

University of Groningen

Essays on the Morality of Risk Impositions

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DOI:
[10.33612/diss.563502810](https://doi.org/10.33612/diss.563502810)

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version
Publisher's PDF, also known as Version of record

Publication date:
2023

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):

Maheshwari, K. (2023). *Essays on the Morality of Risk Impositions*. [Thesis fully internal (DIV), University of Groningen]. University of Groningen. <https://doi.org/10.33612/diss.563502810>

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**Essays on the
Morality of Risk Impositions**

Kritika Maheshwari

Financial support for the printing of this thesis was kindly provided by the University of Groningen.

The studies in this thesis were financially supported by the University of Groningen.

Printing: Ridderprint, www.ridderprint.nl

Cover Art: Jo Wu

Cover Layout: Tyrone Annor



university of
 groningen

Essays on the Morality of Risk Impositions

PhD Thesis

to obtain the degree of PhD at the
University of Groningen
on the authority of the
Rector Magnificus Prof. C. Wijmenga
and in accordance with
the decision by the College of Deans.

This thesis will be defended in public on
Thursday 9 February 2023 at 14.30 hours

by

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ABSTRACT

This thesis is a collection of five self-standing articles that engage with normative and applied questions surrounding the morality of risk impositions. The first part of the thesis considers the question of what makes imposing pure risks on others, namely, risks that don't materialize sometimes morally wrong. Suppose that you are taking a leisurely walk in the park when an inconsiderate speeding motorist drives right past you. In doing so, he imposes upon you a grave risk of harm. Luckily for you, the risk fails to materialize. Yet, there is a strong intuition that in subjecting you to risk, he acts wrongly, and also wrongs you in particular. Chapter 1 argues that imposing pure risks on others, like in the case of the speeding motorist, is sometimes wrong because it involves relating to others in a dominating, or a domination-like way. Chapter 2 critiques an influential view according to which, imposing pure risks is sometimes wrong when and because risk itself is contingently or constitutively harmful. Chapter 3 explores the explanatory relationship between the morality of imposing pure risks and that of non-risky cases. The second part of the thesis deals in two distinct questions within applied risk ethics, and in particular, pertinent global catastrophic risks facing humanity. Chapter 4 dives into the ethics of extinction risk and asks whether permanent loss of possible people is a relevant wrong-making feature of failing to prevent the risk of our extinction materializing. Chapter 5 contributes to recent discussions in the literature on ethics of climate change risks. In particular, it discusses and rejects a prominent objection against offsetting our risky emissions, namely, that by offsetting, we fail to fulfil our duties not to harm or risking harming particular individuals.

Dedicated to my late grandfather, APS. Thank you for giving me a sense of purpose.

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DECLARATION

I certify that the thesis I have presented for examination for the PhD degree of University of Groningen is solely my own work. Work done in collaboration with co-author(s), or with the assistance of others is indicated as such. The copyright of this thesis rests with the author(s) or in case of publication, shared with a third party. This thesis may not be reproduced without my prior written consent. I warrant that this authorisation does not, to the best of my belief, infringe the rights of any third party.

Statement of publications/submissions

I confirm that Chapter 1 has been published in Volume 26 of *Journal of Ethics*.

I confirm that Chapter 2 has been published in Volume 24 of *Ethical Theory and Moral Practice*.

I confirm that §5.1 to §5.3 from Chapter 5 have been published in Volume 25 of *Ethics, Policy & Environment*.

I confirm that Chapter 3 & 4 are currently under review.

Statement of conjoint work

I confirm that Chapter 1, “Dominating Risk Impositions” was jointly co-authored with Dr. Sven Nyholm.

