

## CARBON DEBT AND THE (IN)SIGNIFICANCE OF HISTORY

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**Abstract.** My aim in this paper is to discuss the so-called (historical) carbon debt to see who should take responsibility for past carbon emissions and why, and indeed what role we should accord to history when looking for just allocation of duties to cover the costs associated with anthropogenic climate change. I shall argue that the beneficiary pays account, slightly modified, is the most promising approach. I also argue that carbon debt should not be interpreted as a call for reparations. Rather, what matters is restoring equality and this requires respecting the entitlements of all individuals to have their vital interests protected. Taking past emissions into account is significant insofar as it shows that the wealth of the affluent industrial countries is not morally protected as it is a consequence of activities that harm the entitlements of others.

**Keywords:** carbon debt, climate change, beneficiary pays, advantage, past emissions, reparations

### 1. Introduction

#### *1.1. Aims and structure*

My aim in this paper is to discuss the so-called carbon debt from the point of view of normative political theory. I want to suggest that the retrospective character of carbon debt need not be given as much importance as is often assumed and that taking past events into account should not be interpreted as a call for reparations. The motivation behind acknowledging the effects of history is not to restore some previous ‘just’ situation. Instead, the reason why the past ought not to be ignored altogether is to show how past events have contributed to the current situation where some individuals today suffer undeservedly from not having had a fair starting position in life while others have been greatly advantaged, equally undeservedly. My main aim is to affirm the view that those in the affluent countries with the ability to pay ought to accept duties to pay a substantial portion of the costs associated with (anthropogenic) climate change resulting from past and present carbon emissions.

The paper is structured as follows: I will start with an introduction to the idea of carbon debt. In the second section I will briefly state my basic moral and environmental position. This includes a short discussion on the entitlements that humans have and the importance of resources. The third part of the paper returns to the question of fair shares touched upon in part one. Part four will be a short exploration of the causal responsibility principle and will function as a preliminary to section five which will examine the beneficiary pays principle. This will also be the largest section of the paper. In section six I will suggest how we might re-interpret the beneficiary pays account as, what I term, the advantaged pays principle. In this section I will also argue against interpreting carbon debt along the reparations line. In section seven I will offer a short account of what I see as the proper role of history when determining who should bear the costs of climate change. Section eight is the conclusion.

### 1.2. Carbon debt: introduction

*Christian Aid* defines carbon debt as follows: “Those countries that are using more than their fair share of the climate, and adding more to the damaging effects of global warming, are running up a debt to those countries that are using less than their fair allocation” (1999:5–6).

The above definition is, I think, illustrative of how carbon debt is typically conceived. First, the debt is seen as that between *countries*. Second, carbon debt is conceived as having two different aspects: On the one hand, it is argued that industrial countries are accruing carbon debt due to the *damage* done to the atmospheric system by the high levels of carbon emissions that these countries have produced (and continue to produce) as a result of which present and future humans are exposed to adverse effects of climate change. On the other hand, it is claimed that carbon debt is owed as a result of *overuse of ‘carbon space’*, that is, by exceeding what is considered to be a fair share of the Earth’s absorptive capacity. I think that all of the above points are somewhat problematic and require further examination.

First of all, it is important to recognise that it is not the case that all countries (and/or other relevant actors) should have a certain share of carbon sinks and reservoirs ‘just because’ but, rather, entitlements and restrictions to emissions become a matter of justice when the damage aspect enters the picture. The reason why carbon emissions matter is that when total global emissions exceed the acceptable, or safe, level determined by scientific knowledge this leads to various changes in the environment, with ensuing adverse effects on humans (and other species). Various problems associated with climate change have been increasingly reported and publicised in recent years (see e.g. Parry et al. 2007, Stern 2007, especially part II). These include, for instance, rising sea-levels, flooding, storm surges, droughts and erosion which, in turn, threaten people’s lives through loss of livelihood and increasing food insecurity and as a result of growing incidences of diseases such as malaria. The fact that CO<sub>2</sub> is a mixed gas means that carbon emissions spread evenly in the atmosphere irrespective of where they are

originally produced. Importantly, however, this does not mean that the effects are felt evenly across the globe as well. On the contrary, some of the most vulnerable areas are poor and populous low-lying countries such as Bangladesh which are faced with the possibility of losing large coastal areas. The consequences of this happening would be serious with a loss of lives and a refugee problem on a massive scale. Moreover, small island states, like Antigua and the Maldives, risk being flooded altogether. What makes the situation even worse is that poorer countries lack the same financial means as more affluent countries have to safeguard themselves against the adverse effects of climate change thus leaving them even more vulnerable.

Our concern with carbon emissions is, then, motivated precisely by the *adverse effects* that too much carbon in the atmosphere has. If we care about the well-being of present and future humans, as I think we should, and do, the fact that the absorptive capacity of the atmosphere is limited means that there has to be a global cap on emissions. And since the global emissions cap is (more or less) fixed, it necessarily means that the amount of carbon emitted by some actors determines (more or less) the maximum acceptable level of carbon emissions that others can produce. In other words, allocation of carbon emissions/carbon space becomes a matter of justice because we all need a share of the Earth's absorptive capacity which is limited.

