

*Climate change and distributive justice*

Axel Gosseries

FNRS, UCL, Hoover Chair in economic & social ethics

<http://www.uclouvain.be/307994.html>

**1. Distributive justice and efficiency**

A. Contemporary theories of distributive justice try to go beyond a vague justice/efficiency trade-off. They integrate efficiency concerns **within** distributive views in various ways. For instance, in the case of *responsibility-sensitive leximin egalitarianism*: (i) shift from concern for equality to concern for the least well-off that takes incentives seriously, (ii) adjustable intensity of the priority of the improvement of the least well-off's situation (leaky bucket) and (iii) responsibility-sensitivity as efficiency-driven.

B. In the international arena (and even at the domestic level), a strong institutional or policy-based **division of labour** between efficiency and distributive concerns is untenable. Domestic level: redistribution merely through tax and transfer is insufficient. International level: there isn't tax and transfer at any significant level. Moreover, in a quotas system, if they are tradable, there is a strong compatibility of distributive concerns with efficiency.

C. **Two** key general issues: periodic global cap and international distribution of efforts within each period. **Both** are matters of justice, not just technical questions. And each raises **both** issues of global and of inter/trans-generational justice. So, claiming that setting the periodic global cap on emissions is merely a matter of intergenerational justice and distributing the effort for each period internationally is merely a matter of global/international justice is not sufficient.

**2. Distributive justice vs. corrective justice?**

**General impression:** whenever it is possible, negotiators and the general public try to frame the demands of justice as demands of rectificatory/corrective justice rather than of distributive justice. One possible underlying intuition is that rectificatory claims are *less controversial* as well as *morally stronger* ones. This view is problematic for four reasons:

- **Any** rectificatory view is necessarily premised on a background distributive view. Rectification is premised on the assumption that the departure point was distributively fair. It follows that those who oppose distributive vs. rectificatory are in fact opposing different background distributive views, assuming that some distributive views are less controversial/more minimalistic than others.

- A second consequence is that it cannot possibly make sense to claim that rectificatory views entail **firmer** duties than distributive ones if the former are parasitic on the moral strength of the latter. One may of course claim that some of the background distributive views are more-abstention focused and others are more action-demanding and that for that reason some distributive views entail firmer duties than others. But even that is problematic.

- There is an extra challenge to rectificatory views whenever we are calling for **cross-generational** rectification. Without denying the possibility of meaningful defences of collective responsibility, rectification claims are problematic whenever we ask one generation to rectify harms/wrongs for which an earlier generation were responsible. Shifting to a distributive approach in such cases is philosophically much more robust. Note however that a responsibility-sensitive distributive view will also face serious problems in such a cross-generational setting.

- If we really try to uncover which distributive view is implicit for those who claim to adopt a rectificatory rather than a distributive one, it may actually turn out that rather than being less demanding than e.g. a rather egalitarian view, their view would be **more demanding**. For instance, if we leave rights to existing local climates unchanged and grant each country strong territorial rights, even subsistence emissions might be problematic from the point of view of strong territorial integrity.

**Message:** Whenever there is some room for explicitness, when someone goes rectificatory, ask him first to specify his implicit distributive view and carry the discussion at *that* level.

### 3. The intergenerational dimension

A. The **social discount rate** issue is crucial in practice. However, I would submit that it is not an extremely complex issue from a *philosophical* perspective. What is crucial is that once we take intergenerational impartiality seriously, we need to clearly distinguish between:

- discounting future *consumption* for *diminishing marginal well-being*
- discounting future *well-being* for *diminishing marginal moral importance*
- discounting future *well-being* for *uncertainty about future existence*

B. **Early efforts** are considered crucial too. They raise a fundamental challenge for leximin egalitarians who consider that this will entail a significant opportunity cost for the least well off today and that this is problematic if we accept the assumption that today's least well off are likely – if we adopt a below 2° climate policy – to be worse off than tomorrow's least well off. Three possible responses: (1) challenge the truth of the latter assumption, (2) relax the priority to the least well off (if very significant benefits to the future (least well off) with reasonable costs to the present), (3) implement more strongly redistributive domestic and global policies as we adopt demanding climate policies. (1) has little plausibility, and it is (3) that should be a priority. This connects with the “right to development” objection to strong climate policy - another aspect being whether the fact that someone did something in the past entitles me to do the same in the present at any cost. It also connects with the need to arbitrate between mitigation (more crucial to future people) and adaptation (more crucial to present people).

