on and the reason he resists. This would be so even if Tony ultimately decided to pay off the Dean for his daughter's sake (as Carmela does).

3. Intergenerational extortion

So far, I have suggested that the concept of extortion is important to understanding a core non-intergenerational case of climate wrongdoing. The Chicago proposal and the reconstructed argument appear to license climate extortion.

3.1. The GAP

One reason this matters is that the NAP has an intergenerational parallel. Call this, the *Generationally Adequate Protection* argument (GAP):

(1) Each generation will support robust climate action (e.g. especially major emissions reductions) if and only if, and to the extent that, it benefits that generation.
(2) Some generations benefit more from robust climate action than others.
(3) Those that benefit most are the most vulnerable generations, which are largely future generations.
(4) Those that benefit least are the least vulnerable generations, including the current generation, and especially the current generation of decision-makers.
(5) Those who benefit most from climate action do so because they are much more vulnerable to negative climate impacts.
(6) If the least vulnerable current generation engages in climate action only to the extent that such action benefits that generation, it will not do enough to protect the most vulnerable future generations.
(7) Therefore, to get sufficient climate action to protect the most vulnerable future generations, those generations must compensate the current generation.

3.2. Presumptive objections

Notably, the GAP has the same structure as the NAP, and supports a parallel conclusion. Consequently, other things being equal, it seems open to similar objections. In short, initially, there appears to be a strong moral presumption against the GAP.

First, consider the conclusion. Again, the claim is that in order to address climate change, the most vulnerable (this time, future generations) should 'compensate' or pay off the less vulnerable (this time, their predecessors and especially the current generation) to induce them to restrain their emissions.

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Again, the proposal is that the *polluted pay* (and *polluters get paid*). Again, on the face of it, from the ethical point of view, this proposal seems morally shocking, profoundly unjust, and to get things exactly backwards. Again, the natural presumption is not just that the polluters (the earlier generations) should pay, but also that they have a *background responsibility not to expose the polluted (future generations) to such threats, and to protect them from such threats*. Again, the specific threat is created by those who must be paid off, so that 'compensation' looks more like 'money for menaces.'

Second, consider the underlying rationale. Again, the key idea appears to be a *vulnerable pay principle*. It is *because they are so vulnerable* to climate threats, and the current generation is less so, that future generations should pay. Again, this seems morally objectionable.

Third, there are more specific ethical objections. Again, the proposal seems to violate an initial ethical consensus, grounded in commonsense morality. In this case, the consensus is that the current generation has a duty to protect future generations, including against climate threats, and indeed also to promote their interests (see below). Most importantly for our purposes, again the situation appears extortionate. If the GAP is accepted, the current generation appears to obtain something of value through the inducement of a wrongful threat, involving an inappropriate use of asymmetric power (in this case, temporal power). Again, such extortion seems disrespectful (to future people and their allies), likely to lead to escalating social costs (e.g. by opening the door to further extortion), and a threat to the ethical self-conception of current people (e.g. by implicating them in an intergenerational protection racket).

In light of the strong moral presumption against the GAP, it is perhaps initially surprising that several philosophers have recently argued in favor of passing on the costs of climate action, and especially robust mitigation, to future generations. Arguments for 'making the grandchildren pay' tend to fall into two camps. One camp is concessive. The claim is that though such an exertion of intergenerational power is morally problematic, even deeply so, it is a defensible approach in light of the alternatives. By contrast, the other camp is enthusiastic. The claim is that making the grandchildren pay brings about *a moral improvement*. Intergenerational threats such as climate change can help create morally preferable distributions of resources across generations.

3.3. A concessive approach

Let us begin with a prominent example of the concessive approach offered by John Broome (Broome 2012; see also Rendall 2011; Maltais 2015).[19] Broome argues that adequate climate action can be achieved if the current generation are 'bribed' into undertaking robust mitigation at the expense of future people through an approach he calls 'efficiency without sacrifice.' The key idea is:

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> If we [the current generation] make a sacrifice by emitting less greenhouse gas, we can fully compensate ourselves by using more … artificial and natural resources for ourselves. We can consume more, and invest less for the future. (Broome 2012, 44)

Broome's thought is that, to the extent that climate action involves the current generation forgoing the advantages of a fossil fuel intensive, business as usual development path, we can "compensate" ourselves for that "sacrifice" by consuming more now and investing less for future generations. In other words, we can have all the advantages of burning fossil fuels without inflicting environmental damage on future people; they just need to pay us to stop emitting. This has attractions for both parties because it results in a strong pareto improvement: both the current generation and future generations are made better off than they would otherwise be (i.e. without robust climate action).

Broome believes that achieving the shift in resources needed for *efficiency without sacrifice* poses a practical challenge, but argues that the challenge can and should be met. Specifically, institutions should be created that shift resources toward the current generation and away from the future, and economists have a responsibility to make that happen:

> *Efficiency without sacrifice* is technically possible. It is a big task for economics to make it practically possible. Economic institutions need to be created that can shift resources in the required direction. The economics profession should take on this responsibility. Making *efficiency without sacrifice* available would lubricate the political process, and make it much more likely that the problem of climate change will be resolved. (Broome 2012, 48)

Broome admits that *efficiency without sacrifice* is morally problematic. One reason is that it is morally inferior to the best approach to climate action, which on his view is *efficiency with sacrifice*, where 'emitters reduce emissions enough to eliminate inefficiency, but are not compensated' (Broome 2012, 45).[20] Another reason is that *efficiency without sacrifice* is seriously unjust:

> Under efficiency without sacrifice emitters are paid to reduce their emissions by the receivers. Receivers in effect *bribe* emitters not to harm them. This benefits both emitters and receivers, but only relative to the initial unjust state of business as usual. *Efficiency without sacrifice* perpetuates the injustice. (Broome 2012, 46)

Despite these problems, Broome advocates *efficiency without sacrifice* on the grounds that holding out for *efficiency with sacrifice* would be a strategic mistake, making 'the best the enemy of the good.' In addition, *efficiency without sacrifice* has the 'moral purpose' of pushing forward climate action, and may ultimately facilitate the better strategy.

