

Climate Justice: Vulnerability and Protection

Henry Shue

Oxford, UK, Oxford University Press, 2014, vi + 342 pp., cloth, \$XX, paper, \$XX, ISBN 978-0198713708

This volume collects seventeen papers on the ethics and policy of global climate change, all previously published between 1992 and 2013. It also includes a substantial introduction to the papers and a brief appendix, "Declaration on Climate Justice," that is a statement of principles drawn up by an organization for which Shue serves as advisor.

Very few of these papers offer the brand of extended philosophical analysis characteristic of philosophy journal articles. Only two were published in traditional philosophy journals; one of these (chapter 7) concerns the moral limits of national sovereignty, and the topic of climate change is only briefly touched on; the other (chapter 13) describes Shue's methodological reasons for electing, more than most philosophers, to get "bogged down in empirical details" (18) in the course of providing ethical analysis of a topic. These details are essential, he says, because they define the ethical problem at issue as it actually arises in the real world. Shue claims that philosophers' standard hypothetical examples, ones that have been "cleaned" so as to focus on a limited number of ethical variables, are not the right scenarios to investigate. Consider a case in which person A is on his way to kill innocent person B, and the only way to stop A is to inflict severe pain on A's leg for an hour. If we ask whether this is a case of justified torture, Shue's response is that it's not torture at all, since it has very few of the features we associated with torture in the real world. For example, "the person on whom the pain is inflicted is not under the complete and indefinite control of the state, she is not being humiliated and demeaned," etc. (246). Although climate change is once again mentioned only briefly in this chapter, it is included because it helps to explain why so many other papers in the volume are "bogged down" in empirical details. For those are the details that Shue takes to define the ethical problems he's concerned with.

According to Shue, the most important of those details are these. First, the most consequential greenhouse gas, carbon dioxide, has an incredibly long "residence time" in the atmosphere. Most of these molecules will be in the atmosphere for several centuries, and twenty-five percent of them will linger around for a millennium (325). Because warming is the result of atmospheric concentrations of these (and other) heat-trapping molecules, what matters most is the *cumulative* amount of carbon dioxide emitted by all human beings since the dawn of the industrial revolution. Second, and related, is the fact that if humanity wishes to stay within a designated "safe" zone of, say, no more than 2 degrees Celsius warming above pre-industrial averages, there is a limit to the amount of carbon dioxide humanity can emit into the atmosphere (307). In other words, humanity's "total tolerable emissions will...be zero-sum" (100). Indeed, so long as our net annual contribution to the atmospheric stock of greenhouse gas is positive—even if its rate of increase is declining—our "carbon budget" (307) will be what Shue calls a "shrinking zero-sum" (99). Third, the options presented to us by the first two facts are regrettably limited: we can (a) ignore climate change and invite risks of

catastrophic harm for centuries to come; we can (b) listen to the science but choose to prioritize adaptation later over mitigation now; we can (c) mitigate by drastically scaling back our living standards as a way to radically limit greenhouse gas-intensive activity; or we can (d) move rapidly to low-carbon energy, which can help preserve our standard of living while also enabling the global poor to develop (either by providing them with alternative energy or by opening up room in the atmosphere for the carbon dioxide they must emit to develop more affordably) (137-138).

Because these empirical facts are so central to Shue's ethical arguments, and also because many of these papers were written before these facts were widely known and before there was an established sub-discipline of "climate ethics," Shue hammers the facts home in paper after paper. On the one hand, it is certainly interesting to see the science progress as the chapters roll chronologically by. (The marketing changes too: what is referred to early in the book as the atmosphere's "limited supply of absorptive capacity" (80) is later rebranded as the aforementioned "carbon budget".) On the other hand, each paper's empirical bogged-downness means that the volume is exceedingly repetitive, a feature that will almost surely thwart most attempts to read it cover to cover.

The volume is bookended, via chapters 1 and 17, by essays that consider whether issues of climate justice and issues of international justice (particularly issues of global poverty) can and should be treated as a package deal. Shue's broad answer to this question remained fairly constant over the twenty-one years separating the essays. He argues in both that climate change must be an urgent priority for rich nations, in part simply because of the tremendous risks it presents, and in part because these nations are the leading historical emitters of greenhouse gasses. But even if *prima facie* duties to help tackle climate change (a proposition I think Shue may well embrace), he strongly defends the conclusion that "no opportunity costs [should be] incurred by the poor nations" (45). Invoking the notion of "vital interests," Shue argues that rich nations have categorical duties to fuse climate justice and global justice by supporting arrangements by which they shoulder the burdens associated with preventing catastrophic climate change while also ensuring that poor nations have the resources needed to cope with climate impacts and the challenges of development. As he puts it in chapter 17, "We cannot rely on cap-and-trade or carbon taxes alone because they do nothing positive about energy poverty" (335). The development of clean, affordable energy must be a priority as well, so that the climate change problem is not solved on the backs of the global poor who cannot afford fossil fuels that are more costly than they are now.