ACKNOWLEDGEMENTS

Working on this dissertation has been a matter of great privilege. Just thinking back twenty or so years ago, women in my family and my broader community were accorded very few opportunities, and earning a higher form of education was often not one them. Unfortunately, this still remains true of many women in today's world as we know it. I feel extremely lucky to have been able to dedicate the past four-something years to following my curiosity and interests, learning, growing, building friendships, finding a sense of belonging in a foreign land, and enjoying the various other freedoms that my PhD journey allowed for. While rewarding in many countless ways, this journey was not always seamless. There were also times when, to put it very dramatically, I was reminded of Sisyphus' plight of attempting a nearly impossible task; pushing a heavy boulder up a steep academic hill, only for it to roll back down, over and over again.

In my case, the boulder took different shapes and forms. For a good two or so Covid-years, it was the unbearable uncertainty around every aspect of work, life, and health. At other times, it was the anxiety around expiring work permits and long calls to the *Immigratie en Naturalisatiedienst*. Often, it was the crippling self-doubt about being good enough to think and write anything interesting. And once in a while, it was the worry that the PhD was making my hair turn grey at the speed of light. However, unlike Sisyphus who was fated to carry the burden of his boulder all alone, I have been extremely lucky to have encouragement from several people around me who not only supported me through thick and thin, but who also ensured that I never gave up. Without them, I could not have done this.

First and foremost, I would like to express my deepest gratitude to my daily supervisors, Andreas Schmidt and Sven Nyholm, from whom I've learnt the most these past years. I'm eternally grateful for their time and dedication towards providing me with very helpful and constructive feedback on my drafts, and for offering their sound advice and guidance through every step of the writing process and beyond. They patiently made sure I stay focused and continuously improved my work, despite my natural tendency to drift away and return with brand new challenging philosophical territories to explore.

Andreas' careful and rigorous reading of each and every word and in-depth discussion of (and challenge to) each and every claim made in this thesis allowed me to refine and strengthen them. I am indebted to him for teaching me how to write clearly (without over-italicizing), and most importantly, for always encouraging me to develop my own, independent "philosopher's voice". I'm thankful to Sven for only introducing me to the fascinating literature on the ethics of risk, but also for curiously engaging with my ideas on the topic, helping me shape them and even publishing some of them together. I'm forever grateful for the mentorship he's offered me and for helping me navigate different aspects of my academic life. My sincere thanks to both.

Second, I feel very lucky to have received two valuable opportunities in particular, one towards the very beginning and the other towards the very end of my time as a PhD. In my first year, I had the chance to visit the philosophy department at Hebrew University of Jerusalem for a workshop, all thanks to the support of Prof. David Enoch and Ittay Nissan-Rosen. My time there allowed me to immerse myself in discussions around risk and uncertainty in the early days of thinking and writing and learn from all the participants. In my final year, I was fortunate enough to spend the last few months of my PhD as a visiting fellow at the Rutgers Institute for Law and Philosophy, all thanks to the generosity of Prof.

John Oberdiek. I cannot thank John enough for his time, his hospitality, his philosophical input and feedback on my work, for introducing me to some of my philosophy idols, and most importantly, for offering me excellent suggestions for where to find the best cocktails in Philly.

I also want to offer a special thanks to some brilliant and inspiring people I've met at various workshops, conferences, reading groups, writing retreats, or elsewhere and have received the chance to discuss my work with them in some capacity or the other. Thanks to Adam Slavny, Alec Walen, Andreas Bengston, Anne Ruth Mackor, Aart van Gils, Brian Berkey, Bastian Steuwer, Charlotte Unruh, Elizabeth Finneron-Burns, Freidemann Bieber, Frances Kamm, Francesca Giardini, Gustaf Arhennius, Jakob Moggia, Josette Daeman, Patrick Brown, Rahul Kumar, Maria Ferretti, Matthijs Maas, Maximillian Kiener, Nir Eyal, Sabine Roeser, members of the Ethics group at UMCG and the Philosophy section at TU Delft, and many, many others who I'm now forgetting.