C. On **historical emissions**, consider two opposite claims: more emissions in the past *increase* (grandfathering) or *reduce* (responsibility for the past) your entitlement to emit today. Both views are problematic, partly for the same reason: they derive current entitlements from the (in)actions in the past by people other than us. Of course, in practice, this is how we function (e.g. territorial rights, property law, etc). But if practically possible, we should avoid this as much as possible because from the perspective of justice, there is no serious justification for this. So, we need alternative accounts to capture and/or modify our moral intuitions on the matter.

- **Past wrongful harm:** country A harmed country B. This is why G+1 people from country A should compensate G+1 people from country B
- **Free-riding on (wrongful?) harm:** G+1 people from country A did not harm G+1 from country B. However, they *benefitted* from the fact that G people from country A harmed G+1 people from country B. This is why – **and the extent to which** - G+1 people from country A owe something to G+1 people from country B.
- **Unfair general inheritance:** G+1 people from country A are **in general** poorer than G+1 people from country B. Historical emissions are irrelevant, even if G people from country A emitted much more than G people from country B.

**Test case:** richer descendants of victims. Which account fits your intuitions best?

**Challenge:** if we go for the third option, how do we give it practical, second-best translations that are incentive-compatible (incentives to comply with the emissions targets, to adopt the right demographic policy,...). As we try to make our account more incentive-compatible we come across the same problem as the one that made us abandon the “past wrongful harm” account.

### 4. The purpose issue

Insofar as the intragenerational dimension is concerned, the trickiest question is: what should the *purpose* of an effort allocation rule between countries be, once the global cap has been defined? Many might be tempted to stick to the top left box, whereas in our world as it is, we should “use” the climate regime as much as possible with the bottom right purpose.

	<i>Specialist</i>	<i>Generalist</i>
<i>Domesticist</i>	<i>Compensate for degradations by foreign countries of our natural climate</i>	<i>Contribute to compensating foreign degradation of territorial resources more generally</i>
<i>Globalist</i>	<i>Compensate victims of less favourable climatic conditions – be these differences of natural origin or not.</i>	<i>Contribute to compensating the least advantaged, or guarantee sufficiency globally, or...</i>

## **Addendum to section 2**

**- Should we ground some of the climate obligations on harm resulting from pre-1990 emissions?**

*No*, for the reasons spelled out above BUT we should explain how a plainly distributive approach is able to capture our intuitions. Allocate more quotas or more financial transfers to poor countries, not because rich countries emitted more in the past, but simply because the per capita ability to pay of poor countries is lower and their vulnerability to climate change might be higher too.

**- Should we ground some of the climate obligations on wrongful harm done by today's emissions?**

*Yes*, definitely there should be room for responsibility today since climate change is more than a merely natural phenomenon BUT we should make sure that defining when such contemporary harmdoing should be regarded as wrongdoing is premised on an explicit distributive view.

**- Should we ground some of our climatic obligations on plain distributive grounds?**

*Yes*, the grounds of climate obligations are ultimately distributive. And this entails not only corrective obligations for people who harm me, but also plainly distributive obligations of others towards me whenever my bad situation is also not the result from my own responsibility. So, even in a world that would have shifted to no carbon emissions and in which all current harms from climate change were the outcome of actions by people who are now dead, there would still be room for distributive justice if some are poorer and have more difficulties to face climate change than others. The same applies to geographical circumstances that are beyond the control of the relevant countries and may lead to differential vulnerability to climate change (altitude, latitude, proximity to the shore, etc).

**Would negotiators then be right to focus on corrective justice? No and Yes.**

*No*, insofar as they emphasize historical emissions (cross-generational rectification)

*Yes*, insofar as they insist on the fact that climate change is the result of human action, especially of current emissions, as opposed to a "mere" major natural catastrophe. This should make a difference in terms of intragenerational burden sharing (see however the table above about what the purpose of a climate regime should be).

So: (1) don't rely on historical corrective justice, and (2) when you rely on corrective justice, make the background distributive view explicit because framing things in rectificatory/corrective terms often amounts to masking what the background distributive view is.

### **One extra thought**

It is not true that theories of justice/equity are overly complex and that there is a large number of plausible views. We can count 4 or 5 families of plausible views through which our intuitions about distributive justice can be expressed. Overestimating the complexity at that level may of course be used strategically as a way of blocking moves towards taking equity seriously. Negotiators should be aware of that.

And they should ask themselves how much could already be achieved with the most minimal distributive goal. Consider a *basic-needs sufficientarian* one requiring that our climate regime be such that the basic needs of all are met on our planet, both intra and intergenerationally. The current regime falls short of that, by very far. If we were to move even in the direction of that very minimalistic view, that would already be a major step – despite its insufficiency.