

Climate Change and Global Justice: Extending Rawls' Law of Peoples

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Introduction

Climate change is challenging us in new and unique ways. For example, the causes and effects of climate change are transboundary, intergenerational, and varied across time and space. Further, understanding the causes and effects of climate change involves synthesizing incomplete and controversial findings from a wide range of disciplines. Finally, there are many perspectives from which to think about climate change. For example, climate scientists are working to understand how much climate change has occurred and will occur as well as the multi-variable causes of climate change. Biologists are working to understand the implications climate change will have on ecosystems and specific species. Political scientists are working to determine courses of action for addressing anthropogenic contributions to climate change (i.e. greenhouse gas emissions) as well as evaluating the ability of existing institutions to address the impending effects of climate change. Environmentalists are working to convince the world of the reality of the dangers of climate change in order to motivate people to action. And, concerned citizens are working towards reducing their personal contributions to climate change by emitting less greenhouse gases.

As a philosopher, I am working to understand how climate change affects and involves moral obligations, how we should consider future generations in light of climate change, what an equitable distribution of the earth's ability to absorb greenhouse gases would be, and generally

how climate change changes the philosophical landscape.¹ In this paper I contribute to this broad philosophical goal by discussing how a Rawlsian framework can be extended to address climate change. My discussion will focus on both the ways in which Rawls' Law of Peoples is able to address certain aspects of climate change and the aspects of climate change Rawls' theory does not seem able to address.

This paper is motivated by the idea that theories of global justice intend to provide action-guiding frameworks for addressing issues of justice that arise in the global sphere. One set of global justice issues arise out of the challenges posed by climate change. An example of a major global justice challenge arising from climate change is the fact that scientists predict the worst-off individuals, those living in developing countries and poor persons within all countries, will be disproportionately affected by climate change in ways that will exacerbate existing inequalities and threaten people's ability to obtain the basic necessities of life such as food and clean water.² Philosophically this challenge is about what obligations the people or peoples most responsible for climate change have to those who will be most harmed by its effects. Since climate change is a global issue, this will most likely be framed in terms of what obligations nations have to each other and to their citizens in light of each nation's overall contribution to climate change as a whole.

A theory of justice that does not at least implicitly assign responsibility to specific agents with regards to some issue will not provide the framework able to guide our thinking about how to address the justice implications of that issue. This is because in order to think about the justice implications of some issue, we need to understand the nature of the moral obligations involved.

¹ Some examples of other philosophical discussions including at least some direct reference to climate change are: Gardiner (2002, 2004), Jamieson (2001), Shue (1999), Singer (2002).

² IPCC (2001): 77. (Question 3.33)

With regard to the global climate, the idea is that a theory of justice must require specific agents to take responsibility for the climate in whole or in part in order to ensure that the causes and effects of climate change be addressed. Otherwise a tragedy of the commons³ will likely ensue; if no agents are responsible for the commons of the global climate, there will be a tendency towards unchecked use of this commons, which in this case amounts to unrestricted greenhouse gas contributions resulting in unchecked climate change.

Rawls puts forth his theory of global justice in *The Law of Peoples*. In order to contribute to the larger project of understanding the philosophical implications of climate change, I will offer two arguments that extend the Rawlsian framework such that the resulting theory of global justice comes closer to being able to provide the necessary action-guiding framework for addressing the global justice issues arising from climate change. Following Rawls' Law of Peoples, my arguments take peoples⁴ as the loci of responsibility and action since this is the level at which a theory of global justice generally operates. My first argument is given that societies are required to preserve the environmental integrity of their territories (as Rawls' argues), since preserving the environmental integrity of a local environment generally entails contributing to preserving the global environment, societies that have contributed to and/or are contributing to climate change are required to address the harmful local effects of climate change within their territories as well as to contribute to addressing the causes of climate change (i.e. greenhouse gas emissions). Though, as we will see, the relationship between a society's contribution to climate change and its obligation to address the causes of climate change is far from straightforward. The second argument is that if societies are required to honor human rights and able societies are

³ See Hardings (2001) for a discussion of the tragedy of the commons.

⁴ "Peoples" is a technical term for Rawls. See *The Law of Peoples* Part I.2 "Why Peoples and Not States?"

required to assist people whose human rights are being violated, then able societies are required to address the effects of climate change insofar as these effects cause anyone's human rights to be violated. In this paper I do not offer my own justification for the premises of these arguments, but I do show that Rawls' Law of Peoples supports these premises such that my arguments can be seen as an extension of Rawls' theory.

