

University of Groningen

Essays on the Morality of Risk Impositions

Maheshwari, Kritika

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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CONCLUDING REMARKS

We live in a society where imposing risks on each other is inevitable. Many think that engaging in a broad range of self-interested risky activities, such as driving, making toast, talking a leisurely walk in the park that incidentally impose risks on others is morally permissible. Yet, there are various other instances of risky activities that raise serious moral concerns, even if and when the risked outcome fails to materialize for the risk-bearer. These include cases like driving at high speed in a busy neighbourhood whilst intoxicated, or performing risky experiments on others without their knowledge, or even playing a game of Russian Roulette with a sleeping friend, amongst others.

There is a strong intuition that in these cases and others like it, risk-imposers act wrongly in subjecting others to risk. Yet, as the risked unwanted outcome (often) fails to materialize in these cases, wrongful pure risk impositions pose a special philosophical problem, namely, that of understanding what exactly is wrong with the risk-imposer's conduct. To make progress with this problem, the first part of this thesis focussed on the following research question: What makes imposing pure risks on others sometimes wrong? Chapters 1 through 3 were dedicated to answering this question.

Chapter 1 proposed a new answer in the form of the Domination Account. According to this account, imposing risk is sometimes (relationally) wrong when it has dominating or domination-like effects. Imposition of risk is dominating or has domination-like effects when it is constitutive of risk-imposers exercising their arbitrary power over the range of safe options that risk-bearers are in a position to choose from. Central to this account is the idea

of how risk-imposers act wrongly by way of relating to risk-bearers in a way that affects the latter's *status* or social standing as a free individual living in a community with others.

Chapter 2 focussed on a different answer to the initial research question, one that appealed to the harm of risk itself (or risk-harm as I've called it) in explaining why it is sometimes wrong to impose pure risks on others. According to the Harm View, pure risk imposition is *pro tanto* wrong when and because risk itself is a form of harm – either constitutively or contingently. Despite its attraction, I argued that although the Harm View can 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 imposition wrong.

In moving away from risk-harm, Chapter 3 considered the possibility of explaining the wrongness of imposing pure risks in terms of the wrongness of the risked outcome (which involves harm in some cases) even if and when the latter fails to materialize. I called this the Unificationist approach and I offered a general Unificationist account of wrongful pure risking that builds upon the Buck-Passing Account. According to what I called the Simple Account, when it is wrong for an agent to risk φ -ing, the fact that it is wrong for him to risk φ -ing is grounded directly in the general moral fact that he risks doing something that is *pro tanto* (or all thing considered) wrong to do.

The findings of this part of the thesis are relevant to on-going normative discussions surrounding the ethics of risk. For instance, in explicating the relationship between imposition of risk and domination, Chapter 1 identified a distinctive form of injustice that risk-bearers may sometimes suffer when subject to risks against their will, knowledge, and sometimes both. Identifying and acknowledging this injustice is important insofar as existing accounts in the literature fail to capture it. It also raises new questions about how to

appropriately address this injustice, next to the question of finding ways to compensate risk-bearers for facing it.

Moreover, the discussion also raises new question regarding whether, and to what extent dominating risk impositions can be eliminated, reduced, or even prevented from occurring in the first place. For instance, what kind of personal and institutional deliberative and regulatory procedures and processes can we put in place that protect risk-bearers from dominating risk impositions, or alternatively, that ensure risk-imposers do not exercise arbitrary power by way of imposing risks on others against their knowledge and will. Relatedly, what kind of mechanisms allow risk-bearers to effectively and reliably contest dominating risk impositions?

Besides this, the discussion of the Domination Account is also relevant for on-going parallel discussions on rights against risks. For instance, if there is a right against risks, as some theorists have argued, then does that same right extend to protecting individuals against dominating risk impositions? Or is there a separate right against dominating risk impositions, and if so, then how does it relate to a general right against risk (or harm)? And lastly, my discussion of Chapter 1 & 2 intersects and raises the question of whether, and to what extent, there is a relationship between the Domination Account and the Harm View.

For instance, in Chapter 2, I argued against the plausibility of the Harm View as a general account of wrongful risk imposition. In rejecting what I called the Constitutive Claim that imposing pure risks can itself be wrong in virtue of risk being constitutively harmful, I primarily focussed on autonomy- and preference-based accounts. There is, then, further scope for evaluating the Constitutive Claim for the Domination Account by asking whether subjecting risk-bearers to dominating risk impositions constitutes a form of risk-harm - in and of itself.