If we argue that carbon debt is accrued due to using up unfairly large shares of the Earth's absorptive capacity we need to determine what constitutes excessive emissions. Often the assumption is that a fair share means an equal share (see e.g. Neumayer, 2000, Simms, 2001:10, 2005:171–179), but I see no reason why this should necessarily be so. For, carbon emissions should be seen as resources, and resources are, after all, a means to an end. Therefore, we need to clarify, first, what entitlements people have and how resources generally and carbon emissions specifically fit into the overall picture of entitlements. To put it plainly: we need to clarify what the end is for which emissions are a (necessary) means. Only then can we determine what constitutes a(n un)fair share.

## 2. Basic moral and environmental position

### 2.1. Minimally decent human life

When we are concerned about global justice we are interested in questions about who are entitled to what and why and, conversely, what kind of duties fall on whom and why. I will briefly state my own position although I cannot fully argue for it here.

First of all, I take equal human worth to be a basic moral principle that does not require any justification here. To me, equal human worth is essentially about respectful relations between humans and this ought to be extended to the global context as well meaning that individuals have an equal standing in respect to one another simply as human beings regardless of which country they happen to have been born into. What the commitment to equal standing entails is that all human

beings are entitled to have their vital interests protected and to live under the kind of conditions that enable them to see and treat each other as equals<sup>1</sup>.

Seeing and treating each other as equals does not require strictly equal distribution of resources or well-being (whichever way defined), instead, it requires that all individuals should be entitled to the kind of conditions that enable them to lead a minimally decent human life. 'Minimally decent human life' is of course a vague notion and determining what 'minimally decent' means necessarily involves having an account of the kinds of interests that ought to be protected. (We encounter a similar problem whether we choose to talk of needs, rights, capabilities or any other approach to human well-being.) I will leave this question aside here, for our purposes using a proxy such as basic capabilities coupled with a global equality of opportunities would suffice, I think<sup>2</sup>. It is important to note, however, that gross global inequalities should be rejected as they would undermine respect for people as equals (see Beitz, 2001)<sup>3</sup>. Similarly, the requirement of global equality of opportunity places limits on the level of inequality in material well-being that is morally permissible.

## 2.2. Importance of natural resources

Taking the entitlement to lead a minimally decent human life seriously requires paying adequate attention to the necessary material background conditions that enable, or deter, treating others with respect and recognising their equal worth qua humans. This means both paying attention to the resources that are available and being concerned about their just distribution. For, although resources are only instrumentally important they are nonetheless essential. Life without food and water would surely soon cease to be life. What's more, any theory of justice should pay heed to the nature and limits of available resources since, ultimately, it is resources that can be distributed.

One of the basic insights of political ecologists and ecological economists is that ultimately all resources are *natural* resources (Hayward 2005b:323). I share this view. The corollary of this is that what justice requires, first of all, is that all individuals have access to a fair share of the environmental goods and services that the Earth provides and, secondly, that any theory of global justice should take ecological implications seriously. This means that the entitlements that humans have must be compatible with recognising ecological limits and the scarcity of resources that are available for human use. This is why our entitlement is to a *minimally* decent human life. The scarcity of resources – and it is essential to understand this

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<sup>1</sup> My view of equality resembles that of Elizabeth Anderson's (1999) 'democratic equality' although Anderson discusses equality in the domestic context only and stresses shared citizenship while I think that human beings are equal qua humans.

<sup>2</sup> For a persuasive account of global equality of opportunity see Caney (2001).

<sup>3</sup> Beitz focuses on the derivative reasons why global inequality is bad so that those who do not endorse equality on a more abstract level can still accept that inequality is bad because of the consequences it has on other important values.

broadly to include also the available waste and pollution absorption capacity – will not allow entitlement of all humans to a life that is (materially) *greatly* decent.

### 3. Determining un/fair shares

When discussing fair allocation of carbon emissions what we are really trying to do, then, is to convert respect for equal human worth into a principle for the distribution of resources. In other words, the key thing is to have a share to as much as is needed for an adequate standard of living while not exceeding the acceptable global emissions level. Determining what counts as a fair share thus requires taking into account certain geographic and also cultural factors as it is possible, indeed probable, that carbon requirements to protect individuals' vital interests do as a matter of fact vary from place to place and person to person. Consequently, equal per capita shares may not be the fairest way of allocating emissions after all. It is also likely that determining what exactly constitutes a fair share is not in fact possible. Nonetheless, we can, and should, still ask what would constitute *clearly unfairly large* shares. This, I think, would be an easier task.

Treating carbon emissions in isolation is not of course a sensible approach in the first place since, as Tim Hayward (2005a:34) says, "carbon emissions, after all, are in any case only one of numerous factors relevant to securing either wealth or welfare". Considering, however, both the adverse effects of climate change and the fact that by far the largest, and fastest growing, constituent of humanity's ecological footprint is made up of CO<sub>2</sub> emissions (Living planet report, 2006: 14–15), focus on how carbon emissions and the costs attached to them ought to be allocated is a question of major importance and urgency.

Since removing the already existent emissions from the atmosphere is not a technologically viable option the crucial question becomes that of who should take responsibility for reducing emissions in the future (mitigation) and who should pay for the damage already done as a result of the effects of those emissions – effects which are present now and will be increasingly felt in the future (adaptation). Cutting down on emissions, or not being allowed to increase current emissions, involves opportunity costs (at least in the short term) and the burning question is who should bear the costs and why.

