

Session I: International Justice and Global Climate Change
 Comments on Henry Shue's "Climate Change: Compounding Injustice and Globalizing Harm?" and Richard W. Miller's "Rising Temperatures and Declining Empire: The Morality and Politics of Greenhouse Gases"

Vincent Baltazar and Meena Krishnamurthy
 Philosophy, Cornell University
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In this session, Shue and Miller take on the important practical problem of climate change. Their careful analysis teaches us that philosophical methodology can positively contribute to matters of contemporary concern. Shue provides us with a new way of identifying the problem of climate change. Miller provides us with a unique way of justifying a proposed solution to climate change, namely non-global constraints on emissions. While we find both arguments compelling in many ways, we nonetheless have some concerns that we would like to see addressed.

The crux of Shue's argument is that the failure to address climate change is not a violation of a positive duty to aid, but is rather a violation of a more stringent negative duty to not harm. He argues that in failing to deal with climate change we harm future generations, perhaps irreparably. Moreover, the harm we cause is an unjustified one because the costs of preventing this harm are not significant. The conclusion he draws from these arguments is that we should prevent the harm to future generations by reducing our emissions.

Our first point concerns the notion of duties to future generations. It is not clear that we can be certain of what our duties to future generations are. Suppose, in the not too distant future, humans emerge from a biological war impervious to the kinds of consequences that would be brought about by climate change. For example, imagine they can breathe under water, withstand high temperatures, and so on. In such a scenario, the interests of these beings would have changed significantly enough so that our failing to deal with climate change would no longer amount to a harm. So, the idea is that because we cannot be certain of what is in their interests, we cannot be certain of what constitutes a harm to future generations. This makes it unclear as to when a negative duty is violated. While this may be a far fetched scenario, our main point is that more needs to be said about how we can ascertain our negative duties to future generations.

Another concern is that, when discussing who is responsible for reducing emissions, it is not always clear who Shue's arguments are aimed at. Is he concerned with individuals or states reducing emissions? At times Shue focuses on individual efforts to reduce emissions such as wearing a sweater instead of raising the thermostat to keep warm, or driving safely and defensively instead of buying an SUV to protect oneself from an accident.¹ At other times, Shue focuses on state efforts. For example, he calls upon the international community to put pressure on the US government to address the bad effects of climate change.² This ambiguity is significant because his general argument seems to work only in the case of individuals and not states. Shue argues that the cost of reducing emissions is not enough to override our duty not to harm. This

¹ Henry Shue, "Climate Change: Compounding Injustice and Globalizing Harm?," p. 7.

² *Ibid.*, p. 17.

seems to hold in the case of individuals. Wearing a sweater and driving safely are only “mild inconveniences,” not significant sacrifices. However, in contrast, the costs of reducing emissions at the state level do seem significant. Even if Shue is right and addressing climate change will not lead to the shrinking of the economy,³ there still may be significant costs. As Miller points out, the transition to a low emission economy, would likely involve long-term and substantial job loss among the most vulnerable workers (i.e., low income and low skilled workers).⁴ Moreover, when workers are finally able to regain employment, it may tend to be worse than their previous employment.⁵ These seem to be important and possibly significant costs, calling into question Shue’s claim that the costs of reducing emissions on the state level are not enough to outweigh our negative duties to not harm.

Turning to Miller’s paper, his main concern is with whether the US has a duty to support non-global constraints on emissions—i.e., constraints on developed countries and no constraints on developing countries. Miller argues that the costs for the US of compliance with non-global constraints on emissions are significant enough to justify non-compliance. However, in the end, Miller concludes that non-global constraints are justified. The US has unmet responsibilities to developing countries due to past and current domination, destruction, and exploitation. Developing countries do not have such unmet responsibilities to developed countries (or to each other). Moreover, Miller argues that there are limits to the efficacy of foreign aid and to trade reforms such that the responsibilities of the US cannot be met in these ways. He does suggest, however, that non-global constraints on climate change will benefit developing countries the most and developed countries the least. Thus, Miller concludes, the US ought to adopt such a policy to meet its responsibilities for past and current wrongs due to its exercise of destructive power.

