Research Repository UCD

Title	Different Angles on Climate Justice: Insights from Non-Domination and Mutual Recognition
Authors(s)	Zellentin, Alexa
Publication date	2018-01-10
Publication information	Zellentin, Alexa. "Different Angles on Climate Justice: Insights from Non-Domination and Mutual Recognition" (January 10, 2018).
Series	GLOBUS Research Papers, 1/2018
Publisher	ARENA Centre for European Studies
Item record/more information	http://hdl.handle.net/10197/9311

Downloaded 2023-04-07T10:52:29Z

The UCD community has made this article openly available. Please share how this access benefits you. Your story matters! (@ucd_oa)

© Some rights reserved. For more information

Reconsidering European Contributions to Global Justice

Different Angles on Climate Justice

Insights from Non-domination and Mutual Recognition

Alexa Zellentin

GLOBUS Research Papers

1/2018 - January 2018

Alexa Zellentin

Different Angles on Climate Justice: Insights from Non-domination and Mutual Recognition

GLOBUS Research Paper 1/2018

January 2018

© Alexa Zellentin

GLOBUS Research Papers (online) | ISSN: 2535-2504

<http://www.globus.uio.no/publications/globus-research-papers/>

Alexa Zellentin is Assistant Professor at University College Dublin.

Reconsidering European Contributions to Global Justice (GLOBUS) is a research project that critically examines the EU's contribution to global justice.

Funded by the European Union's Horizon 2020 programme. This work is the sole responsibility of the author. It does not reflect the opinion of the EU. The Research Executive Agency is not responsible for any use that may be made of the information it contains.

www.globus.uio.no

Twitter: @globus_h2020

Facebook: @globus.h2020

Issued by:

ARENA Centre for European Studies
University of Oslo
P.O. Box 1143 Blindern
0318 Oslo, Norway
<http://www.arena.uio.no>

Abstract

Practitioners occasionally demure that the current academic literature on climate justice is overly abstract and unhelpful in their attempt to promote more effective and equitable climate policies. This paper analyses the claim that one reason for this might be that the debate is currently shaped by a particular narrow understanding of justice as impartiality and neglects other important approaches to justice. I first introduce my interpretation of Erik O. Eriksen's three conceptions of global political justice focusing on impartiality, non-domination, and mutual recognition. Then, I present the key concerns and positions that shape the debates on climate justice in the field of political theory and show why (and in how far) I think current climate justice is predominantly shaped by 'justice as impartiality'. I argue that this explains the emphasis on substantive justice over procedural questions. Furthermore, I show that looking at key questions in climate justice from the perspectives of theories emphasising non-domination and mutual recognition helps to identify some blind-spots in the current debate. Among the issues that are currently somewhat neglected are questions relating to the nature of the relationships of the relevant parties negotiating climate policy. This concerns on the one hand power inequalities and dependencies that shape the interactions between different parties. On the other hand, this relates to the question of how agents perceive these relationships with regard to dimensions of recognition, respect, and concern. It seems likely that less powerful agents have good reasons to feel that the global political regime as it currently works does not treat their interests and demands with the same urgency and importance as is shown for those of some more powerful players. Furthermore, their concerns regarding the normatively significant features of the situation at large are not always respected as equally valid contributions to the debate. I conclude by arguing that climate justice nonetheless cannot do without a rights-based framework typical for justice as impartiality that protects fundamental interests and the pre-conditions for free and equal participation.

Keywords

Climate justice, impartiality, recognition, non-domination, historical emissions

Research for this paper has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement no. 693609 (GLOBUS).

Introduction¹

Climate activists sometimes demure that the academic debate on climate justice is of little or no immediate help to their work. One would hope that climate ethicists could provide convincing reasoning that helps to promote much needed climate policies. Instead, environmental activists turn away from what they perceive to be an overly abstract debate as they worry that these arguments are unlikely to help and might even backfire in political discourse by putting people off with their tedious distinctions and moralising language. This is certainly sad, both from the perspective of practitioners who could do with well worked out argumentative strategies to help gather support for the necessary actions, and from the point of view of political theorists who after all chose to work in a field called ‘applied ethics’.

The first question is whether this assessment is true, and in what sense. It is hardly fair to blame philosophers for the failure to create just climate policies. We have good reasons to assume that the main reason for insufficient action on climate change is not so much disagreement about theories of (climate) justice but rather an unwillingness to incur any costs in addressing climate change as well as the lack of suitable international enforcement structures. Neither generating motivation nor ensuring enforcement structures are in the job-description of political philosophers working on climate justice. Rather, our task is to analyse:

1. What features of the situation are normatively significant?
2. Which values should guide our thinking and acting with regard to the situation at stake?
3. Which moral principles are best suited to structure and prioritise these value commitments?
4. Which moral side constraints do we have to respect while trying to realise climate justice?

This self-understanding of the tasks of political philosophy disqualifies some further critiques of the current climate justice debate. Just as philosophers cannot be blamed for the lack of motivation to act on climate change, they cannot be blamed for the fact that climate change involves a complex set of normative considerations. However, there are some features of current academic climate justice debates that have invited legitimate critique and that explain why it is occasionally hard to see political philosophy

¹ Earlier versions of this paper were presented in the Legal and Political Theory Workshop series at NUI Galway, Oberseminar: Aktuelle Forschungsthemen der praktischen Philosophie, Ludwig-Maximilians-Universität München, the ‘Conceptualising Global Justice’ and ‘Climate Justice and the EU’ workshops of the GLOBUS project, the workshop ‘Globale Klimagerechtigkeit’ at Westfälische Wilhelms-Universität, and the workshop ‘Second-best Solutions and Secondary Injustices: A Workshop on Non-ideal Climate Justice’ at the University of Warwick. I am very grateful for the extremely helpful feedback I received at these occasions.

as helpful for current negotiations on climate policy. One such critique is that the debate has – for a long time – neglected some normatively significant features of the political situation regarding climate change, namely, the fact that climate policy happens under deeply non-ideal circumstances that are furthermore very likely to persist. Current approaches in non-ideal theory do a much better job developing principles that adequately account for non-compliance, urgency, etc.² My paper presents a different kind of critique, namely, that the debates on climate justice so far tend to overemphasise the need to describe how a just climate regime *might* look like and neglect the question how we *ought* to construct climate negotiations. As such, much of the debate focuses on substantive justice and neglects important procedural and relational aspects.

