

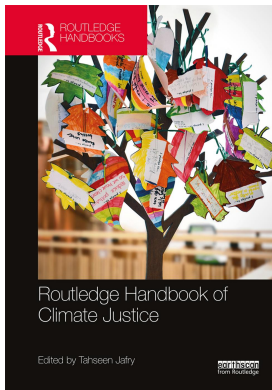
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On inquiry into climate justice

Idil Boran

Introduction

Over a quarter century of multilateral negotiations on climate change reveals why global climate change is, as is often underlined, one of the toughest challenges of our times. On the one hand, accumulated scientific knowledge about the effects of systemic human activity on the atmosphere calls for comprehensive and globally coordinated action. On the other hand, the efforts at the international level are unceasingly confronted by an enormous complexity of the process of collectively transitioning to low-carbon and climate-resilient economies. This complexity is inseparably interwoven with questions of justice (Shue, 1992, 1995, 1999, 2014; Roser & Seidel, 2016; Moellendorf, 2012, 2014; Vogler, 2016, Chapter 5). Global climate change is the result of human activity. Moreover, both the patterns that contribute to climate change and the levels and kinds of vulnerability in the face of its effects are significantly imbalanced across the world. Put differently, anthropogenic global climate change serves as a magnifying mirror reflecting the global imbalances and inequalities. But what proves to be particularly challenging is not so much recognising that climate change raises questions of justice; rather, it is reaching an understanding about how justice is to be envisioned in an age of climate change. Positions begin to bifurcate, leading to a multiplicity of contending visions of justice in the effort to tackle global climate change.

This chapter steps back and displays an overview of the landscape of these bifurcations. It provides neither a full survey of what has been written about climate justice nor a simple catalogue of the arguments and their technicalities.¹ Rather, this chapter is a reflective exploration of the *diversity* of visions of justice. It begins by acknowledging a distinction between two modes of involvement in the pursuit of climate justice: as social movement on one side and as formal inquiry on the other. The subsequent section outlines an understanding of climate justice as formal inquiry and explains its theoretical orientation and framework. Equipped with this insight, an exploration of the normative perspectives into climate justice follows. The purpose is to see if the principles and arguments that seemingly differ from one another nevertheless cluster around a theoretical centre, giving this field of inquiry its distinctive but contingent characteristics. The concluding section provides a brief account of new directions for inquiry into climate justice.

Two modes in the pursuit of climate justice: social movement vs. normative inquiry

If one is hard put to find a unified conception of climate justice, it's because there isn't one. The climate justice discourse, broadly understood, is characterised more by its heterogeneity than by a single unifying characteristic. This makes the task of providing a working definition of "climate justice" particularly challenging. Instead of looking for a definition, one may be in a better position to start out by simply recognising climate justice as a complex activity, one that has its basis both in theory and in practice, with varying degrees of emphasis put on one or the other. A predominant feature of this activity is its subjecting the social, political and economic fabric to critical scrutiny against the backdrop of global climate change. The scope of this critical outlook can be domestic, transnational, or global. But most importantly, as an activity, climate justice is not limited to providing a critique of the current state of the world. It is also dedicated to developing as a response a vision of social and political fabric, with its laws and institutions. These observations do not amount to a definition, but they do hint at the ramifications of the critical outlooks that ensue from this vantage point, and a vast array of visions of what might be called a "climate just" world.

In this vast landscape, two different attitudes can be identified. They are distinguishable from one another in that they represent, at bottom, distinct modes of involvement in the pursuit of justice. One could even go further and say that they reflect two different convictions about the sort of activity climate justice is, each with its own assumptions about the political space providing the conduit for its pursuit and about its actors. On one side, there is the pursuit of climate justice as being primarily an endeavour of social practice, a driver of change. Its main preoccupation is with social change. Its site is predominantly that of civil society and activism. This general attitude can be referred to as *climate justice as social movement*, its operative term being "movement." On the other side, there is a body of sustained work whose focus is on climate justice as an object of formal inquiry. This endeavour prioritises the consistency with which conceptions of justice are formulated in light of norms and principles. A principled investigation above all, it is carried out against the backdrop of accumulated knowledge about climate instability due to human activities as well as existing inequalities across the globe that climate change threatens to exacerbate. As cognitive activity, it places a premium on the rigour with which competing formulations are adjudicated, and aims to develop well-rounded conceptions of justice that can withstand the test of rational scrutiny. Its site is that of academic discourses and, as a specialised form of inquiry, it has given rise to a growing body of work in the field of moral and political philosophy. To distinguish this mode from the former, one may refer to it as *climate justice as normative inquiry*, its operative term being "inquiry."