Moreover, it is also worth exploring further whether we can vindicate the Harm View by evaluating existing accounts in the literature that I didn't have space to cover in my own discussion. These include, for instance, accounts that ground the harm of risk itself in risk impacting one's interest in dignity and security of their first- and second-order interests, as well as accounts that treat being subject to risk as a form of disadvantage.

Moreover, although my discussion was limited to considering cases of objective risk, there is further scope for exploring the prospects of the Harm View once we shift from an objective to a subjective (or epistemic) conception of risk itself. Similarly, further research is warranted in the direction of exploring different conceptions (or theories) of harm, besides risk, that may perhaps allow us to vindicate the Harm View or some version of it. These are, then, just some examples of new areas for further research based on my discussion of Chapter 1 & 2.

Besides this, my discussion of Chapter 3 was also aimed at improving our understanding of wrongful imposition of pure risk by way of motivating what I called the Unificationist approach to ethics of pure risk impositions. By closely exploring the idea of there being a close explanatory relationship between grounds of wrongness of risky actions and that of non-risky actions, my discussion identified a necessary and a sufficient condition of what makes some instances of pure risk imposition wrong. In addition, my discussion also clarified the nature of this close relationship and the relation by exploring the literature on metaphysics of grounding.

In general, engaging with the question of what makes pure risk imposition sometimes wrong carries broader theoretical relevance for at least two reasons. First, it is important for making progress on some old yet pressing questions surrounding both the moral and legal permissibility of imposing risks on others. For instance, if it is wrong to impose risks because it involves doing something that is *pro tanto* wrong as my Simple Account holds, or because

it constitutes exercising one's arbitrary power over others as my Domination Account holds, then these considerations should play a role – to some extent and degree – in our justification for permitting (or not permitting) certain instances of risks in our society.

Second, the discussion is also important for gauging whether there is one correct account of wrongness of imposing pure risks. To this end, my discussion of both the Simple Account and Domination Account as independently plausible accounts of wrongful risk impositions gives us some reason to think that there is more than one plausible account that explains what makes pure risking sometimes wrong. This, as I understand it, speaks in favour of a pluralistic approach towards developing an ethics of pure risk impositions. The pluralistic approach underlies the idea that there is more than one way of capturing the moral significance of pure risk imposition cases.

The second part of the thesis moved on to the applied ethics discussions surrounding risk, and in particular, pertinent global catastrophic risks facing humanity. To this end, Chapter 4 focussed on the question of what, if anything, makes our failure to prevent the risks of humanity's extinction (a type of global catastrophic risk) from materializing wrong. I explored this question through the lens of Tim Scanlon's popular contractualist theory. I argued that on this theory, permanent loss of possible people who could otherwise come into existence with good lives if not for extinction is a relevant wrong-making feature of some, if not all cases of causing or allowing our own extinction.

That an influential contractualist theory has this implication is worthy of further consideration in debates on the ethics of extinction risk for a number of reasons. First, contractualists have recently argued that loss of possible people is not a relevant wrong-making feature of causing or allowing our extinction. However, my discussion shows this to be false. Another related upshot of my discussion is that consequentialist and contractualist

judgement of wrongness of causing or allowing our extinction to converge in some, if not all extinction scenarios.

Second, given that contractualists can vindicate loss of possible people as a relevant wrong-maker of causing or allowing our extinction, this motivates us to rethink the nature, strength, and scope of our duties towards mitigating extinction risks in relevant scenarios. And lastly, my discussion also has broader relevance in political decision making and policy on matters that directly or indirectly contribute to increasing or decreasing the risk of our extinction. In particular, it is relevant for those working on risk-mitigation interventions of various social, political, and technological kinds for ensuring that humanity has a long-term future.

My discussion, however, has some limitations that invite further work. For instance, one question that arises in light of the discussions in the first part of the thesis is whether wrong-making features of certain risk impositions (such as domination or risk-harm) render the risk of failing to bring possible people into existence (and hence triggering our extinction) wrong? Moreover, there are further questions about the nature of our obligations towards or regarding possible people, how they fare against our obligations to those who presently exist or will exist in the future, as well as to what extent inclusion of possible people within the scope of contractualist morality should be considered in discussions of mitigating existential risks other than extinction.