There are a number of issues with Broome's argument. To begin with, framing efficiency without sacrifice as 'bribery' is questionable and may sugarcoat what is at stake, morally speaking.

First, the claim is subtly misleading. Broome says that receivers 'in effect bribe emitters not to harm them' (Broome 2012, 46). However, many 'receivers' are not in a position to 'bribe' anyone. In particular, future people do not yet exist, and many existing receivers are currently small children. Consequently, what

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efficiency without sacrifice actually proposes is that the current generation itself shifts resources toward its own consumption and away from the future, without the participation of future receivers. A similar point can be made about the language of 'borrowing from the future' employed by some wanting to burden future generations. Borrowing typically involves a loan that is to be repaid. In this case, however, there is no question of repayment, and also no question that this is a loan, in the sense that it is voluntarily entered into by the (future) people 'providing' the resources.

Second, returning to Broome, much then depends on the claim that 'in effect' efficiency without sacrifice amounts to bribery. Specifically, what generates the bribery claim is a key implicit assumption, that under efficiency without sacrifice current people shift resources *in the name of future people*, in other words in a way which future people themselves would endorse.[21] Yet, this claim requires justification since there are less savory possibilities than bribery. Crucially, if future people would not accept the shift, the proposal might better be described as *theft*. If they would accept the shift, but only under duress, it looks like *extortion*.[22] Notably, compared to 'bribery,' 'theft,' and 'extortion' have very different meanings and framing effects. Yet, in context, both appear strong possibilities.[23]

Third, most importantly, given the current generation's unilateral ability to decide whether, how, and to what extent to impose burdens on future generations, it is not clear why we should expect the current generation to stop short of extreme extortion or even outright theft. Talk of bribery covers this up.

To see the force of these points more clearly, let us move on to consider some concerns about the language of *efficiency without sacrifice*. On the one hand, the main emphasis of Broome's proposal is on the side of avoiding sacrifice *for the current generation*, where this is interpreted against the baseline of business as usual. (This is what is supposed to motivate the current generation to endorse robust climate action.) Three things are worth noticing about this side of the proposal.

First, the phrase 'without sacrifice' is potentially misleading. Notably, the business as usual baseline differs from other baselines that might more naturally fall under that label. For example, it is not the same as the baseline of 'no worse off than currently,' or 'no worse off than under *adequate* conditions for human flourishing,' or even 'no worse off than under *generous* conditions for human flourishing.' Yet, these baselines might be more morally salient, and perhaps even more politically relevant. For instance, it is clear why we might call climate action a *sacrifice* that make people worse off than they are now, or worse off with respect to adequate conditions for human flourishing. However, it is odd to call *any* cutbacks from an ongoing business as usual baseline of emissions 'sacrifices,' especially when this baseline threatens future people with climate catastrophe. Consider an analogy. Suppose we discover a pesticide that causes severe birth defects in three generations' time. Would we normally describe giving it up as a 'sacrifice'?[24] Would we typically say that doing without it entitles people to 'compensation'? Would we do so especially if giving it up makes them

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no worse off than now, and friendly conditions for human flourishing remain in place? I think not. Giving up the pesticide seems more like withholding an illegitimate threat.[25]

Second, 'without sacrifice' is also worrisome because the baseline of 'business as usual' may be very high, and in ways which suggest that describing deviations from it as 'sacrifices' is morally inappropriate. Specifically, Broome's baseline represents at least the maximum gains that could be made by the current generation from the exploitation of fossil fuels over their lifetimes. However, in context, it is more likely to represent the current generation's *perceived expectations* for such gains, which may be much higher still, and indeed higher than anything realistically sustainable, either economically or ecologically. Yet, surely it is unreasonable to describe *any* deviation whatsoever from such expectations as a 'sacrifice.'[26] To do so is to assume that the current generation have radically strong entitlements to the realization of their positive visions of the future, whatever they are. This seems deeply objectionable. For one thing, it seems to indulge in an almost fanatical kind of entitlement culture, and one funded off the backs of future generations. For another, it risks being *efficiency without reality*.

Third, in any case, the phrase 'without sacrifice' seems conceptually amiss, and in a way which suggests that even these radical baselines are too low. By itself, the language of 'without sacrifice' suggests only that current people will do *no worse* under Broome's proposal than under business as usual (or perceived business as usual). However, what is motivating about doing 'no worse'? Surely for Broome's proposal actually to motivate them, current people would have to *do better* than they would otherwise.[27]

Notably, this point is implicitly reflected in the language of 'bribery.' Normally, if someone is to be bribed, they must be offered a *positive* inducement sufficient to motivate a *change* in their behavior. Yet, the offer to keep things as they are provides no positive inducement, it maintains neutrality.[28] Consequently, it seems more realistic (and more in keeping with the GAP) to describe the operative version of Broome's proposal as *efficiency with profit* (for the current generation), where this reflects a demanding baseline, with at least sufficient profit to make the change worthwhile, and perhaps also compelling.

These points about the demandingness of Broome's baselines for the current generation have a mirror image on the other side of Broome's proposal, the claim that future generations will no longer sacrifice. Notice that efficiency without sacrifice *for the current generation* does not yet provide a reason for *future* people to endorse it, and Broome clearly intends his proposal to result in an improvement for future people as well. However, the status of this claim is unclear.