The theory and practice of putting the social fabric under criticism

Inquiry into justice has a long pedigree. Throughout its rich history, a wide array of visions of justice, differing from one another both in form and in essence, have been developed.² While a review of conceptions of justice is not within the purview of this chapter, it is worth highlighting some of its key characteristics. Firstly and foremost, the pursuit of justice, as a major theme of political philosophy, stems from a concern with how to best arrange collective life (Miller, 1998). Inquiry consists of examining the social, political and economic fabric in light of standards and ideals to aspire to and of values to live by. Secondly, the pursuit of justice is almost always a response to conflict in the social and political make-up that constitutes the domain of the public. Collective life means a clash of purposes. To think about justice is to engage in a systematic

reflection on how to carve out a public realm where conflicting claims can be settled on a footing of mutual respect and guided by principles acceptable to all. Thirdly, and relatedly, to engage in systematic reflection on justice is to put the existing social order, the fabric of law and institutions, under criticism. These are not immutable or exhaustive features. In highlighting them, my goal is to underscore some of the distinguishable features of the pursuit of justice. But this pursuit cannot be complete if it is limited to merely diagnosing the sources of injustice. It must also develop a vision specially designed to eliminate the injustices it has identified. It must begin to lay the foundations of a positive conception of justice. Few put this as clearly as John Rawls, when he writes that among political philosophy's objectives is that of identifying principles capable of giving a sense of orientation in the shaping of public life (Rawls, 2001, p. 3; 2007, p. 10).

What follows is an overview of the debates on climate justice as a formal inquiry that captures these features.³ This overview is not intended to be a full investigation about all underlying assumptions in the debates and their roots. Instead, I distinguish in outline some of the main points of contention in the contemporary debate on climate justice among normative theorists. The intent is not to cover all that has been written on the subject. As will become clear, the debates over principles of justice have been carried out at a high level of abstraction. In highlighting some of the salient lines of the discussions, one may be able to see a theoretical centre around which principles and arguments that seemingly differ from one another may be so assembled as to bring to light their underlying commonalities.

Intersecting threads of normative inquiry into climate justice

Normative inquiry into climate justice is a very young debate. Earlier work highlighting the moral implications of global warming goes back to the 1990s (e.g., Jamieson, 1992, 1996; Shue, 1992, 1994, 1999; Grubb, 1995; Beckerman & Pasek, 1995). But the turn from sparse scholarly interest to an upsurge of writings forming a distinctive literature in moral and political theory occurred when a global response to climate change proved to be a far slower and more arduous process than many had hoped. A body of work, standardly described broadly as the *climate ethics* literature, began to take shape.⁴

A central tenet of *climate ethics* is the claim that climate change presents, above all, a moral challenge. In a review article published in 2004, Stephen Gardiner makes this point (Gardiner, 2004a), setting the tone for subsequent work (e.g., Brown, 2013; Gardiner & Weisbach, 2016; see also Hayward, 2012; Moellendorf, 2014).⁵ But in laying stress on the moral challenge of climate change, theorists do not merely say that climate change is a moral problem. They also imply, directly or indirectly, that in most policy discussions the moral challenge of climate change is not sufficiently recognised. In other words, they register their discontent with the public debates and insist that climate change is treated all too frequently merely as a technical problem. It is either approached as a problem of public administration, to be addressed by policymakers, or as a matter of designing economic policy, to be guided by economists. To look at it from these perspectives is to look at the issue from the wrong angle. The real problem, moral theorists exhort, is that climate change raises a moral problem for the world. Arguments informed by moral principles, not by economic or administrative expediency, should shape policy (Gardiner, 2004a, 2011, 2016; Brown, 2013).⁶ Two distinct attitudes arise from these considerations. Some discuss the various ways in which ethics and moral responsibility matter in designing climate policy (e.g., Cafaro, 2011; Moellendorf, 2014). Others embark upon a diagnostic search to elucidate why ethical considerations have not sufficiently informed policy debates (e.g., Brown, 2013). Among those who seek diagnostic arguments, a subset maintains that traditional theories of ethics and political theory are simply not well-equipped to deal with the complexity of climate change. These

theorists contend that the major ethical theories such as utilitarianism, deontology, as well as major schools of thought in political theory, such as liberal political theory, lack the resources to deal with the problem of climate change (e.g., Jamieson 2014; Jamieson and Di Paola, 2016).

Inquiry into climate justice stems from this broader discourse on climate ethics. It is intimately interwoven with arguments pertaining to climate ethics as delineated earlier. In fact, the terms “climate ethics” and “climate justice” are frequently used interchangeably as a distinctive feature of this field of inquiry. The central concern of theorists has been with rational justification of moral duties in the face of climate change. Steve Vanderheiden states that climate justice is a query into moral responsibilities (Vanderheiden, 2008a, Chapter 5). For Stephen Gardiner, disregarding climate justice amounts to a violation of ethical norms. Concepts of ethics, such as respect and fairness, he stipulates, are “strongly related to the more general notion of justice” (Gardiner 2016, p. 99). These are not unusual examples, but are representative of the tone and content of the work on climate justice. In short, although the details vary, contemporary theorists tend to regard climate justice as a particular application of climate ethics.⁷ Climate ethics forms a broader category, and climate justice a subset that is concerned with proposals for a fair allocation of duties in the response to climate change.⁸ As Moellendorf acknowledges, climate justice has come to be equated with inquiry into *how to assign responsibilities* through an international treaty (Moellendorf, 2012, p. 133).⁹

