

Requiem for a Nun: “The past is never dead. It’s not even past.” But past violence not only produces ill-gotten gains. It also creates difficulties in making good on what obligations the wealthy have to the poor (a subject we discuss in various chapters). There will often be doubts about whether certain measures are required to satisfy such obligations. In light of what we have now argued, there is a *compensatory* aspect to these duties. That is, in many cases where we have doubts about whether something ought to be done by way of satisfying obligations towards the world’s destitute, this compensatory aspect should make us answer the question affirmatively. Past injustice creates considerable obligations for the present.

Further reading

Questions of domestic justice are discussed in all introductions to political philosophy that focus on one state (see again the list in the introduction to this book). Beitz (1999) is the second edition of a work that appeared in 1979 and thus long before philosophizing about global justice became wide-spread. His work is the classic account of globalism. Pogge (2002) defends the provocative thesis that the global order harms the poor; the work appeared in an extended second edition in 2008. See Cohen (2010) and Risse (2005) for critical assessments. Important recent accounts of global justice include Caney (2005), David Miller (2007), Richard Miller (2010), Moellendorff (2002), Tan (2004) and Brock (2009). Rawls (1999b) plays an important role in the debate about global justice, but is not stage-setting in that area as Rawls (1999a) has been for domestic justice. Risse (2012) develops pluralist internationalism. Blake (2001a) is a seminal text on the grounds-of-justice debate. Miller (1995) is an excellent discussion of nationalism.

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Environmental Justice

The anthropocene

Our species of *homo sapiens* has been around for about 200,000 years. For 50,000 years, our major traits have been fully developed, and our brains have barely changed. The earth, however, is almost 100,000 *times* as old. It has been through a turbulent history that included several mass extinctions. Let me mention a few highlights. According to the “giant impact hypothesis”, about four billion years ago the earth was hit by a Mars-sized body. The moon was created from debris that was left over from this collision. About 650 million years ago, our planet was covered by ice, an era known as “snowball earth.” About 250 million years ago, in a period called the “great dying,” most life perished in a brief moment of geological time. Massive volcanic eruptions may have been at fault. It appears that 65 million years ago, an asteroid the size of Mount Everest hit in the Gulf of Mexico, triggering the extinction of the dinosaurs that had been the dominant species for many millions of years. The biospheric conditions that made the ascent of our own species possible, and even the physical shape and composition of the earth, have resulted from a series of cataclysmic events and periods. In one way or another, the occurrence of natural disasters is a part of our lives. But the short presence of human beings on this planet (geologically speaking) has so far been blessed by conditions that, by and large, are strikingly hospitable to the flourishing of human life. As its history reveals, however, the earth is not inevitably friendly to humanity’s ongoing existence.

The relationship between humans and their environment has entered a new geological era, the Anthropocene, a period where humankind has surpassed the rest of nature in its impact on the structure and function of the earth system. Short of events like a head-on collision with an asteroid, massive changes in the earth's interior or vehement sun storms, it is humans that have the biggest impact on the future of all life on this planet. One kind of impact is that humanity has caused a change in global climate. Naturally occurring greenhouse gases, such as water vapor, carbon dioxide and methane, form a thermal blanket that traps sun energy inside the atmosphere and thereby makes the earth inhabitable in the first place. However, in recent centuries human activities have greatly increased greenhouse gas concentrations. Considerable quantities of carbon dioxide have resulted from burning fossil fuels and from deforestation. Increasing evaporation of water amplifies the warming effects of these gases by causing larger greenhouse effects than combustion and deforestation alone. The result is climate change. The Intergovernmental Panel on Climate Change concluded that most of the increase in average temperatures is very likely due to increases in man-made greenhouse gas concentrations. In the Introduction we noted how dramatically an increase of average temperature by more than 3 or 4 degrees Celsius may change the way we live on this planet.

Our brains emerged through an evolutionary process in which survival depended on an organism's ability to navigate its immediate environment. The kind of brain that succeeded in evolution and that we still possess does not naturally prompt us to provide for future generations. As far as our attitude towards nature is concerned, several decades ago, long before climate change became an acknowledged issue, historian Lynn White's article "The Historical Roots of Our Ecological Crisis" triggered some soul-searching. White argued that Christianity created a frame of mind that sees human beings as separate from the rest of nature. The dominant reading of the Christian story of creation granted human beings mastery over nature. Subsequently, the development of science and technology was a sustained effort to exploit nature for human purposes, and it originally proceeded in this Christian frame of mind. This attitude towards nature has since

become entrenched at a global level. So evolution has generated a kind of brain that not only did not prepare our species for the need to take care of future generations, but that has also made us susceptible to an attitude that appreciates nature only in terms of its value for us.

In his fascinating and tremendously important 2005 book *Collapse*, the American geographer Jared Diamond looks at several societies that have existed at different times, and disappeared. Several of them were located in remote areas, such as the medieval Viking colonies in Greenland, or the civilization on the Easter Islands that left behind numerous monumental statues. But some were far less isolated, such as several Central American cultures that met the same fate. Environmental disasters always precipitated the collapse. What is remarkable is that the environmental problems that led to such devastation normally will have been as visible to decision makers at the time as they are today. The reason why they took no resolute measures to avert the incipient disaster was because the decision makers had vested interests in the status quo. The earth as a whole, and thus humanity as such, in an era of human-caused climate change is in much the same situation as was the case with these perished human living arrangements. Again the problem is that vested interests prevent decisive action.

Climate change as the perfect moral storm

Moral philosopher Stephen Gardiner's 2011 *Perfect Moral Storm: The Ethical Tragedy of Climate Change* aptly characterizes the challenges we confront when dealing with climate change. A perfect storm involves the unusual intersection of several serious, mutually reinforcing storms. In the case of climate change, three major problems interfere with our ability to behave ethically: the global, intergenerational and theoretical storms. The global storm concerns our difficulties in reaching any kind of international agreement on measures to combat climate change. It is collectively rational for humanity to reach an agreement on how to control emissions. It is nonetheless also rational for each country

to exempt itself from such regulation hoping that others take the lead. The intergenerational storm consists in the fact that the current generation has asymmetric power over future generations. Earlier generations can affect the prospects of future generations, but not vice versa. Any generation has incentives to generate front-loaded goods, goods that largely benefit the present but for which later generations pay. All goods whose production generates greenhouse gas emissions are such goods given how long some of these gases stay in the atmosphere. The third storm is the theoretical storm: there are no robust general theories to guide us. Existing theories are underdeveloped in many of the relevant areas, including intergenerational ethics, international justice, scientific uncertainty and questions about the human relationship to animals and the rest of nature.

Let me illustrate the point that our theories are underdeveloped to deal with climate change by discussing Cost-Benefit Analysis (CBA). CBA goes back to the 19th-century development of welfare economics, and thus to a time when social-scientific methods started to bear on politics. CBA systematically captures the different available options, and makes sure all relevant costs and benefits inform the decision process. For instance, CBA registers that money invested into improving life for future generations cannot also be invested into improving the present, with whatever positive spill-over effects on the future that may have. CBA keeps alternative social objectives in view. At the same time, the systematic virtues of CBA might deceive us when it comes to problems of the complexity of climate change, where the needed information is not reliably available and the time horizon too extended.

The common way of integrating future costs and benefits into CBA is by *discounting* them. Discount rates mirror expectations about the economy, and formally are inverse interest rates. Discounting the future means assigning a lower value to future costs and benefits than to those occurring in the present. We can most straightforwardly motivate discounting for individual behavior. An individual should prefer receiving \$500 today to receiving \$500 at future time t since in between she could invest the \$500. Receiving \$500 at t is equivalent to receiving $x < \$500$ now, where x delivers \$500 at t under the expected interest rate.

The present value of future benefits and future costs thus is a discounted adjustment of future values. Therefore substantial future costs may be acceptable for relatively minor gains in the present.

Similar considerations apply to certain public expenditures of a collective. Among the costs that might arise are those of human lives themselves. A monetary equivalent would be assigned to human life. Because of the effects of compounding, the choice of a discount rate matters enormously, the more so the longer the decision horizon. For a 1% annual rate, one unit of benefit in the present is equivalent to 1.3, 1.6, 2.7, and 144.7 units in the future if the benefits occur after 30, 50, 100, and 500 years, respectively. The corresponding numbers for 3% are 2.4, 4.3, 19.2, 2,621,877; for 5%, 4.3, 11.4, 131.5, and 39,323,261,827; and for 10%, 17.4, 117.3, 13, 781, and 4.96×10^{20} . In policy choices that affect future generations, the lives of people living 100–200 years from now are severely discounted. Moreover, even minor differences in the discount rates make an enormous difference for the extent to which they are discounted.