Finally, my discussion in Chapter 5 focused on a different type of global catastrophic risk, namely, climate change. In particular, I explored whether we have good reasons for rejecting offsetting our emission as a way of fulfilling our justice-based duties not to harm those who are likely to be impacted by climate-change related harms that our emissions risk causing. I argued that considerations of justice give us reason to offset our emissions, rather than pursue doing good in other ways, other things being equal. This ‘other things being equal’

clause is important, insofar as I defend offsetting as a plausible way of satisfying our justice-based duties towards others only when certain conditions are hold fixed.

For instance, if it turns out that offsetting is too unreliable or ineffective as a mechanism for nullifying the risks that our emissions pose, then it cannot be a way of satisfying our duty. Similarly, if it turns out that only *particular* ways or kinds of offsetting our emissions are likely to satisfy our duty towards others, then this motivates further investigation into whether and how individuals can determine for themselves whether the way or the kind of offsetting they engage in does, after all, satisfy their duty not to harm others.

Throughout my discussion, I've assumed that the risks that offsetting fails to prevent on the one hand, and the risks that it succeeds in preventing for a particular individual on the other hand are overall balanced *in favor* of offsetting. But this need not hold true in the two alternative real-life offsetting cases that I presented in all circumstances. This opens up the question of whether there are any thresholds beyond which the risks that offsetting fails to prevent versus the risks that it succeeds in preventing for a particular individual speaks *against* offsetting one's emissions.

Moreover, for the cases in which the balance is indeed in favor of offsetting, there is a further question of compensating victims for some of the risks that offsetting fails to nullify. While I claimed that even when considerations of justice give us stronger reasons to offset rather than do good otherwise, we may incur additional compensational duties towards those who are harmed by our offsetting. This further requires addressing well-known problems in the literature, namely, that of determining and identifying who exactly has a claim for compensation, how we ought to calculate this claim, and how exactly we can compensate those individuals who are harmed. Further research should do more to tackle these issues.

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APPENDIX A

PROPOSITIONS

1. Imposing pure risks on others, namely, risks that fail to materialize, is sometimes wrong insofar as it involves or gives rise to domination or domination-like effects. (Chapter 1)
2. Imposition of risk is dominating, or has domination-like effects, when and because risk-imposers' imposing (pure) risks on risk-bearers is constitutive of the former exercising their *arbitrary* power over the range of safe options that the latter are in a position to choose from. (Chapter 1)
3. The Harm View can sometimes explain the wrong of imposing risk when (and because) risk itself is contingently, rather than constitutively harmful. However, it is unsuccessful as a general, exhaustive account of what makes imposition of pure risk wrong. (Chapter 2)
4. There exists an explanatory relation between the morality of imposing pure risks and that of non-risky cases. (Chapter 3)
5. A *general* moral fact that some non-risky act is *pro tanto* wrong can ground or make it the case that risking that act is also *pro tanto* wrong even if and when the risk fails to materialize, other things being equal. (Chapter 3)
6. Non-consequentialist theories like Scanlonian contractualism support the judgement that sometimes, permanent loss of possible people who could otherwise come into existence with good lives is a relevant wrong-making feature of failing to prevent the

risk of our extinction from materializing under some, if not all circumstances.
(Chapter 4)

7. By offsetting our risky emissions, we may satisfy some, if not all of our *specific* justice-based duty not to harm or risk harming specific individuals. (Chapter 5)
8. The Offsetting Objection fails as a *general* objection against offsetting, insofar as considerations of justice can *sometimes* give us a strong moral reason to offset our risky emissions, rather than do good differently. (Chapter 5)
9. There is more than one way of capturing the moral significance of imposing pure risks on others. This speaks in favour of a pluralistic approach towards developing an ethics of pure risk impositions.