This way of framing the query on climate justice did not simply appear as a revelation. The focus on justification of moral duties can be traced to prior work. In a review article, Darrel Moellendorf elaborates on the influence of the broader global justice debate on the way climate justice is conceptualized (Moellendorf, 2012; see also, Caney, 2005; Moore, 2008; Hayward, 2007, 2009).¹⁰ A review of the global justice debate is not within the scope of this chapter, but it is worth noting that normative inquiry into climate justice inherits from global justice its focus on the justification of moral responsibilities. Broadly, the philosophical debate on global justice is concerned with the scope of moral obligations. A major front in this debate separates two major camps: moral cosmopolitanism on one side and statism on the other. Moral cosmopolitans uphold the principle of moral equality of all. If everyone is a moral equal, then moral obligations extend globally. While statism does not deny moral equality, its adherents accept that limiting obligations of mutual support and cooperation within state borders is justified. This divide has given rise to a heated debate over responsibilities against the backdrop of global inequalities. Cosmopolitans support fair distribution of responsibilities across borders. Against their statist counterparts, they argue that inequalities of income and wealth across the globe ground a responsibility to remedy these inequalities. Because earlier theorists of climate justice were immersed in the debate over moral cosmopolitanism, they saw the distribution of responsibilities about climate change as an extension of the broader global justice debates (e.g., Caney, 2005, 2012; Moore, 2008; Jamieson, 2001; Hayward, 2007, 2009; Vanderheiden, 2008a, Chapter 3, 2009, pp. 269–270). This is not the only source of influence, however. The focus on allocation of responsibilities was also influenced by the multilateral negotiations under the United Nations Framework Convention on Climate Change (UNFCCC) with its focus on equitable burden allocation before and after the signing of the Kyoto Protocol (see, for example, Grubb, 1990, 1995; Grubb, Vrolijk, & Brack, 1999; Paterson & Grubb, 1996; Baer, Fieldman, Athanasiou, & Kartha, 2008; Baer et al., 2000; Baer, 2013a & b; Friman, 2016; Vanderheiden, 2008a; see also Boran & Katz, 2017). These two sources of influence – from the global justice literature and from the international negotiations during the Kyoto Protocol era – have built on one another, solidifying an allocation-centrist approach to climate justice.¹¹

This theoretical framework left an imprint in the literature. The contending arguments share in common an underlying assumption that the object of climate justice is that of establishing fair

allocation of responsibilities regarding the burdens of climate change. This view is so common that Simon Caney simply states that the question of justice is about specifying “who should take responsibility,” “who should perform and how much” (Caney, 2016, p. 24). In navigating the terrain, a helpful heuristic is to organise the debates into three pairs of contestations. This is not the only way of organising the competing perspectives on justice, but it is helpful in that it displays how some of the frequently invoked arguments stand in relation to one another. Of these three, the first is the contestation between distributive vs. corrective justice perspectives and, the second, between egalitarianism vs. basic rights. The third represents a more general contestation over whether climate justice should be an instantiation of global justice or of intergenerational justice.

Distributive justice vs. corrective justice

In normative inquiry into climate justice, arguments that appeal to distributive ideal support allocating responsibilities in a way that is sensitive to wealth or income inequalities across the globe. These arguments support a system of cooperation where those who are wealthier are to accept an obligation of justice toward those who are less affluent. By contrast, arguments that appeal to ideals of corrective justice support allocating responsibilities to correct or remedy a wrong, past or present.¹² Distributive and corrective perspectives are not mutually exclusive. In fact, as it will be seen later, they end up supporting strikingly similar conclusions.¹³ Theorists tend to agree that a just allocation of duties would hold developed countries responsible and accountable in an international burden-sharing scheme. What distinguishes the two perspectives is the structure of the justificatory argument in support of differentiated burden allocation, holding developed countries morally responsible to take on a heavier burden in the global response to climate change.

Defenders of distributive justice invoke a principle of *ability to pay*. To invoke *ability to pay* is to support an allocation of duties in proportion to economic capacity. It would be unfair, its supporters argue, to expect those who have less resources to pay as much as those who are richer in addressing a shared problem (Shue, 2014, Chapter 9). As a conception of climate justice, ability to pay encapsulates a non-historical and patterned conception of distributive justice. Informed by an idea of distributive justice, it envisions a system of cooperation whereby those who are better off support the less well off. One can see a special affinity with the debate over global justice. Theories of global justice focus on global inequalities around the world and support various distributive proposals to respond to these inequalities (e.g., Moellendorf, 2012; Roberts & Parks, 2007; Shue, 1999, 2014; Caney, 2005, 2010c).

A well-known variant of the corrective justice approach appeals to a *historical responsibility principle*. Its defenders argue that a fair allocation of burdens cannot be indifferent to past practices.¹⁴ Here, historical trends of greenhouse gas emissions, not the level of affluence, serve as the criterion for the allocation of duties. The argument unfolds as follows. Climate change is the outcome of aggregate human activity since industrialisation. The societal make-up of developed countries have their roots in industrialisation, intertwined with a colonial history. Countries and regions that are disproportionately vulnerable to climate risks have neither contributed to this historical trajectory nor fully benefited from it. In the face of climate change, they stand not just vulnerable against its effects but unfairly vulnerable. Developed countries must take on the burden of reducing emissions not so much because they have the means to do so, but because they bear a moral duty to rectify the adverse effects of climate change as beneficiaries of past practices (Neumayer, 2000; Farber, 2007; Miller, 2008; Meyer, 2013).¹⁵