There are two reasons why one would want to discount future values. First, one might value the future less because it *is* the future (“pure time preference”). Second, one might do so because the passage of time correlates with other phenomena, such as increasing wealth, availability of technology, or more pronounced uncertainty. In support of pure time preferences one finds appeals to revealed preferences (people commonly caring more about the nearest and dearest, as well as their own immediate future), and a corresponding reference to the alleged anti-democratic arrogance of social planners dismissive of such preferences. Another point is that we would be overburdened giving equal consideration to all people across the ages. There are likely to be many more people whose birth is yet to happen than are currently alive. If all of them counted for the same, the interests of the living might carry almost no weight at all.

As far as the second sort of reason is concerned, however, not all future people will be wealthier than all contemporaries. Perhaps if “we” collectively will be richer, “we” can worry about redistribution later. Yet we cannot assume that future people can solve distribution problems more easily than we can. Nor can we

know that particular discount rates track increases in wealth. The rationale for discounting in individual behavior does not apply to climate change. We are then talking about people who live across different generations. Unlike in cases of public expenditures for the immediate future, one set of people participate in the decision process, but others bear the costs. Or consider the value of lives (or anything else that is not straightforwardly priced, e.g., wildlife or ecosystems). We often adopt policies that implicitly put a price on human life (e.g., by deciding how much money to invest in safety). We make such decisions in a context where probabilities of death or other harms are of a certain magnitude, as are the benefits of the relevant policies. We do not know if future people will find scenarios acceptable where probabilities of death or disease, as well as gains from certain policies, are much higher, generating the same expected value for which we find the mix of probabilities and benefits acceptable. But we may well bequeath such policies to the future. In a nutshell, we should have considerable reservations about applying CBA to climate change.

The joint presence of these storms also generates a problem of *moral corruption*: we are only all too inclined to accept arguments whose conclusions benefit us. The harms and injustices that might occur are potentially catastrophic, but the future victims cannot make themselves heard. Our own vigilance must protect them. An example Gardiner uses to illustrate the phenomenon of moral corruption is geo-engineering, an area of research that investigates possibilities of intentional interventions in the earth's climate system on a global scale to remove greenhouse gases from the atmosphere. The thought of the possible future availability of geo-engineering offers reassurance that we may go on as we have, assuming there will be a solution in the future. Perhaps there will be, but the joint presence of the three storms makes us unduly willing to believe that it will be so.

Climate change as a problem of justice

As far as climate change is concerned, there are three options: to let the changes happen and suffer the consequences; to mitigate

climate change (reduce its pace and magnitude); or to adapt (reduce its impact). The first option – to conduct “business-as-usual” – is motivated by the view that the future is likely to be richer than the present. We will be better equipped to deal with problems then. But the damage might not only be irreversible, but also trigger increasingly problematic consequences. Alternatively, one may favor the “business as usual” option if one thinks there is nothing we can do about climate change anyway, or if one believes climate change simply is not “our” problem and that therefore there is nothing we ought to do about it. However, it is decidedly not true that there is nothing we can do about climate change. And indeed, climate change is “our” problem at least in the sense that we are contributing to it and are thereby causing hardship for others (both now and in the future). For these reasons, I do not further consider the “business-as-usual” option. Possibilities for mitigation include a reduction of greenhouse gases (through changing energy use, reforming agricultural practices, or limiting deforestation), as well as geo-engineering to remove gases from the atmosphere or create cooling effects to offset heating. Possibilities for adaptation include developing crops resistant to climate change; public-health defenses; flood control and drought management; building barriers against sea-level rises; or avoiding development in at-risk areas.

One contribution philosophy can make to an attempt to keep humanity from suffering the same fate as the earlier civilizations in Diamond's *Collapse* is to present arguments for the claim that many matters of global concern are indeed matters of *justice*, and must receive the kind of urgency appropriate for matters of justice. Both mitigation and adaptation (being deviations from the economic business-as-usual trajectory countries would otherwise choose) create burdens. Enlightened self-interest goes a long way towards explaining why these burdens should be shared among all human beings. After all, we are dealing with a problem with unpredictable and potentially cataclysmic effects. But why would this be a problem of distributive justice, and thus why would there be a moral obligation to *share* these burdens *fairly*? Why not say the distribution of burdens should result from rational bargaining in which every country maximizes its national interests?

There are several answers to this question. First of all, there are humanitarian duties in virtue of the moral significance of the distinctively human life. After all, climate change has the potential of threatening the living conditions of many people especially in the regions around the equator, which are already rather problem-ridden. Second, climate change is occurring as a result of human activities and in that regard differs from a disaster caused by an asteroid. Emitters are presumably responsible for the harm they inflict. A third reason appeals to the utilitarian side of moral thinking. Utilitarians seek to bring a maximal amount of well-being into the world compared to other available courses of action. Given the potentially disastrous consequences of climate change, measures to adapt to and mitigate climate change in the long run contribute much to this endeavor. Finally, the distribution of burdens from climate change is a moral problem also because humanity collectively owns the earth, which gives everybody some kind of entitlements to the atmosphere. We have already encountered that idea in Chapters 1 and 3. Let me say a bit more about it now. We will use this idea later in this chapter, and again in Chapter 6.

Collective ownership of the earth

In Europe the 17th century was a troubled period marred by religious wars. But the Old Testament provided as secure guidance as these difficult times permitted. This was also the time when European expansionism started to peak. Questions of global scope arose when the colonizers thought about the conditions under which they could occupy territories, or whether they could also occupy seaways to the exclusion of others. The idea that humanity collectively owned the earth helped with those questions. Outside of a religious context, one might think, this approach makes little sense. After all, we inhabit a planet that was already in existence for longer than four billion years when our species emerged, and the physical and biospheric conditions that enabled its ascent have resulted from a series of cataclysmic developments. Would it not be preposterous to think humans *own* this planet?

The idea that humanity owns the earth has contributed its share to the history of human chauvinism. The American poet Walt Whitman once praised animals by emphasizing that, as opposed to humans, "not one is demented with the mania of owning things" (section 32 of "Song of Myself"). But my secularized understanding of collective ownership does not presuppose the arrogance associated with a reading of the Bible that subjects the creation to the human will, an attitude that emerges, for instance, in the protestant theologian Jean Calvin's view that God took six days to create the world in order to demonstrate to human beings that everything was prepared for them. In that way my approach differs from its 17th century predecessors who advocated for collective ownership based on the Bible and who generally accepted this understanding of human superiority.

Collective ownership insists that all human beings, across generations, have the same kind of claim to the earth, and thus defines a status that human beings have *vis-à-vis each other*. Recall the three claims on which I base the view that humanity collectively owns the earth: the resources and spaces of the earth are valuable to and necessary for all human activities to unfold (the earth being humanity's natural habitat, a closed system of resources everybody needs for survival); the satisfaction of basic human needs matters morally (and, we need to add, matters more than any environmental value, such as protecting the biosphere); and that, to the extent that resources and spaces have come into existence without human interference, nobody has claims to them based on any contributions to their creation. In a nutshell, all human beings, no matter when and where they live, have some kind of claims to original resources and spaces that cannot be constrained by reference to what others have accomplished.

However, what I have said so far about collective ownership can be spelled out in different ways. One of them is an equal division: each of altogether n human beings has a claim to a $1/n$ share of original resources (Steiner 1994). Equal division gains plausibility from the idea that there is a (figurative) heap of resources to which each person has an equal claim. However, the idea of "dividing up" such a heap presupposes an ability to assign values

to sets of resources to render them comparable. To that end one must find some way of assessing an *aggregated* value for the overall heap of resources. This would be complicated because we do not merely have to assess property values of two-dimensional spaces, but instead the overall usefulness of three-dimensional regions for human purposes. But let us ignore this complexity. What is crucial is that we would need a uniquely most plausible way of assessing the value in question, one that everybody could reasonably accept. However, many materials only acquire value through activities that require social contexts. How valuable, say, oil, uranium, or silicon are depends on what people can and want to do with them. So it depends on what technology is available that requires these materials; on how people choose to integrate it into their lives; and on how property rules determine what they can do with resources and technology. These matters are not the sort of thing for which there would be a single most plausible arrangement that everybody could be expected to respect.