Third, I am grateful to all the members of the philosophy community at the University of Groningen for the stimulating discussions during various *Grundlegung* events, department colloquiums, and the PhD work-in-progress meetings. In particular, I am thankful to Prof. Frank Hindriks for his valuable feedback on earlier drafts of some the chapters. Many thanks to Prof. Bart Streumer for his helpful suggestions for some of my work and for always being available to help through administrative tasks. Every PhD student I know will vouch for the fact that they'd be completely lost without a helpful support staff. For making sure I found my way every time I was lost, I want to thank Janine, Marion, Siepe, Fré, Hauke, Albert-Jan, and Marga.

My time at the faculty was enriched by some wonderful people who I have the honour of calling not just my (now ex-)colleagues, but also friends. A warm thanks to Crystel and Merel

for always having my back and for agreeing to be my *paranimfs*; Erik for all the calories from our Michelin star deep-frying; Lukas for being the best conversational partner; Cesar, Mike, and Stefan for making working in the attic a lot less lonesome and a lot more *gezellig*; Francisca, Sanne, Lieuwe, Stipe, Silvia, Hugo, Harmen, and Hendrik for the many fun coffees that offered instant relief from work.

Groningen is a special place, not just for philosophy but also for becoming my home away from home. I have many people to thank for this: Katarina for all the times we shared here; Maaïke for all things magical; Aroosha and Enrique for dancing like there's no tomorrow; Daan for all the reggae tunes and much more; Riet and Kees for welcoming me in their home and heart; Yelena and Wouter for always making time for coffee or dinner; Caroline for all the much needed spaghetti girl time; Jesse, Justin, and Hylke (and the crew) for the never-ending discussions, lively dinners, book and movie sessions that made Covid lockdowns more tolerable.

A warm thank you to some special others who I've met here, there, everywhere and have probably bothered with my PhD woes at some point: Al, Adi, Esha, John, Chris, Jo, Joris, Jan, Gregor, Ray, Misha, Ric, Herman, Tyrone, Vincent, and Otto. Subir and Akansha, I don't say this enough but thanks for putting up with my tantrums. Katherine, thanks for being my twin in sync and for making my research time in Philly less about research but more about other valuable things in life. A heartfelt thanks to two especially important people who have been my cheerleaders, my Zoom work buddies, my support systems throughout: Conrad and Mayli, I wouldn't know what I'd do without you both.

Fourth, my acknowledgements would not be complete without thanking my mother, Alka, my father, Akhilesh, and my brother, Kushagra. If it wasn't for the many sacrifices they've made and the confidence they've showed in me and my choices, I would simply not be where

I am today. Thanks for being patient with me these past few years. Also, a special mention for some special people back home who have rooted for me from afar, even when I've sometimes let my work come in the way of staying in touch: my grandparents, Kanika, Sunny, Vaani, Shubhra, Mansi, Bam, Suvil, Ramneek, Ayesha, Pallavi, Manjeet, Shubham, Eku, Oshita, Nikita, Alisha, Vishwa, Jainisha, Uttara, Varun, Yash, Rawat, Shivam, Drishti, and Snehan. Prerna, thanks for your unconditional love and unwavering support. Gibbs, thanks for all the two minute calls that lasted two hours.

Finally, a small note of appreciation for my Mango. I realized life without you is joyless the day you left home unannounced for your cat adventures. Thanks for coming back and next time, please take me with you.

INTRODUCTION

This thesis is about the morality of risk impositions. It is a collection of five self-standing articles, each of which can be read in isolation. The discussion of these articles divides over two parts, Part I and Part II. Part I constitutes the ‘normative risk ethics’ part of the thesis and is composed of three articles. Part II constitutes the ‘applied risk ethics’ part of the thesis and is composed of two articles. In the rest of this introduction, I separately introduce each part and provide summaries of the articles that follow. In doing so, I explicate the guiding question that underlies each article, and how and to what extent they connect to one another.