### 4. Causal responsibility principle (CRP)

Most discussions on how to allocate the costs of mitigation and adaptation follow a similar pattern<sup>4</sup>. The most obvious place to start is with those who have contributed the most to the problem, i.e. high emitters. Typically, it is argued that since industrial countries have contributed the most to the current build-up of

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<sup>4</sup> I refer to both of these when I talk of costs as the money invested in mitigation will have an effect on how much will be needed for adaptation.

carbon in the atmosphere they should also shoulder the biggest responsibility for dealing with the associated costs. The intuition behind the ‘you made a mess, now clean it up’ idea is, I believe, both reasonable and widely shared. However, while this principle may work well with those responsible for current emissions there are several problems with applying this approach to past emissions (see also Caney 2006b, Gosseries 2003, Vanderheiden 2006). I shall look at what I see as the most forceful objection to the CRP, namely, that millions who contributed to pollution are now dead.

The most obvious problem with the CRP is, I think, that those responsible for past emissions are no longer alive and cannot, therefore, be under any obligation to compensate for the harmful effects of their emissions. One way of trying to get round this problem is to regard countries as intergenerational entities with more or less lasting identities. The intuitive idea, then, is that since the identity of a state survives over time, liabilities for past emissions can and should be passed down from previous to present generations (see e.g. Shue 1999:537).

The fairness of this view has been questioned as it seems to depend on a notion of collective responsibility that does not sit very easily with theories of justice influenced by liberalism which are committed to ethical individualism. The traditional liberal view has been that we are only accountable for actions for which we are causally responsible and should not have to pay for the sins of our (fore)fathers. Requiring the present generation to put right the wrongs committed by previous generations would mean holding innocent people responsible for injustices that took place before they were even born and this seems as unacceptable as saying that our children and children’s children and so on ought to clean up the mess we make.

I think, however, that endorsing ethical individualism, that is, the view that, ultimately, individuals are the focus of our moral concern does not have to mean that we should have a highly individualistic social ontology and reject all notion of collective responsibility. Human beings are social beings who make their choices and decisions in social contexts and not in isolation from other people or independently of the circumstances under which they live. Acknowledging that people are social beings, and see themselves as such, means that people should not only care about each other but that they, in fact, do. This entails that they – we – also care about achieving the kinds of conditions under which we can lead fulfilling lives together with others and that we understand that this can only be achieved by working and living together. Taking a step further from here to allow for the possibility of collective responsibility is, in my opinion, neither irrational nor unreasonable. I think that even if we did not go as far as to say that responsibility is essentially collective, we should, at the very least, be prepared to relax the highly individualistic view that prevents us from *ever* seeing responsibilities as collective. Furthermore, I think that it is possible to extend this to the intergenerational context. Admittedly, this goes against the view that collective responsibilities can only ever be acquired by *participating* in collective enterprises (Caney 2006b:470). The present generation could not, of course, participate in the decision-making processes

in the past but I think that this fact can be counterbalanced by the fact that we gain from these decisions. I think Hinsch has illustrated this point very well. He shows first what is wrong with the idea of inheriting responsibilities:

*Once we have more than one generation, the end states of one period – possibly deserved by the generation responsible for decisions in that period – will be starting conditions for another generation of people, who have not been active in the first period and thus cannot necessarily be held responsible later on for decisions taken in that period (Hinsch 2001:72).*

Hinsch's footnote here is illuminating, however, for he acknowledges the possibility of sometimes holding a person responsible for a collective decision "if she accepts the normative authority of the decision-making body and if she also *endorses the reasons for the decision upon due reflection*" (72–73, fn 15, italics mine). I think Hinsch is correct here. Even if you had had no say in the matters it does not mean that you should *never* shoulder any of the responsibility for the outcome. However, in order to accept responsibility for something you did not personally do certain conditions need to be met. Since I cannot see how the conditions Hinsch mentions, and which I by and large agree on, could be satisfied had the present generation not received any advantages from past actions shifting the focus from causing to benefiting makes sense. Arguing that industrial countries ought to pay the costs of past emissions because members of the present generation *enjoy the benefits of past actions* has been a more popular, and in my view more plausible, approach than supporting the CRP (see e.g. Gosseries 2003, Neumayer 2000, Shue 1999). I shall, therefore, next turn my attention to the so-called beneficiary pays account.

### 5. Beneficiary pays principle (BPP)

The main thrust of the beneficiary pays line of argument is that even if the present generation cannot be responsible for past emissions on the grounds of any causal account the current generation, nonetheless, benefits from these emissions as evidenced by the high standard of living in industrial countries and should, therefore, shoulder responsibility for the associated costs. As Henry Shue (1999: 536) puts it: "... one person should not be held responsible for what is done by another person who is *completely unrelated*" (italics mine). However, he continues, "... today's generation in the industrial states is far from completely unrelated to the earlier generations going back all the way to the beginning of the industrial revolution" for "current generations are, and future generations probably will be, *continuing beneficiaries* of earlier industrial activity" (ibid. italics mine). The argument is one of fairness. Since we are enjoying the material goods and the affluent lifestyle that the economic activities behind past emissions helped to bring about, it is fair that we also inherit the associated liabilities, as accepting benefits without being prepared to pay some of the costs involved is morally dubious (see also Hayward 2005a:10).

However intuitively plausible this view sounds, it is more problematic than may seem firsthand. Simon Caney (2006b) has drawn attention to several problems with the BPP and I think his points merit a closer look<sup>5</sup>. I will next discuss three of Caney's objections to the BPP followed by a more general objection regarding consent<sup>6</sup>. I disagree with Caney on the first objection and partially affirm the other two. I also reject the objection regarding consent.