Specifically, for Broome, the relevant baseline against which future generations must see an improvement is business as usual. In other words, future people are supposed to be better off than they would be under unconstrained greenhouse gas emissions. However, this baseline includes as a prominent

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possibility, and arguably its most salient feature, that business as usual may result in truly catastrophic climate change. Indeed, the vulnerability of future generations to such change drives both the GAP argument and the efficiency without sacrifice proposal.

This brings us to a critical point. If the most salient feature of the situation from the point of view of future people is a true catastrophe, the baseline for improving their situation becomes extremely low. Yet this makes meeting that baseline relatively easy. As long as the climate actions of the current generation make the future better off than they would be under a true catastrophe provoked by business as usual, even modest climate action may satisfy this side of Broome's proposal. For instance, burdening future generations with both massive intergenerational debt and merely severe (as opposed to truly catastrophic) climate change may still leave them better off than under true catastrophe.

In one way, this point suggests a technical victory for Broome's argument. It is surprisingly easy to fulfill the requirement of making future generations better off against the baseline he sets for them. However, in other ways, the critical point exposes the proposal's deepest flaws.

The first flaw emerges from the fact that the above scenario of 'massive debt, plus merely severe climate change' involves the current generation leveraging its asymmetric threat advantage against future generations in an extreme way. While technically the proposal can still be described as efficiency without 'sacrifice,' it has really become 'efficiency with extreme extortion.' This is so even though both sides 'benefit' given the business as usual baseline.

The second flaw is that the critical point makes it much easier for future people to reject Broome's proposal. Recall that the key idea is to shift resources from the future to the present. I insisted that to do so in the name of future generations requires that the shift be justified to them. Yet it is far from clear that 'massive debt, plus merely severe climate change' is sufficient to secure such a justification, and even that it is sufficient under duress. This is so even if the shift makes future people somewhat (perhaps only slightly) better off than business as usual.

For one thing, future generations facing climate catastrophe will probably reject the idea that the proposed 'trade' (a large transfer in resources in return for some, perhaps modest, reduction in climate risk) would involve no 'sacrifice' on their part in any relevant sense. Indeed, it seems plausible they will deny that all this talk of 'sacrifices' against the business as usual baseline reflects an especially salient feature of the situation. Instead, like Tony Soprano, they will likely regard the overwhelming issue as one of being 'shaken down.'

For another thing, that being said, the most important reason to resist Broome's approach may be that it *poses fresh threats to future generations*. As a prime example, consider the claim that economists must develop new institutions dedicated to increasing current consumption and reducing investment for the future. On the face of it, this proposal opens the door to further

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extortion of future generations. First, the new institutions may encourage the current generation to take more than is warranted for climate. Second, they may also encourage shifting even more resources from the future to the present to address other currently existing intergenerational threats (e.g. to drinking water, to biodiversity). Third, and worst of all, such institutions may provide strong incentives for the current generation to *find creative ways to generate new threats* to future generations, as a means to facilitate more shifts. In my view, it is difficult to overemphasize this risk. At its worst, it may usher in *a new norm of intergenerational extortion*, unprecedented in human history.[29] This is a truly profound threat, and perhaps the most important one exposed by this paper. Consequently, both future people and their allies should be very cautious about unleashing it. Recall Tony's initial instinct, 'I won't pay. I know too much about extortion.'

So far, I have argued that, on the face of it, efficiency without sacrifice appears to license climate extortion, and that this threat is sugarcoated by the language used to describe it. To illustrate this, we might contrast Broome's story with a classic case of extortion:

Security without Sacrifice

> 'Suppose the Mafia threaten you and your business. One might then adopt parallel reasoning. Pareto improvements are possible against the baseline where the Mafia exerts severe violence. Specifically, if the Mafia refrain, this makes you better off; consequently, you can use some of that gain to compensate them for withholding violence, making them better off. One might call this scenario, *security without sacrifice*, since neither party is worse off against the baseline of Mafia violence.
>
> One might add that security without sacrifice is, admittedly, unjust, and in some way perpetuates the injustice of the threat. The best solution would surely be where the Mafia withhold the threat of violence altogether, and so accept *security with sacrifice* (for them) and give up on their claims to your resources. By comparison, the scenario where you pay protection money, *security without sacrifice*, is inferior.
>
> Nevertheless, [the argument continues] one should not "make the best the enemy of the good'. Clearly, *security without sacrifice* is better than an outcome where the threat of severe violence is exerted, and you are left very badly off. Therefore, *security without sacrifice* may be said to serve a moral purpose of being a protection against violence. Eventually, it may even facilitate a shift towards *security with sacrifice*, perhaps by buying time for a better outcome."

I take it that the *security without sacrifice* story is seriously problematic. To be clear, the problem is not so much with the conclusion – that there is a case for paying off the Mafia – but rather with (first) how the argument is misleading at various points, (second) how this obscures the deep threat posed by the situation, and (third) with the extent to which the real action is ultimately elsewhere.

First, arguably the language of 'security without sacrifice,' while technically defensible in the terms of the story, is so deeply misleading as to be morally outrageous, and indeed to approach the Orwellian. Referring to departures from the baseline of severe violence as "sacrifices" (in *security without sacrifice*

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and the superior *security with sacrifice*) puts a positive moral spin on what is actually going on that seems so morally inappropriate as to be bizarre, and perhaps even corrupt. Importantly, the same points about the case for paying off the Mafia could and should be made in more morally appropriate language. For instance, it could highlight that the situation involves extortion and signal all of the moral and prudential baggage that comes with that.

Similarly, second, the language of Pareto improvement obscures the deep threat posed by the situation. To begin with, the implications of 'security without sacrifice' are radically unbounded. The range of what might (rather euphemistically) be termed potential 'pareto improvements' over Mafia violence is enormous. They run the gamut from a modest indulgence (e.g. free daily coffee), to moderate compensation (e.g. $100 a week), to extreme demands (e.g. all your business profits, forcing your participation in violent criminal activities, etc.). Crucially, the Pareto improvement story tells us nothing about where on this spectrum we are. It just assumes that we are on it, and that this means that the division is such that each party is better off than if the violent threat is carried out.