PART I: NORMATIVE RISK ETHICS

This part of the thesis is devoted to answering a central question within normative ethics discussions of *pure* risk impositions, which can be introduced with the help of the following example. Imagine that you are taking a leisurely walk in the park when an inconsiderate speeding motorist drives right past you. In doing so, he imposes upon you a grave risk of harm. Luckily for you, the risk fails to materialize. Yet, there is a strong intuition that in subjecting you to a *pure* risk, namely, risk that fails to materialize, he acts wrongly, and also wrongs you in particular (Thomson 1986). This raises the following question: what, if anything, is sometimes wrong with imposing pure risks onto others?

Finding a satisfactory answer to this question is important, for there is, as just noted, a commonly shared intuition that this is an important form of wrongdoing, and we regularly encounter instances of pure risk impositions in our daily lives. However, there appears to be

no easy answer. Suppose that the speeding motorist actually crashed his car into you. In such scenario, we could say without much hesitation that you have a legitimate complaint against him given that he *harmed* you. But in our initial case, the motorist did no such thing.

The fact that the motorist didn't actually harm you, but merely imposed risk on you that failed to materialize makes it puzzling as to what, if anything, explains why the motorist can also be said to have acted wrongly. As Hayenhjelm & Wolff (2012) note in their influential survey on the moral problem of risk imposition, "[I]t is not difficult to understand why it is problematic to impose harms on others. Yet there is something more troubling about the question of what is so bad about being subject to risk." (p.e30). Chapter 1 of this thesis is devoted to developing and defending a new answer to this question.

It argues that imposing pure risks on others is sometimes wrong because it involves relating to others in a dominating, or a domination-like way. According to some republican theorists, the condition of being wrongfully subjugated by those who possess some degree of power over us *and* are in a position to exercise it at their own discretion is often called 'domination' (Pettit 1997 & 2012; Skinner 1998; Lovett 2014). By considering and building upon existing influential accounts that focus independently on interests, autonomy, legitimate expectations, and liberal negative freedom, this chapter proposes what I call the Domination Account as an alternative to capturing what is wrong with many instances of pure risk impositions, including our aforementioned motorist.

On this proposed account, risk-bearers have a distinct complaint against their risk-imposers for acting unjustly towards them by subjecting them to 'dominating risk impositions'. Dominating risk impositions are characterized as constituting a problematic form of relationship between risk-imposers and risk-bearers, whereby the former have or behave as if they have uncontrolled or unchecked power to impose risks on those who are vulnerable

to its imposition. In imposing risks on you, the speeding motorist, for instance acts like a kind of domineering master or doorkeeper who can decide, without appropriate constraints or checks on his power, to subject you to risks and thus affect what you are safely able to do.

In the chapter, it is argued that when the safety of risk-bearers is dependent on or is at the mercy of the risk imposer's will in this way, risk-bearers suffer a distinct form of injustice that is best captured by what republican freedom theorists describe as the interpersonal or relational harm of domination. In developing this view, this chapter explicates three different features of dominating risk impositions, namely, power difference, dependency, and arbitrariness. Moreover, it explains how the Domination Account complements existing accounts, whilst also introducing a new criteria for assessing the permissibility of everyday risky activities (Hansson 2003). Finally, the chapter defends the Domination Account against three prominent objections that concern its extensional and explanatory adequacy.

Chapter 2 continues on the theme of wrongful pure risk imposition and explores another popular view in existing literature, namely, the Harm View. In answering the question of what is sometimes wrong with imposing pure risks on others, defenders of this view make one of the following two claims. On the Constitutive Claim, pure risk impositions are sometimes *pro tanto* wrong when and because risk constitutes diminishing one's well-being. For instance, it might be that imposing pure risks frustrates some of your preferences or sets back your legitimate interest in autonomy and thus harms you. On the Contingent Claim, by contrast, pure risk impositions are sometimes *pro tanto* wrong when and because risk has harmful consequences for the risk-bearers. For instance, it might be that imposing pure risks causes you to experience psychological distress and thus harms you.