### 5.1. Allocating duties between CRP and BPP

Caney's first reservation concerns the relation, or compatibility, of what he terms the 'polluter pays' principle (basically CRP), on the one hand, and the BPP, on the other. Caney offers four alternatives and rejects them all.

#### (1) Support both CRP and BPP

The first alternative Caney proposes is to endorse both the CRP and the BPP. On this option Caney (472) writes:

*On the Causal Account A [the original emitter] is accountable and on the Beneficiary Account both A and B [beneficiary only] are accountable. (...) But then how do we allocate the responsibilities between A and B? Presumably A should pay more (for she is a causer and a beneficiary) but, if so, how much more? It is hard to think of what criterion one can use to allocate these responsibilities.*

First of all, I am not sure that simply because it is *hard* to think of a straightforward criterion it necessarily makes the principle incorrect. I think that sometimes we should seek to formulate a principle that is more rather than less fair even if it was not a perfect one. I think that we should prioritise securing C's entitlement even if the allocation of duties between A and B was not perfectly just. Having said that, I think Caney is right to highlight this problem. For, important as entitlements are, they will not take us very far without adequate attention to duty-bearers. If it is not possible, theoretically or politically, to agree to follow a principle that is (clearly) incompletely just we have to look for different ways round the problem.

#### (2) Convergence

The second option Caney (472) considers is that of the CRP and the BPP converging. As Tim Hayward (2005a:10) has pointed out, the reason why we engage in emissions-generating activities is that we want to enjoy the products of

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<sup>5</sup> All page references in section five are to Caney 2006b unless otherwise stated.

<sup>6</sup> I will not discuss Caney's fourth objection which is that there may not be any net beneficiaries as the costs of industrialisation may outweigh the benefits. All I want to say on this is that my view is that, at present, there are net beneficiaries. However, if the negative effects of climate change (are allowed to) worsen the situation may change so that there no longer are any net beneficiaries in which case I agree with Caney that the BPP would be rendered futile.

these activities. If we accept this view, as I think we must, it seems correct to suggest, as Hayward (ibid: 11) does, that by accepting the benefits from these activities, albeit technically caused by others, we express approval of the motivations behind the past actions that caused the emissions in the first place. The implication is that the difference between causing and benefiting may not always be very radical or morally relevant after all. I think that this is true in most cases and shows how benefiting suffices to make actors liable for the associated costs even if they were not causally responsible for the emissions<sup>7</sup>. Even so, I do not think that this line of argument can *fully* support the convergence view as it does not work well in cases where those causing emissions do not benefit from them. It can of course be replied that these cases are exceptions and should be treated individually. While I think that this is a reasonable view I, nonetheless, agree with Caney that the convergence view is not wholly satisfactory.

### (3) *Emitters first, beneficiaries second*

Perhaps the most frequently expressed view is that if the perpetrators are alive they are responsible for paying the costs, but if they are dead, the responsibilities fall on the beneficiaries. This intuitively attractive view is found curious by Caney since, as he points out, it is strange if receiving benefits is enough to create an obligation when the perpetrators are dead but not enough to create obligations when the perpetrators are still alive (472). I think this is a fair observation.

### (4) *Abandon CRP*

The last option Caney considers, and rejects, is to discard the CRP altogether. Abandoning the causal account would be “an extremely drastic option” Caney says, as “it is a deeply entrenched view that those who cause a harm have some moral obligation to address that pollution” (472). I agree on the intuitive force of the view that those who have made a mess should also clean it up. My view is, however, that accepting the intuition behind the causal account is not, in fact, incompatible with abandoning the CRP in connection with *past* emissions and, hence, going for the BPP alone would not be as drastic an option as Caney believes it to be. For, as is well-known, many environmental problems come with a long-term risk and delayed effects. This is precisely the case with carbon emissions. Past emissions are affecting present (and future) humans because of delayed effects which were unintended and unforeseen. Thus, past generations cannot be accused of having deliberately or consciously caused harm to present (and future) people by excessive emissions as it was not until the 1980s that awareness of the greenhouse effect and issues surrounding anthropogenic climate change increased to the point where pleading ignorance was no longer a reason-

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7 As Hayward (2005a: 11) points out, accepting benefits does not have to mean that present people would also necessarily accept the methods used in the past, but this would give them all the more reason to want to ‘put things right’. On inherited goods and bads more generally, see Meyer (2001).

able response. If past generations were not culpably negligent, should they be subject to moral blame? I think not.

It can, of course, be argued that *moral blame* is not the issue here anyway. As Henry Shue (1993:51–52) says, people should not be blamed or punished if they had been unaware of their actions being harmful but they can still be held liable and it is acceptable to make them pay the costs because, after all, they are the ones causally responsible. I certainly agree that pleading ignorance is not always enough to exonerate a person (or another actor such as a corporation) from liability and all too often people who engage in harmful activities should have gone to far more trouble in order to find out about the possible consequences of their actions than they in effect have. However, I think that in cases where even the possibility of knowing the effects of one's actions are next to impossible, the strict liability approach is rather harsh on the duty-bearer. This is not to say that the entitlement of the person(s) who were harmed would not matter more, but I do think that in those cases where ignorance really is a genuine reason rather than a poor excuse it is possible that duties should not be grounded on causality but other factors ought to be taken into account instead.