Moreover, again, the assumption is that from the point of view of the victims the baseline is catastrophic: the victims count as 'better off' so long as their fate is better than catastrophe, which in this case probably involves injury, death, poverty, and the loss of much that they care about. This makes the Pareto improvement condition very easy to satisfy, and perhaps so trivial as to count as no real constraint at all.

Third, as the flip-side of this, there is effectively no limit on what the extortionist may demand, so that the real action is ultimately elsewhere. On the one hand, if all that is needed is that you are left better off than under the violent catastrophe, all that you have is up for grabs. The extortion licensed by the security without sacrifice argument can therefore be *extreme*. Crucially, there is nothing about the argument that even suggests (let alone guarantees) that the extortion will be at the modest or moderate end of the spectrum. Indeed, the internal dynamic of the situation drives things in the opposite direction. If all the power lies with the extortionists, what reason is there for them to limit their exercise of that power, and accept only modest gains, or a moderate portion of the potential Pareto improvement available? On the contrary, they have strong reasons to insist at least on the lion's share, and plausibly even on maximizing their gains, relative only to the constraint that the arrangement can continue long enough to maximally benefit them.

On the other hand, the security without sacrifice argument ignores another huge issue. It assumes that the only things on the table are Pareto improvements relative to the initial baseline. Yet, this may not be so. Once the Mafia gain a foothold in your life by threatening your business, they may find other avenues for extortion. For example, they may threaten your family, including by drawing them into their activities. This may even be the most important aspect of extortionists' behavior, namely their tendency to *colonize their victims' lives*

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in ways that are increasingly pervasive and dominating. (Among other things, this makes the conclusion that you should pay off the Mafia much less secure.)

When we return to climate extortion, the parallels should be both clear and disturbing. First, under the GAP, there is a range of possible Pareto improvements, and no reason to believe that the current generation will content itself with the modest or moderate ends of the spectrum. In fact, there is every reason to believe the opposite.

Second, given this, the thought that future people will also see an 'improvement' is not particularly encouraging. The baseline for making them better off is low, and probably catastrophic. Therefore, almost anything counts.

Third, importantly, this point is obscured by the baseline for what counts as a 'sacrifice.' For one thing, the current generation's baseline is high, and the future generations' low. For another, the ambiguity of 'sacrifice' encourages the misunderstanding that all that is on the table is modest baselines for the current generation, such as 'better off than now' and 'better off than under adequate conditions for flourishing.' Such baselines may invoke only a right to self-defense, not a generous license for extortion (Gardiner and Weisbach 2016, 122–125).

Fourth, the talk of Pareto improvement is itself misleading and dangerous. On the one hand, it has no clear intuitive point when applied to catastrophic baselines. On the other hand, and more importantly, the actual strategy for implementing 'efficiency without sacrifice' opens the door to further extortion, perhaps in a dramatic way. Once an extortionate generation gets hold of the ability to 'borrow from the future' so extensively, what is to stop it from demanding more and more, maximizing its gains? Among other things, this should give current advocates for future generations serious misgivings about 'letting the economists lose' on creating new institutions that facilitate shifting resources from the future to the present. Perhaps doing so simply amounts to giving the climate mafia more weapons to use against future people.

I conclude that the initial case against making the grandchildren pay is serious, and implies that the GAP and arguments like it are insufficient. Although it may be possible to justify passing *some* climate burdens to the future, the GAP is *radically unbounded* and so opens a door to extreme forms of extortion. Consequently, other arguments are needed to make proposals similar to Broome's at all attractive, and these must ultimately be ethical arguments. In particular, we must specify the ethical criteria that 'making the grandchildren pay' must satisfy in order to count as morally reasonable. Such criteria may invoke a variety of ethical standards of different normative strengths, such as the broadly acceptable, the minimally decent, or perhaps the tolerably indecent (Gardiner forthcoming). However, some such requirements are necessary. Without them, proposals such as 'efficiency without sacrifice' pose profound risks to future people since they are compatible not just with extortion but with extreme extortion. In practice, they may also facilitate making the situation of future people much worse than under even severe climate change, since they

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may serve as cover for providing the current generation with additional means with which to extort the future.

3.4. Enthusiastic approaches

Overtly concessive arguments such as 'efficiency without sacrifice' sometimes implicitly appeal to a more enthusiastic argument for transfers from future people. The most obvious way of resisting the parallel between the NAP and GAP is to argue that there is a key difference: whereas the NAP targets the poor (countries), the GAP targets the rich (future generations). Targeting such people, the thought goes, makes the exertion of intergenerational power in the GAP defensible. On this view, taking resources from the rich is morally laudable. There are two central reasons: one is that the exertion of intergenerational power increases welfare across generations; the other that it enhances respect for equality equality and thereby promotes justice.[30]

The rough form of the welfare argument for intergenerational transfers is straightforward:

(1) Our goal should be to promote welfare.
(2) Future generations will be richer than the current generation.
(3) Other things being equal, a transfer of resources from future generations to the current generation would promote welfare more in the current generation than leaving those resources in the hands of future people would promote welfare in the future.
(4) Such a transfer is possible.
(5) Our strategy for promoting welfare should be to transfer resources from future generations to the current generation.

The welfare argument may be defended in a number of ways. One basic rationale is easy to grasp, and seems compelling. On many views, wealth has declining marginal utility: the richer you are, the less welfare you get from an additional unit of wealth. Therefore, other things being equal, if the objective is to promote welfare, it is better to allocate additional resources to those with less welfare.