Both the distributive and corrective justice perspectives have been met with criticism. Against ability to pay, critics point to an ambiguity over whether the duty is to be assigned to states or to individuals (Moellendorf, 2012, p. 136). Given that global cooperation on climate change

is to be the result of treaty negotiations, one might assume that states should be the bearers of responsibility, but this implies that responsibility will be devolved to the individual members of states. This opens the way to an argumentative tangle. For, assigning responsibilities to states as such is not sensitive to economic inequalities *within* states. Moreover, one may wonder whether the state system is not in the first place subject to criticism for perpetuating those inequalities that are objectionable from a global justice point of view. Some critics (e.g., Posner & Weisbach, 2010, Chapter 4) argue that global distributive justice is to be discussed on its own ground and should not be annexed into a reflection on climate change policy. Others find this separation unpersuasive, and they insist, as Baer (2013b) does, that questions of climate justice and global inequalities are inescapably intertwined.

Arguments from historical responsibility have been fraught with epistemic difficulties. This is because in order to hold some people morally responsible for an outcome, one must establish a direct causal link between the actions of those people and this outcome. Global climate change is a complex phenomenon resulting in an incremental rise in greenhouse gases (GHGs) in the atmosphere over time. Intuitive at first, one cannot pinpoint to wrongdoers so they can be held accountable for the wrongdoing (Adler, 2007; Caney, 2010b, pp. 125–127; Posner & Weisbach, 2010, Chapter 5). As Steve Vogel explains, the challenge is really a social problem, resulting not from specific actions but from a series of human decisions and practices (Vogel, 2015, p. 202). To try to determine who has caused the wrongdoing, for Vogel, will result in answers that are never satisfactory. Proponents of historical responsibility tend to retort that the point is not about identifying the individuals who might be causally responsible, but rather about assigning moral liability to states, based on their collective historical trends. A recurrent objection to historical responsibility has been to argue that past generations did not know about the effects of industrialisation on the atmosphere, opening a discussion about whether this makes past emissions morally excusable (Bell, 2011b). Others provide a more nuanced criticism and argue that holding states responsible means that the responsibility will be devolved to their current citizens, and it is unclear whether the citizens of a given state deemed to bear a historical responsibility are all responsible in the same way. Some of these may have been actively working on reducing emissions more than others. It seems unfair, critics argue, to hold that these people are not meeting their historical responsibilities even if their governments do not (Posner & Weisbach, 2010, p. 104).

In sum, diverging in many ways, both distributive and corrective approaches seem to converge on one vision. Climate justice is about an equitable allocation of burdens. Allocation has to be differentiated. Developed countries have to assume a heavier burden in a global response to climate change. The disagreements are over the argumentative routes taken to reach this conclusion (Shue, 1999, p. 531).

Egalitarianism vs. basic rights

Egalitarian perspectives support a system of atmospheric equal shares. In contrast, those in the basic rights camp seek to ground moral duties to protect the fundamental interests of those vulnerable to the effects of climate change. This debate differs from the previous one on an important point. In the distinction between distributive justice and corrective justice, both sides start out from a premise that a fair allocation of burdens must be *differentiated*. In the distinction between egalitarianism and basic rights, both sides start out from a premise of equality as a non-differentiated universal moral axiom. Broadly, supporters of equal shares appeal to an equal claim to the atmosphere and defenders of basic rights lend credence to an equal claim to vital interests in health and subsistence.

The egalitarian position on climate justice – also termed *equal atmospheric shares* – starts out from a principle of moral equality. If everyone is a moral equal as a matter of universal principle, then each has an equal moral claim to the Earth's resources. If the absorptive capacity of the atmosphere is a resource that belongs to everyone, and everyone has an equal claim to it, it follows that emission rights should be distributed equally across the world. This idea finds expression in Vanderheiden's work, where he describes the atmosphere as "a shared good to which multiple parties have competing claims, demanding adjudication under the terms of justice" (2008a, p. 104). Of all the approaches to climate change justice, few positions propose a fully fledged system of equal distribution of atmospheric shares as does the equal shares approach. The logic by which the equal shares approach proceeds is fundamentally distributive. It consists of dividing a shared resource into basic units and ensuring that everyone has its fair share. But it is motivated by a specific ideal of fair distribution, one that is founded on thoroughgoing egalitarianism: an *equal division* and allotment of the atmosphere. As with the principle of historical responsibility, the idea of an equal right to access the atmosphere can be traced to the earliest discussions in the international climate negotiations pertaining to the fairness of an international treaty on climate change (Grubb et al., 1992, p. 312; Grubb 1995, p. 485; see also Beckerman & Pasek, 2001, p. 182). Its most committed defenders are Grubb (1995), Vanderheiden (2008a & b) and Singer (2002, 2010); see also Moellendorf (2011), Gosseries (2005) and Baer et al. (2000).