Considering that past emitters were not, and could not have reasonably been expected to be, aware of the harmful effects of carbon emissions, *unlike* the present generation that is drawing benefits from those emissions, it is, in my opinion, quite plausible to argue that although strictly causally responsible past emitters should not be held liable for the negative effects of their emissions. Therefore, their role would be more akin to that of a child who finds goods lying about believing they belong to no-one and who then takes the goods to his parents who accept them in the full knowledge (or at least under reasonable assumption) that the goods do, in fact, belong to someone else. In this case, I think it is reasonable to hold the parents more responsible than the child. In fact, I think there is good reason not to hold the child liable to covering the cost of the harm at all<sup>8</sup>.

My suggestion, then, is that in the case of past emissions we should abandon the causal account altogether and if present generations are to be held responsible for past emissions this is solely on the grounds that they are receiving benefits from these emissions.

Having voiced some reservations about Caney's pessimism regarding the soundness of the beneficiary pays account I want to partially affirm (and partially reject) two of his further claims.

### 5.2. Dead beneficiaries

Given that some past beneficiaries are dead why should current beneficiaries pay for their share of the costs as well, Caney (473) asks. I am not sure that they should. However, I do not think that we should give too much weight to this argument. First of all, I think that some past emissions should be treated more akin

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<sup>8</sup> There are some disanalogies here, of course, my point simply regards the question *who* should be held responsible, not e.g. *what* should be done to rectify the situation.

to so-called subsistence emissions as against luxury emissions, to use Shue's (1993) terminology, which changes the scenario somewhat in a morally relevant way. If we do not consider all past emissions as excessive, but rather regard them as justified by reference to basic needs (or vital interests), some past beneficiaries of these emissions should not be held liable to any costs anyway (see also Vanderheiden, 2006:14). We present beneficiaries should do our bit regardless. This may be considered morally demanding, and unfair, as the previous generations did not, and cannot, cover their share, but to repeat an earlier point: that our generation may feel hard done by in respect to previous generations is a case of lesser evil than denying the poor their entitlement<sup>9</sup>. Where I agree with Caney is that *if* we adopt the *proportionality* view of benefiting and argue that what we owe is based on the amount of the benefit received the beneficiary pays account does not suffice to offer a *full* explanation of who should bear the burdens associated with climate change. Crucially, though, I think that accepting the BPP does not entail accepting the proportionality principle but instead the BPP should be interpreted somewhat differently. I will return to this point in section six below.

### 5.3. Non-identity problem

So far I have tried to show that at least some objections to the beneficiary pays account might be answered. The reason why I have hesitated to use the terms 'beneficiary' or 'benefiting from' is that I have sought to avoid being entangled in the so-called non-identity problem which Caney (474–475), too, highlights. The problem in a nutshell is that the traditional understanding of what it means for someone to benefit from something is that someone has been made better off than s/he would have been otherwise. Combining this standard view of benefiting with Derek Parfit's (1986) well-known non-identity problem leads to a conclusion that the current individuals in wealthier countries cannot be said to have benefited from industrialisation as had industrialisation never happened these people would not exist in the first place (and hence could not have been any worse off than they are now). This seems counter-intuitive to many and different replies have been offered to circumvent this problem (see e.g. Carter 2001, 2002, Kumar 2003). One such reply is to make collectives the relevant unit (Page, 2006: Ch. 7). Taking collectives as the relevant units goes well together with the typical carbon debt claim that it is the affluent *countries* that should pay. My own stance is that when we talk of benefiting from past emissions we should indeed talk of collectives as it is hard to deny that the affluent industrial countries are now better off than they would have been without industrialisation. Also, their identity is more enduring

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<sup>9</sup> Gosseries (2003:29) offers an illuminating example on this point: "Take the case of two adults who are both good swimmers and don't know each other. They are sitting on the grass along a pond. All in (sic!) a sudden, two small kids who were playing in the grass fall into the water and are in urgent need of rescue. As one of the two adults, I can see that the other one is not willing at all to move. Does it affect my moral obligations? And if it does, in which direction? Am I allowed to save no child at all (since the other adult will not either), to stick to saving one child (while being perfectly able to save the two) or do I need to save the two kids alone?"

and less dependent on industrialisation than that of individuals'. However, I think that the collective approach needs to be slightly 'softened' if we are to also endorse ethical individualism. As I said earlier, in order to accept collective responsibility certain conditions need to be met. One such condition is that collectives must live up to certain moral standards (see also Caney 2006b:471). Even if self-interest should sometimes yield for the good of others, we should not accept sacrificing (the vital interests of) individuals in the name of the common good. In other words, we should not be concerned simply with obtaining benefits but also with the just distribution of benefits within collectives. If the benefits from past decisions fall disproportionately on some members of the collective it would be unjust to hold other members of the collective (solely or mainly) liable for the accompanying costs. If we accept, however, that the present beneficiaries of past emissions are by and large the most democratic countries in the world today, it may not be unreasonable to argue that they should also accept responsibility for covering the costs of past emissions. Therefore, ethical individualism and collective responsibility *when suitably qualified* need not be incompatible. Nonetheless, the non-identity problem makes adopting a more explicitly individualistic interpretation of the BPP difficult.