The rough form of equality argument for intergenerational transfers is also straightforward:

(1) All persons should be treated as moral equals.
(2) Therefore, persons in different generations should be treated as moral equals.
(3) Being treated as a moral equal requires having equal access to resources (broadly speaking).
(4) Other things being equal, members of future generations will have more access to resources than members of the current generation.
(5) Transfers of resources from future generations to the current generation are possible.

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(6) Resources should be transferred from future generations to the current generation.

The equality argument may also be defended in numerous ways. One basic rationale is easy to grasp and initially compelling. The time at which a person is born ought to have no relevance to how that person fares in comparison with others, especially in terms of fundamental entitlements (e.g. luck egalitarianism). Therefore, other things being equal, intergenerational inequalities in such entitlements violate basic moral equality. If it is possible to rectify such inequalities, this should be done.[31]

As simple and straightforward as the two arguments are, they stand in stark contrast to a number of propositions that many of us usually embrace about intergenerational relations.[32] Let me simply list these propositions, roughly in increasing order of strength:[33]

(1) *Non-neutrality*: It is not morally problematic in itself if future generations are better off than us (i.e. the current generation).
(2) *Promoting Future Resources*: We should promote the access of future generations to resources and opportunities, so that this is better than our own.
(3) *Promoting Future Welfare*: We should promote the welfare of future generations, including by doing what we can to ensure that it is higher than ours.
(4) *Duty to the Future*: We *owe* it to future generations to provide more for them than we ourselves have.
(5) *Fundamental Duty to the Future:* We owe future generations more than we ourselves have out of *basic concern for them as moral equals*.

At first glance, the enthusiastic (welfare and equality) arguments above have radical implications for these claims of commonsense morality. They suggest that cultural norms that endorse intergenerational inequalities should be *repudiated*. In other words, we should instigate a cultural revolution against the usual intergenerational ethical norms.

The moral status of such a cultural revolution might be understood in different ways. On one view, future people have no entitlement to a superior position; consequently, a shift in intergenerational resources to the present is not extortionate since it violates no defensible moral norms. On another view, while it may be true that intergenerational shifts violate defensible moral norms, and so are extortionate, these norms are less important than the values promoted by the enthusiastic arguments, so that such extortion is justifiable. For instance, perhaps the commonsense intergenerational norms are akin to the conventional property rights of King John and the Norman aristocracy in medieval England. Robin Hood violates such norms, but (at least according to legend) his extortionate actions are justifiable, indeed laudable, in light of more important values

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and the wider social context. Thus, even though it involves extortion, perhaps we have similarly good moral reasons to become intergenerational Robin Hoods.

3.5. Limits

In summary, we face a standoff between commonsense morality and what core values of moral and political philosophy seem to imply. I will not resolve that standoff here. What I will do is suggest that a concern for resisting intergenerational extortion can inform a reply.

The concern for intra-generational extortion in the NAP suggests that a key worry is the relevant baseline. Paradigm extortion cases are morally problematic because they exploit vulnerabilities that reflect morally inappropriate baselines. For instance, the protection racketeer exploits the baseline of a superior capacity for physical violence. Similarly, the NAP fails because richer countries exploit key background vulnerabilities (e.g. poverty) of those countries most susceptible to negative climate impacts. The GAP is problematic for a parallel reason: the current generation exploits the vulnerability of future generations to its asymmetric temporal power.

Given this, the most obvious first move is to argue that an exertion of intergenerational power is unjustified because it violates entitlements, including fundamental entitlements, of future generations. For example, suppose future generations have key rights, such as to subsistence, basic security, and so on. If the GAP allows the current generation to threaten such rights and receive 'compensation' on these grounds, then it looks like a core case of extortion since it compromises the most morally relevant baseline.

This move is important both theoretically and in practice. It will cover many cases of extortion and should be investigated further. Nevertheless, there are reasons to think that entitlement baselines will not cover all the extortion that might concern us. One reason is that it is not clear that we should expect every case of extortion to correspond to some independently specifiable entitlement of the victim. Instead, some threats, though illegitimate, seem not to be threats to the independent entitlements of victims.[34] One sign of this is that attempts to enumerate the necessary entitlements sometimes seem a stretch. For instance, they introduce new rights (say) which seem rather distant from more central rights, and whose content risks appearing ad hoc (e.g. perhaps the 'right to a stable climate').

One place where this worry surfaces is in the apocryphal Soprano case on college admission. Suppose we ask what independent *entitlement* of the Soprano family Tony thinks the Dean has violated. The answer is not obvious. Moreover, even if such an entitlement could be found, it is not clear that it would provide the right kind of story. For example, presumably there is a right to equal opportunity in college admission, or at least to a fair process in admission. Suppose that the Dean violates such entitlements, and therefore is guilty of official extortion

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('the use of official authority as a pretext or cover for the commission of some corrupt or vicious act' (Lindgren 1993)). Still, it is not clear that this amounts to extortion *of the Sopranos*, in the sense of coercive extortion, 'extortion by threats or fear.' Notice the implicit suggestion is that Tony's daughter will receive an extra advantage in admission if the 'donation' is made. Therefore, the Dean is offering a benefit to the Sopranos rather than threatening them,[35] and, it is unclear how this offer of a benefit could count as violating *their* entitlements (e.g. as opposed to those of other students). Nevertheless, Tony's view of the situation – that *he* is being 'shaken down' – seems plausible. So, we need an alternative explanation.[36]

We might get some insight if we look at other examples of extortion which do not center on threats to those being extorted. First, it is not clear that anyone's entitlements need to be at stake for the problem of extortion to arise. For instance, suppose the extortionist threatens an entity without entitlements, such as an artifact and a place of historical importance. Suppose, for example, that the threat is to blow up Stonehenge, level Machu Picchu, or deface the Pyramids.[37] These cases seem extortionate; yet, there are no direct entitlements at stake (e.g. Stonehenge does not have rights). Instead, the key issue seems rather different.[38]