In this paper, I first introduce my interpretation of Erik O. Eriksen’s three conceptions of global political justice focusing on impartiality, non-domination, and mutual recognition³. Then, I present the key concerns and positions that shape the debates on climate justice in the field of political theory and show why (and in how far) I think current climate justice is predominantly shaped by what Eriksen calls ‘justice as impartiality’. I argue that this explains the emphasis on substantive justice over procedural questions. Furthermore, I show that looking at key questions in climate justice from the perspectives of theories emphasising non-domination and mutual recognition helps to identify some blind-spots in the current debate. Among the issues that are currently somewhat neglected are questions relating to the nature of the relationships of the relevant parties negotiating climate policy. This concerns on the one hand power inequalities and dependencies that shape the interactions between different parties. On the other hand, this relates to the question of how agents perceive these relationships with regard to dimensions of recognition, respect, and concern. It seems likely that less powerful agents have good reasons to feel that the global political regime as it currently works does not treat their interests and demands with the same urgency and importance as is shown for those of some more powerful players. Furthermore, their concerns regarding the normatively significant features of the situation at large are not always respected as equally valid contributions to the debate.

For activists, it is clearly important to explore how these issues influence climate negotiations and how relevant insights can be used to promote better cooperation on the issue. I suggest that considering these questions from the point of view of justice is important not only for acknowledging relevant concerns of relevant agents but also for getting a more complete picture of all the normatively significant features of the situation. This will require taking into account ideas discussed in theories on non-domination and recognition.

Nonetheless, in the conclusion of this paper I defend the view that the debates about appropriate schemes of burden-sharing must remain central to all discussions of climate change as many of the worries relating to the relational side of climate change and policy

² For an overview of important critiques and responses to them, see Heyward and Roser (2016).

³ See Eriksen (2016).

can be alleviated only through some form of redistribution. Furthermore, I raise some concerns about whether the richer analysis offered by these additional points of view is really likely to improve the action, guidance and relevance of academic debates on climate justice. I conclude that exploring different approaches to justice in analysing and evaluating the pressing questions of climate justice is definitely needed to gain a more complete understanding of the normatively significant issues at hand.

Three conceptions of justice

For the purposes of evaluating EU foreign policy Erik O. Eriksen distinguishes three approaches to global political justice:

1. Justice as non-domination
2. Justice as impartiality
3. Justice as mutual recognition⁴

Justice as non-domination in his sense aims to prevent arbitrary uses of political power through an international system constituted by sovereign states. Each state secures its self-determination through a publicly sanctioned legal scheme and international relations are to be shaped by a strong commitment to non-interference regarding the internal affairs of others.⁵ Justice as impartiality aims to address injustices based on disadvantage, discrimination, etc. with reference to a universal scheme of fair and impartial rules. It thus emphasises the importance of international law and legal structures, esp. surrounding the protection of universal human rights.⁶ Justice as mutual recognition is concerned with injustices linked to the subtle mechanisms of misrecognition. Cooperative arrangements ought to be created on the basis of inclusive deliberation and reciprocal justifications.⁷

For the purposes of this paper, I find it helpful to analyse these conceptions of justice in more detail by exploring what unites them as conceptions of justice, as well as which moral commitments are at the heart of their differences. For this, I first look at the idea

⁴ The choice to focus on these three frames is pragmatically motivated to conform to the conceptual framework for the H2020 project: GLOBUS – Reconsidering European Contributions to Global Justice (see Eriksen 2016). However, this choice can be motivated as matching to three important streams in current debates of justice, namely, republicanism (widely understood), liberalism (widely understood), and theories of recognition (widely understood).

⁵ Eriksen's interpretation of justice as non-domination is predominantly inspired by the work of Philipp Pettit

⁶ This conception is based on Neo-Kantian liberal thinkers like John Rawls, Brian Barry, Ronald Dworkin and the rich literature of cosmopolitan liberalism in their wake. It includes more classically liberal accounts as well as more nuanced versions as e.g. the capability approach advocated by Amartya Sen and Martha Nussbaum.

⁷ Justice as mutual recognition as understood in the theoretical framework for GLOBUS is based on the thinking of people like Axel Honneth, Rainer Forst, Nancy Fraser and Jürgen Habermas.

of justice as such. Most current debates on global justice in political philosophy seem to share an underlying concept of justice. Justice is most often understood as detailing what we owe to each other,⁸ that is, which entitlements and obligations we have towards one another.⁹ The key challenges in debates on justice are thus to identify and explain the following for each context of justice:

- Who are the relevant agents?
- Which entitlements and which obligations do they have towards one another?
- Which of those concerns take priority and which might be overruled in complex situations with competing moral claims?
- Why? Why? Why? That is, What reasons do we have to consider some agents as relevant and others are not? What justifications can we give for any obligations owed to others? And why do we consider some entitlements and obligations as more important and/or more urgent than others?

Different conceptions of justice give different answers to these questions. In a broad sense, all such debates are debates of distributive justice, as they are concerned with the appropriate distribution of goods, entitlements, burdens and/or obligations among a particular group of agents. The idea of political justice is often intertwined with these concerns. This is partly because political rights are among the most important entitlements there are (i.e. rights to political participations and rights securing that political participation happens on a fair footing). However, this is also because any such conception of justice presupposes claims about the standing that the relevant agents are supposed to have in relation to each other.

Relationships of justice are relationships defined exclusively with reference to the relevant entitlements and obligations. As such, they are necessarily thin. Richer and thicker human relations involve much more than that. When it comes to friendships, romances, and family relations one could even argue that these relationships already have failed when we get to the state of referring to entitlements and obligations. Relationships of justice are thus those relations that should still obtain when all else fails. These relations are so deeply buried in the underlying structure of richer human

⁸This is Scanlon's (1998) famous formulation. My claim is that this view underlies Rawls's conception of justice 'a proper balance of competing claims' (Rawls 1999: 9). That is, justice is about 'suum cuique tribuere' as Cicero would have it: to allocate to each his own.