Instead of using an equal division approach to collective ownership, we should think of collective ownership in terms of what we may call "common ownership." Common ownership is a right to use something without a right to exclude other co-owners. This was a wide-spread form of ownership when towns collectively owned areas reserved for the feeding of animals. All citizens could take their animals there, perhaps subject to constraints designed to avoid overuse. The core idea of common ownership as a conception of humanity's collective ownership is that the distribution of the original resources and spaces of the earth among the global population is just only if everyone has the opportunity to use them to satisfy basic needs, or otherwise lives under a property arrangement that provides opportunities to satisfy basic needs. My proposal is that humanity as a whole collectively owns the earth in much the same sense in which citizens of such towns owned their town greens.

Let me address a *reductio ad absurdum* through which some seek to ridicule collective ownership. This discussion will be useful when we discuss Singer's argument below. Can anybody

sensibly claim, asks right-libertarian Murray Rothbard, that a newborn Pakistani baby has claims to a plot in Iowa that Smith just transformed into a field (1996, p 35)? As soon as we consider such implications of collective ownership, says he, we realize its implausibility. Smith has claims on the strength of his efforts. The baby has none. However, collective ownership does not require that each nugget of gold found on the ocean floor be divided among all humans, or every drop of oil extracted on the Arab peninsula. That the baby has claims on a par with Smith's is consistent with Smith's not having to vacate *that* land (the baby does not have a claim to each object), and with Smith's not having to *vacate* that land (the claim may be satisfied through compensation). Any plausible understanding of collective ownership must block the inference from "humanity collectively owns the earth" to "humanity collectively owns this or that *particular part* of the earth." The common ownership interpretation meets that criterion (as does e.g. equal division). That humanity commonly owns the earth in much as the same way as in which, say, Bostonians used to own the Boston Common does not mean they have shared claims to each object that forms part of it. It just means they should have an equal opportunity to use the commonly owned resources. Once I make use of X to satisfy basic needs, it is impermissible for others to use X for their purposes.

Disappearing island nations

Chapter 1 integrated humanity's ownership of the earth into an account of human rights as membership rights in the global order. Collective ownership is one of the sources from which such rights derive. Let me briefly return to this theory of human rights to apply it to one of the most pressing problems that arise in the context of climate change: how to think about disappearing island nations such as Kiribati (Risse 2009). This gives us an illustration of how to work with the idea of collective ownership.

Straddling the equator, the nation of Kiribati consists of thirty-three coral atolls spread over 3.5 million square kilometers in

the Pacific. Rising sea levels and salination caused by climate change might make the islands uninhabitable. As a consequence, Kiribati's president proposed to scatter his people about 100,000 throughout the world. In 1990, a number of small island and low-lying coastal countries formed the Alliance of Small Island States (AOSIS), one of whose purposes is to articulate concerns about climate change. AOSIS used to insist on the urgency of climate change *mitigation*, rather than the sort of *adaptation* advocated by Kiribati's president. However, his proposal was cautiously endorsed in the Niue Declaration on Climate Change in 2008.

That inhabitants of Kiribati ought not to be left to drown is morally over-determined. Still, it is illuminating to see precisely what reasoning bears on this matter, and how it engages my conception of human rights. As we saw in Chapter 1, states and other powerful organizations must offer guarantees to neutralize the dangers imposed on co-owners by the global order. One danger is that the existence of states limits opportunities to relocate if individuals cannot make a living where they live. If areas are lost to sea rise, there is no longer a way of respecting the troubled party's co-ownership rights by helping them make a living in their current location. The only way of respecting these rights is to permit immigration.

There is therefore a human right to relocation. It even includes a demand upon host countries to enable new immigrants to make a living. Whether my approach supports the president's wish for his people to move together we cannot know without further investigations that reveal which countries over- or underuse three-dimensional spaces (to use terms from Chapter 6). Kiribati's people have such a claim against countries that underuse resources and spaces to such an extent that they can all be admitted. Now of course we are here talking about an example where there are only 100,000 people. But this argument would also hold if there were 10 million or many more people thus affected. The same reasoning would apply, for instance, if it were decided one day that Japan high earthquake risk and exposure to tsunamis requires the evacuation of much of its population.

Collective ownership and enlightened anthropocentrism about the environment

Collective ownership is a view about the relationship among human beings that can readily integrate plausible accounts of environmental values. Needless to say, not all manners of capturing the value of nature are consistent with collective ownership. In his famous *Sand County Almanac*, the environmentalist Aldo Leopold formulated the following ethical principle: "A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise" (1949, p 224f). By not recognizing any kind of priority for human beings (and thus their basic needs) over other natural entities, Leopold's principle is inconsistent with any version of collective ownership.

This "land ethic" moves outside of *enlightened anthropocentrism*, the view that I think formulates a very plausible view of the value of nature. This view recognizes that, on the one hand, all values must be values to human beings and on a human scale. Enlightened anthropocentrism recognizes that answers to environmental questions "must be based on human values, in the sense of values that human beings can make part of their lives and understand themselves as pursuing and respecting," as the 20th century moral philosopher Bernard Williams put it (1995, p 234). We cannot value in any *other* way. On the other hand, enlightened anthropocentrism denies that instrumental values or values of human flourishing exhaust the range of values on a human scale. Enlightened anthropocentrism can readily acknowledge a number of appropriate attitudes towards valuing nature, for instance, that nature should be valued intrinsically, as sublime or awesome, as providing a context where human life obtains meaning, and even as sacred.

Enlightened anthropocentrism as a view about the value of nature has important implications also for the debate about *sustainability*. "The idea of sustainability is a distinctly modern notion," as the environmental philosopher Dale Jamieson explains, "closely tied to the schizophrenia of modern life that

simultaneously persecutes nature while trying to protect it" (2002, p 327). A starting point for the sustainability debate is the 1987 Brundtland Report, *Our Common Future*, which stressed the urgency of fostering growth while paying attention to global equity and environmental concerns. "Sustainable development" was explained there as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

Let us distinguish "weak" from "strong" sustainability (Neumayer 2003). *Capital* is whatever forms the capacity to provide utility; *natural capital* is the capacity of nature to provide humans with utility (those parts of nature that fail to do so being disregarded), such as resources, plants, ecosystems, or species; *man-made capital* includes infrastructure such as roads or machines, and *human capital* includes knowledge and skills. Adopting either form of sustainability means insisting that the future be integrated into decision-making. Being committed to *weak sustainability* means insisting on a non-declining stock of total capital; being committed to *strong sustainability* means insisting on a non-declining stock of (some forms of) natural capital. It is by insisting on a *non-declining* stock that we obtain a commitment to intergenerational equality as a lower boundary.

According to weak sustainability, all forms of capital are substitutable for each other and the preservation of anything in particular is not required. Future people cannot complain as long as they are no poorer in total capital. In contrast, the most common version of strong sustainability identifies some forms of natural capital as significant, or "critical" (to make clear that, say, obscure species of beetles do not deserve preservation, a point that presupposes, controversially, that we have a sufficiently good understanding of ecosystems to consider the extinction of such species "non-critical"). So even if future people are richer in terms of overall capital, they can complain if their wealth comes at the expense of such capital.

One reason for supporting strong over weak sustainability turns on the instrumental value of natural resources, insisting that weak sustainability does not optimally secure the future of humanity. What is of concern are biodiversity losses, loss of ecosystems or

life-support systems such as the global climate and the ozone layer, and soil erosion. We must ask to what extent protecting these assets requires non-substitutability of natural resources, and how to assess opportunity costs from giving a special status to such resources. Neumayer (2003) insists that "the combination of the distinctive features of natural capital with risk, uncertainty and ignorance suggests the conclusion that there are good reasons for the non-substitutability of specific forms of natural capital" (p 124). These "features" are that those forms of capital (global life-support systems, biodiversity) provide for elementary life functions better than any replacements ever could; that we have no practical way of replacing them; and that it is hard to know which elements of our environment will matter. For instance, the eminent biologist E. O. Wilson refers to biodiversity as "our most valuable but least appreciated resource" (1993, p 281).