In general, and without delving into deeper theory, we might say that archeological or cultural extortion involves taking an inappropriate baseline for demanding compensation, and that respecting better baselines involves withholding various kinds of threats.[39] As one way of fleshing this out, we might add that part of what seems morally outrageous here is that the extortionate demands violate important norms of responsibility, and responsibility in general, not responsibility specifically tied to entitlements.[40] In the Stonehenge case, those of us who are extorted may believe that part of what has gone wrong is simply that *such threats ought not to be made*. In particular, we may say that all of us have some generalized responsibilities to protect items of significant cultural value, which includes a responsibility not to make destructive threats. Notably, those who threaten Stonehenge *not only fail to fulfill their own responsibilities, but must rely on the rest of us to acknowledge that we have such responsibilities if the extortion is to succeed*.[41]

The idea that certain threats (and offers) should not be made may also explain Tony's reaction to the Dean's proposals in the two cases with which we began. In the first case, Tony claims that his daughter is being held hostage, that there is an inappropriate threat to her well-being. In the second (apocryphal) case, the offer is also inappropriate, regardless of the benefit to the Sopranos of admission because universities should not run in such a way. In both cases, the philosophical action is in the inappropriateness of the threat or offer. While some of this inappropriateness may depend on the violation of entitlements, some may not.

In this vein, consider a second case recounted by Stephen Sachs:

> In the Spring of 2005, on the website savetoby.com, one could find many endearing pictures of Toby, "the cutest little bunny on the planet." Unfortunately, Toby's

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> owner announced, on June 30, "Toby will die. I am going to eat him. I am going to take Toby to a butcher to have him slaughter this cute bunny." Unless, that is, the website's readers sent $50,000 to spare Toby's life. (Sachs 2006)

Sachs believes most people will count this as extortion. However, he recognizes that the standard law of extortion does not cover such cases, and so he advocates changing the law.[42]

I agree with Sachs that Toby's case is at least a strong candidate for a case of extortion. However, the point I want to make is that the entitlement view does not provide the most compelling explanation of this. Consider three quick points.

First, Toby's owner does not appear to violate any entitlement of the victims of the extortion. Perhaps he violates Toby's entitlements by making an illegitimate threat, or perhaps he undermines his relationship with Toby by acting in a way antithetical to that of a good pet owner. Even so, the human victims of the extortion *themselves* do not appear to have any entitlement that Toby be well-treated, or even unthreatened. They do not have any independent entitlement, nor do they have any entitlement based on their relationship to Toby. The rabbit himself and his entitlements are just too distant from them.

Second, even if the human third parties did have some kind of indirect entitlement, it is doubtful that this would be sufficient to turn the case into one of extortion. In particular, if the owner has at least a legal right to eat his rabbit, this would normally trump the concerns of other humans. Given this, entitlement views struggle to explain why this is even a candidate case of extortion.[43]

Third, the responsibility view does better. Suppose we all have at least a weak generalized responsibility to protect innocent animals (or perhaps pets specifically), which includes a responsibility not to make unnecessary destructive threats. When Toby's owner threatens the rabbit, he fails to acknowledge this responsibility (as well as his special responsibilities of care as the pet owner). Notably, if his attempt at extortion is to succeed, he must also implicitly rely on the rest of us acknowledging that we have such generalized responsibilities.

Putting all this together, I have argued that baselines that reflect illegitimate demands are platforms for extortion, and that the heart of the matter lies not in entitlements alone, but in the wider question of illegitimate threats (and offers). This opens a door to understanding why the enthusiastic arguments for intergenerational redistribution may not be decisive. Although we can see why resource shifts may be desirable on grounds of values such as welfare and equality considered in isolation, this is not yet sufficient to justify them. Perhaps threatening Stonehenge or pet rabbits could also serve such ends. Yet, we do not normally even consider such proposals; instead, we think that they rest on illegitimate threats that are ruled out from the beginning. Generic proposals to 'make the grandchildren pay' may make a similar mistake. For instance, they may violate important intergenerational responsibilities, including perhaps those involved in the propositions from commonsense morality.

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4. Conclusion

I am conscious of what this paper has not done. It has not tried to solve the problem of intergenerational extortion. Specifically, it has not provided a set of criteria for identifying intergenerational extortion, nor has it suggested what principles are needed to avoid it, or even to head off the worst (These are tasks for another time).[44]

What the paper has done is suggest that extortion is a clear threat in intergenerational relations and that ignoring this threat is dangerous. It has also argued that the threat is manifest in some existing proposals in climate policy, and latent in some background tendencies in mainstream moral and political philosophy.

More generally, the paper argues that although some central aspects of the concern about extortion might be pursued in terms of the entitlements of future generations, this approach is likely to be incomplete. Instead, the core issues lie deeper in moral and political philosophy, including in how extortion raises concerns about the appropriate limits to the sway of central values such as welfare and distributive justice. As Tony Soprano reminds us, the key problem with extortionate arguments for "redistribution" between generations is that they amount to *taking the future hostage*, as a way of *shaking down* those in the current generation with strong commitments to 'the grandchildren' and to future generations more generally. Far from turning those who extort the future into heroic Robin Hood's, such arguments invite us to buy off, or perhaps to join, an intergenerational climate Mafia.