There is an internal debate among supporters of equal shares over whether equal distribution of atmospheric shares should follow a forward-looking or a retrospective logic.¹⁶ Supporters of the forward-looking logic propose to calculate what remains of the atmosphere's absorptive capacity *from now onward* (e.g., Vanderheiden, 2008a). They then propose an equal division of the remaining stock across the current population worldwide. Supporters of the retrospective logic are not satisfied with this suggestion. They argue that an equal distribution must take into account countries' past emissions in the calculation of equal shares (e.g., Grubb, 1995; Neumayer, 2000; Singer, 2002). Simply dividing the atmospheric pie at the present time would not amount to a genuinely egalitarian distribution. After all, developed countries have emitted far in excess of their "historic" equal per capita share, leaving current members of low-emitting states with less. Those with sympathies with this reasoning insist that a system of equal atmospheric shares imposes a moral duty on members of developed countries to accept reduced rights to emit today (e.g., Neumayer, 2000, p. 188).

These conceptions of equal atmospheric rights are countered by proposals for a system of fundamental rights. Defenders of fundamental rights also start out from a universal premise. Their starting moral axiom, however, is not grounded on thoroughgoing egalitarianism but rather on a principle of *human rights*.¹⁷ Its central tenet is that climate change threatens the lives and bodily integrity, health and subsistence of members of communities most vulnerable to its adverse effects. These interests are so fundamental that their protection is matter of human rights. For Caney, for example, a human rights approach identifies *moral thresholds* below which no human being should be allowed to fall. Anthropogenic climate change threatens to breach these moral thresholds (Caney, 2010a; see also, Bell, 2011a; Shue, 2011).

There have been fraught confrontations between defenders of the equal atmospheric shares perspectives on one side and supporters of human rights approaches on the other. Noted in Beckerman and Pasek (2001, p. 180), this tension can be seen clearly in the works of Caney (2010a, 2012), Bell (2011a) and Hayward (2007). Each side insists that their proposed allocation formula is the superior one from a moral point of view. And yet one is led to wonder whether these disputes may not be over small differences.

For example, some defenders of a human rights approach, such as Caney, concede that their position amounts to being a particular allocation of allowances to emit GHGs. They argue that

fulfilling fundamental interests (such as meeting the basic needs for subsistence) require emitting GHGs. The most vital interests in subsistence, they argue, entail a right to emit as a matter of human rights (Caney, 2012, pp. 286–287, note 70). Other defenders of a human rights approach prefer separating human rights from emission rights. For example, Hayward (2007) asserts that human rights are not to emissions. It is “the ends of subsistence that are significant for human rights” (p. 441). And perhaps these disputes reveal just how rarefied the debates over the allocation of rights and responsibilities have become. After all, both sides reach the conclusion that developed countries have a moral responsibility toward those who are most vulnerable to climate change, and that this responsibility entails accepting a heavier burden in the response to climate change.¹⁸

The equal shares approaches have been fraught with numerous difficulties. Some of the disenchantment arises because it makes state-level entitlements depend on population size (Grubb, 1995, p. 485). Countries with a large population, regardless of their level of development or affluence, would receive large entitlements to pollute. Posner and Weisbach raise this issue and point out that states with a larger population will be able to claim more allowances to emit (2010, p. 131). A staunch defender of equal atmospheric shares would rebut this objection by claiming that countries’ entitlements depending on their population size is fundamental to the spirit of per capita equal distribution. Nevertheless, this seems unsettling to many defenders of climate change justice. There seems to be a tacit agreement across the spectrum that the developed countries should accept heavier burdens as a matter of climate justice, and allocating responsibilities by any other criterion is potentially a complicating rather than simplifying factor. This is why Vanderheiden, for example, goes no small distance explaining how his defence of equal atmospheric shares is compatible with the tenets of historical responsibility.

Furthermore, the retrospective variant of the equal shares approach is met with the same objections that are typically levelled against the historical responsibility perspective. Its defenders find themselves having to provide an airtight justification of who exactly is causally responsible for the diminished stock of atmospheric shares. But mostly, the equal shares approach gets embroiled in a vortex of difficulties when put under scrutiny. One may wonder, for example, whether seeing the atmosphere as an object to be divided up for balancing rights and entitlements is not itself a problematic proposition. Doing so seems to turn the atmosphere into a heavily commodified entity divisible into portions, very much like a pie. Then, it treats these portions as objects of rights and obligations. Some theorists advance, as Hayward does, that human interactions with the non-human world “occur within a single biophysical reality” (2007, p. 445), and argues that reallocating fair shares is a way of paying off an ecological debt. But this seems to introduce a curiously metaphysical take on the atmosphere. The reasoning appeals to concepts, such as a unified biophysical reality or ecological debt, that seem compelling not because they are demonstrable but because they are unquestionable.¹⁹ And finally, seeing the atmosphere as an object for a reckoning of rights and obligations not only reinforces a commodification of the atmosphere but also reinforces a zero-sum logic where one’s gain is the other’s loss.

Against the basic rights perspective, objections arise along similar lines to those encountered by the historical responsibility arguments. If the claim is that global climate change causes violation of human rights holding some agents morally responsible for these violations, then critics will want to see a basis for this causal claim. But there is a further challenge. If climate justice is about protecting basic rights, then it concedes to the most minimal forms of protection. But few would disagree that what is needed is much more than attending to the most basic needs. If the goal is comprehensive transformations toward low-carbon and climate-resilient societies, keeping the focus on meeting basic needs sets the sights low, and remains silent on the positive steps

needed toward these transformations. The basic rights approach therefore risks committing to a view of justice that is stringent but very limited in scope.