The First Argument: Toward Addressing the Causes and Local Effects of Climate Change

The first and, as I see it, most significant argument of this paper is that if a society (or nation or peoples) is required to preserve the environment of their territory, then it is also required to contribute to addressing the causes and harmful local effects of climate change. This is because the global climate affects every local climate and thus every local environment. It follows that in order to preserve and protect any local environment, the effects of the global climate on that environment must be considered. Environmental preservation implies working to mitigate and adapt to dramatic, imposed changes on an environment. Climate change has the potential to dramatically alter the climate of local environments such that they will change in ways and at rates faster than local ecosystems will be able to adapt to; in fact, there is growing evidence that these changes are already underway.⁵ While not all local environments will necessarily be affected by minimal climate change in ways that are perceived as harmful, "the larger the changes and the rate of change in climate, the more adverse effects predominate."⁶ Since environmental preservation must be undertaken in perpetuity in order to be effective and have lasting effects, environmental preservation requires at least minimizing the degree and rate of climate change so as to minimize adverse environmental effects. Thus, any agent responsible

⁵ See, for example, ACIA (2004), IPCC (2001), PEW (2004).

⁶ IPCC (2001): 139. (Question 9.17)

for protecting a given local environment in perpetuity will have to contribute to addressing climate change by addressing its causes and adapting to the harmful local effects of climate change.

I arrived at this argument by trying to understand the ways in which Rawls' Law of Peoples might or might not require agents to address climate change. Insofar as Rawls requires peoples to preserve the environmental integrity of their territories, we can understand his theory as being extended to also require peoples to contribute to addressing climate change and other issues affecting the global environment. In order to apply Rawls' discussion to climate change, I believe it will help to start by stating the principles of his Law of Peoples, the foundation of his ideal theory of global justice and the locus of his arguments in *The Law of Peoples*. These principles are:

1. Peoples are free and independent, and their freedom and independence are to be respected by other peoples.
2. Peoples are to observe treaties and undertakings.
3. Peoples are equal and are parties to the agreements that bind them.
4. Peoples are to observe a duty of non-intervention.
5. Peoples have the right of self-defense but no right to instigate war for reasons other than self-defense.
6. Peoples are to honor human rights.
7. Peoples are to observe certain specified restrictions in the conduct of war.
8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.⁷

While Rawls admits that this list is incomplete and requires qualification, he asserts that the basic charter of the Law of Peoples is the result of free and independent well-ordered peoples recognizing and being governed by these basic principles of political justice. I will not reconstruct Rawls' arguments for these principles, though these fundamental principles serve as

⁷ Rawls (1999): 37.

the backdrop of my discussion of how some of Rawls' ideas can be applied to the global justice issues arising out of climate change.

Rawls' discussion of the role of boundaries and the institution of property in the Law of Peoples sets the stage for my first argument by showing that peoples' have a responsibility to take care of their territory and population size. Rawls says,

An important role of a people's government, however arbitrary a society's boundaries may appear from a historical point of view, is to be the representative and effective agent of a people as they take responsibility for their territory and its environmental integrity, as well as for the size of their population. As I see it the point of the institution of property is that, unless a definite agent is given responsibility for maintaining an asset and bears the loss for not doing so, that asset tends to deteriorate. In this case the asset is the people's territory and its capacity to support them *in perpetuity*; and the agent is the people themselves as politically organized.⁸

There are four key aspects of this passage that I am interested in. First, Rawls explicitly requires societies to be responsible both for their natural environments and for the size of their populations. Second, Rawls claims that a lack of responsibility for a given environment leads to its deterioration. Third, Rawls believes that the institution of property is what requires the prevention of environmental degradation. And fourth, Rawls emphasizes that a territory, an environment, must be protected in perpetuity.

Taking the second point first, Rawls claims that when no agent takes responsibility for an environment it tends to deteriorate. While climate change is arguably not a form of deterioration, I think it is an example of the kind of negative change that Rawls has in mind. Over time greenhouse gas emissions have lead to and are leading to changes in the global climatic system and consequently all local climactic systems and environments in ways that are having and will have harmful consequences both for humans and the environment. Extending Rawls' point partially explains the fact of climate change; since no specific agents took responsibility for

⁸ Rawls (1999): 38-39.

ensuring the stability of the global climate, climate change has resulted from the pollution, so to speak, of this global commons. Thus we can see Rawls as viewing climate change as a predictable result of the climate being a kind of global common. While this point does not further my argument(s), it does serve to demonstrate that Rawls' theory minimally takes into account and explains environmental considerations such that it makes sense to extend his theory to the issue of climate change.