⁹ I consider *entitlements* to be a broader claim than rights (which I understand according to Wenar (2005)'s multiple functions theory) and similarly obligations to be less precise as duties. By this I want to signify that the concept of justice – while it is focused on entitlements and obligations – does not presuppose Eriksen's conception of justice as impartiality with its more legalistic sense of rights and duties.

relations that they are hardly noticed when conditions of sympathy and love also apply. The purest form of relationships of justice are those that we have to anonymous strangers.¹⁰

In the absence of morally relevant distinctions there is a presumption in favour of equality. Unless there are normatively significant differences between the relevant set of anonymous strangers, we have no good reason to treat one of them better or worse than another. That is, in debates on justice the relevant parties are often understood as having equal standing. However, the idea of equal standing is less straight forward than it initially appears. Rather, there are at least three different ways as to how to understand what kind of equality is (or should be) at stake. I see this as one of the key distinctions underlying the three conceptions of justice characterised by Eriksen. In my interpretation, justice as non-domination can be seen to demand that subjects of justice ought to be on an equal standing in the sense that no party dominates any other. Their relationships ought to be shaped in a way that ensures that all relevant agents are equally sovereign in their dealings. This non-domination is to be secured through institutions furthering independence and self-government. Justice as impartiality emphasises the idea of treating like cases alike and different cases different without regard to any concerns but those normatively significant in the given context of justice. This impartiality is to be guaranteed through a fair and unbiased framework of appropriate individual rights and duties. Justice as mutual recognition moves from an objective observer perspective to an agent centric perspective and identifies the relevant equal standing as that of parties that acknowledge each other's equal right to jointly define the normatively significant features of the situation at stake. This recognition is to be ensured through appropriate discursive approaches.

Obviously, the choice of framework to inform any particular distribution of entitlements and obligations leads to significantly different conceptions about what who owes to whom and for what reasons.¹¹ Equally obvious, each of these approaches has some merits and offers a unique pathway to insights to the normatively significant features of any particular situation. The insights from these different angles can often be combined into one consolidated and richer account of what justice requires in any particular context. Nonetheless, there are limits for each account as to how far it is possible to integrate the insights from the other two without giving up the main logic of the

¹⁰ Note, however, that depending on the relevant context of justice these strangers might nonetheless be restricted to people within the same institutional framework, or context, or state etc.

¹¹ As we shall see later, there is an additional question as to who the relevant parties are, whether they are individuals, collectives, institutions, and/or states and who decides who is to be considered a relevant party. While it is possible to fruitfully treat these questions of state agents versus individuals as a conceptual question regarding different dimensions (see Diez (unpublished manuscript)), I will treat it as a normative question that at the very least partly depends on the content of the theories explored. For an influential normative account of these questions, see Fraser (2005). For the moment, however, this paper focuses primarily on analysing the different kinds of equality seen as characterising relationships of justice between parties, whoever the parties might end up being.

approach.¹² Before discussing the implications of this framework for climate justice, I briefly outline the general framework of the political theory debate on climate justice.

Key themes in current debates on climate justice

Climate justice has been discussed within the context of political philosophy since the early days of the climate change debates¹³ and has in recent years become a very active field of research in applied philosophy and political theory.¹⁴ While there is a wide array of questions, issues, and positions in this debate, there are a couple of key concerns that nearly all writers consider as relevant even if they differ on their interpretation, best form of realisation, and relative importance.

A first set of such concerns are three criteria deemed as relevant in deciding who is to be held responsible for addressing the challenges of climate change and to what extent:

1. The ability to do something about the problem,
2. The degree of responsibility for causing/contributing to the problem, and
3. The degree to which one benefitted from GHG-emissions.

The ability to do something about mitigating climate change, engaging in adaptation, and/or assisting those who are most vulnerable to climate change induced problems is of some normative significance for nearly all writers in the field of political philosophy of climate change. The reference to ability might just be used to highlight that those without or with only very little capacity to actively engage in climate policies cannot be held to extensive duties. This is the intuition underlying claims that developing countries are entitled to keep on developing to eradicate severe poverty and to ensure opportunities for a decent life for their populations. A key concern for many climate justice theorists is that this issue cannot be discussed without regard to wider issues of global justice. One intuition here is that the wealthy ought to alleviate the plight of the poor to some extent simply because they can. The ability to pay principle (APP) is thus

¹² In discussing any particular issue of justice it is possible to incorporate insights from the other perspectives into the one we favour and translate them into claims justified within our primary framework. Liberalism, for example, has been greatly enriched where theorists incorporated insights from (neo-) republicanism and recognition theory regarding what features we need to consider to ensure a truly impartial approach that recognises all (or at least more of the) normatively relevant differences. Nonetheless, given the fundamental different conceptualisation of the relevant equality defining the equal standing of the relevant parties of justice, there are limits as to what can be translated and incorporated from one framework into the other.

¹³ See Agarwal and Narain (1991) for an important wake-up call as well as Henry Shue's and Dieter Birnbacher's early writings on these issues, e.g. Shue (1992), Shue (1993) and others reprinted in Shue (2014b) and Birnbacher (1990) and (1993).

¹⁴ For review articles summarising the debates, see e.g. Gardiner (2004), Hayward (2012), Schlosberg and Collins (2014) and Zellentin (2015a).

often also used to explain why rich nations are seen as having greater duties than other countries to engage with climate policy.

However, this claim is often also (or alternatively) supported with reference to the responsibility for contributing to the problem that many rich countries have given their high levels of GHG-emissions (both in the past and at present). The basic idea ‘you break it, you pay for it’ has an intuitive pull and has given rise to the so-called polluter pays or contributor pays principle (PPP or CPP). There are however, a number of reasons why high levels of GHG-emissions do not always directly link to moral responsibility, blameworthiness, and/or liability for climate damages. This has partly to do with the difficulties of pinning down the causal relationship between particular emissions and specific damages caused by climate change. Moving from duties to compensate to a greater share in duties to mitigate does not make things that much easier either. The focus on responsibility also links to questions about who the relevant units are – individuals, states, corporations – and to what extent they can be seen as causing emissions in a manner that satisfies the criteria for attributing morally significant responsibility.¹⁵

A third principle relevant in the context of distributing the duties relating to climate justice is about the benefits resulting from GHG-emissions: the beneficiary pays principle (BPP). The idea is that difficult questions of responsibility can be avoided by identifying those who – thanks to carbon intensive industries – received benefits and asking them to pass on some of these profits to those who suffered from the emissions that made these benefits possible. Authors here refer to theories relating to unjust enrichment. The BPP can also be linked to the idea of internalising the costs of relying on carbon intensive industries.¹⁶ Many accounts of climate justice seek to find ways of how to best combine these three concerns in a way that is theoretically convincing and practically feasible.