Global justice vs. future generations

So far, we have seen that most of the considerations of climate justice have an affinity with conceptions of global justice. Differing in many ways when it comes to argumentative procedure, they agree in one respect: they all support an allocation of the burdens of climate change as instantiations of global responsibilities. Nevertheless, some theorists are of the view that climate justice cannot be merely about assigning responsibility against the backdrop of global inequalities, but should also be about responsibilities toward future generations.

This proposition opens up into an intricate interplay between global justice and intergenerational justice perspectives. Some work on climate justice puts emphasis on an intergenerational outlook (e.g., Gardiner, 2004a&b, 2011), while others aim to incorporate both global and intergenerational outlooks (e.g., Vanderheiden, 2008a; Gosseries, 2005). Gardiner presents climate change as being not only a global challenge raising questions of international fairness but also an intergenerational one (Gardiner, 2011). Vanderheiden is concerned with a global system of equal atmospheric shares, but also incorporates sustained discussions on taking into account intergenerational cooperation, and discusses the analytic challenges it poses (Vanderheiden, 2008a, Chapter 4). And yet, in their attempts to present a picture of climate justice that is sensitive to both global inequalities and to the projected interests of future generations, these authors also reveal a tension between the global and intergenerational outlooks. When Gardiner suggests that climate change presents an intergenerational challenge, for example, he also implies that looking at climate change as a matter of intra-generational equity misses the point. This is another way of saying that the intergenerational problem is the more pressing one of the two. Indeed, in an earlier essay, Gardiner states that the intergenerational challenge is the *real* challenge (Gardiner, 2001). Allocation of moral responsibility should be guided, instead or as much, he insists, by a sense of obligation toward future generations.

The question of obligations to future generations is a broader question that predates the debate over climate justice.²⁰ On climate change, the debate over intergenerational justice and responsibilities toward future generations developed into two parallel and rarely intersecting branches.

One branch has its origins in an earlier debate over the economics of climate policy. It is about whether the costs of combating climate change should be discounted. A highly technical question, discounting is primarily about rational justification of time-gaining strategies. It asks whether, and how much, action should be taken today for benefits to be gained in the future. With the publication of the Stern Report (Stern, 2007), who argued against postponing action on climate change, discounting became a central question. Stern's arguments were countered by Nordhaus, who responded with arguments for more modest expenditures today (Nordhaus, 2007, 2008).²¹ The response of moral theorists has been to question any time-gaining strategy on the basis that it disvalues the interests of future generations (Davidson, 2015; Caney, 2008; see also, Posner & Weisbach, 2010, Chapter 7).

Another branch focuses on responsibilities toward future generations more broadly. The concern is whether responsibilities can be meaningfully grounded toward people who do not exist today. This question becomes thorny because most conceptions of justice require tangible holders, or claimants, or rights. Since future generations do not yet exist, it seems unclear how they can claim or hold rights. This leads some to focus on a clash of interests between generations. On the one hand, it seems to be in the interest of *future* generations if the current generation assumed intergenerational duties toward them and reduced greenhouse emissions accordingly.

On the other hand, it seems to be in the interest of the *current* generation to delay climate action. Rather than analysing this question as a matter of economic cost balancing, moral theorists regard it as a clash of moral interests and responsibilities, as exemplified in Gardiner's concept of an intergenerational tragedy of the commons (Gardiner, 2001, 2011). Intricate disputes arise about whether there is a moral basis at all for a system of rights and responsibilities across generations (see, Beckerman & Pasek, 2001; Page, 2006, 2008; McKinnon, 2012).²²

Arguments in favour of responsibilities toward future generations are also fraught with difficulties. Above all, there is a real danger in entertaining visualisations of future people as moral interlocutors. Since the picture is necessarily that of an imagined future, the projections and visualisations almost always end up reflecting what the theorist wanted to see all along. Once again, claims about what kind of life future generations will live become undeniable, not because they are demonstrable, but because they are unquestionable. To any undertaking that has the pursuit of rigour as its hallmark, this is a serious concern. Projected considerations about the lives of future generations risk creating parallel worlds to try out various abstracted arguments. But this is also when theories of climate justice risk detracting attention from the concrete work that needs to be done before the world runs out of the carbon budget.