APPENDIX B

NEDERLANDS SAMENVATTING

We leven in een samenleving waarin het onvermijdelijk is dat we er soms voor zorgen dat anderen risico's lopen. Het lijkt moreel toelaatbaar om allerlei activiteiten uit te voeren uit eigenbelang zoals autorijden of toast maken, die heel soms risico's voor anderen met zich meebrengen. Het is immers altijd mogelijk dat u een auto ongeluk veroorzaakt, of een brand in uw flat. Er zijn echter verschillende andere risicovolle activiteiten die ernstige morele bezwaren met zich meebrengen, zelfs als en wanneer het geriskeerde gevaar voor de risicodragers uitblijft. Stel dat u een ontspannen wandeling maakt in het park, wanneer een asociale automobilist veel te snel en veel te dicht langs u rijdt. De automobilist zorgt er dus voor dat u een groot risico loopt. Gelukkig voor u gebeurt er niets ernstigs. Toch bestaat er een sterke intuïtie dat hij, door u aan een *zuiver* risico te onderwerpen (een risico dat zich niet verwezenlijkt), verkeerd handelt en u onrecht aandoet. Dit roept de volgende vraag op: wat is er soms verkeerd aan het veroorzaken van zuivere risico's voor anderen? Het eerste deel van dit proefschrift is gewijd aan de beantwoording van deze vraag. Hoofdstuk 1 betoogt dat het veroorzaken van zuivere risico's voor anderen, zoals de te hard rijdende automobilist doet, soms verkeerd is omdat het gepaard gaat met je verhouden tot anderen op een dominante. Hoofdstuk 2 bekritiseert een invloedrijke theorie die stelt dat het veroorzaken van zuivere risico's soms verkeerd is wanneer en omdat het risico zelf schadelijk is. Hoofdstuk 3 onderzoekt de verklarende relatie tussen de moraliteit van het veroorzaken van

zuivere risico's en de moraliteit van niet-risicovolle gevallen. Het tweede deel van het proefschrift kijkt naar hedendaagse debatten rondom het thema 'risico' binnen de literatuur over de ethiek van uitsterven en de ethiek van klimaatverandering. Daartoe wordt in hoofdstuk 4 de vraag gesteld of permanent verlies van mogelijke toekomstige mensen een potentiële factor is die het moreel onjuist maakt om *niet* het risico van het uitsterven van de mensheid te voorkomen. Het onderzoekt een prominente niet-consequentialistische theorie, namelijk het Scanloniaanse contractualisme, en gaat na of deze theorie de stelling kan rechtvaardigen dat we onder bepaalde omstandigheden verkeerd handelen door mogelijke toekomstige mensen niet tot bestaan te brengen en zo de mensheid uit te laten sterven. Hoofdstuk 5 levert een bijdrage aan de recente discussie binnen de ethiek van de risico's van klimaatverandering. In het bijzonder weerlegt het een prominent bezwaar tegen het compenseren van onze risicovolle emissies, namelijk dat we door emissies te compenseren onze plicht verzaken om te voorkomen dat we bepaalde individuen schaden of aan risico's blootstellen. Kortom, dit proefschrift vormt een bijdrage aan zowel normatieve als toegepaste vragen die zich voordoen binnen het bredere domein van de moraliteit van het opleggen van risico's aan anderen.

APPENDIX C

BRIEF CURRICULUM VITAE

ADDRESS: Hofwijckplein 77, 2515RM, The Hague (Netherlands)
DATE & PLACE: June 13, 1993 | New Delhi, India
OF BIRTH:
NATIONALITY: Indian
TELEPHONE: +31616309676

RESEARCH FOCUS

Areas of Specialisation: Risk Ethics, Normative & Applied Ethics

Areas of Competence: Philosophy of Technology, Political Philosophy, Metaphysics

CURRENT EMPLOYMENT

2022-2024 **Lecturer in Philosophy** (part-time)
Delft University of Technology (The Netherlands)
Section Ethics & Philosophy of Technology
Department of Values, Technology, and Innovation

2022-2026 **Post-Doc in Philosophy/Ethics** (part-time)
University Medical Centre Groningen (The Netherlands)
Department of Genetics
Project ELSA AI LAB: *'Human-centered AI for an inclusive society – towards an ecosystem of trust'*. Funded by Dutch Research Council (NWO)

EDUCATION

2018-2023 **PhD in Philosophy**
University of Groningen (The Netherlands)
Department of Ethics, Social and Political Philosophy
Faculty of Philosophy

2015–2017 **Research Masters in Philosophy** (*Cum Laude*)
University of Groningen (The Netherlands)
Department of Ethics, Social and Political Philosophy, Faculty of Philosophy

2014–2015 **Masters of Arts in Philosophy of Mind and Cognitive Science** (*Merit*)
University of Birmingham (United Kingdom)
Department of Philosophy, Theology and Religion

2011-2014 **Bachelor of Science in Chemistry** (*Distinction*)
University of Delhi (India)
Department of Chemistry, Hindu College