The Harm View offers a sufficient (although not necessary) condition for explaining why imposing pure risks on others is sometimes wrong. If the Harm View is plausible, then it

carries serious practical implications. For instance, governments, health organizations, insurances companies would need to take account of this kind of risk-harm when making decisions about safety policies, distributing benefits and risk, and so on. Additionally, individuals might have a claim for compensation for suffering the harm of being subject to risks even in cases where the risked harm fails to materialize.

This chapter argues that the Harm View is plausible only if interpreted along the lines of the Contingent Claim, but not if the view is understood in terms of the Constitutive Claim. In discussing the latter, I argue that both the preference and autonomy account fail to show that pure risk itself is constitutively harmful and thereby wrong to impose on others. In discussing the former, I argue that pure risk itself is sometimes contingently harmful and thereby wrong to impose on others, but only in a narrow range of cases. Thus, I conclude that while the Harm View can sometimes explain the wrong of imposing risk when (and because) risk itself is contingently harmful, it is unsuccessful as a general account of what makes pure risk imposition wrong.

Notably, both the Domination Account and the Harm View as discussed in Chapter 1 & 2, respectively, diverge from one other in substantive ways. But they share one commonality, namely, that of explaining the wrongness of pure risk imposition in terms of either contingent or constitutive substantive wrong-making features of risk that are over and beyond any wrong-making facts about the risked outcome. That is, facts about imposing pure risks on others itself being a kind of harm or being a way of relating to others in problematic ways are facts about or related to effects of pure risk imposition itself rather than facts about what one was risking (that is, the risked outcome). These substantive wrong-making features, if and when they obtain, constitute, or give rise to a moral reason against imposing risks on others, like in the case of the speeding motorist.

This approach of appealing to substantive features of risking itself is pervasive in recent literature about the ethics of risk imposition. In Chapter 3, I move away from this approach (that I call Isolationism). Instead, I motivate an underexplored approach in the literature, namely Unificationism, which holds that the wrongness of pure risking some act *also* stands in an explanatory relationship with the wrongness of the non-risky act that could have, but did not materialize. Unificationism builds upon an intuition shared by many that the moral objection to say, imposing pure risk of killing someone, must derive from or entailed by the fact that killing is *pro tanto* wrong. The aim of this chapter is to explore whether and how we can best capture this explanatory intuition.

To this end, I first discuss what makes a Unificationist approach to ethics of pure risk imposition plausible and to what extent it complements different Isolationist approaches. Next, I discuss an existing Unificationist account recently defended by Parr & Slavy (2019). According to what they call the Buck Passing Account, the wrongness of pure risking some act is grounded, as a matter of a probabilistic fact, by particular wrong-makers of the non-risky act. I argue that whilst this account is headed in the right direction, it falls short as a general Unificationist account in light of being extensionally and explanatorily inadequate.

In response, I propose an alternative that I call the Simple Account. According to this account, there is a grounding relationship between the fact that Bill's pure risking killing Joe is wrong and the *general* moral fact that φ -ing is *pro tanto* wrong, other things being equal. I show that the Simple Account captures and preserves the explanatory intuition that if it is *pro tanto* wrong to perform some non-risky act, then imposing a risk of that act is also wrong for the same reason, even if it so happens that the risk fails to materialize. By grounding the wrongness of pure risking in a general, rather than a particular moral fact, the Simple Account avoids problems of extensional and explanatory inadequacy, and most importantly, renders

Unificationism as one amongst various other plausible views of the morality of pure risk imposition. My discussion of the Simple Account concludes the first part of this thesis.

PART II: APPLIED RISK ETHICS

The first half of the thesis tackled the normative question of why imposing pure risks on others is wrong from a general point of view. Part II, by contrast, deals in applied risk ethics. Instead of focusing on one research question, the two articles (Chapter 4 & 5) address different questions as they arise within contemporary debates on the ethics of human extinction and climate change risk, respectively. Before introducing each chapter in greater detail, let me note one important caveat. As the reader will have noticed, both chapters are embedded in two different topics. Yet, despite their distinct focus, these topics are in fact related.