A second set of concerns of the climate justice debate refers to the entanglement of climate justice with questions of intergenerational and global justice more widely conceived. The challenges posed by climate change have wide impacts relating to many further different aspects of justice such as the normative challenges of acting under uncertainty (ethics of risk); questions of responsibility (and liability) of individuals; states, corporate agents and unorganised collectives; normative aspects of institutional design; implications for gender justice and the treatment of minorities; concerns about our relationship to nature; the differences between ideal and non-ideal theorising; the role of empirical evidence in moral reasoning, etc. Nonetheless, the entanglement of climate justice with both concerns of intergenerational and global justice is most important as it affects every aspect of the debate. Some, like e.g. Caney argue that it is

¹⁵ See, e.g. the discussions in Bell (2011a), Caney (2005a), Duus-Otterström (2013), Gosseries (2004), Jamieson (2010), Meyer and Roser (2010), Neumayer (2000), Page (1999), Schinkel (2011), Vanderheiden (2008), and Zellentin (2014).

¹⁶ Key texts in this debate are e.g. Butt (2014), Caney (2005b), Goodin (2013), and Page (2011).

therefore impossible to develop a satisfactory account of climate justice without a more general theory of justice spanning a much wider range of issues.¹⁷

Three critiques of the current debate

A frequent critique of these climate justice debates expressed by people both inside and outside the field is that they are too abstract and academic to be of any use in the real world. The claim is that the principles of climate justice developed here are – despite (or maybe because of) their diligent attempt to take into account all normatively relevant considerations – too much caught up in ideal theory. This is particularly obvious when looking at discussions surrounding the Non-Identity-Problem (NIP) or other philosophical mind games of advanced pernicketyness.¹⁸

One element of this critique is that truly figuring out what exactly justice would require with regard to ‘who does what’ takes too long given that action is needed now to prevent seriously bad outcomes.¹⁹ In response some work now focuses on identifying normative criteria that we might legitimately put on the back burner given the urgency of the issue. Such proposals include arguments about why we can – for the moment – disregard worries that principles like the APP might not always provide fully convincing reasons for attributing duties.²⁰ Other approaches highlight that while borrowing from the future might be problematic from the perspective of inter-generational justice, this might still be the much lesser of two evils given the need to act on climate change now (before irreversible trigger points are reached).²¹

A second version of the ideal-theory critique claims that political philosophers usually develop principles by asking how the duties should be distributed if we could expect all or at least most of the relevant parties to actually abide by their duties. This expectation is blatantly unrealistic in the context of climate policy where some of the most important players are very vocal about their resistance to demanding climate policies.²² Having an

¹⁷ See, most prominently, Caney (2012).

¹⁸ The NIP refers to a concern Parfit raised with regard to person affecting ethics. If someone's existence depended on actions the outcome of which she is now considered to be harmed by, can we really say she was harmed by these actions? If we understand harming as making someone worse off than they would otherwise be, someone with a minimally decent life cannot be seen as harmed by an event without which she would not even have been conceived and born as the unique individual she is. Given the pervasive effects of carbon intensive technologies and the intergenerational character of climate change, this is seen a concern for climate justice and there are numerous approaches to address the concern. See Parfit (1984) for the initial debate, Roberts (2015) for a general overview. See e.g. Meyer (2003), Moellendorf (2014), and Page (2006) for some of the key discussions in the context of climate change.

¹⁹ See e.g. Caney (2014), Shue (2014a), Shue (2016a), and Shue (2016b).

²⁰ See e.g. Shue (2016b).

²¹ See e.g. Caney (2010a) and Shue (forthcoming).

²² Especially given that there are powerful agents denying the scientific consensus regarding anthropogenic climate change in its entirety.

account of what justice would demand under circumstances of full compliance thus seems unhelpful. Some argue that such an account is relevant for identifying what we should aim for and which second best pragmatic solutions might be justifiable and recommended for now. Others claim that they are not even useful for that purpose.²³ It is clear, however, that even if they are considered as providing guidelines for any solutions for the currently urgent questions of climate policy, abstract philosophical principles still cannot be directly translated into policy recommendations. Without additional – empirically sound – work on how to operationalise these criteria, they are of very little practical use here and now. The response to these critiques is twofold. Some writers consider the challenge of addressing non-compliance and preventing free-riding by demanding suitable institutional arrangements.²⁴ There is also an emerging body of non-ideal theory trying to propose and/or analyse more concrete policy options within the current international system such as e.g. carbon trading, carbon taxation, etc. from a normative perspective.²⁵

While these kinds of critiques are important, this paper discusses a different possible critique of the current approaches in climate justice. In conversations with practitioners and colleagues from other disciplines I came across the worry that analytical philosophy has ruined the climate justice debate.²⁶ I do not think that this critique really concerns the meta-debate about analytical versus continental philosophy. Rather, my impression is that people are concerned that the current academic debate on climate justice implicitly relies on a particular approach to justice, namely justice as impartiality. The worry is that this individualist rights-based approach might not be able address some key issues in debates on climate policy. As I do not know of a fully developed critique of this kind, I explain in the following a) why one could consider the current debate as committed to ‘justice as impartiality’ and b) why this understanding of justice might pose particular challenges for developing a practically feasible approach to climate policy. Later, I will add concerns raised from approaches to justice that focus on non-domination and mutual recognition.

As briefly introduced above, justice as impartiality seeks to realise and protect the equal moral standing that all persons are entitled to through an appropriate regime of individual rights. This includes four distinct commitments:

1. Individuals are the ultimate unit of moral concern,
2. Individual autonomy is of great value, and
3. Impartiality is a cornerstone of justice,
4. Justice is realised through rights.²⁷

²³ See e.g. Sen (2009).

²⁴ See, e.g. Heyward and Roser (2016: Part I)

²⁵ See, e.g. Caney (2010b), Heyward and Roser (2016: Part II), and Steininger et al. (2014).

²⁶ See, e.g. von Lucke (2017).

²⁷ See Eriksen (2016: 13-15) on the centrality of (human) rights, individualism and the value of autonomy, and the desirability and possibility of impartiality.

There are numerous different positions within the debate about what justice demands in the context of climate change, inspired by egalitarian, sufficientarian, utilitarian, pragmatist, and other accounts. Nonetheless, much of the debate is united in affirming the four key elements of justice as impartiality mentioned above. This is unsurprising given that Eriksen's justice as impartiality describes a broad family of liberal theories and most current contributions to the academic climate justice debate are motivated by a broadly liberal approach. Indeed, it seems that most are influenced by some version of liberal cosmopolitanism.