Notes

1. Attributed to Senator John McCain; see also Carson (1985, 74).
2. Coke, Institutes *542, quoted in Lindgren (1993, 1722).
3. 'Second Opinion', episode 3.7.
4. Tony does agree to give the $5000 they typically donated to Meadow's high school.
5. In this case, Carmela disputes that Tony is being 'shaken down.' In the actual episode, she recognizes the extortion and wants to protect her daughter from it.
6. This is true of many central concepts in philosophy, including political concepts such as justice, domination, and coercion.
7. The colleagues are Cass Sunstein and David Weisbach. The three wrote their pieces while at the University of Chicago Law School; Sunstein is now at Harvard.
8. This reconstruction isolates core claims rather than imposing the structure of a logically valid argument. The main premises have a strong basis in the Chicago position; the conclusion is just a more overt version of the polluted pay principle foreshadowed (albeit tentatively) in the quotations.
9. This is a slightly more specific formulation of the Chicago thesis 'International Paretianism.' I've expanded the scope to go further than accepting a treaty, and added 'to the extent that' for clarity. These should be uncontroversial additions. Elsewhere, I argue that the label 'paretianism' is misleading (Gardiner and Weisbach 2016, 56–57).
10. Geographical location also matters, but typically plays a lesser role (e.g. contrast Bangladesh and the Netherlands on vulnerability to sea level rise).

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11. Thus, we might extend the NAP, adding:

    (8) The most vulnerable countries are not capable of compensating the rich, high emitters.

    (9) Therefore, it is not possible to protect the most vulnerable countries, unless the rich countries withdraw their demands or they can be met in some other way.
12. Such values include historical accounts of fairness, ideals of moral equality, giving priority to the least well-off, and welfare considerations (e.g. Shue 2014; Gardiner and Weisbach 2016, 99–101; Singer 2016).
13. While intergenerational extortion can occur as an instance of a tyranny of the contemporary or a pure intergenerational problem (Gardiner 2011, chap. 5), these three categories are distinct.
14. Although I will not pursue a more precise philosophical definition here, it may be helpful to make a few points. I doubt: (a) that extortion requires a specific *intention* to extort on the part of the extortionist (e.g. wrongful threats may arise unintentionally); (b) that it must involve *communication* or interpersonal address; (c) that the basic threat must be *created* by the extortionist (e.g. she may take advantage of an independent threat to the victim); and (d) that extortion is *synonymous with coercion*. On the latter, behavior may be coercive without being extortionate (e.g. legitimate arrests), and extortionate without being (obviously) coercive (e.g. perhaps the rabbit case later in the paper).
15. Lindgren identifies his theory as an exploitation theory. However, 'exploitation' is often used in a more restricted sense than extortion. For example, Christopher Bertram says: 'Where there is no common cooperative scheme, and where we simply impose a harm on a future generation then this an unjust thing to do, but it is not a case of exploitation' (Bertram 2009, 164).
16. Note that being ungrounded is different from violating a further constraint (see below).
17. In this paper, I will use the label 'baseline' in a very generic sense. Although more specific baseline accounts are popular in related areas, such as analyses of coercion, I do not mean to prejudge the issue of whether the best account of extortion is of this form (cf. Nozick 1969; Wertheimer 1987; Anderson 2011).
18. Extortion also threatens related values, such as autonomy.
19. This section substantially extends an argument originally introduced in Gardiner and Weisbach (2016, chap. 4).
20. Although efficiency without sacrifice is morally inferior, I am not convinced that 'efficiency' is the morally appropriate goal.
21. The only people available actually to be 'bribed' are those members of the current generation who have serious concern for future people and might need to be persuaded to support the resource shift.
22. Some might object to 'theft' and 'extortion' on the grounds that future people do not yet exist. However, even here it may be enough that Broome's reasoning is close enough to that of the paradigm extortionist that currently existing agents have reason to recoil from it.
23. There is also a technical reason not to describe what is going on as bribery. Bribery is often defined in terms of a baseline of fair treatment, so that paying only to reestablish such a baseline is not considered bribery. As Lindgren puts it: 'If a citizen is paying only to buy fair treatment and nothing more, he is the victim of extortion and has not committed bribery according to its general lay conception. Bribery is usually thought to consist of paying for better than fair treatment' (Lindgren 1993, 1699). Consequently, if all that future generations would be endorsing is attempts to reduce the unfairness of their treatment, it would be a mistake to accuse them of offering bribes.

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24. There may be exceptions, such as for self-defense (Gardiner and Weisbach, 122–125).
25. Broome may respond by agreeing that we need ethical criteria, but insisting that this fact does not undermine the basic suggestion of efficiency without sacrifice. However, this is not so easy, as he appears to have a criterion: any Pareto improvement. I argue that this is the wrong criterion: it is too easy to satisfy, and misses much of what is going on. Moreover, the more promising criteria may fall under better understandings of sacrifice, and especially ones that say something about comparing the sacrifices made by difference generations. Arguably, this is what one intuitively expects under the label 'efficiency without sacrifice': that future generations will be better off than reasonable baselines and the current generation will be protected against the worst. Consequently, Broome's may be the wrong proposal dressed up in the right language.
26. Personally, I would not assume that there are such gains, as I take seriously the indirect costs of fossil fuels, and alternative visions of human well-being. Nevertheless, perceptions matter here.
27. Perhaps Broome is assuming a background moral motivation that breaks the tie. However, then we need to know more about that motivation and in particular why it does not support a more robust commitment to protecting future generations.
28. In addition, neutrality is hardly likely to be enough in a situation where the actor who needs to be bribed has the existing default situation completely within his power and is being asked to give that up in exchange (e.g. imagine trying to induce a Mafia boss by offering him something equivalent to what he already has).
29. I thank Catriona McKinnon for this phrasing.
30. Enthusiastic welfare arguments often underwrite defenses of discounting in economics (e.g. Helm 2008). For an enthusiastic Rawlsian argument that intergenerational savings are unfair for just societies, see Gaspart and Gosseries (2007).
31. Initial arguments against such redistribution include that created wealth may properly be subject to rival norms of intragenerational distribution, or intergenerational inheritance.
32. Some may be skeptical about the existence or status of such norms; however, for current purposes, I leave aside such skepticism.
33. Clearly, these propositions are not regarded as decisively overriding all other normative concerns (i.e. they are more 'other things being equal' than 'all things considered'). Nevertheless, they are also not so weak as always to be overridden by conflicting concerns.
34. One might say that the threats violate an entitlement 'not to be subject to illegitimate threats' ; however, this is not independently specifiable.
35. As I understand the case, he is not saying that Meadow would not be admitted without it. If he were, that would be extortionate.
36. Notice that I am not arguing that the Dean's proposal is not extortionate, or that it is not so because it involves a beneficial offer. My claim is that the entitlement account is poorly placed to explain why the Dean's beneficial offer involves extortion of the Sopranos. (There is an interesting related issue about whether and when beneficial offers can be coercive. However, I leave that aside here; for an overview, see Anderson (2011)).
37. Stonehenge was my primary example before I discovered Sachs' paper; he also mentions such cases in passing.