Returning now to the first point, Rawls' theory of global justice includes the requirement that peoples be responsible for the environmental integrity of their own territories.⁹ This is certainly an important requirement of any theory of global justice that takes into account climate change because of the relationship between local environments and the global climate. While I will not go into the details of the many ways in which local environments affect the global climate, I will use one example to help make this point clear. Plants use carbon dioxide, a gas that contributes to the greenhouse effect, in photosynthesis. Thus, plants comprise a carbon sink; they reduce the amount of carbon dioxide in the atmosphere. In this way, vegetation can to some extent offset carbon dioxide emissions from human activities. On the other hand, if the amount of vegetation in an area is reduced at the same time carbon dioxide emissions increase (or remain the same), the contribution to the greenhouse effect from those emissions can be intensified due to a net increase in carbon dioxide in the atmosphere. Maintaining the environmental integrity of a territory will often include maintaining a certain amount of vegetation since urbanizing the

⁹ Derek Turner pointed out to me that it is not clear that it makes sense to talk about the environmental integrity of a territory given that environmental integrity is an ecological concept, which appears to apply to natural ecosystems rather than artificial territorial boundaries. It might make sense to talk about the environmental integrity of natural ecosystems *within* a territory, but this will not be entirely sufficient either since there will be at least some natural ecosystems that do not respect territorial boundaries. While I find this issue worth pursuing, I will leave it for further inquiry sticking to Rawls' use of the concept in this paper.

entire territory would hardly preserve its integrity. In this way, by maintaining vegetation in their territory, a people offset a portion (albeit probably a small portion) of their carbon dioxide emissions. This is just one example of how local environmental preservation can have ramifications for the climate. Though I am not qualified to defend this claim, it seems that empirically territorial environmental preservation will have generally positive effects with respect to the global climate.

This implies that Rawls' requirement for territorial environmental preservation will likely have positive effects on the climate. Yet, Rawls himself does not go far enough to also ensure that peoples take responsibility for their overall role in contributing to climate change. I argue that part of a peoples' responsibility to their local environment will be their responsibility to address global environmental concerns as such. This idea stems from a more general argument; the integrity of local environments in part rests on the integrity of the global environment. Part of preserving the environmental integrity of a local environment will thus in most cases include contributing to the preservation of the global environment. This is because the global environment affects all local environments, though it does so in non-uniform and diverse ways. Climate change will affect all local climates and thus all local environments; some local climates will become warmer, some cooler; some local climates will experience an increase in average precipitation, some a decrease. While the environmental integrity of most local environments will be threatened, some local environments might change in ways that are not perceived as harms. As I said before, however, all local environments will be threatened if climate change reaches some as yet indeterminate point. Thus, preserving and protecting any local environment involves addressing the causes and harmful local effects of climate change. Rawls' theory thus needs to be extended such that it requires peoples to first explicitly recognize their duty to

support the integrity of the global (in addition to their local) environment as a whole and second to thus address the causes of climate change since, although the changes incurred by climate change will be diverse across time and space, the stability of all local environments will likely be threatened. Further, peoples must also address the harmful local effects of climate change insofar as peoples are already required to preserve the environmental integrity of their local environments.

At first glance it might seem that each peoples should be required to address the causes of climate change proportional to their contributions (past and present) to climate change. Since the obligation to address climate change in this argument stems from a peoples' obligation to their own territory, their obligation to the global environment seems like it should be in some way proportional to the amount of damage and harm they have caused and are causing to the global environment and therefore to their own environment. Yet this would only make sense if all things were equal, i.e. if in fact all peoples' did address their contributions to climate change, if all peoples' had proportionally equal access to the resources (financial, intellectual, and otherwise) to address their contributions to climate change, and so on. But all things are not equal, far from it. Unfortunately, the very factors that would allow a clear relationship between a peoples' contributions to climate change and their responsibilities to address the causes of climate change are in reality extremely complex in ways that beg for a theory of justice capable of dealing with them.

For example, developed nations greenhouse gas emissions in some ways correspond to their current wealth and technology that would potentially allow them to address climate change, whereas developing nations' lack of extreme greenhouse gas emissions in some ways corresponds to their lack of resources to address climate change and their desire to develop and

thus likely emit large quantities of greenhouse gases in the future. Thus the reality of who has contributed to climate change at different times makes understanding the nature of moral responsibility involved extremely challenging. This raises questions of equity and/or fairness. For example, should developing nations be prevented from developing in ways that will lead to large greenhouse gas emissions? Do wealthy developed nations have an obligation to assist developing nations to develop in ways that are as sustainable as possible? Should nations be held accountable for greenhouse gas emissions that occurred before knowledge of the effects of these emissions on the global climate was available and accessible? An additional challenge is that when it comes to discussions of climate change, practical means-end reasoning is very difficult because of the many kinds and levels of uncertainty that exist in our knowledge of the causes, affects, causal relationships, etc. involved in climate change. Answering the kinds of questions posed here is complicated by the uncertainty in our knowledge of the causes and effects involved.