One key assumption shared by justice as impartiality and the current climate justice debates is that the relevant unit of moral concern are individuals: climate change is a matter of justice because it impacts on the rights of individuals. Where we move from considering the rights and duties of individuals to those of nations, states, or other agents, careful discussion as to how these relate back to the rights and duties of individuals is seen as necessary.²⁸ Collective agents are relevant for the debates on climate change but only insofar as they impact on, or are in some sense constituted by, individual moral agents.

This links also to the great value that is attributed to the idea of individual autonomy and its flipside individual responsibility. There is an underlying assumption that individual agents ought to have as much autonomy regarding their life choices as compatible with an overall fair regime that protects everyone's autonomy. There is also an assumption that individual responsibility matters greatly as the idea that people ought to be free to shape their lives as they see fit involves the idea that they ought to take responsibility for the consequences of these choices. Below, I will explain how this leads to further challenges with regard to the tensions between procedural and substantive justice, and thus might be another obstacle for making climate justice relevant for climate policy, which must by its nature focus on procedures that can be implemented.

As the name suggests, the most important feature of 'justice as impartiality' is the very idea of impartiality. This is also its most controversial feature and in so far as the climate justice debate shares this commitment, it is vulnerable to the same concerns. The basic idea is that one ought to treat similar cases alike and different cases differently. I deem this to be one of the most uncontroversial claims in moral philosophy. However, things get immediately difficult once one asks which cases really are alike and what kind of differences are normatively significant. As the brief summary of the climate debates show, climate ethicists assume that there is a list of some features that objectively make a difference to the normative evaluation of the situation: contribution to the problem matters, capacity to do something about a problem matters, the receipt of undeserved benefits or burdens matters, fundamental needs matters (especially when phrased in terms of fundamental human rights), etc. The assumption is that the relevant factors can

²⁸ See, e.g. Caney's (2005a) critique that we need a normative rather than a simple feasibility argument on why we should focus on the responsibility of states rather than on the responsibility of individuals in.

be identified in every situation and can be combined into an appropriate normative framework that gives us objective normative criteria to evaluate the issue at stake. As will be discussed below, how objective such frameworks really are is questionable.

The final key characteristic of justice as impartiality – its aim of developing an appropriate framework of rights and duties – is also omnipresent in the political theory debate on climate policy. As described above, the focus of the current debate is to develop a framework that identifies who ought to do what to prevent human suffering caused by climatic changes. While the principles mentioned above seem to suggest a duty based approach (duties based on contribution, on ability to pay, on benefitting etc.), a closer look immediately shows that the starting point is the question of how to raise the resources needed to ensure that people get the support they are owed. Some articles are indirect about these foundations, others address the question of (human) rights in the context of climate change directly.²⁹ What is also typical of these approaches to justice is that they aim to identify how a just distribution of the relevant rights and duties might look like. As will be discussed below, there might be good reasons to challenge this focus on substantive distributive justice and demand more attention for questions of procedural and relational justice.

In the following I will take a closer look at three challenges to the current climate justice debate. The approaches focusing on non-domination and mutual recognition might be helpful in identifying blind spots in the current climate justice debate standing in the way of linking it to the concerns actually relevant in climate negotiations. The first challenge relates the current debate's focus on individuals. This challenge has two elements a) the focus on individuals, and b) the emphasis on substantive distributive justice over procedural justice. The second challenge takes on the idea of impartiality itself. Once more there are two versions of this challenge: a) are there any universal values? and b) is impartiality possible in the real world? The third challenge is the question of whether a system of rights really is the best response to the vulnerabilities linked to climate change. This critique leads back to the worry that the current debate over-emphasise substantive justice over procedural and relational justice.

Challenging the focus on individuals

As mentioned above, the current debates consider individuals as the ultimate unit of moral concern and assume that individual autonomy (and its material preconditions) is one of the most important values in our moral universe. Furthermore, the idea of individual autonomy and thus individual agency cannot be separated from concerns about individual responsibility. With regard to climate change this raises difficult questions as to which choices of individuals contribute to climate change and which responsibilities they therefore have. This angle is discussed controversially within current debates since when looking at climate change as a whole, individual

²⁹ See, e.g. Bell (2011a), Caney (2009), Hayward (2007), and Hiskes (2009).

responsibilities could either seem overwhelmingly demanding or nearly meaningless.³⁰ As long as we hold on to the idea that *ought implies can*, no individual can have an individual duty to stop climate change. What then, can we legitimately expect of individuals?

Climate change is a complex collective action problem: all contributions in terms of emitting GHGs or depleting natural carbon sinks (land use change, deforestation etc.) matter in terms of making the overall outcome worse. However, some actions involved are not appropriate subjects for moral evaluation at all (breathing, farting etc.). Some actions are at the very least perfectly excusable (cooking, heating, cooling, getting around for important purposes etc.). Many actions might not be strictly speaking necessary, but are essential elements of what we consider a normally good life – at least in the Western world (getting around in a personal car, the occasional holiday and/or international conference, imported foods and goods, an occasional Sunday roast).³¹ Some of these things could be realised by use of less carbon intensive methods, however, often these matters are not easily in the hand of individuals.³² Rather ensuring that these alternatives are within easy reach for individuals depends on societal efforts to e.g. have a suitable public transport net, advancing clean energy, establishing energy efficiency standards, and generally structuring society in such a manner that people can achieve personal, economic, and professional goals without putting undue burdens on the climatic system. Current accounts of individual duties therefore often promote some life-style changes and/or offsetting but ultimately focus on people's role as citizen and the duty to work towards societal and political change.³³

One of the challenges that the climate justice debates currently face in this respect is the discrepancy between

1. An overall account of what needs to happen to keep climate change from imposing unacceptably high risks and burdens, and
2. The question what individuals can and ought to do in this regard.

³⁰ See all the papers engaging in argumentative acrobatics to address the objection that individual's contributions to climate change are insignificant and that on our own none of us has any identifiable impact (good or bad) on the climate. While the empirical claim is to some degree contested, writers definitely feel compelled to pre-emptively address it and to square the commitment to individual responsibility as foundation of morality with the fact that climate change is a collective action problem. Examples can be found e.g. in Baatz (2014), Broome (2012), Cripps (2013), Schinkel (2011), and Sinnott-Armstrong (2005). For further debates see also the discussions on responsibility for climate change discussed more widely above in footnote 15.