So there is a strong rationale for caution about depleting natural capital. But in addition to such instrumental arguments *enlightened anthropocentrism* too supports strong sustainability. Enlightened anthropocentrism, again, finds room for a range of attitudes towards nature, for instance, that nature should be valued intrinsically, as sublime or awesome, or as providing a context where human life obtains meaning. Those ways of valuing nature in turn support the preservation of the natural environment itself.

Singer's argument for equal entitlements to pollution

In *One World* Peter Singer (whose work we already encountered in Chapter 4) asserts that humanity collectively owns the absorptive capacity of the earth, its capacity to absorb greenhouse gases in a way that preserves basic climate conditions, which is one good provided by that part of the earth. Singer advocates a per-capita view as the principle of distribution for this good: each person may consume (or "access") the absorptive capacity to the same degree (i.e., bring about the same volume of emissions). One may implement this approach via a "cap-and-trade" system. We would choose a global limit, each country obtaining an amount

of permissible emissions (its "cap") based on population size. Countries that wish to pollute more must purchase additional rights. One way of assigning caps is that each person since, say, the industrial revolution has the same entitlement. We must then determine how much pollution that involves in light of bearable greenhouse gas concentrations. Or one may think of the distribution in terms of current populations. Variations are conceivable; one could index population sizes to a year before which actors could be expected to combat pollution. Or one could index to a future year, to avoid perverse incentives for population policy or accommodate countries with young populations. But in any event, as political scientist Steve Vanderheiden states, "the atmosphere presents a rare example of a pure public good, where no one has a valid claim to larger shares of the good than anyone else" (2008, p 225).

Note some implausible implications of the equal per-capita approach. Countries would obtain allocations regardless of how this affects their economy, how they use them, what importance they have for people's lives, and whether they reduce emissions. At least some of these concerns could be resolved by clever allocation and trading mechanisms. However, there is a more fundamental worry about Singer's approach that draws on the idea of collective ownership of the earth. We can develop this objection in two steps. Note first that Singer's standpoint assumes that there is an entitlement to the atmosphere that all of humanity shares. This is plausible only if humanity owns the *earth as a whole*. After all, one would think the atmosphere (or its absorptive capacity) is collectively owned because everybody needs it for survival, and because it is nobody's accomplishment that it exists to begin with. But the domain for which these claims hold is the earth as such, not the atmosphere or the absorptive capacity in particular. The second step then is this. We noted that collective ownership of *the earth* does not imply that any particular object on or part of it must be divided up. But if not every nugget of gold found on the ocean floor must be shared out, then this inference does not hold for the absorptive capacity either. In light of the initial difficulties and of this fundamental problem I think the idea is untenable that we should think of the distribution of burdens from climate

change in terms of everybody having the same right to pollute the atmosphere.

How to regulate access to the absorptive capacity?

Humanity's collective ownership of the earth does bear on the question of how to distribute the burdens from climate change. If we ask that question, among others things we are asking how to regulate access to the absorptive capacity (i.e., how much pollution is permissible). Collective ownership offers one way of explaining why we must find a fair way of distributing access to the absorptive capacity, rather than leaving this matter to self-serving bargaining. However, what collective ownership implies is not as straightforward as suggested by Singer. Instead, we must be open-minded as to what criteria best capture ideas of fairness when it comes to the regulation of access to the absorptive capacity. Generally, one addresses *fair-division problems* by exploring the strength of various initially plausible criteria and by then making a proposal that brings the criteria that pass initial scrutiny into "reflective equilibrium:" one that integrates the criteria and explains precisely how they bear on the distribution. So the process that leads to such reflective equilibrium enumerates and compares the relative strength of different criteria.

The following criteria are the initially more promising ones in this debate about how to divide up the burdens from climate change (including Singer's criterion that we already discussed):

- (1) Equal entitlements to the absorptive capacity of the earth
- (2) Polluters pay, including past polluters
- (3) Polluters pay, but not past polluters
- (4) Those pay who are willing to do so, which presumably is a reflection of how much they worry about climate change
- (5) Consumers pay for emissions required to produce goods they consume
- (6) We respect the status quo: countries are asked to reduce emissions by a fixed percentage of current emissions
- (7) Those pay who have the ability to do so

Some criteria can be dismissed quickly. "Willingness-to-pay" (4) disregards causal involvement and capacity to deal with the problem. It should therefore enter any overall proposal at best in a very limited way. My proposal below integrates it in just such a way, in the sense that not all burdens from climate change count as burdens that should be distributed globally. The approach that takes the status quo as starting point (6) merely offers political expediency. The consumer-pays principle (5) is implausible if producers sell voluntarily. Producers control emissions, buyers do not. One might say that if buyers act voluntarily, they control emissions by creating demand. But they only do so mediated through actions of producers. Perhaps it is implausible to say about very poor countries that they "control" emissions since they often have very limited choices in what they can put on world markets. However, as long as those countries need not contribute to a solution to climate change (as they do not on my proposal below), the consumer-pays principle is unacceptable.

So we can readily reduce the longer list to a shorter one:

- (2) Polluters pay, including past polluters
- (3) Polluters pay, but not past polluters
- (7) Those pay who have the ability to do so

These are the serious contenders. To narrow this shorter list down further, let us discuss the importance of historical emissions.

Historical emissions

To begin with, we must assess what should count as historical emissions. What is the relevant time t such that, before t , we should not blame emitters for emissions? Axel Gosseries (2004) mentions various sensible dates, among them 1896 (publication of an article by the chemist Svante Arrhenius on the greenhouse effect, "the first warning of global warming" (Neumayer 2000, p 188)); 1967 (publication of first serious modeling exercise on climate change); 1990, and 1995 (publication of first two IPCC reports). An advocate of historical accountability, Neumayer (2000) thinks it was

not before the mid-1980s that the public and decision makers became aware of the greenhouse effect. The 1992 UN Framework Convention on Climate Change too sets a plausible date. The years of the publication of the third and fourth IPCC reports, 2001 and 2007, are also possible since both added much clarity on climate change.

The crucial question is at what time decision makers could be expected to know, specifically, the *dangers* of climate change. By this standard, 1990 is the latest sensible date: the 1990 IPCC report already absorbed a body of insights gathered over years. Any choice of date will trigger the objection that if countries cannot be blamed for emissions prior to Year X, they cannot be blamed for having committed themselves, over generations, to lifestyles that essentially involve massive emissions. Come Year X, they were locked into certain patterns. However, if Year X is fixed as the latest possible year this objection loses its force.

In light of the relevance and visibility of the 1990 IPCC report, and of persistent doubts a choice of date other than the latest sensible one would inevitably create about what decision makers may have been expected to consider, 1990 is also a sensible choice, *provided* the proposal for the distribution of burdens acknowledges reasons other than rectification of wrongful past emissions as reasons for which disadvantaged countries can demand aid. The importance of 1990 can then make us neglect the fact that it is the *latest* sensible date. Put differently: if the only aid available to poor countries on the correct proposal depended on the amount of blameworthy past emissions, then the later we move the date, the less aid poor countries will get. We will then have to worry about choosing the latest sensible date, rather than, say, the earliest. However, we saw in Chapter 1 that there is a duty to help states realize human rights, and thus help them create the *conditions* under which the realization of these rights is possible. (There is in fact a duty of assistance *in building institutions*, a topic we discuss in Chapter 7.) One sensible way of making good on these duties is the sharing of technology and other support to mitigate or adjust to climate change. It is because of these independently existing duties that also affect the distribution of burdens from climate change that the choice of the latest

sensible date before which emissions are not blameworthy is not too worrisome.

Let me discuss five problems about holding countries accountable for historical emissions and thus about imposing higher burdens because countries have emitted in the past. Let me begin with three minor problems. First of all, delineating and ascribing damage might be problematic. For instance, soil erosion might have done damage to shorelines if rising sea levels due to climate change had not done so. Second, it is unclear what the unit of analysis should be: should it just be individuals, or also corporations and states? If it should be states, then what about new states (such as those that emerged from the breakup of the Soviet Union and Yugoslavia)? And who should be accountable for damage done by agents who are no longer alive? A third issue is that if we count past polluters they would be counted disproportionately. After all, contemporary industrializers have better technology that draws on past experience.