In particular, the theme of “global catastrophic risks” is the loose thread that ties them together. As an operational definition, global catastrophic risks are those risks “that might have the potential to inflict serious damage to human well-being on a global scale” (Bostrom & Ćirković 2008, p.24). Working on this part of the thesis coincided with the onset of Covid-19 pandemic, which, at the time of writing, not only posed personal risks for most of us, it was also one that many considered to be a (potential) global catastrophic risk too. At least, that is how it seemed to many people at the beginning of the pandemic.

For instance, various leaders, politicians, and global health analysts noted that the world-wide impact of Covid-19 pandemic calls for a global attention to catastrophic risks to humanity’s future¹. These discussions not only marked the beginning of my academic interest in distinct types of global catastrophic risks that are continuously imposed on us, but also paved the

¹ <https://reliefweb.int/report/world/unsg-we-must-act-decisively-protect-our-planet-coronavirus-and-existential-threat>.

path for the two articles that make up the second part of my thesis. To capture the potential impact of distinct global catastrophic risks *if* they materialized, consider the following bleak picture that Derek Parfit dramatically paints for us in his now classic book *Reasons and Persons* (1984).

Imagine that a nuclear war breaks out and kills 99 percent of the world's population and leaves the remaining civilization in a dark age that could last centuries. Contrast this scenario with a second one wherein a nuclear war kills a full 100 percent of the world's population. The first war results in a catastrophic future for humanity, namely, that of being locked in a bleak dystopian scenario, whereas the second one completely wipes humanity out of existence. Some philosophers argue that global catastrophic risks, if left ignored, hold out the promise of transforming into grave *existential* risks, including but not limited to the risk of our own extinction (Ord 2020).

According to one recent estimate, the risk of our extinction from various natural and anthropogenic causes is 1 in 6 this century (Ord 2020). Intuitively, it seems that it would be terrible, and perhaps even morally wrong if we allowed this risk to materialize, either knowingly or unknowingly. But *why* exactly would it be morally wrong? Some philosophers think that extinction would be morally wrong because it would cause people to suffer painful deaths and psychological harms. But imagine an extinction scenario in which humanity goes out of existence quietly and painlessly (Scheffler 2013). Is there still something wrong about causing or allowing our extinction this way?

Chapter 4 focusses on a popular answer in the literature according to which, it would be morally wrong if we failed to prevent risk of our extinction from materializing in virtue of the permanent loss of possible people who will not come into existence if humanity goes extinct and who would otherwise be benefited by being brought into existence. While this

view is often endorsed by consequentialists, it is widely rejected by Scanlonian contractualists. Some Scanlonian contractualists such as Finneron-Burns (2016 & 2017), Kumar (2018), and even Scanlon himself (1998) hold that we are not required to give possible people's interest in existential benefits any moral consideration.

Accordingly, on the Scanlonian contractualist framework, loss of possible people is not a relevant wrong-maker of causing or allowing our extinction, *pace* various consequentialist-leaning thinkers. To this end, I question whether this is really the case. In response, I argue that *ex-ante* contractualists can vindicate the claim that loss of possible people can sometimes be a relevant wrong-maker of causing or allowing our extinction, whilst simultaneously remaining committed to the core tenets of their overall theoretical framework. In doing so, I explore the existing contractualist case against accounting for possible people's interest in existential benefits and argue that it is under-motivated.

As part of my positive proposal, I sketch an *ex-ante* contractualist framework for thinking about the wrongness of causing our extinction in specific cases and consider whether loss of possible people can sometimes be a wrong-making feature of causing or allowing extinction on the contractualist framework. Although this framework is incomplete in many ways, I argue that its central insights allow *ex-ante* contractualists to vindicate the claim that under some circumstances, existing people could be said to act wrongly in causing or allowing our extinction by virtue of failing to bring possible people into existence with good and happy lives when they could have done so.