A further issue complicating how we interpret a peoples' responsibility to address the causes of climate change stems from the complexity of the relationship between local environments and the global environment. It is not clear that even if environmental preservation successfully took place at the level of local environments, the global environment would also be successfully protected and preserved. When we think about a global commons, it is not clear that that global problems will be solved by all of the local problems being solved. This is especially pertinent to the argument in favor of addressing the causes of climate change because of a peoples' responsibility to local environmental preservation because it seems possible that local environmental preservation will not resolve global climate change as a whole. It might be the case that from the perspective of local environments a certain amount of climate change seems

acceptable, whereas from the global perspective no climate change seems acceptable. Or, it might turn out that given the complexity of how climate change will affect different local environments, cooperation leading to a successful global strategy for addressing the causes of climate change is unlikely or impossible even theoretically. My point is that while my argument that peoples have an obligation to address the causes of climate change as a result of their obligation to preserve their local environment does provide an action-guiding framework for addressing the causes of climate change, actually applying this general framework will involve a lot of complexity that will be difficult to sort through.

Given all of this, when peoples recognize their obligation to contribute to preserving the global environment and specifically to play a role in addressing climate change, it might be quite helpful to focus on guiding principles rather than means-end reasoning.¹⁰ This is not to say that peoples should abandon or dismiss means-end and cost-benefit reasoning or to say that means-end reasoning is never sufficient on its own, but rather that when such reasoning fails or fails to be useful, focusing on guiding principles might be both useful and worthwhile. This is due to the fact that, as we are beginning to see, it will generally be extremely challenging for any peoples to determine through means-end reasoning exactly what their contribution to addressing climate change should be. Since we do not yet fully understand the specifics of the causal relationships involved in climate change, it would be difficult, if not impossible to use precise means-ends

¹⁰ I originally framed this idea as an extension of something Rawls says in the context of discussing just war theory. While I still think that there is room for connecting this discussion with that one, I now see that the connection is much less direct and more tenuous than I at first thought. I want to thank Tamar Schapiro for helping me see this. The relevant passage in *The Law of Peoples* is on page 96: “Finally, practical means-ends reasoning must always have a restricted role in judging the appropriateness of an action or polity. This mode of thought—whether carried on by utilitarian reasoning, or by cost-benefit analysis, or by weighting of national interests, or by other possible ways—must always be framed within and strictly limited by the preceding principles and assumptions.”

reasoning (a) for a peoples to determine exactly what rate of greenhouse gas emissions would be proportional to their responsibility to address climate change, (b) for a peoples to determine what an appropriate response would be given their historical contributions to climate change and how these contributions might have affected both their own territory (their primary interest) and the global environment as a whole, (c) for a peoples to determine how they should weigh their responsibilities to their local environment and the global environment against all of their other obligations, and so on. Turning to general guiding principles to determine how peoples should contribute to addressing climate change thus seems to be a needed supplement to means-ends reasoning, though actually determining what these principles will be I leave open to further discussion.

Returning the passage from Rawls that has sparked this discussion, Rawls requires that peoples be responsible for the size of their population. The relationship between population size and climate change is another factor that makes understanding peoples' responsibilities to address the causes and effects of climate change challenging. Rawls never explicitly discusses why he requires peoples to take responsibility for their population size, but given that he states this requirement in the same context, the same sentence even, that he requires peoples to be responsible for their environment, I believe the connection between population size and environmental integrity is a natural one to draw. A society's environment can only support a finite population. Similarly, on a global scale, large populations exacerbate many environmental problems, including climate change, when it is humans who are contributing to the problem in the first place. More people require more resources to support. Thus, the higher the population, the higher the amount of greenhouse gas emissions will be given some per capita amount of

emissions.¹¹ I should note, however, that as developing countries develop, it is likely their populations will decrease as their net greenhouse gas emissions increase. This does not change the fact that given a per capita emissions level, more people will mean more emissions; rather, it illustrates that per capita emissions are far from stable and are not the only indicator of what a country's net emissions will be. With this in mind, I believe we can extend Rawls requirement such that peoples' responsibility for their population size entails their responsibility for increased contributions to climate change resulting from increasing population size and more simply that peoples are responsible for the consequences of their population size. For example, peoples must consider the effects of their population size on their greenhouse gas emissions when addressing their causal contributions to climate change. Again, it will be difficult to understand how this will exactly factor into applying a theory of global justice to the challenges of an issue such as climate change, but the general point I want to make is that peoples are obligated to address their population size and thus the consequences of their population size.

The third point is that Rawls believes the point of the institution of property is to prevent the degradation of assets. We have already seen that Rawls requires a peoples to take responsibility for the environmental integrity of its territory. The additional point here is that Rawls sees the institution of property as aimed at preserving assets. Peoples are responsible for the integrity of their territory *because* it is their property. This point is important to the arguments of this paper insofar as it shows where a peoples' obligation to the environmental integrity of their territory in part originates, but, while important, I will not explore Rawls' arguments about this further here.

¹¹ I admit that it is possible for peoples to support larger populations with lower emissions if they move to greener technology. But, my point is that if we assume some per capita emissions, even if this is a very small amount, more people will mean more emissions.