These problems could probably be solved somehow. But in addition there are also two bigger ones. To begin with, just about everybody has benefitted from the spread of early industrialization. Countries other than those where most emissions occurred have benefited from those emissions via trade, as well as via the spread of technology and scientific understanding. Developing countries now benefit from inventions during earlier industrializations that used inferior technology. Henry Shue (1999) responds to this point that developing countries have paid for the benefits they have received. Singer (2002) insists that in the US most goods and services are for domestic consumption (and thus do not benefit anybody else). However, quality of life has improved everywhere since the industrial revolution, in terms of longevity, child mortality, or literacy. These benefits cannot be detached from industrialization and have been of global reach despite their differential effects.

Most importantly, past emitters, at least in earlier stages of industrialization, did not and (in any relevant sense) *could* not know that greenhouse gases might have catastrophic effects. Nor could they know that fossil fuels would long remain essential: their emissions became problematic only because economies

continued to depend on such fuels. Objectively speaking, past emissions may have been wrong. Nonetheless, a set of conditions of *maximally excusatory force* applies to early emitters. The standpoint from which we can say earlier decision makers violated obligations of justice sets aside their scientific limitations. We cannot blame people for failing to regulate access to the absorptive capacity. “[A]ttempts to apply fault-based standards are virtually guaranteed to become embroiled in more or less irresolvable controversy about historical explanations,” says Shue, who is one of the pioneers of philosophical reflection on environmental issues (1996, p 16). “Yet never to attempt to assess fault is to act as if the world began yesterday.” We can indeed assess fault, but although there was wrong-doing in the past, there was no blameworthy fault.

One might say that the tort law sometimes endorses *strict liability*, accountability without fault. One would then be liable to pay for damages one has caused even if one cannot be blamed. Could this notion not allow us to hold people accountable for past emissions although nobody was at fault then? But such strict liability must overcome a strong presumption of unfairness. Minimally, it should not apply without the agents being *aware* of it. Only then can they choose whether to participate in the relevant activities. So strict liability should not apply if people lack the background understanding to act in certain ways. In a nutshell: if we wish to integrate past emissions into an overall proposal for distributing burdens from climate change, we must do so in a way that respects that early emitters cannot be blamed.

Polluter pays, ability to pay, and a proposal

The proposal I am about to make distinguishes between burdens from adaptation and burdens from mitigation. The proposal integrates ideas about who is able to pay (“ability to pay” principle) and ideas in term of current per-capita emissions (“polluter pays” principle). The focus on “polluter pays” and “ability to pay” principles is sensible partly because of the weaknesses of other approaches that we have now explored. But this focus is sensible

also because these principles are plausible by themselves. As far as the "polluter pays" principle is concerned: climate change occurs because there are emissions, and they do the damage. The polluters cause the problem and thus should assume responsibility. Who produces them must matter *somehow* to the distribution of burdens (albeit in a way that takes into account whether the polluters were blameworthy). Past polluters have excuses for their actions, polluters after 1990 do not.

One may wonder, however, why the ability to pay bears on the problem at hand. As a matter of justice, collective ownership requires that access to the absorptive capacity be regulated. Collective ownership makes maintaining an atmosphere that sustains human life a globally shared responsibility. Each generation is the keeper of the earth for subsequent generations. For any shared responsibility those who genuinely can contribute more should do so. The plausibility of the "ability to pay" principle is reflected, for instance, in Henry Shue's (1999) point that

[w]hen some people have less than enough for a decent life, other people have far more than enough, and the total resources available are so great that everyone could have at least enough without preventing some people from still retaining considerably more than others have, it is unfair not to guarantee everyone at least an adequate minimum. (p 541)

Let me consider burdens from adaptation and mitigation separately. Suppose advice is needed concerning a global treaty that distributes burdens from climate change from now on, for an independently fixed overall level of acceptable future emissions (to keep average temperature increases to a bearable minimum). Mitigation concerns future emissions only, and so (I contend) past emissions are (largely) irrelevant to the problem of how to distribute the resulting burdens. Adaptation, however, is (necessarily) adaptation to results of past emissions. So past emissions and associated questions about culpability and wrong-doing become relevant to the question of distributing burdens.

Among burdens from adaptation we can distinguish burdens arising because of emissions that occurred after people became

blameworthy (1990), and those from emissions that occurred before. Obviously we can separate these emissions merely for the sake of analysis. Yet we seek principles that guide treaties regulating emissions and possibly also transfers, by offering an idea of what it means to treat people as equals from the standpoint of collective ownership. The path from there to allocations or penalties is thorny, and involves political and economic considerations beyond the scope of our inquiry.

As far as burdens from adaptation are concerned, countries that did not take considerable measures to reduce emissions after 1990, the wealthy ones anyway, have a duty to compensate those that have been harmed because of this, with a priority on the poorer ones. Compensation could include financial or technological aid. To the extent that adaptation becomes necessary because of emissions before 1990, no such duty applies. The fact that past polluters did commit a *wrong* enters this proposal (see below, when I discuss mitigation), albeit with less effect than if they owed compensation. Costs of adaptation that arise because of emissions after an agreement has been concluded do not enter my proposal. There are no international duties *merely* because some countries are in less temperate zones, beyond a general duty of aid (or other humanitarian duties) and specific obligations that arise, say, because of trading. Similarly, not all costs of climate change should trigger redistribution. At the same time, the overall level of acceptable future emissions could be fixed in a way that considers the resulting costs of adaptation.

Consider next burdens from mitigation. The goal is to assess which countries need to make how much of a sacrifice, compared to business-as-usual trajectories. This is where the "polluter pays" and "ability to pay" principles enter. Countries that should modify their production are those that, in terms of per-capita wealth, can best afford changes ("ability to pay"), and those that on a per-capita basis emit most ("polluter pays"). These principles must be combined. Axel Michaelowa (2007) plausibly groups countries into categories depending on a combined index, weighing both criteria equally. The amount of reduction for which a country is responsible, by reducing its emissions or by paying *others* to do so, is a function of this index. A country would be the higher on

this ranking the higher its per-capita income, and the higher its per-capita emissions. Many countries would incur no obligations because they rank too low.

We should supplement Michaelowa's proposal in such a way that for roughly equal index levels, countries ought to make more sacrifices if they benefit from past (pre-1990) emissions. No blame would be assigned for these emissions. Still, benefitting from them amounts to free-riding on *ill-gotten* gains, and their presence should make a difference somewhere. This is the only way in which emissions from before 1990 appear in my proposal. Historical accountability indeed enters only in a highly qualified way. But this also means the remaining criteria (2), (3) and (7) above all enter my proposal in some way.

We can sum up this proposal as follows:

Suppose there is a fixed overall level of acceptable future emissions that keeps climate change to a bearable level

Burdens from adaptation:

Adaptation that becomes necessary because of emissions after 1990 but prior to conclusion of major climate treaty: Countries that did not take considerable measures to reduce emissions after 1990, the wealthy ones anyway, have a duty to compensate those that have been harmed because of this, with a priority on the poorer ones. Since it will be impossible to assess specifically which kinds of adaptation become necessary because of these emissions, at the practical level this duty will generate an obligation to transfer money and technological aid to countries that need to adapt.

Adaptation that becomes necessary because of emissions that occurred before 1990 or after the conclusion of a climate treaty: no action required

Burdens from mitigation

Must assess which countries need to make how much of a sacrifice, compared to their business-as-usual trajectories so that emissions stay below the overall acceptable level

States that should modify their production are those that, in terms of per-capita wealth, can best afford changes ("ability to pay"), and those that on a per-capita basis emit most ("polluter pays"). The amount of reduction for which a country is responsible, by

reducing its emissions or by paying others to do so, is a function of a ranking of countries in terms of a combined index of these criteria (both being weighted equally). A country would be the higher on this ranking the higher its per-capita income, and the higher its per-capita emissions.

For roughly equal index levels on this list, countries ought to make more sacrifices if they benefit from past emissions.

This proposal brings into reflective equilibrium the morally relevant considerations for regulating access to the absorptive capacity of the atmosphere.