³¹ This is to suggest, that while the distinction between survival/subsistence emissions and luxury emissions is clear and valid, there is a grey area of submissions that are not essential for subsistence but not really luxuries that we can easily do without given our societal context. For the key distinction, see Agarwal and Narain (1991) and Shue (1993).

³² See, e.g. Meyer and Sanklecha (2011).

³³ See most explicitly Maltais (2013).

While the first debate looks at justice as a particular outcome, the second debate focuses on what individuals must (not) do. The two approaches do not necessarily add up. If we start by identifying what needs to happen and try to break that down to individual duties we end up with one account of the duties of individuals. This might require more than we feel reasonable to impose on people. If, on the other hand, we start from an account what we might reasonably expect individuals to have duties (not) to do, we might end up with a different account of what climate justice can hope to achieve overall, and thus with a different understanding of what climate justice means. Part of the critique that the academic debates on climate justice are unhelpful in practice relates to the difficulties associated with either approach. Trying to break down the overall ‘this needs to happen for climate justice’ into individual duties is far from straight-forward, and neither is trying to identify the duties of individuals based on their individual capacities and opportunities and adding them up to a potential climate policy.

Furthermore, it is this underlying emphasis on individual agency, which invites all the philosophical problems relating to person affecting ethics, the intricacies of attributing morally significant responsibility, and the NIP. Another worry is that this approach of oscillating between individual duties and desirable outcomes of collective decisions in designing a fair scheme of burden-sharing neglects the usual – hopefully democratic – process of how any such scheme could be realised. Many climate ethicists accept and promote a duty to vote ‘green’, but there is a tension between promoting a particularly well defended conception of substantive justice and the commitments to democracy and procedural justice.³⁴ This general tension is particularly strong in the context of climate change, given that we have good reasons to assume that democratic institutions often find it hard to promote measures involving costs here and now for the sake of benefits in far away places and times.³⁵ From the point of view of individual rights to political participation there are strong reasons to demand democratic decision-making. From the perspective of desiring effective solutions, democracy – in its current form – might not be the best tool to realise an internationally and intergenerationally fair outcome.

The final concern relating to the emphasis on individuals regards the question of whether this commitment might constitute something like cultural imperialism, given that in non-Western cultures as well as in some sub-cultures within Western cultures the importance of individuals needs to be balanced against the importance of their respective communities. This links to the second challenge.

Challenging impartiality

The second critique to be discussed here concerns the idea of impartiality and raises two distinct questions:

³⁴ For an insightful and challenging general discussion of the tensions between philosophy and democracy, see Walzer (2003).

³⁵ See, e.g. Gardiner (2001), Gardiner (2011), and Wallimann-Helmer (2013).

1. Are there universal norms?
2. Can there ever be a reasonable chance that human institutions would realise these norms in an impartial manner?

Many contributors to the debates on climate justice are committed to the idea that there can be an impartial point of view that allows us to identify universally valid moral claims. They admit that – given epistemic problems – it might not always be possible to defend any view as the uncontroversial truth, but in theory if we just worked on it carefully listening to all relevant points of view we could approach some reflective equilibrium and identify one framework from which we can judge all proposals fairly.³⁶ No one argues that all values are universal or that all moral questions can be resolved with reference to uncontroversial and universally valid moral claims. Rather, those demanding justice as impartiality usually presuppose what Rawls calls the fact of pluralism. Not only is there an empirical plurality of views on any normative issue but some of it is also *reasonable*. We assume that this disagreement is not merely the result of mistakes in reasoning but rather the consequence of different people having different but equally valid moral commitments on many moral issues. Impartiality is required precisely because there are different positions on what really matters.³⁷ The background assumption is that the state ought to show equal respect and concern to all its citizens independent of their individual views on these issues. This commitment is seen as a meta-commitment directing behaviour in view of disagreement on moral issues. Many liberals follow Rawls in assuming that while there is considerable disagreement on some issues, it is nonetheless possible to identify reasonable agreement on some fundamental principles that help to organise the political sphere. They distinguish between matters of the right where universal values apply and matters of the good, where individual difference ought to be respected. The aim is to find a way to deal with our disagreements that is fair to all parties involved by securing some fundamental moral claims that are deemed indispensable for any civil engagement with one another. For the sphere of global justice – where most debates on climate justice are located – the focus is on human rights. Human rights are considered to be the core of an overlapping consensus that maps universal values or rather identify some universally accepted injustices that no one should have to suffer. However, despite all the signatures on human rights declarations, it is clear that human rights are not uncontested and that there is considerable disagreement as to the depth and breadth of their normative implications and demands.

Many of the classic liberal accounts famous for emphasising the need for impartiality (both domestically and globally) are vulnerable to the objection that in identifying shared or universal commitments they overlook some relevant differences and overemphasise others. The claim is that some distinctions are based more on what is

³⁶ On the idea of a reflective equilibrium, see Rawls (1999: §9) as well as Daniels (1979).

³⁷ See, most prominently, Rawls (1996).

considered as normal at a certain time and place (as opposed to new, foreign, or otherwise different from the mainstream) than on what really has normative significance.³⁸ Thanks to the influence of feminist and multicultural critiques, contemporary liberal accounts often are much more aware of these dangers and much more nuanced in their evaluations than classical liberal accounts were. Nonetheless, there are good reasons to assume that there still are considerable blind-spots. One might, for example, worry about the predominantly Western focus of current debates on climate justice.³⁹ As the normative assumptions driving the climate justice debate go well beyond basic human rights, this also raises the question whether academic climate ethics implicitly expresses cultural imperialism by evaluating an issue of global significance based on criteria whose normative significance is not globally accepted. The focus on individual rights as well as on individual agency and responsibility, for example, tends to be less central to non-Western moral and political philosophies. This would mean that the intricate discussions about the NIP and other responsibility and individual agency related issues are even more useless for practical purposes than already assumed. However, it could also mean – and that is even more troubling – that these debates come at the expense of other normatively significant concerns. It is e.g. often pointed out that the distinction between ethics in the wider sense and justice as concerned only with what human beings owe to each other relies on a background theory where the interests of human beings are considered as more important than those of non-human animals and the environment in a wider sense.