Finally, Rawls emphasizes that a society's territory must be protected in perpetuity. Rawls reiterates this point when he argues that the ideal of political society extends indefinitely into time. Rawls says, "Political society is always regarded as a scheme of social cooperation over time indefinitely; the idea of a future time when its affairs are to be concluded and society disbanded is foreign to the conception of political society."¹² If political society is going to be the forum for addressing climate change, it must at least have the potential to hold into the indefinite future. This is absolutely a necessary condition for environmental preservation. Environmental preservation must be structured in such a way that it is ensured to continue into the future. While there would be limited benefit from a policy restricting greenhouse gas emissions over a period of fifty years, if at some later point greenhouse gas emissions are allowed in vast quantities without restriction, climate change will have only been delayed by the policy, not prevented. I argue that Rawls' perpetuity requirement applies to contributions to global environmental preservation just as much as to territorial environmental preservation since the two are inextricably intertwined in at least some integral ways.

The main claim that I want to focus on in Rawls' discussion at this point is his claim that peoples must preserve the environmental integrity of their territory, which includes taking responsibility for their population size and ensuring this responsibility is upheld in perpetuity. The institution of property at the level of peoples is what underlies this requirement. It is important to recognize that this does not necessarily translate into a requirement that all property owners at the level of individuals and/or corporations are responsible for the environmental integrity of their property. This is because Rawls' Law of Peoples is a theory of global justice; how peoples, which are the loci of action and responsibility, chose to fulfill their responsibilities

¹² Rawls (1999): 157.

as they are set forth in the Law of Peoples is up to them. This means that what I am arguing for here is that peoples have a responsibility to address climate change insofar as they are responsible for the environmental integrity of their territories at the level of peoples, which will in turn determine how this responsibility translates into various responsibilities of individual citizens, corporations and other units of which they are comprised.

There are two primary implications of this argument with respect to climate change. The first is that, because of their obligation to the environmental integrity of their territories, peoples have an obligation to address the *causes* of climate change so as to protect their local environments. As I noted, it at first seems that this would imply peoples have an obligation to address their own contributions to climate change, but given that this peoples cannot successfully address the causes of climate change on their own in isolation, it seems that even the ideal theory must find a way to address this collective action problem. I believe the requirement to address the causes of climate change implies that peoples should follow a general principle of addressing the causes of climate change, but as we have seen in the actual world, what that means to individual peoples will vary vastly. The second implication of this argument is that peoples are required to address the harmful local environmental effects of climate change insofar as they are required to preserve and protect their local environments. This requirement is just a straightforward extension of Rawls' requirement of environmental protection. It will entail that peoples work to adapt to climate change in whatever ways are appropriate for their local environments.

At this point, the significant question remains, does requiring peoples to address climate change insofar as they are required to contribute to addressing the causes of climate change and to mitigate the harmful effects of climate change on their local environments sufficiently address

the global justice issues raised by climate change? I believe the answer to this question is both 'yes' and 'no'. Yes because specific agents are required to address the causes of climate change, and no because the requirement to address the causes of climate change does not provide an action-guiding framework for doing so and because agents are only required to address the effects of climate change on their local environments.

If the causes of climate change are addressed, then the effects of climate change will be minimized to some related extent because the causal relationships involved in climate change are such that their effects are global. Those unjustly affected by climate change will thus benefit from any efforts successfully addressing the causes of climate change. Addressing the causes of climate change will not prevent climate change since there have already been enough greenhouse gas emissions to change the climate, but it will minimize the amount of climate change that will occur. However, despite the fact that Rawls theory implies peoples have an obligation to address climate change, it does not provide a specific action-guiding framework for addressing the causes of climate change. In this way extending Rawls theory as I have done here provides a justification for requiring peoples to address the causes of climate change (at least to some extent), but it is not sufficient since it does not provide clear mechanisms for addressing the causes of climate change.

On the other hand, steps taken by peoples to mitigate the effects of climate change on their territories will likely have only local benefits. For example, if climate change causes a local environment to experience the same amount of precipitation in more intense storms, such that there are more dry days, a peoples could adapt to this by creating ways of storing water and releasing it into the environment during the drier times. This adaptation strategy would likely

only have direct benefits for a local environment.¹³ Such a strategy, however, would require a large amount of resource on the part of the peoples. Poor peoples might not have the money, technology, or infrastructure to adapt to the same degree as wealthier peoples. In this way injustices between wealthier and poorer peoples could be exacerbated by richer peoples greater ability to adapt to climate change. This is one further way in which disparities in wealth can perpetuate further injustices. Thus, the argument that peoples have an obligation to address climate change insofar as they have an obligation to preserve the environmental integrity of their territory promotes global justice insofar as the causes of climate change are addressed, but has the potential to exacerbate global injustices insofar as the effects of climate change are only required to be addressed locally. In the next section I will make an argument that requires able peoples to address at least the most severe consequences of climate change, at least in terms of anthropogenic costs.