Further reading

Singer (2002) is a wide-ranging philosophical discussion of major issues in world politics. Good discussions of philosophical issues about climate change appear in Gardiner (2011), Vanderheiden (2008) and Page (2006). Attfield (2003) and Rolston (1988) are excellent introductions to environmental ethics. Attfield's chapter 5 is an introduction to the sustainability debate. Callicott (1989) further develops Leopold's "land ethic." Established in 1988, the Intergovernmental Panel on Climate Change (IPCC) is charged with assessing the risks of climate change. The various IPCC reports that have appeared since 1990 are the canonical source for the state of climate science. Aldy and Stavins (2007) contains several proposals for policy responses to climate change. Posner and Weisbach (2010) argue that one should not complicate the debate about appropriate responses to climate change by bringing up considerations of justice. Like this chapter, Caney (2010) makes a hybrid proposal for the distribution of burdens from climate change that integrates a "polluter pays" and an "ability to pay" principle.

definition a relationist view. To remember the relationist meaning of this term easily, the reader should connote it with *global order* rather than with *globe*.

2. Any pluralist view of this sort faces the challenge of explaining how the different principles that we obtain in this way fit together. The Epilogue says a bit more on this subject.

7 Fairness in Trade

1. This is Title 19, US Code, chapter 4 – Tariff Act of 1930; Subtitle II – Special Provisions, part I – Miscellaneous, Sec. 1307.

Bibliography

- Abizadeh, Arash. 2008. "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders." *Political Theory* 36 (1): 37–65.
- Aldy, Joseph, and Robert Stavins (eds). 2007. *Architectures for Agreement. Addressing Global Climate Change in the Post-Kyoto World*. Cambridge: Cambridge University Press.
- American Anthropological Association Executive Board, 1947, "Statement on Human Rights," *American Anthropologist* 49: 539–43.
- Anderson, Kym. 2004. "Subsidies and Trade Barriers." In Bjørn Lomborg (ed.), *Global Crises, Global Solutions*. Cambridge: Cambridge University Press.
- Anderson, Kym, and Will Martin. 2006. "Agriculture, Trade Reform, and the Doha Agenda." In Anderson and Martin (eds), *Agricultural Trade Reform and the Doha Development Agenda*. Palgrave Macmillan and the World Bank, 3–37.
- Attfield, Robin. 2003. *Environmental Ethics. An Overview for the Twenty-First Century*. Oxford: Polity.
- Barry, Brian, and Robert Goodin (eds). 1992. *Free Movement: Ethical Issues in the Transnational Migration of People and of Money*. University Park: Pennsylvania State University Press.
- Barry, Brian. 1982. "Humanity and Justice in Global Perspective." In J. R. Pennock and J. W. Chapman (eds), *Ethics, Economics, and the Law. Nomos XXIV*. New York: New York University Press, 219–52.
- Barry, Christian, and Sanjay Reddy. 2008. *International Trade and Labor Standards: A Proposal for Linkage*. New York: Columbia University Press.
- Barton, John, Judith Goldstein, Timothy Josling, and Richard Steinberg. 2006. *The Evolution of the Trade System. Politics, Law, and Economics of the GATT and the WTO*. Princeton: Princeton University Press.
- Beitz, Charles. 2009. *The Idea of Human Rights*. Oxford: Oxford University Press.
- Beitz, Charles. 2004. "Human Rights and the Law of Peoples." In Deen Chatterjee (ed.), *The Ethics of Assistance: Morality and the Distant Needy*. Cambridge: Cambridge University Press, 193–214.

- Beitz, Charles. 1999. *Political Theory and International Relations* (revised edition). Princeton: Princeton University Press.
- Berlin, Isaiah. 1992. "The Pursuit of the Ideal." In *The Crooked Timber of Humanity. Chapters in the History of Ideas*. New York: Vintage.
- Berlin, Isaiah. 1981. "Nationalism." In *Against the Current: Essays in the History of Ideas*. Oxford: Oxford University Press.
- Blake, Michael. 2002. "Discretionary Immigration." *Philosophical Topics* 30 (2): 273–91.
- Blake, Michael. 2001a. "Distributive Justice, State Coercion, and Autonomy." *Philosophy and Public Affairs* 30: 257–96.
- Blake, Michael. 2001b. "Immigration." In R. G. Frey and Christopher Wellman (eds), *A Companion to Applied Ethics*. London: Blackwell.
- Blake, Michael, and Mathias Risse. 2007. "Migration, Territoriality, and Culture." In Jesper Ryberg, Thomas Petersen, and Clark Wolf (eds), *New Waves in Applied Ethics*. Ashgate Publishers, 153–82.
- Borjas, George. 2001. *Heaven's Door. Immigration Policy and the American Economy*. Princeton: Princeton University Press.
- Brock, Gillian. 2009. *Global Justice: A Cosmopolitan Account*. Oxford: Oxford University Press.
- Brock, Gillian. 1998. "Introduction." In Brock (ed.), *Necessary Goods: Our Responsibilities to Meet Others' Needs*. New York: Rowman and Littlefield, 1–18.
- Callicott, J. Baird. 1989. *In Defense of the Land Ethic: Essays in Environmental Philosophy*. Albany: SUNY Press.
- Caney, Simon. 2010. "Climate Change and the Duties of the Advantaged." *Critical Review of International Social and Political Philosophy* 13 (1): pp 203–28.
- Caney, Simon. 2005. *Justice Beyond Borders: A Global Political Theory*. Oxford: Oxford University Press.
- Carens, Joseph. 1992. "Migration and Morality: A Liberal-Egalitarian Perspective." In Barry and Goodin (1992), 25–47.
- Carens, Joseph. 1987. "Aliens and Citizens: The Case for Open Borders." *Review of Politics* 49: 251–73.
- Cavallero, Eric. 2006. "An Immigration-Pressure Model of Global Distributive Justice." *Politics, Philosophy, and Economics* 5 (1): 97–127.
- Charny, Israel (ed.). 1999. *Encyclopedia of Genocide*. Santa Barbara: ABC-CLIO.
- Coetzee, J. M. 2000. *Disgrace*. New York City: Penguin.
- Cohen, Joshua. 2010. "Philosophy, Social Science, Global Poverty." In Allison Jaggar (ed.), *Thomas Pogge and His Critics*. Malden: Polity, 18–45.
- Cohen, Joshua. 2006. "Is there a Human Right to Democracy?" In Christine Sypnowich (ed.), *The Egalitarian Conscience: Essays in Honor of G. A. Cohen*. Oxford: Oxford University Press, 226–49.
- Cohen, Joshua. 2004. "Minimalism about Human Rights: the Most We Can Hope For?" *Journal of Political Philosophy* 12: 190–213.
- Cohen, Joshua, and Charles Sabel. 2006. "Extra Rempublicam, Nulla Justitia?" *Philosophy and Public Affairs* 34 (2): 147–75.
- Diamond, Jared. 2005. *Collapse. How Societies Choose to Fail or Succeed*. New York: Penguin.
- Doyal, Len, and Ian Gough. 1991. *A Theory of Human Need*. London: Palgrave Macmillan.
- Dummett, Michael. 2001. *On Immigration and Refugees*. New York: Routledge.
- Eigen, Peter. 2003. *The Web of Corruption*. Frankfurt/New York: Campus Verlag.
- Feinberg, Joel. 1973. *Social Philosophy*. Englewood Cliffs: Prentice Hall.
- Finnis, John. 1980. *Natural Law and Natural Rights*. Oxford: Clarendon.
- Fleischacker, Samuel. 2004. *A Short History of Distributive Justice*. Cambridge: Harvard University Press.
- Forsythe, David. 2006. *Human Rights in International Relations*. Cambridge: Cambridge University Press.
- Freeman, Samuel. 2007. *Justice and the Social Contract. Essays on Rawlsian Political Philosophy*. Oxford: Oxford University Press.
- Gardiner, Stephen. 2011. *A Perfect Moral Storm. The Ethical Tragedy of Climate Change*. Oxford: Oxford University Press.
- Gellner, Ernest. 1983. *Nations and Nationalism*. Oxford: Blackwell.
- Geuss, Raymond. 2005. *Outside Ethics*. Princeton: Princeton University Press.
- Geuss, Raymond. 2001. *History and Illusion in Politics*. Cambridge: Cambridge University Press.
- Gewirth, Alan. 1984. "The Epistemology of Human Rights." In E.F. Paul, J. Paul, F.D. Miller (eds), *Human Rights*. Oxford: Blackwell.
- Gewirth, Alan. 1978. *Reason and Morality*. Chicago: University of Chicago Press.
- George, Henry. 1871. *Our Land and Land Policy, National and State*. San Francisco: White & Bauer.
- Glendon, Marie Ann. 2001. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York: Random House.
- Goodin, Robert. 2007. "Enfranchising all Affected Interests, and its Alternatives." *Philosophy and Public Affairs* 35 (1): 40–69.