The future of normative inquiry on climate justice

Normative inquiry into climate justice has not prioritised empirical examinations assessing the workability of its propositions. The debates are rich in arguments but poor in case studies. The proposals put forth are assessed on the basis of the power of their normative premises, the argumentative strength of the justifications backing their conclusions, and how well they respond to objections levelled against them. This does not mean that there are no concrete lessons to learn, however. Perhaps the most telling laboratory case in the last decade is the re-orientation that has taken place in the UN-led international climate negotiations process. In Copenhagen in 2009, the first round of negotiations for a replacement to the Kyoto Protocol catapulted into a near-death experience. This was a wakeup call. After this point, it became exceedingly clear that continuing on the same path, following the same logic, which consists of looking for an international agreement on negotiated economy-wide targets, will simply not put the world on track. The difficulties experienced could not be explained just as a matter of feasibility. To think so would be to assume that feasibility is a fixed point independent of collective imagination and resolve. Exploring a new logic, one that moves away from a hierarchical architecture to a facilitative one, where all put in their best contribution, was a feat of political and diplomatic imagination. This is why the Paris Agreement, adopted in 2015 after several years of intense work, is seen by many as opening a new path. The UN Sustainable Development Goals adopted the same year broaden the scope of actions through intertwining threads of climate and sustainability pathways. In this process, a lesson learned is the structure of the normative debate on climate justice – with its proposals to allocate responsibilities between developing countries, on one side, and wealthy countries, on the other – bears the unmistakable marks of a distinctive period in the history of the international effort on climate change. The facilitative spirit of the intergovernmental process reflects a marked effort to move beyond this binary frame and respond to the wide diversity of circumstances, needs and priorities across borders and regions, as well as changing emission patterns. Whether and how it succeeds is to be seen, and much depends on the actions of both state and non-state actors.

Against this dynamic backdrop, normative inquiry into climate justice will also need to rethink its parameters. Some may be tempted to think that justice and equity are no longer central, and that the Paris Agreement's architecture is all about implementation. It is a mistake to think this

way. As Klinsky et al. (2017) aptly remark, justice will always remain central to the climate effort. It will move in new directions and explore new questions that the allocation-centric approaches left unexplored. Indeed, recent work began to propose to reorient the focus away from allocation to embedding norms of justice in the processes of political dialogue (e.g., Breakey, 2015; Boran, 2017). Others are reflecting on questions of justice as the process moves toward a multi-actor climate engagement (e.g., Kuyper, Linnér, & Schroeder, 2018). And yet others are exploring a concept of just transition focused on social justice concerns (e.g., Patterson et al., 2018). None of these new directions are mutually exclusive. More importantly, these newer perspectives are still coarse and preliminary, but they show that inquiry into climate justice is not inert. New perspectives need to be tried out and new domains of climate justice explored.

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Notes

- 1 For an encyclopaedic review, see Boran and Katz (2017); a book-length introduction of normative inquiry into climate justice is Roser and Seidel (2016); a comprehensive defence is provided by Shue (2014); Moellendorf (2012) reviews the issues in relation to global justice; for a review of climate justice from a human rights perspective, see Bell (2013); a treatment from an international theory perspective is Vogler (2016, Chapter 5); for critical approaches, see Posner and Weisbach (2010). See also Grubb (1995) for an earlier account of key issues of equity and justice arising from climate change.
- 2 For historical overviews, see Wolin (2004); Dunn (1996); Rawls (2007). For an account of recent debates, see Kymlicka (2002).
- 3 This outline is based on the *Routledge Encyclopedia of Philosophy* entry titled “Climate Change Justice,” co-authored with Corey Katz (Boran & Katz, 2017). Corey Katz’s contributions to this background work are duly acknowledged.
- 4 Volumes compiling papers providing normative discussions of climate justice from various perspectives include Vanderheiden (2008b); Gardiner et al. (2010); Arnold (2011). Some prominent monographs that set the tone for the normative debate over climate justice include Gardiner (2011); Vanderheiden (2008a); Moellendorf (2014). For a discussion of climate ethics and the connection drawn between ethics and climate justice, see Gardiner (2004a); Brown (2013); Singer (2002).
- 5 Gardiner and Weisbach (2016) is a book in debate format containing stand-alone writings by two authors in opposite camps. Arguments in defence of climate ethics find expression in Part I. Part II levels criticisms against climate ethics by driving home feasibility concerns arising in the context of international politics.
- 6 Moellendorf (2014) outlines a more moderate version of this claim. For Moellendorf, moral perspectives on climate policy can be articulated without claiming exclusivity. Gardiner (2004a&b, 2011, 2016) and Brown (2013), however, hold a stronger disjunctive view, one that requires a choice between either a moral outlook or an outlook from other specialised disciplines, economics, public administration, etc. They insist that the economic or public administration lens brings in disciplinary biases, distorts the problems and proposes false solutions. Critics point out in return, as Beckerman and Pasek do, that “claiming to be moralists is no guarantee that one’s particular views are, in fact justified, or even ‘moral’ by most people’s standards.” Human history is only too full of horrific suffering, they aver, “inflicted by some human beings