The Second Argument: Addressing the Affects of Climate Change that Interfere with Human Rights

In terms of human consequences, it seems the biggest concerns about the effects of climate change are on peoples' ability to survive. That is, the environmental effects of climate change might cause conditions under which it is difficult for humans to obtain the basic necessities of life: food, clean water, shelter. If a once agriculturally productive area becomes dry and infertile, widespread famine might result. In this way the basic human rights of some people might be affected by climate change. The second argument of this paper is that insofar as a theory of global justice requires peoples to both respect human rights and intervene in cases of

¹³ Though I admit this peoples ability to continue to produce foodstuffs, for example, might have further reaching benefits.

human rights violations (at least when possible), a theory of global justice must require able peoples to address those effects of climate change that overwhelm other peoples ability to meet the human rights of their citizens.

Once again, I am making this argument as an extension of Rawls' Law of Peoples. On Rawls' view, if a peoples is unable to address the effects of climate change to the point that the basic human rights of their people are not being met, then well-ordered peoples are required to assist these people in having their basic human rights honored in part through their obtaining a well-ordered or decent political and social regime. As I have already discussed, climate change will likely lead to the exacerbation of existing injustices (such as in developed vs. developing nations' access to clean drinking water) and will threaten the health and access to basic resources of the worst-off peoples. By requiring well-ordered peoples to step in and assist people whose human rights are not being met because of the effects of climate change, Rawls' theory of justice can be understood as addressing the most extreme effects of climate change on humans in a way that will lessen injustices by requiring those in well-ordered society to improve the condition of the worst-off.

This argument arises out of Rawls's discussion of the relationship between well-ordered peoples and burdened societies. Rawls says, "Burdened societies, while they are not expansive or aggressive, lack the political and cultural traditions, the human capital and know-how, and, often, the material and technological resources needed to be well-ordered."¹⁴ Rawls argues that not only should (relatively) well-ordered societies have the long-term goal of bringing burdened societies into the Society of well-ordered Peoples, but that they have a *duty* to assist burdened

¹⁴ Rawls (1999): 106.

societies.¹⁵ One of his principles of the Law of Peoples remember, is that “Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.”¹⁶ Thus *if* environmental conditions prevent some peoples from becoming well-ordered, from having a just or decent political and social regime, then well-ordered peoples have an obligation to assist those peoples in becoming well-ordered by helping them overcome their environmental obstacles. At the same time, Rawls requires in the Law of Peoples both that “Peoples are to observe a duty of non-intervention” and that “Peoples are to honor human rights.”¹⁷ Thus, a peoples that does not respect and ensure the human rights of its citizens cannot be well-ordered. And while peoples have a duty of non-intervention, this duty does not apply in cases of (massive) human rights violations. Rawls thus seems to believe that the duty to respect human rights overrides the duty of non-intervention in cases of human rights violations by non-well-ordered peoples.

Before moving on to discuss how the requirements of Rawls’ Law of Peoples lead to my second argument, I want to note another relevant implication of the requirement that peoples must honor human rights. On Rawls’ view, since peoples have an obligation to protect the human rights of their members, it seems they have an obligation to try to prevent foreseeable human rights disasters. While we cannot yet predict the exact effects of climate change, we have a general understanding that climate change will likely increase extreme weather events and we have historical evidence that such events will, in addition to having human casualties, affect peoples ability to obtain the basic necessities of life. An example of this is that climate scientists

¹⁵ Rawls (1999): 106.

¹⁶ Rawls (1999): 37.

¹⁷ Rawls (1999): 37.

predict that climate change will intensify extreme weather events such as tropical cyclones.¹⁸ Suppose that we can attribute a powerful tropical cyclone to climate change. If this tropical cyclone destroys the infrastructure in an area to the point where access to food, water, and other necessities is limited, then the basic human rights of those people affected by the tropical cyclone are not met. While an environmental event such as a tropical cyclone probably cannot itself violate a person's human rights, such an event can create conditions under which a certain agent (such as a nation) is unable to fulfill its obligation to meet its citizen's human rights. It is clear that Rawls' view requires peoples to address human rights violations when they happen, but it also arguably follows that peoples have an obligation to take precautionary measures against such human rights violations. And while peoples cannot be required to take every possible precautionary measure against every possible human rights violation, this line of thought suggests that some version of the precautionary principle might serve as the kind of guiding principle a peoples could follow, per the suggestion made in the previous section.¹⁹

Returning now to the primary topic of this section, one of the ways in which peoples can fail to have a decent political and social regime on Rawls' view is if the human rights of all its members are not respected and upheld. This is because honoring human rights is a requirement of the Law of Peoples. Further, one of the implications of being a burdened society (a specific kind of non-decent society) is that a peoples might not be able to respect and uphold the human rights of its citizens. It follows from the other requirements of the Law of Peoples that when the human rights of a peoples are being disrespected, well-ordered peoples have a duty to intervene and assist those peoples in fulfilling their duty to honor their members human rights and become

¹⁸ IPCC (2001): 81. (Question 4.7)

¹⁹ For discussions of the precautionary principle and some of the challenges it faces see: Manson (2002), and Turner and Hartzell (2004).

well-ordered.²⁰ Thus when environmental conditions are such that people's human rights are being violated (e.g. they lack access to food and clean water), well-ordered peoples have an obligation to assist these people in ensuring their human rights are fulfilled in part through their obtaining a just or decent political and social regime.