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38. Perhaps each of us has at least an indirect entitlement that humanity's cultural heritage be respected, so that such artifacts are, in some sense, our "birthright". Nevertheless, I'm not sure that these or any other entitlements are the core issue. For one thing, extortion would plausibly still occur if the threatened entity was something that does not fit with any indirect entitlement of this kind (e.g. the Moon). For another, even in the Stonehenge case, the extortion does not seem to be targeted at some entitlement of mine, but rather at the *responsibilities* I feel I have for protecting Stonehenge (see below).
39. I am not assuming that either baselines or illegitimate threats are in some way 'primary.' My sense is that the two ideas are intertwined, and that the baseline is partially constituted by an account of illegitimate threats, which is itself only partially constituted by an account of entitlements.
40. Rahul Kumar suggests that the issue may be about manipulation rather than responsibility. Although I agree that manipulation is important, in this case I think that responsibility assignments play a key role in explaining why the demand is manipulative enough to count as extortion. For example, it is manipulative to the extent of extortionate for your own child to refuse to study for a test unless you pay them; however, it is not normally extortionate for a complete stranger (say, a college student) to do so. Plausibly, this is because you lack any general responsibility in the latter case, so that the threat has no bite.
41. Among other things, this encourages contractualist and Kantian arguments.
42. Sachs' account focuses on the aims of the extortionist; I reject that solution.
43. Notably, the demand for money still seems extortionate even if the rabbit does not actually exist, and so has no entitlements (e.g. some believe the Toby case was a hoax). This fits with the idea that what matters is the nature of the threat, and the relationship between those making it and those subject to their demands, rather than entitlements.
44. On the related issue of institutional reform, see Gardiner (2014).

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References

Anderson, Scott. 2011. "Coercion." *Stanford Encyclopedia of Philosophy*. https://plato.stanford.edu/entries/coercion/.

Bertram, Christopher. 2009. "Exploitation and Intergenerational Justice." In *Intergenerational Justice*, edited by Axel Gosseries and Lukas Meyer, 147–167. Oxford: Oxford University Press.

Broome, John. 2012. *Climate Matters*. New York: Norton.

Carson, Thomas L. 1985. "Bribery, Extortion, and 'The Foreign Corrupt Practices Act'." *Philosophy & Public Affairs* 14 (1): 66–90.

Gardiner, Stephen. 2011. *A Perfect Moral Storm*. Oxford: Oxford University Press.

Gardiner, Stephen. 2014. "A Call for a Global Constitutional Convention Focused on Future Generations." *Ethics and International Affairs* 28 (3): 299–315.

Gardiner, Stephen. forthcoming. "If a Climate Catastrophe is Possible, is Everything Permitted?" Presented at University of Melbourne, 2014.

Gardiner, Stephen, and David Weisbach. 2016. *Debating Climate Ethics*. Oxford: Oxford University Press.

Gaspart, F., and A. Gosseries. 2007. "Are Generational Savings Unjust?" *Politics, Philosophy & Economics* 6: 193–217.

Helm, Dieter. 2008. "Climate-change Policy: Why has So Little Been Achieved?" *Oxford Review of Economic Policy* 24 (2): 211–238.

Lindgren, James. 1993. "The Theory, History and Practice of the Bribery-Extortion Distinction." *University of Pennsylvania Law Review* 141 (5): 1695–1740.

Maltais, Aaron. 2015. "Making Our Grandchildren Pay for Mitigation." In *The Ethics of Climate Governance*, edited by Catriona McKinnon and Aaron Maltais, 91–109. London: Rowman and Littlefield.

Nozick, Robert. 1969. "Coercion." In *Philosophy, Science, and Method: Essays in Honor of Ernest Nagel*, edited by Sidney Morgenbesser, Patrick Suppes and Morton White, 440–472. New York: St. Martin's Press.

Posner, Eric, and Cass Sunstein. 2008. "Climate Change Justice." *Georgetown Law Journal* 96 (5): 1565–1612.

Posner, Eric, and David Weisbach. 2010. *Climate Change Justice*. Princeton, NJ: Princeton University Press.

Rendall, Matthew. 2011. "Climate Change and the Threat of Disaster: The Moral Case for Taking Out Insurance at Our Grandchildren's Expense." *Political Studies* 59: 884–899.

Sachs, Stephen. 2006. "Saving Toby: Extortion, Blackmail, and the Right to Destroy." *Yale Law & Policy Review* 24 (1): 251–261.

Shue, Henry. 2014. *Climate Justice: Vulnerability and Protection*. Oxford: Oxford University Press.

Singer, Peter. 2016. *One World Now*. New Haven: Yale University Press.

Sutherland, Sharon and Sarah Swan. 2011. "This Isn't a Negotiation." In *The Essential Sopranos Reader*, edited by David Lavery, 232–242. Lexington: University Press of Kentucky.

Wertheimer, Alan. 1987. *Coercion*. Princeton, NJ: Princeton University Press.

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