Our first point concerns the moral wrongness of the US’s exploitation of developing countries. There seem to be two types of exploitation. On the one hand, there are cases of exploitation that seem innocent and perhaps even admirable. For example, as Allen Wood notes, “nobody thinks it is wrong or unethical for a chess player to exploit her opponent’s inattention in order to win the game.”⁶ Similarly, “we may even compliment a lawyer for exploiting the weakness in her adversary’s case in order to win a just verdict.”⁷ On the other hand, there are also cases where exploitation is not innocent and is clearly morally wrong. Consider the following familiar scenario. Sage is wandering through the desert and is dying from thirst. He happens to meet Rory and Rory knows where a watering hole is. However, Rory says that she will only tell Sage where the watering hole is if Sage will agree to be her slave. Rory’s exploitation of Sage is clearly a case of non-innocent exploitation. Miller seems to assume that the US’s exploitation of developing countries is like Rory’s exploitation in the desert case. It is morally wrong, a case of non-innocent exploitation. While this assumption seems right, more needs to be said about why the US’s exploitation should be counted as a non-

³ Ibid., p. 11.

⁴ Richard W. Miller, “Rising Temperatures and Declining Empire: The Morality and Politics of Greenhouse Gases”, p. 10.

⁵ Ibid., p. 10.

⁶ Allen Wood, “Exploitation” in Kai Nielsen and Robert Ware (eds.), *Exploitation* (Atlantic Highlands, N.J.: Humanities Press International, 1997), p.4.

⁷ Ibid., p. 4

innocent exploitation rather than an innocent one. For there are some – perhaps like Bush – who might, in contrast to Miller, argue that the US’s actions are more like the chess player’s or the lawyer’s actions and are at least to be considered innocent, if not commendable. If this position is correct, then the US (like the chess player or the lawyer) would not owe any compensation for its exploitation. If Miller’s arguments are to be successful, he needs to be able to say something in response to this kind of argument. He needs to be able to explain why the US’s exploitation of developing countries counts as a non-innocent exploitation and thus results in responsibilities to developing countries.

A second concern regards the fact that wrongs the US has committed (and is committing) against developing countries vary. That is, for example, it might be that the US has wronged developing country A more than it has wronged developing country B. If that is the case, then adequate compensation for past wrongs might require differential compensation. But constraining US GHG emissions would compensate developing countries equally (or in a way that might not correspond to the extent to which the US wronged them—i.e., it might help Ethiopia more than it helps China, but the US might have wronged China more).

One way around this problem is to ensure that US compensation for all countries matches what it would need to be for the country it has most wronged. So, for example, if we steal \$50 from Chema and \$100 from Chata, it would seem to be the case that we ought to compensate them for their respective losses. If our only means of compensation involves paying them equally, then we could adequately compensate them both by giving them each \$100. But wrongs the US has committed against developing countries may partly be of a comparative nature, resulting from competitive enterprises. And if that’s the case, equal compensation does not look adequate. For example, if Chema and Chata were on equal footing prior to our theft, then in addition to harming both parties by taking from them, we have harmed Chata further by putting her in a competitive disadvantage in relation to Chema. (Indeed, it might be that in the meantime Chema has gained quite a lot as a result of Chata’s weak position.) If we now compensate them both equally, Chata might remain at a competitive disadvantage in relation to Chema. Thus, while agreeing to a non-global emissions policy might partly (or even largely) compensate developing countries, it does not look sufficient.

One possible route to resolving this might be to over-compensate both parties such that the difference becomes insignificant. For example, we could compensate both Chema and Chata by giving them each \$1 million. In this way, though it is still the case that Chema will have \$50 more, the amount seems to have no bearing in the context of millions. In which case, we could be said to have adequately compensated them both even though we compensated them equally. This kind of solution on its face seems unreasonable, however, since we should not have to unnecessarily burden ourselves. So, it is not clear what kind of arrangement would best compensate everyone adequately.

Of course, Miller does not claim that agreeing to non-global constraints will sufficiently pay the bill for past wrongs. But we think it would be helpful if more were said about how this particular policy will fit into the larger efforts of the US to compensate developing countries. This seems especially pressing if the US role in reducing emissions further advantages some countries over others who did not have such advantages prior to US exploits.