While extinction risk constitutes one type or sub-class of global catastrophic risk (Bostrom & Ćirković 2013), it does not cover all of them. There is a wide range of events and factors that are expected to constitute or give rise to global catastrophes in the near- and far-future to the point of threatening societal collapse, if left unmitigated (*ibid.*). Amongst these is the

risk posed by anthropogenic climate-change. Although climate change probably does not directly pose the risk of causing our complete *extinction*, it nevertheless is a significant risk factor for increasing the overall risk of global catastrophes and leaving us and the generations to come vulnerable to other existential risks in the future (Ord 2020).

Toby Ord (2020), for instance, notes that there are at least three routes by which severe climate change, if left unmitigated, could threaten global catastrophes or “make the planet so inhospitable that humanity would be irrevocably reduced to scattered foragers” (p.42). These routes include triggering of feedback effects that release vast amounts of carbon into the atmosphere, or substantial increase in global carbon emitting activities, or increase in global warming levels due to the carbon that is already being released globally (p.94).

It is well known that uncertainties surrounding the effects of our direct and indirect carbon emissions and the complexity and sensitivity of the climate system constrain us from making precise estimations about the extreme level of global warming that can be reached (Broome 2012). Yet, from the perspective of global catastrophic risks, increase in carbon emissions and, subsequently, in global temperatures could potentially trigger or significantly raise the probability of humanity facing various extreme global catastrophic events.

These may include rise in sea levels, water scarcity, increased tropical diseases, large-scale displacement of people, destruction of livelihoods, just to name a few. The severity and perhaps even the frequency of humanity facing these events directly raise concerns about mitigating carbon emissions and the associated risks of harm for both human and non-human beings. In the vicinity, then, there is a pertinent question regarding what individuals ought to do to mitigate risks posed by their own carbon emissions. To this end, Chapter 5 of this thesis engages with a recent debate surrounding John Broome’s (2012, 2019) popular

view that individuals like you and I have a justice-based duty to be carbon neutral, grounded in our duty to avoid (risking) harming others.

On Broome's view, this duty requires that we either avoid emitting altogether, or that we offset our emissions from daily activities. By emitting-and-offsetting, our actions will cause *net zero* GHG emissions and thus, we can be said to satisfy our justice-based duties not to harm others. Against this, some theorists have recently argued that if your justice-based duty to avoid harming others is owed to *specific* individuals, then by offsetting, one cannot assure that we satisfy our justice-based duties (Torpman 2013, Cripps 2016, Stefansson, *forthcoming*). I call this the Offsetting Objection.

The Offsetting Objection has serious practical implications. For instance, it supports what I refer as the No-Offsetting Response, namely, the idea that we have stronger moral reasons to do good more effectively, say, by donating our money to charities like the Malaria Consortium rather than using our money to offset our emissions. In this chapter, I explore the Offsetting Objection in detail and discuss whether it really succeeds in vindicating the No-Offsetting Response for all plausible real-life instances of offsetting. That is, I ask should we really choose to do more good in effective ways over offsetting our emissions, if and when we emit?

I argue that whilst the Offsetting Objection against Broome's view is *prima facie* plausible, it only applies to some plausible real-life instances of offsetting. I show that there are cases wherein by emitting-and-offsetting, we may satisfy some, even if not all of our justice-based duty not to harm or risking harming specific individuals. In making this argument, I employ a distinction between what I call specific and general justice-based duties not to harm or risking harming others. The upshot of my discussion is that considerations of justice still give

us strong reasons to act justly towards others by offsetting our emissions instead of donating to charity, if and when we emit.

To sum up, this thesis engages with both normative and applied ethics questions that arise within the broader domain of morality of risk impositions. The first part considers the question of what makes imposing risks that don't materialize onto others sometimes wrong. The second part considers the questions surrounding morality of imposing global catastrophic risks (and in particular, extinction and climate change risks). With this brief introduction, I now move on to answering the first question in chapters 1 to 3, before turning to the second part of the thesis.

PART I: NORMATIVE RISK ETHICS