Several issues complicate this point. First, it is certainly not obvious what will constitute as a human rights violation. Second, it is not clear how grave or widespread human rights violations must be in order for a well-ordered peoples to have a duty to intervene and address these violations. I will not resolve these issues here, but I do want to note that in order for Rawls' theory to be action-guiding with respect to interventions in cases of human rights violations these issues will have to be clarified and resolved.

In terms of climate change, Rawls' theory can be extended such that if climate change leads to conditions resulting in human rights violations, well-ordered peoples are required to work towards ameliorating these violations and establishing political and social regimes that will be able to honor the human rights of their members on their own. The second argument of this paper is thus more a special case of Rawls' requirements concerning human rights than it is an extension of his arguments. That peoples have an obligation to address those effects of climate change that interfere with burdened peoples ability to honor the human rights of their members (or which cause a peoples to become burdened such that they can no longer honor their citizens human rights) is a consequence of their responsibility to assist burdened peoples in becoming well-ordered. The implications of this argument for addressing the effects of climate change are

²⁰ Helen Stacy (2003; 2006) makes a related argument such that relational sovereignty requires sovereigns to meet the basic human rights of its citizens and further that outside agents are allowed to stage humanitarian interventions when people's human rights are being violated, given certain conditions exist. I want to acknowledge that it was Stacy's paper that helped me see the role human rights might play in a theory of global justice able to address climate change.

indirect. The direct implications are about addressing human rights violations and helping burdened societies become well ordered. This means that the effects of climate change will only be addressed as a means to the end of fulfilling everyone's human rights. Some strategies for fulfilling human rights, such as providing food and water aid, will only impact humans, while others, such as regulating water dispersal as in the earlier example, will have effects for humans, non-human animals and the environment. While addressing the human rights impacts of climate change certainly involves addressing the effects of climate change, the impacts of different strategies for doing this will vary in how broad their impact is. The point is that we need to recognize that the requirement to address the human rights impacts of climate change can turn out to be quite narrow and only impact humans, though they have the potential to address a wide range of impacts of climate change.

Conclusion: Implications and Further Questions

The two aspects of climate change that a framework of a theory of global justice must be able to address are its causes and effects. First, specific agents must be required to address the causes of climate change by working to minimize or eliminate future contributions to climate change. This has the potential to minimize the effects of climate change for the entire planet. In this way, addressing the causes of climate change promotes global justice at least insofar as whoever addresses climate change benefits all, thus reducing unjust inequity in the effects of climate change. Further, the causes of climate change must be addressed in a just way, and a theory of global justice should provide an action-guiding framework for accomplishing this. As I noted, it seems that at first glance peoples should be required to contribute to addressing the causes of climate change proportionally to their role in causing climate change, but given the

complexity of the issue, further work has to be done in order to understand the moral responsibility involved in the causes of climate change.

The second aspect of addressing climate change is to require specific agents to address the effects of climate change. When specific agents are required to address the impacts of climate change on local environments, this has the potential to actually increase inequities and injustices since wealthier peoples will be better able to adapt to climate change than poorer peoples. When specific agents are required to assist people whose human rights are being violated as a result of climate change's impacts, however, greater equality will be achieved and injustice will be reduced. This will have the additional result of a redistribution of resources in favor of those most in need of those resources. Thus, requiring able agents to assist people who are being harmed by climate change, promotes global justice while also addressing the effects of climate change. Though, here again, this must be accomplished in a just way (i.e. assistance cannot involve unjust interventions). There are many other effects of climate change that have not been discussed in this paper. I recognize that my arguments only begin to show the ways in which Rawls' theory of global justice can be extended to address the effects of climate change, but I also believe that I am moving the discussion in a good direction by showing how Rawls' theory can be extended such that it begins to provide an action-guiding framework for addressing climate change. At the same time, my discussion has also pointed out several weaknesses in Rawls theory insofar as, for example, it does not seem to provide an action-guiding framework for addressing the causes of climate change, though it does require peoples to address the causes of climate change, at least to some extent.

The two arguments of this paper extend Rawls' Law of Peoples such that the resulting theory of global justice requires specific agents to address climate change's causes, harmful local

effects, and those effects that interfere with human rights. Rawls' requirement that peoples preserve the environmental integrity of their own territory leads to the requirement that peoples address the causes and harmful local effects of climate change. And Rawls' requirement that well-ordered peoples honor the human rights of their members in conjunction with his requirement that peoples have a duty to assist burdened societies whose members' human rights are being violated leads to the requirement that well-ordered peoples address the effects of climate change insofar as they interfere with human rights and well-ordered peoples must act to ensure human rights are honored.