#### 5.4. Objection regarding consent

The last objection I want to look at is similar to that of tacit consent: the present generation quietly accepts the benefits but it has no alternative. And if benefits are forced upon us they cannot generate responsibilities, the argument goes (Nozick 1974:93–94). I think that the appropriate answer here is to point out that there is little evidence of people willingly choosing to forego the benefits of past (or present) emissions. Rather, most people seem to want more rather than less of the benefits. Claiming otherwise certainly goes against empirical evidence considering the quest for 'stuff' that most people who by all reasonable standards have 'enough' are, nonetheless, engaged in. Moreover, on a society or states level the assumption that benefits have not been accepted but rather involuntarily received is even more unpersuasive. Consider, for instance, suggested 'remedies' for increasing energy demands, pollution or waste. Serious proposals to consume less, or produce less, are conspicuous by their absence. Instead, so-called green or sustainable 'solutions' tend to rely on the idea of getting as much (and more) as before but with smaller ecological impact so that energy-efficiency and cleaner technologies are offered as the answer instead of rejecting further benefits, let alone giving away what we presently have. Thus, even if a minority of individuals would, and do, settle for having enough instead of more, this does not seem to apply to states which are locked in a positional competition constantly trying to keep ahead of their competitors (see e.g. Anderson and Lindroth: 2001).

Waiving some of the benefits of industrialisation may of course be possible by adopting an 'alternative' lifestyle. However, it can be argued that this comes with the risk of being marginalised in society. Rejecting material benefits is one thing but placing oneself in a situation where one is not treated with equal respect and

ensured equal opportunities in society because of one's choice of lifestyle – ethical as it may be – can be considered too high a cost for an individual. However, *if* we see people as essentially social beings we are more likely to accept that responsibility is collective, and hence we can accept the collective account of states having willingly accepted benefits. If, on the other hand, we go for a more individualistic approach we can argue, as Caney (2006b:468) does, that individuals can make choices about their lifestyles considerably more independently than is often assumed by those more sympathetic to the collective view. The upshot of this is that individuals *can* reject benefits, but (most of them) *choose* not to. Either way the objection regarding consent fails.

To sum up my view on the BPP: I think that the collectivist BPP can survive the criticism mounted at it when it is suitably qualified and if we also reject the proportionality principle. I, nevertheless, think that the BPP should be amended a little bit in order to give more explicit concern to individuals and to better capture the reason why the affluent should indeed pay for most of the costs associated with climate change.

## 6. The advantaged pays principle (AdPP)

### 6.1. *Advantage and benefit*

Although sympathetic to the collectivist BPP I think that it ought to be modified somewhat. First of all, I am not convinced that the standard definition of benefiting captures best the reason *why* the affluent should pay. Also, any interpretation of the BPP which implies accepting the proportionality principle is, I think, highly problematic. I suggest, therefore, that we look at the matter a little differently.

To illustrate my point we should ask ourselves what the intuition is behind Shue's (1999:536) remark about seeing the difference between being born in Belgium in 1975 and being born in Bangladesh in 1975<sup>10</sup>. The answer is, I think, that what we see and what we find disturbing is the immense difference in people's living conditions and life-chances. We can easily imagine a child in Belgium living in a nice house with modern conveniences and having access to decent health care and wide-ranging educational opportunities, being able to experience the joys of modern technology and various leisure activities etc. At the same time we can picture another child in acute poverty without access to even the basic necessities of life, and with a life expectancy which is half that of the Belgian child. In other words, by being born in an affluent country like Belgium, a person is greatly *advantaged* compared to a person having been born into a poor country. This, to me, captures the key element behind Shue's point. My view is that instead of entering into confusing squabbles about who can be harmed or benefited by past wrongs, it might be better to drop the language of benefiting and

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<sup>10</sup> I thank Tim Hayward for prompting me to think about this.

harming altogether and say that *the advantaged* should pay. To reiterate, the most pressing point, in my opinion, is not that those in the affluent 'world' are better off than they would have been otherwise, i.e. without industrialisation, but rather the heart of the matter is that some of us are in a position where we are greatly better off *compared to some others today* and neither 'they' (the poor/disadvantaged) nor 'us' (the better off/advantaged) deserve our respective lots in life. This is why I think we should modify the BPP as the 'advantaged pays principle' (AdPP). The AdPP is, then, first of all, a claim about some people being better off *relative* to others. However, it is also a claim about *how* they have come to be better off. The reason why some individuals are advantaged is that they have been born into *countries which have benefited* from industrialisation while the present poor have been disadvantaged by being born into countries which have not benefited from the same historical process. Thus, the AdPP incorporates awareness of the fact that we are in our respective positions partly because of what has happened in the past.

### 6.2. Individuals and collectives

Admittedly, the AdPP does not yield very different conclusions from the BPP as long as the latter is suitably qualified. The difference between the two is that whereas the collectivist BPP adopts a 'society of states' approach and can only treat individual duties as a secondary principle at the domestic level the AdPP remains explicitly (albeit incompletely) cosmopolitan as, ultimately, the question that the AdPP addresses concerns what individuals owe to one another. This is also why the AdPP can allow for the possibility that an individual can be living in a benefiting state but may not necessarily be advantaged. In other words, it permits that although collectives have benefited from polluting activities the advantages may not be shared equitably among the members of the collective.<sup>11</sup>

The reason why the AdPP is *incompletely* individualistic is that it points to a specific kind of advantage that can only be acquired as a member of a benefiting collective. One short-coming of the AdPP not being thoroughly individualistic is that if we accept that there are states which have not benefited from emissions-producing activities it will not be possible to describe elites in such countries as advantaged<sup>12</sup>. This is precisely my own view as I think that there are countries which have not on the whole benefited from industrialisation but which have, in actual fact, been harmed by it so that whatever benefits they may have drawn these have been outweighed by the adverse effects of industrialisation. The harmful effects of climate change being a case in point, of course.