Chapters 2, 3, 4, and 6 address what Shue calls the "Four Questions of Fairness" (89). These are: (1) What is a fair allocation of the costs of preventing global warming?, (2) What is a fair allocation of the costs of coping with climate impacts?, (3) What background allocation of wealth would allow fair international bargaining?, and (4) What is a fair allocation of greenhouse gas emissions (a) over the long term and (b) during the transition to the long term? (90). Chapter 2, "Subsistence Emissions and Luxury Emissions," will be the most well-known paper in the volume, and here Shue articulates the view that pervades this volume and that is drawn on to answer most of these

questions, viz. that whatever climate justice consists in, it must involve permitting the “subsistence emissions” given off by the life-sustaining activity of the poor. As considerations in support this thesis, Shue invokes both “fault-based” principles and “no-fault” principles. Fault-based principles highlight the fact that rich nations are responsible for the lion’s share of atmospheric stocks of carbon dioxide. “No-fault” principles highlight the preeminent importance, in Shue’s view, of both an ability to assist and the urgency of the goal of assistance, in this case the goal of securing subsistence among the global poor. In chapter 3, Shue argues that it is morally intolerable to ask the poor to make the historically “unique sacrifice” of “*chos[ing]*” to live at an economic level both (a) much lower than levels previously attained by other people, and (b) lower than they themselves could sustain [by burning fossil fuels]” (70). Thus Shue concludes that the main answer to questions (1), (2), and (4) is: fairness is whatever arrangement is needed to address climate change while permitting the poor to continue developing. As he puts it much later (chapter 16): “What percentage of the [emissions] permits should be distributed free to the poor? Whatever percentage they need to fulfill their basic [subsistence] rights” (315).

In this reviewer’s opinion, Chapter 8 is the philosophical gem of the volume, as it offers an extended and trenchant analysis of a central issue in climate economics, that of discounting the future. Although it is by no means a comprehensive treatment of the discounting issue, this chapter makes a crucial point, and makes it extremely well. Economists sometimes claim that future benefits (e.g. the prospective benefits of mitigation) should be discounted at market interest rates. One reason for this is that if the rate of return offered by climatic investments is less than the rate of return offered by the market, then climatic investments would “leave money on the table,” in the sense that society could’ve done better by investing elsewhere. Discounting mitigation’s future benefits at market interest rates is a simple test to tell which investment is best: if the benefits of mitigation are negative after discounting at market rates, then market investments are more profitable than climatic investments. It would then be better, economists say, to give future people the proceeds from the market investment instead of giving them the less valuable climatic benefits. Shue’s response is excellent and worth quoting at length:

[This] proposal is severely weakened by the indeterminateness of the future “they” who would control the returns from our choice not to mitigate but to invest. Some people in the future will get skin cancer, and some people will control the returns from our current investments on “their” behalf, but will the people who control the returns know the people who get the cancer? Will they even be in the same nations? Will they care? Here is one place not to ignore property rights. Will the specific “they” who control the returns from investment, who have the relevant property rights, be willing to spend those returns on the specific “them” who have the skin cancer? Is there any reason to think they would? To ignore this problem is to ignore property and politics, that is, to ignore both the distribution of wealth and the distribution of power. That is hopelessly apolitical. (170)

Shue adds that the economist's approach ignores the possibility that there are "non-marketable fundamental rights" that society is not permitted to violate in exchange for a larger bundle of cash to be enjoyed by others (171).

In Chapter 9, Shue argues that three plausible principles of equity support the by-now familiar conclusion that whatever is required by climate justice, it is rich nations that must bear the costs. Whether it is fault-based principle concerned with historical responsibility, or a no-fault principle concerned with ability to pay, or a distinct no-fault principle concerned with protecting a guaranteed minimum level of well-being for all, the practical upshot is—again—that the poor should not be called upon to sacrifice their vital interests to address the climate change problem. This is not only a categorical ethical demand, but also a reasonable precondition for fair bargaining between rich and poor in international climate negotiations.

Chapter 10 is a survey piece written for an environmental ethics handbook, while the brief chapter 11 warns against rich nations pretending to tackle climate change by substituting their mitigation responsibilities for promises to transfer fossil fuel technology to poor nations. Chapter 12 further develops Shue's conviction that climate change justice (as well as humanity's survival) requires the development of affordable, clean energy that is financed by rich nations and that can be transferred to developing nations. Chapter 14 offers an updated statement of the climate change problem: here it is conceived as (1) the risk of "massive loss" in the form harms to human well-being (and much else), (2) the risk of crossing dangerous thresholds triggering irreversible feedback loops, and (3) the fact that these risks can be avoided without excessive costs to rich nations. While Shue grants that an "excessive cost" is a moral notion whose extension is in part a function of aspects (1) and (2), he plausibly argues that aspects (1) and (2) are so morally urgent to avoid that the predicted costs of action for rich nations are very unlikely to be excessive. Chapters 15 and 16 continue to develop this theme, with chapter 15 describing the collective action problem of international climate change bargaining and calling for moral leadership on the part of the US.

Although this volume amply testifies to Henry Shue's place as one of the leading philosophers writing on climate change—and certainly to his place as one of the first to write on it—it is again too repetitious to be assigned as a text for coursework. To get a reasonably full picture of Shue's approach to climate justice, one need only read the final and most recent paper, "Climate hope: implementing the exit strategy" (chapter 17). Chapters 8 and 9 are the most philosophically ambitious and interesting papers on climate justice, with most of the rest unlikely to satisfy peer-reviewers concerned with philosophical depth and rigor. But I think Shue would agree that the point of these essays was never to plumb the philosophical depths of climate change ethics and climate justice. Their point was instead to awake all who would listen from their business-as-usual slumbers, and to get them to take very seriously the prospect that "we are engaged in one of the most massive inflictions of harm by one group of humans on other groups of humans in history" (258). In this I believe they were likely successful. Sadly, far too few were listening.

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