Approaches emphasising the need for mutual recognition and reciprocal justifications do not assume moral relativism. They claim, however, that a debate on universal values that is predominantly shaped by traditions of Western philosophy might not be best suited to convince those from other traditions that their work really identifies universal values. It is not necessary at this point to make meta-ethical claims about the possibility of universal values. Nor is it necessary to make epistemological claims about the likelihood of a bunch of people trained to think a certain way to identify *all* possible normatively significant features of a normative issue and to do so in a truly impartial manner. Although these questions certainly arise on the academic as well as on the political level.⁴⁰ The key claim that proponents of mutual recognition make is that it is necessary to actively engage with others and their reasoning to ensure that their concerns are actually responded to and any normative claims are actually validated through an appropriate discursive process. As Forst puts it, there is a basic right to justification, which requires a reflexive approach that goes beyond claims regarding a hypothetical agreement behind a veil of ignorance.⁴¹ For thinkers in this tradition

³⁸ See, e.g. the critiques of liberal neutrality such as Arneson (2003), Raz (1986), Sher (1996), and Wall (1998). Note that most of these critiques not only claim that neutrality is impossible but also that it is undesirable.

³⁹ See, e.g. Wong (2015, 2016) on how current debates on the ethics of geo-engineering omit concerns that are important from a non-Western perspective.

⁴⁰ See e.g. Okin (1998).

⁴¹ See Forst (2010, 2011).

procedural, relational, and/or political justice must take priority before issues of distributive justice (even where this distribution involves the allocation of fundamental entitlements such as human rights).⁴² Obviously, the normative commitments of mutual recognition rule out certain forms of distribution (especially those that flatly deny participation rights to some agents), but it is nonetheless important to remember that the foundational ideas relate to norms of sociability, ways of how we ought to interact, rather than a particular set of rights (that might be seen like possessions). The idea is that claiming to possess an objective or impartial point of view shows disrespect for those who disagree and that we should therefore engage in the actual struggle to develop an interpersonal view. Given that even the foundational norms of interaction (beyond the basic right to be given a justification) are developed in continuous dialogue with all relevant parties, this approach is considerably less vulnerable to the challenge of ethnocentrism than the traditional liberal approaches that all seem to rely on some commitment to the value of individual autonomy. This means – to come back to the distinctions at the outset of this paper – that in this view the equal standing of normative agents requires their involvement in the process of identifying the values for and the normative significant features of the situation they are faced with. With regard to climate policy this would demand taking the concerns by indigenous groups seriously, even where their worries, for example, about the cultural impacts of a changing environment cannot be easily translated into traditional human rights language.⁴³ It would furthermore require the debate on climate justice to be considerably more concerned with the procedural aspects of developing climate policy.

The second way of challenging the impartiality element of justice as impartiality is that that some important obstacles to finding the best account of what is morally required have nothing to do with meta-ethical worries about the existence of universal norms or epistemic difficulties. Rather, it bears witness to how power differentials and relationships shaped by domination tend to distort such processes. On the political level it is clear that power dynamics in international relations have a considerable impact on any framework of international norms and laws. Those committed to the idea of justice as impartiality are not naïve with regard to the influence of power. It is precisely because we perceive that different agents are to different degrees vulnerable to a) the effects of climate change, b) any undesirable economic side effects of mitigation, and c) political pressures of other states, that we consider a global system of fundamental rights as a more promising strategy to entrusting these issues to normal political bargaining.⁴⁴ From the point of view of those worrying about domination and recognition, however, there is reasonable doubt that accounts focusing predominantly (if not exclusively) on a rights framework can ever fully address the all-encompassing influence of power and/or

⁴² See e.g. Fraser (2005).

⁴³ For relevant insights, emerging debates and attempts to translate some of the relevant concerns into the language of justice as impartiality, see e.g. Bridges and McClatchey (2009), Heyward (2014), Milton (1996), Perrett (1998), Westra (2008, 2009) and Zellentin (2015a).

⁴⁴ See Shue (2014b: 21) for a powerful re-capitulation of this reasoning

subtle forms of misrecognition.⁴⁵ Some agents are much more involved in the implementation of any framework of rights and thus have more influence than others on the evaluation of which and how normatively significant features pen out in the particular situation at stake. This leads to potential biases even in the empirically unlikely case that this framework itself were adequately based on truly universal norms. This suggests, that any framework of rights needs to be institutionalised in a manner that ensures transparency, wide participation and other measures likely to unveil and address instances of undue bias or influence. This coincides with the importance of political justice in the sense of institutions designed to secure accountability.⁴⁶

On a deeper level, critical theory furthermore points out that even theoretical debates on ideal theory are shaped by the fact that power dynamics influence the access to and evaluation of relevant information. As thinkers influenced by Foucault note, the very language in which values as well as observations about normatively significant features are expressed, influences their content to some degree. The implication for the climate justice debate is the demand that the debate is to be much more inclusive and much more critical regarding the own traditions of writing and thinking academically about matters of justice. Once more the focus is on procedure rather than actual outcomes.

Challenging the emphasis on rights

The third challenge adds a further dimension to the critique of an impartial system of rights, this time not focusing on the challenge of impartiality, but rather on the nature of rights. Most approaches within the wide field of justice as impartiality see fundamental rights as the safety-net to ensure that the preconditions for active participation in any form of self-determination are secured and that there is no undue domination undermining such basic protections.⁴⁷ However, recognition theory highlights that rights by their very nature can only protect us from some threats to our autonomy and well-being but not from others.

An example might illustrate the importance of this point in the context of climate justice. One of the issues where climate negotiations tend to stall is the question of historical responsibility. Within the political theory debates this is mostly taken up as a principle of distributive justice potentially requiring compensation due to some emitting more than their fair share of the limited emissions budget that must not be exceeded if we want to prevent global warming. As mentioned before, this leads to complicated debates about historical responsibility for overusing a resource that initially was not considered

⁴⁵ For a helpful distinction between imbalance of power, dependency, and arbitrary power, see Laborde and Ronzoni (2016: 280f).

⁴⁶ The (Neo-)republican tradition is full of proposals as to how to ensure accountability through the vigilant participation of the relevant affected agents. Think, e.g. of Pettit's (2000) proposals regarding contestatory democracy or Laborde and Ronzoni (2016) provisions for preventing domination in international relations.