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<sup>11</sup> I thank Derek Bell for helping me to clarify and express these thoughts.

<sup>12</sup> It can be argued that from a pragmatic point of view it makes little difference whether the principle is thoroughly individualistic or not as attempts to get the elites in poor countries to pay would very likely to be unsuccessful, anyway.

### 6.3. Fault or no-fault

As noted above, the AdPP puts the stress on how some individuals are better off relative to others whilst the BPP relies more on comparing states of one and the same actor in two different situations (real and hypothetical). The reason why I think this may be a difference worth noting is that the BPP seems to me to be more comfortably interpreted along the reparations line, or along Shue's (1993:51–54) 'fault-based' category of principles than the AdPP is. I think Shue's terminology is slightly curious but basically 'fault-based' refers, first of all, to causal contribution (with or without moral blame) while 'no fault' takes no account of any causal role to the harm or wrong in question. More relevantly to my point, 'fault-based' also refers to a situation where the answers to the 'to whom', 'from whom' and 'how much' questions are tied together in a sense that those causing the harm should pay to the victims and pay as much as is needed to restore some status quo ante. Shue (1993:53) writes:

*The principle 'make the victims whole' is ultimately fault-based in that the rightful recipients of required transfers are identified as specifically those who suffered from the faulty behaviour on the basis of which it will be decided from whom the transfers should come: on this principle, the transfers should come from those who caused the injury or harm and go to those who suffered the injury or harm.*

I think that the standard claims regarding *who* owes carbon debt to *whom* do indeed often take this form. Caney (2006b:467), too, has noted this point: "The broad thrust of these writers [arguing for the CRP] is fairly clear: industrialized countries owe *reparations* to members of developing countries" (italics mine). I admit that it is not necessary, conceptually, to see the BPP in this way. I am merely suggesting that since the BPP is often considered to be an adaptation of the CRP, rather than an alternative to it, it may be more comfortably interpreted along fault-based lines. Even so, I think it is fair to point out that even if the standard answers to the 'from whom to whom' question followed the fault-based line, the views diverge much more as regards *how much* is owed and *how to re-pay* the debt. Therefore, to claim that arguments for carbon debt, or ecological debt more generally, are always also arguments for reparations is, I think, inaccurate. On the contrary, the motivation behind drawing attention to the past is often forward-looking rather than attempting to quantify the historical debt or requiring it be repaid literally (see e.g. Simms 2005:106).

Instead of adopting the reparations approach, I prefer taking the 'no fault' line. I agree with Shue (1993) that a 'no fault' principle "lacks the kind of naturally complementary identification of from whom the transfer should come that flows from the cause-and-effect structure of fault-based principles" (54) and that the upshot of this is, as Shue himself notes, that "the answers to the 'to whom' question and the 'from whom' question must be argued for and established separately, not by a single argument like arguments about fault" (54). This also applies to establishing 'how much' is owed.

In his article '*Global environment and the international inequality*' Shue (1999:534) writes:

*When a party has in the past taken an unfair advantage of others by imposing costs upon them without their consent, those who have been unilaterally put at a disadvantage are entitled to demand that in the future the offending party shoulder burdens that are unequal at least to the extent of the unfair advantage previously taken, in order to restore equality (italics mine).*

I think that Shue is absolutely right in saying that our concern should be with *equality*. Where I think he is mistaken is that he confuses restoring equality with restoring the material distribution of goods to as close as possible to some initial 'just' situation. This is because, first of all, finding out who exactly has benefited, how much and at whose expense is simply not feasible. Establishing causal links between different actors is often difficult enough even in the present context. In the context of the past trying to establish how different actors were affected by the actions of specified others is next to impossible, and determining exactly how things would be now, had certain things gone differently in the past, is completely impossible<sup>13</sup>.

Significantly, though, it is not the empirical difficulties that essentially undermine the view that whether or not a state of affairs is just depends on how the situation came about. The reason why I think we should reject the view that historical processes define what is just is illustrated well by a quote from Hinsch (72): "As a matter of distributive justice (...) a given distribution of wealth has not only to be acceptable as a set of possibly deserved results of what has happened in the past, but also as a starting condition for what will happen in the future". When we talk of carbon debt we need to be clear on what is at stake: More carbon space for those who need to emit more in order to protect their vital interests while at the same time making sure that the global emissions cap is not exceeded. To argue that we should pay proportionally to the (unfair) advantage taken, to use Shue's vocabulary, does not seem to take into account the fact that the advantages drawn from past emissions are not equal to the costs associated with climate change that need to be paid. And even though the entitlement to a minimally decent human life does not necessarily require that all costs stemming from polluting activities need to be taken into account, the relation between the adverse effects of climate change consequent to polluting activities and the benefits drawn from these activities is highly complex and, therefore, in my opinion, not a good basis for determining how much is owed by whom to whom.