While these arguments may seem simple and obvious, it is not clear that Rawls' himself saw them. And while we have seen that he at times hints to the relationship between his theory and environmental issues, he does not follow these comments through to their implications. Significantly, Rawls does not devote much attention to the category of global public bads or external effects. Climate change, which in many ways is a public bad, is an example of such unaccounted for external effects. Extending Rawls' theory to address climate change thus begins to reveal the implications of his theory for public bads and external effects. Rawls' theory implies that peoples have various obligations to address climate change. This will involve peoples addressing the causes and effects of climate change in ways that have the potential to redistribute wealth and resources. If the costs of mitigating climate change turn out to be high, my extended version of Rawls' theory might turn out to be far more redistributive than Rawls imagined.

The arguments of this paper result in an extension of Rawls' Law of Peoples that is stronger than the original insofar as it is able to at least begin to address the causes and some of the effects of climate change. Yet, I believe the significance of this paper goes beyond this

accomplishment. This is because while Rawls' Law of Peoples provides one basis of support for my arguments, there are other justifications for them as well. Generalizing my arguments makes this clear:

First Argument:

- 1-P1. Societies have an obligation to preserve the environmental integrity of their territories in perpetuity.
- 1-P2. Preserving the environmental integrity of local environments requires, at least to some extent, addressing the global causes and harmful local effects of climate change.
- 1-C. Societies have an obligation to address the global causes and local effects of climate change in perpetuity.

Second Argument:

- 2-P1. Societies are required to honor human rights.
- 2-P2. Able societies have an obligation to assist other societies who are unable to honor the human rights of their citizens.
- (2-P3. Climate change will likely have effects that will prevent some individuals from obtaining the basic necessities of life, it will interfere with their human rights.)
- 2-C. When climate change interferes with a society's ability to honor the human rights of its citizens, able societies have an obligation to assist them in honoring human rights.

Generalizing my arguments in these ways brings out several things. First, it is clear that these arguments contain vague elements such as "able societies." This vagueness is intentional on my part because I believe this vagueness allows for different theories to global justice to specify these vague elements in different ways, all of which will result in generally the same results. For example, not all of the details of Rawls' notion of a well-ordered peoples are necessary for my arguments. But, in the case of my second argument I do think that it is important that 2-P2 make reference to the fact that societies must be able to assist other societies in order for them to be required to assist such societies. That is, I want to acknowledge that ought implies can in this case. Societies unable to address the relevant effects of climate change will thus not only not be obliged to do what they cannot, but they should be assisted by those who can help them address the relevant effects. Rawls' notion of well-ordered peoples captures and

specifies the ways in which such societies are able to assist others, but there are probably other ways of specifying this general ability. The point is that I want to leave room for a range of theories of global justice insofar as what I am focusing on here is the requirements any theory of global justice must have in order to even begin to adequately address climate change.

At the same time, my generalized arguments have the same weaknesses the extended version of Rawls' theory has. Namely, the first argument, while requiring societies to address the causes of climate change, does not provide a specific action-guiding framework for doing so. For example, it does not indicate how a society's contributions to climate change translate into a specific requirement for addressing the causes of climate change. This means that the first argument will likely need to be coupled with other action-guiding principles such that it provides mechanisms for fulfilling the requirements it sets out. The second argument also carries the weaknesses I identified in the corresponding Rawlsian argument. It does not clarify what counts as a human rights violation and under what circumstances human rights violations trigger an obligation on the part of able societies to intervene. Despite these weaknesses, I hope to have at least begun to provide an argument for the fact that a theory of global justice must be able to address the global justice issues that arise out of climate change and that my arguments follow from their premises. I admit that these arguments are quite simple and obvious. But that is also my point. Once we have a theory of global justice we should be able to understand what it implies about climate change, and it is important to do so since climate change brings up some pressing global justice challenges. Further, once we have these general arguments requiring societies to address the global justice issues raised by climate change, we can work to strengthen them to be action guiding.

The most general implications of this paper are thus that theories of global justice must provide a means for addressing the global justice issues that come with climate change. The arguments I provide begin to do this. While, as arguments, they are quite simple, their implications are not. Understanding that a society is required to address the causes of climate change does not make clear the nature of a society's specific obligations in the real world. The causes and effects of climate change are difficult to understand. Figuring out what an obligation to address its causes and/or specific effects is, is even more challenging. Thus, understanding that societies have an obligation to address climate change raises a whole slew of challenging questions about how they should do this. In this paper I see myself as having done the easy part of showing that given Rawls' existing arguments about global justice, we can understand societies as having an obligation to address certain aspects of the causes and effects of climate change. I now pose the challenge both to myself and others to work out the further questions (and their answers) my arguments entail.

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