- on some other human beings acting out of what they thought were the highest moral considerations, such as saving the victims' souls" (Beckerman & Pasek, 2001, p. 7). What exactly is the moral dimension of climate change is one of the unresolved questions at the heart of the climate justice debates.
- 7 In political philosophy, this assumption is contested. For a critical discussion, see Ripstein (2009).
 - 8 Here, use of the term "response to climate change" is deliberately vague. In the earlier years of the international treaty negotiations, it was common to focus almost exclusively on mitigation efforts to prevent climate change. Multilateral negotiations under the UNFCCC leading up to the first climate agreement – the Kyoto Protocol – were predominantly focused on mitigation, as emission reduction pathways. As time went on, it became increasingly accepted that a response to climate change cannot be limited to mitigation efforts, but must also include adaptation, finance, as well as a mechanism for loss and damage. The Paris Agreement adopted in 2015 and ratified in 2016, reflect this diversification. Additionally, interconnections between the response to climate change and sustainable development are increasingly being recognised after the adoption of the Sustainable Development Goals in 2015.
 - 9 Equating climate justice with fairness in the allocation of responsibilities pertaining to the costs or burdens of climate change is a paradigmatic assumption in the climate change ethics literature. This tendency is so common that Caney simply uses the term "climatic responsibilities" as the primary question of climate justice (Caney, 2012, pp. 257–258). The emphasis is sometimes put on rights as much as on responsibilities. Caney, as with other theorists, alternates between rights and responsibilities. Indeed, the two concepts mirror one another. The justification of rights generates an obligation for others to respect these rights. Conversely, moral responsibilities can be justified by appeal to rights. Whether focused on rights or on responsibilities, the key question is over how to distribute or allocate them. See, for example, Beckerman and Pasek (1995, 2001, Chapter 10), Caney (2005, 2010c, 2012), Shue (1999, 2014), McKinnon (2015), Miller (2008), Moore (2008), Vanderheiden (2008a, 2009), Hayward (2007), Page (2008), Baer et al. (2000).
 - 10 A review of the global justice literature is not within the scope of this chapter. For an overview, see Brooks (2008). For an accessible critical overview, see Scheffler (2014).
 - 11 This is not to suggest that theorists agree with the outcomes of the multilateral negotiations. Many are fiercely critical of the UNFCCC process (e.g., Gardiner, 2004b). It is to suggest that the debate over what climate justice requires, and how equity and fairness is to be conceptualised in an international agreement, did not arise within a theoretical vacuum. The debate has been considerably influenced by the particular way in which demands for equity were voiced in the international climate negotiations surrounding the Kyoto Protocol. Historical responsibility, for example, was invoked in early negotiations and slowly gained "recognition during the late 1990s as an important node for negotiating differentiation" (Friman, 2016, p. 286). Also referred to as the Brazilian Proposal, historical responsibility has been voiced as a way of operationalising the principle of common but differentiated responsibilities. For a catalogue of allocation models invoked in the UNFCCC, see Bodansky (2004). For earlier considerations of allocation models predating the formal treaty negotiations, see Epstein and Gupta (1990).
 - 12 This approach can also be termed "remedial justice." The idea of remedial justice finds expression in Miller (2008). In the climate justice literature, however, "corrective justice" is more commonly used. See, for example, Posner and Weisbach (2010, Chapter 5); Adler (2007).
 - 13 See, for example, Shue (1999). Some theorists discuss both ideals. See, for example, Meyer and Roser (2006), Meyer (2013).
 - 14 It is not uncommon for arguments for historical responsibility to appeal to the polluter pays principle. See, for example, Caney (2010c), Neumayer (2000, p. 187). However, the polluter pays principle can also ground allocating responsibilities in a non-retrospective manner. A forward-looking formulation in light of a polluter pays principle finds expression in the works of Henry Shue. See, for example, Shue (1999, p. 534).
 - 15 Note that Neumayer (2000) provides an argument for historical responsibility that overlaps with equal atmospheric shares. His arguments illustrate how the different perspectives on allocative formulae are not mutually exclusive. For a review of the historical responsibility arguments both in the literature and in climate negotiations in the Kyoto era, see also, Friman (2016).
 - 16 Grubb refers to this dichotomy as "contemporary and historical per capita allocations," respectively (1995, p. 485).
 - 17 It should be noted that there are two lines of inquiry into human rights (Forst, 2016, p. 22). One consists of outlining legal duties based in international human rights. In this vein, the human rights approach consists of "locating the idea of human rights in international political and legal practice" (Forst, 2016, p. 22). The other is to examine the moral basis of human rights and develop arguments that ground a

- duty to protect basic and urgent interests. In the climate justice literature, the latter attracts defenders. See, for example, Caney (2010a); Bell (2011a).
- 18 The exception is a position called *grandfathering*. This is the view that special allowances should be given to developed countries. The reasoning is that high-emitting countries have a carbon dependence, and that abrupt emission reduction policies can be disruptive if detrimental. Grandfathering proposes a particular reading of a system of atmospheric shares, where developed countries would be provided extra allowances. Support for grandfathering is rare on grounds of justice. See Bovens (2011) for one such defence. For a critical take, see Hayward (2007, p. 449).
 - 19 For a critique of the use of metaphysical concepts in environmental philosophy, see Vogel (2015, Chapter 1).
 - 20 For earlier work, see Hubin (1976); Schwartz (1978). For general introductions and analyses, see Gosseries and Meyer (2009); Thompson (2009). Note that the term *intergenerational* includes both future and past generations, and some scholars include, as Janna Thompson does, questions of historical responsibilities in their studies of intergenerational justice (Thompson, 2009). These questions are usually taken up as broader questions, which may include, but are not limited to, responsibilities regarding climate change.
 - 21 The technical details of this debate are not within the scope of this chapter. For an accessible critical discussion, see Posner and Weisbach (2010, pp. 146–149).
 - 22 For a critical response, see Heath (2013).

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