I maintain that the entitlement of the present poor is not dependent on what happened, would have or should have happened in the past, but is justified on entirely different grounds, i.e. on respect for equal human worth which requires

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<sup>13</sup> Even Robert Nozick (1974:230–231) has admitted that "[P]erhaps it is best to view some patterned principles of distributive justice as rough rules of thumb meant to approximate the general results of applying the principle of rectification of injustice" on the grounds that it is impossible to track the course of historical processes.

that the vital interests of all are to be protected. Developing countries need more affluence and *if* achieving a higher standard of material well-being requires more emissions, as I think is the case at present, there is good reason to argue that poorer countries are entitled to increase their carbon emissions from their current level. It has also been suggested that poor countries should be entitled to emit not only what is needed to satisfy basic needs but that they should be entitled to emissions that are needed for further economic development so that developing countries can catch up with the more affluent countries (see Vanderheiden 2006: 12–18). As I said earlier, respect for equal human worth does not require an equal amount of (material) well-being and, therefore, I do not think that there is a ‘right to catch up’. However, it is worth repeating that radical inequality does undermine treating people as equals. Therefore, I think we are right to insist that people in poorer countries are entitled to a standard of living higher than is needed for simply satisfying basic needs<sup>14</sup>. The corollary of all this is that the poor cannot be asked to shoulder additional burdens as that would seriously threaten their vital interests and, consequently, violate their entitlements (see also Shue 1996:127–128; Vanderheiden, 2006:10). This is why the advantaged should accept duties to pay a substantial portion of the costs associated with climate change including taking measures to cut down their current emissions. This is needed in order to restore equality as it would mean giving people what they are due: the material conditions needed for a minimally decent life and the recognition that they deserve this as our fellow humans. I think this is what restoring equality is essentially all about.

To sum up, I do not think that carbon debt should be interpreted along the reparations line. My view is that the ‘how much to whom’ question should be answered in reference to the entitlement of all individuals to have their vital interests protected and not by reference to some initial situation that ought to be restored. This makes my view ‘no fault’. My answer to the ‘from whom’ question does, however, incorporate a backward-looking component (benefiting) so it could be argued that the AdPP is also weakly fault-based. In the next section I want to briefly consider the role I think we should accord to history.

### 7. The correct role of history

If we accept that the poor cannot be under a duty to pay as it would mean imposing a morally unjustifiable burden on them, the only option is that those potentially liable for the costs are those with the ability to pay. (Unless, of course, we are prepared to make the future generations pay and, consequently, deny them

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<sup>14</sup> Shue (1993) suggests that rise in the emissions of the poor should be allowed to the level “necessary to provide a minimally decent standard of living” (42) and that the increase “should be held to the minimum necessary for the economic development that they are entitled to” (43). *If* this entitlement does not take into account inequalities above the needed minimum, my position differs slightly from that of Shue’s.

their entitlements, but I find this morally objectionable.<sup>15</sup>) Those who might resent ignoring the effects of history are, in my view, people in those affluent countries which have not contributed to past industrial activities and who may, therefore, feel that they are being tarred with the same brush as those who are somehow thought to be more responsible. The idea here is that there is a morally relevant difference between a free standing ‘ability to pay’ principle (APP), on the one hand, and the AdPP on the other. If we can show, however, that the ability to pay results (partly) from being a member of a collective which has benefited from past emissions this would, I think, give weight to the argument according to which those with the ability to pay should pay. This is because it would show that ‘our’ affluence is not solely a consequence of our (and our predecessors’) morally benign effort. To argue, as Caney (2006b) and Pogge (2004:262) do, that the moral significance of the past is to show that not all the wealth that the affluent countries possess has come about in a just way, and hence the affluent should be more open to arguments for redistribution, seems correct to me. The modest point I want to make is that when we talk of history being blemished with injustice we should not only refer to ‘traditional’ kinds of injustices: slavery, colonialism and wars. Instead, we should acknowledge the fact that benefiting excessively from industrialisation is itself an injustice for benefiting from industrial activities is a consequence of polluting and polluting is an unjust act as it threatens people’s vital interests. Therefore, benefiting is not morally benign and ought not to be morally protected. The upshot of this is that individuals in affluent countries with the ability to pay should shoulder responsibility for the ill-effects of past emissions not simply because they can but because it is fair on the grounds that they are in an advantaged position partly as a consequence of the same process that has harmed (and continues to harm) poorer countries which, in turn, largely explains why most of the people in these countries are disadvantaged and why their vital interests go unprotected.

Moreover, drawing benefits from present emissions is not possible without past emissions as even fairly recent industrial activity is likely to rely to some extent on past emissions-generating activities in terms of facilitating infrastructure, materials and crucially, albeit indirectly, by providing a shortcut to the necessary know-how (for it surely is an advantage not needing to invent the wheel all over again). The upshot of this is that also those advantaged individuals who live in affluent countries which have started to benefit from industrialisation only relatively recently should still accept duties to pay for the costs associated with past emissions.

## **8. Conclusion**

I do not think that carbon debt, or ecological debt more generally, should be interpreted as a claim for reparations, that is, the aim is not to restore some status

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<sup>15</sup> For an interesting account of climate change and future generations, see Caney 2006a.

quo ante. The point about not ignoring historical emissions is that it gives additional support to calls for redistribution of resources today as it helps to show that our respective positions are not entirely disconnected but, instead, they are to some extent a result of a process (industrialisation) that links the affluence on one side with the poverty on the other in a way that is not morally tolerable. This, I think, gives moral weight to the argument that the advantaged should accept responsibilities to shoulder most of the adaptation and mitigation costs associated with climate change resulting from past (and present) emissions.

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