- Goodin, Robert. 1988. "What is So Special about Our Fellow Countrymen?" *Ethics* 663–86.
- Gosseries, Axel. 2004. "Historical Emissions and Free Riding." In Lukas Meyer (ed.), *Justice in Time: Responding to Historical Injustice*. Baden-Baden: Nomos, 355–80.
- Griffin, James. 2008. *On Human Rights*. Oxford: Oxford University Press.
- Habermas, Jürgen. 1999. "Zur Legitimation durch Menschenrechte." In H. Brunkhorst and P. Niesen (eds), *Das Recht der Republik*. Frankfurt: Suhrkamp.
- Hall, Peter, and David Soskice (eds). 2001. *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*. Oxford: Oxford University Press.
- Harman, Gilbert. 2000. *Explaining Value*. Oxford: Oxford University Press.
- Hathaway, Oona. 2002. "Do Human Rights Treaties Make a Difference?" *Yale Law Journal* 111: 1935–2042.
- Hayek, F. A. 1973. *Law, Legislation, and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy*, Vol. 1. Chicago: University of Chicago Press.
- Henkin, Louis. 1990. *The Age of Rights*. New York: Columbia University Press.
- Hertel, Thomas, and Roman Keeney. 2006. "What is at Stake: The Relative Importance of Import Barriers, Export Subsidies, and Domestic Support." In Thomas Hertel and Alan Winters (eds), *Poverty and the WTO: Impacts of the Doha Development Agenda*. Washington, D.C.: World Bank, 37–63.
- Herz, John. 1957. "Rise and Demise of the Territorial State." *World Politics* 9: 473–93.
- Hirschman, Albert. 1991. *The Rhetoric of Reaction. Perversity, Futility, Jeopardy*. Cambridge: Harvard University Press.
- Hobbes, Thomas. 1991. *Leviathan*. Ed. by Richard Tuck. Cambridge: Cambridge University Press.
- Hoekman, Bernard. 2002. "The WTO: Functions and Basic Principles." In Hoekman, Bernard, Aadiya Mattoo, and Philip English (eds), *Development, Trade, and the WTO: A Handbook*. Washington, D.C.: World Bank, 41–50.
- Howell, Chris. 2003. "Review Article: Varieties of Capitalism. And Then There Was One?" *Comparative Politics* 36 (1): 103–25.
- Jamieson, Dale. 2002. "Sustainability and Beyond." In Jamieson, Dale, *Morality's Progress: Essays on Humans, Other Animals, and the Rest of Nature*. Oxford: Clarendon Press, 321–34.

- Kant, Immanuel. 1970. *Kant. Political Writings*. Edited by Hans Reiss. Cambridge: Cambridge University Press.
- Keller, Simon. 2005. "Patriotism as Bad Faith," *Ethics* 115: 563–92.
- King, Martin Luther Jr. 1963. *Why We Can't Wait*. New York: Harper and Row.
- Kolakowski, Leszek. 2005. *Main Currents of Marxism: The Founders, The Golden Age, The Breakdown*. New York: Norton.
- Kukathas, Chandran. 2005. "The Case for Open Immigration." In Andrew Cohen (ed.), *Contemporary Debates in Applied Ethics*. Oxford: Blackwell.
- Kurjanska, Malgorzata, and Mathias Risse. 2008. "Fairness in Trade II: Export Subsidies and the Fair Trade Movement." *Politics, Philosophy, and Economics* 7 (1): 29–56.
- Lauren, Paul Gordon. 2003. *The Evolution of International Human Rights*. Philadelphia: University of Pennsylvania Press.
- Leopold, Aldo. 1949. *A Sand Country Almanac*. Oxford: Oxford University Press.
- McLellan, David. 1977. *Karl Marx: Selected Writings*. Oxford University Press.
- Merry, Sally. 2006. *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago: University of Chicago Press.
- Michaelowa, Axel. 2007. "Graduation and Deepening." In Aldy and Stavins (2007), 81–105.
- Mill, John Stuart. 1991. *Considerations on Representative Government*. Buffalo: New York.
- Miller, David. 2007. *National Responsibility and Global Justice*. Oxford: Oxford University Press.
- Miller, David. 2005. "Immigration: The Case for Limits." In Andrew Cohen (ed.), *Contemporary Debates in Applied Ethics*. Malden: Blackwell.
- Miller, David. 1995. *On Nationality*. Oxford: Clarendon.
- Miller, Richard. 2010. *Globalizing Justice: The Ethics of Poverty and Power*. Oxford: Oxford University Press.
- Morsink, Johannes. 1999. *The Universal Declaration of Human Rights; Origin, Drafting, and Intent*. Philadelphia: University of Pennsylvania Press.
- Moellendorf, Darrel. 2002. *Cosmopolitan Justice*. Boulder: Westview.
- Nagel, Thomas. 2005. "The Problem of Global Justice." *Philosophy and Public Affairs* 33 (2): 113–47.
- Narlikar, Amrita. 2009. "Law and Legitimacy: the World Trade Organization." In Armstrong (2009), 294–303.

- Narlikar, Amrita. 2005. *The World Trade Organization: A Very Short Introduction*. Oxford: Oxford University Press.
- Neumayer, Eric. 2003. *Weak vs. Strong Sustainability*. 2nd edition. Cheltenham: Elgar.
- Neumayer, Eric. 2000. "In Defense of Historical Accountability for Greenhouse Gas Emissions." *Ecological Economics* 33: 185–92.
- Nickel, James. 1993. "How Human Rights Generates Duties to Protect and to Provide." *Human Rights Quarterly* 15 (1): 77–86.
- Nietzsche, Friedrich. 1998. *On the Genealogy of Morality* (Maudemarie Clark and Alan Swensen, transl.). Indianapolis: Hackett Publishing.
- North, Douglass. 1990. *Institutions, Institutional Change, and Economic Performance*. Cambridge: Cambridge University Press.
- Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books.
- Nussbaum, Martha. 2006. *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge: Harvard University Press.
- Nussbaum, Martha. 2000. *Women and Human Development: The Capabilities Approach*. Cambridge: Cambridge University Press.
- Nussbaum, Martha. 1996. "Double Moral Standards?" *Boston Review*, October/November 1996; <http://bostonreview.net/BR21.5/nussbaum.html>, last accessed June 2, 2012.
- O'Neill, Onora. 1986. *Faces of Hunger*. London: Allen & Unwin.
- Oxfam. 2002. *Rigged Rules and Double Responsibilities*. Oxford: Oxfam International.
- Page, Edward. 2006. *Climate Change, Justice, and Future Generations*. Cheltenham: Edward Elgar.
- Passmore, John. 1974. *Man's Responsibility for Nature. Ecological Problems and Western Traditions*. London: Duckworth.
- Perry, Michael. 2000. *The Idea of Human Rights: Four Inquiries*. Oxford: Oxford University Press.
- Pogge, Thomas. 2008. 2nd edition. *World Poverty and Human Rights*. Oxford: Polity.
- Pogge, Thomas. 2002. *World Poverty and Human Rights*. Cambridge: Polity.
- Pogge, Thomas. 1994. "Cosmopolitanism and Sovereignty." In Chris Brown (ed.), *Political Restructuring in Europe: Ethical Perspectives*. London: Routledge, 89–122.
- Pogge, Thomas. 1989. *Realizing Rawls*. Ithaca: Cornell University Press.
- Posner, Eric, and David Weisbach. 2010. *Climate Change Justice*. Princeton: Princeton University Press.
- Rawls, John. 2001. *Justice as Fairness: A Restatement*. Ed. by Erin Kelly. Cambridge: Harvard University Press.
- Rawls, John. 1999a. *A Theory of Justice*. Revised Edition. Cambridge: Harvard University Press.
- Rawls, John. 1999b. *The Law of Peoples*. Cambridge: Harvard University Press.
- Risse, Mathias. 2012. *On Global Justice*. Princeton: Princeton University Press.
- Risse, Mathias. 2009. "The Right to Relocation: Disappearing Island Nations and Common Ownership of the Earth." *Ethics and International Affairs* 23 (3): 281–300.
- Risse, Mathias. 2008. "On the Morality of Immigration." *Ethics and International Affairs* 22 (1): 25–33.
- Risse, Mathias. 2007. "Fairness in Trade I: Obligations from Trading and the Pauper Labor Argument." *Politics, Philosophy, and Economics* 6 (3): 355–77.
- Risse, Mathias. 2005. "How Does the Global Order Harm the Poor?" *Philosophy and Public Affairs* 33 (4): 349–76.
- Risse, Thomas, Stephen Ropp, and Kathryn Sikkink (eds). 1999. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press.
- Rivoli, Pietra. 2005. *The Travels of a T-shirt in the Global Economy*. Hoboken: Wiley.
- Rodrik, Dani. 2007. *One Economics, Many Recipes: Globalization, Institutions, and Economic Growth*. Princeton: Princeton University Press.
- Rolston, Holmes. 1988. *Environmental Ethics: Duties to and Values in the Natural World*. Philadelphia: Temple University Press.
- Rorty, Richard. 1993. "Sentimentality, Rationality, and Sentimentality." In S. Shute and S. Hurley (eds), *On Human Rights*. New York: Basic Books.
- Rothbard, Murray. 1996. *For a New Liberty. The Libertarian Manifesto*. San Francisco: Fox and Wilkes.
- Ruggie, John. 2008. *Promotion and Protection of Human Rights: Human Rights Questions, Including Alternative Approaches for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms*. 63rd session of the General Assembly, Third Committee, United Nations, October 28, 2008.
- Ruggie, John. 2007. "Business and Human Rights: The Evolving International Agenda." *The American Journal of International Law* 101 (4): 819–40.
- Rummel, R. J. 1994. *Death by Government*. New Brunswick: Transaction Publishers.

- Said, Edward. 1978. *Orientalism*. New York: Pantheon.
- Sangiovanni, Andrea. 2007. "Global Justice, Reciprocity, and the State." *Philosophy and Public Affairs* 35 (1): 3–39.
- Scanlon, T. M. 2003a. "Rights, Goals, and Fairness." In Scanlon (2003c), 26–42.
- Scanlon, T. M. 2003b. "Human Rights as a Neutral Concern." In Scanlon (2003c), 113–24.
- Scanlon, T. M. 2003c. *The Difficulty of Tolerance. Essays in Political Philosophy*. Cambridge: Cambridge University Press.
- Scanlon, T.M. 2003d. "The Diversity of Objections to Inequality." In Scanlon (2003c), 202–19.
- Scheffler, Samuel. 2001. *Boundaries and Allegiances. Problems of Justice in Liberal Thought*. Oxford: Oxford University Press.
- Sen, Amartya. 2004. "Elements of a Theory of Human Rights." *Philosophy and Public Affairs* 32 (4): 315–57.
- Sen, Amartya. 1999. *Development as Freedom*. New York: Anchor.
- Sen, Amartya. 1985. *Commodities and Capabilities*. Amsterdam: North Holland.
- Shaw, William. 1999. *Contemporary Ethics: Taking Account of Utilitarianism*. Malden: Blackwell.
- Sher, George. "Ancient Wrongs and Modern Rights." *Philosophy and Public Affairs* 10 (1980): 3–17.
- Shue, Henry. 1999. "Global Environment and International Inequality." *International Affairs* 75 (3): 531–45.
- Shue, Henry. 1996. "Environmental Change and the Varieties of Justice." In Fen Osler Hamilton and Judith Reppy (eds), *Earthly Goods. Environmental Change and Social Justice*. Ithaca: Cornell University Press, 9–29.
- Simmons, A. John. 2001a. "Human Rights and World Citizenship: Human Rights in Locke and Kant." Chapter 9 in Simmons (2001b).
- Simmons, A. John. 2001b. *Justification and Legitimacy: Essays on Rights and Obligations*. Cambridge University Press.
- Simmons, Beth. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. New York: Cambridge University Press.
- Singer, Peter. 2002. *One World: The Ethics of Globalization*. New Haven: Yale University Press.
- Singer, Peter. 1972. "Famine, Affluence, and Morality." *Philosophy & Public Affairs* 1 (3): 229–43.
- Spruyt, Hendrik. 1994. *The Sovereign State and Its Competitors*. Princeton: Princeton University Press.

- Steiner, Hillel. 1994. *An Essay on Rights*. Oxford: Blackwell.
- Stiglitz, Joseph, and Andrew Charlton. 2006. *Fair Trade for All. How Trade Can Promote Development*. Oxford: Oxford University Press.
- Streeck, Wolfgang, and Kozo Yamamura (eds). 2001. *The Origins of Nonliberal Capitalism: Germany and Japan in Comparison*. Ithaca: Cornell University Press.
- Tamir, Yael. 1996. "Hands Off Clitoridectomy." *Boston Review*, Summer 1996 <http://bostonreview.net/BR21.3/Tamir.html>, last accessed June 2, 2012.
- Tan, Kok-Chor. 2004. *Justice Without Borders. Cosmopolitanism, Nationalism, and Patriotism*. Cambridge: Cambridge University Press.
- Timmons, Mark. 2002. *Moral Theory: An Introduction*. Lanham: Rowman & Littlefield.
- Tilly, Charles. 1990. *Coercion, Capital, and European States, AD 990–1990*. Cambridge: Blackwell.
- Turnbull, Colin. 1972. *The Mountain People*. New York: Simon and Schuster.
- Vanderheiden, Steve. 2008. *Atmospheric Justice. A Political Theory of Climate Change*. Oxford: Oxford University Press.
- Waldron, Jeremy. 1993. *Liberal Rights. Collected Papers, 1981–1991*. Cambridge: Cambridge University Press.
- Walzer, Michael. 1983. *Spheres of Justice*. New York: Basic Books.
- Walzer, Michael. 1977. *Just and Unjust Wars: a Moral Argument with Historical Illustrations*. New York: Basic Books.
- Walzer, Michael. 1970. *Obligations*. Cambridge: Harvard University Press.
- Weil, Simone. 1986. "Human Personality." In Sian Miles (ed.), *Simon Weil: An Anthology*. New York: Groves Press, pp 49–79.
- Wellman, Christopher. 2008. "Immigration and Freedom of Association." *Ethics* 119: 109–41.
- Wellman, Christopher. 2003. "Nationalism and Secession." In R. G. Frey and C. Wellman (eds), *A Companion to Applied Ethics*. Oxford: Blackwell, 267–78.
- Wenar, Leif. 2006. "Why Rawls is Not a Cosmopolitan Egalitarian." In R. Martin and D. Reidy (eds), *Rawls' Law of Peoples: A Realistic Utopia?* Oxford: Blackwell.
- White, Lynn. 1967. "The Historical Roots of Our Ecological Crisis." *Science* 10, March 1967, 1203–7.
- Wiggins, David. 1987. "Claims of Need." In Wiggins, *Needs, Values, Truth*. Oxford: Oxford University Press, 1–57.

- Williams, Bernard. 2005. "Human Rights and Relativism." Chapter 6 *In the Beginning was the Deed. Realism and Moralism in Political Argument*. Ed. by Geoffrey Hawthorn. Princeton: Princeton University Press.
- Williams, Bernard. 1995. "Must a Concern for the Environment be Centered on Human Beings?" In *Making Sense of Humanity and other Philosophical Essays*. Cambridge: Cambridge University Press, 233–41.
- Williams, Bernard. 1993. *Morality: An Introduction to Ethics*. Cambridge: Cambridge University Press.
- Wilson, Edward. 1993. *The Diversity of Life*. New York: Norton.
- Wolf, Martin. 2004. *Why Globalization Works*. New Haven: Yale University Press.
- Wolff, Jonathan. 1996. "Anarchism and Skepticism." In John Sanders and Jan Narveson (eds), *For and Against the State. New Philosophical Readings*. London: Rowman and Littlefield, 99–119.
- Ypi, Lea, Robert Goodin, and Christian Barry. 2009. "Associative Duties, Global Justice, and the Colonies." *Philosophy and Public Affairs* 37 (2): 103–35.

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