⁴⁷ For the classical version of this argument, see Shue (1996).

as limited or sparse. However, the main moral outrage regarding this issue relates to the fact that some important players, notably the US, take a position that seems to add insult to injury for developing countries. They demand that all countries (independent of their past contribution and current state of development) contribute to mitigation efforts while each country is responsible to deal with the costs linked to adaptation and loss and damage that occur on its territory (independent of where the emissions causing these problems originated from). This leads to worries about stunting development and delays in the fight against poverty.⁴⁸ Where responsibilities are to be differentiated at all this is due to ability to pay rather than contribution. Background considerations make matters even worse. Given that they developed later and less extensively, most developing countries up to now contributed considerably less to the problem of climate change than industrialised ones. At the same time, these countries often lack the infrastructure, technology, and resources to adapt effectively and thus prevent climatic changes from turning into humanitarian crises. Furthermore, some of this imbalance in wealth can be linked to consequences of colonial histories as well as exploitative trends in the global economic system.⁴⁹ This means that the US position is that those who contributed least but are most vulnerable (both to the effects of climate change itself as well as to the economic costs associated with mitigation efforts) are to be treated the same in terms of their obligations as those who contributed most and are least vulnerable.

This, quite clearly neglects normatively significant differences. Rights based approaches can address many relevant factors here: the issue of fair distributions, the idea of rights to development, concerns about historical and economic justice. However, each of these debates gets technical and complicated very quickly and the careful analysis regarding the best understanding of fair shares, adequate protections for subsistence, and historical responsibilities, etc. diverts attention away from the outrageousness of the situation as a whole. What seems particularly problematic here is that demanding a system that treats all parties the same seems to be based on the commitment to respect others as self-determined, independent equals while at the same time ensuring that these others remain in a vulnerable position that leaves them open to domination. After a long history of colonialist interventions falsely proclaiming to be for the good of those colonised, this raises serious doubts regarding the integrity (let alone impartiality) of any normative theory that proclaims these ideas as its own. Rights based approaches can address many of the factors that contribute to the undesirable outcome of vulnerability, but they are hard pressed to address the issue of disrespect that seems to be at the heart of this issue. To make use of the protections that a rights based system offers here, the developing countries have to identify themselves as victims: they have to demand not to be treated as free and equal partners, but as vulnerable and deserving special protections though an impartial third party.

⁴⁸ For a detailed critique of the US stance, see Shue (1992) reprinted as Shue (2014b: Chapter 1).

⁴⁹ Shue (ibid.) uses the term compounding injustices to identify chain reactions where past injustices link to unfair vulnerabilities at later stages.

Recognition theory offers tools to analyse this situation by distinguishing between self-respect, self-esteem, and self-love.⁵⁰ Treating people as free and equal right-bearers is the appropriate way to ensure the social bases of self-respect, however self-respect is only one important precondition for autonomy and thus agency. According to recognition theorists, individuals also require social relationships that foster (or at the very least do not undermine) self-esteem and self-love to be in a position where they are not faced with challenges to their agency that they should not have to face. This is to say that the focus here is not on psychological assumptions regarding the preconditions of agency as such as there are instances where people act autonomously under the most challenging circumstances. Rather, the emphasis is that normatively speaking, no one should be in the situation where they have to navigate life without some reassurance that they have a certain status as a) an object of concern (linked to love), b) a responsible agent (linked to respect), and c) a valued contributor to shared projects (linked to esteem).⁵¹

While it is problematic to simply project such claims from the individual level to the realm of international relations, it does not seem implausible to argue that some of the outrage about proposals that leave developing countries doubly disadvantaged can be explained with reference to the blatant disregard such proposals have for vulnerabilities that characterise the position of the developing countries. There is a formal show of respect in the sense of considering developing countries as equal and responsible global players. However, this respect is to a considerable degree undermined by the disregard shown to the historical injustices that mean that they are now in a more vulnerable position with regard to the challenges of climate change as well as in a weaker position in the negotiations. This is particularly true when developing countries furthermore have to ask for help from affluent countries as a matter of voluntarily given development aid despite the fact that both their lack of resources and the challenges that they currently face are to some (considerable) degree caused by the agents that are formally free to graciously grant them aid (or not). Again, justice as impartiality's commitment to fundamental rights can considerably improve the situation by insisting on a wider framework of global justice integrating climate justice, intergenerational justice, historical justice, etc. However, what it cannot offer is a way to conceptualise (let alone institutionalise) the dimension of loving concern that is so obviously lacking. Injuries below the level of actual rights violations are hard to capture for approaches relying on a clear distinction between the right and the good, even where such micro-aggressions and instances of disrespect add up to have considerable impact in terms of demoralising others. Again, while these ideas have considerable plausibility on the individual level, it is not entirely clear if they can be applied in a similar manner in the context of international relations. But this is the point critiques make about criticising the focus of distributive justice over procedural, political, and relational justice. Negotiations after all happen among human beings – people who are under considerable pressure as they are called to represent others and to try to defend their interests, people who will have to stand up for the deals they might (not) have gotten. It would be unlikely to think that

⁵⁰ For this section, I mostly rely on the interpretation proposed in Anderson and Honneth (2004).

⁵¹ (Ibid: 131).

disrespectful behaviour (including faux shows of respect for formally 'equal' partners while completely disregarding normatively significant features of the situation) will not have some influence on the process of negotiating.

However, while this analysis might help us to understand some of the worries regarding the mismatch of issues discussed in the academic climate justice literature and what those in the negotiations might consider as normatively significant about the situation, there is no easy solution. Most of the literature on recognition theory focuses predominantly on the relationships of individuals within the institutions shaping the domestic sphere. Both translating the analysis and developing appropriate responses for the sphere of global justice requires a lot further work.

Conclusion

This paper argued that approaches to justice that emphasise the importance of non-domination and mutual recognition can offer perspectives that shed light on some of the blind spots of the academic debate on climate justice. As this debate is predominantly shaped in terms of substantive conceptions of (distributive) justice, it sometimes seems to be out of touch with the issues regarding procedural, political, and relational justice that arise in climate negotiations. In particular, more nuanced understandings of interdependency, impartiality, and disrespect might offer insights into normatively significant features of the situation that ought to be considered in climate negotiations by highlighting aspects of relational justice. Nonetheless, the discussion above showed that climate justice cannot do without a rights-based framework that protects fundamental interests and the pre-conditions for free and equal participation. In other words, the commitment to an ideally impartial system of fundamental rights is a necessary but not sufficient condition for climate justice. Concern for procedural justice in terms of wider participation in the framing of the normative demands and the institutional realisations as well as more nuanced institutional design countering potential sources of domination are demands that are added to (rather than replace) the task of identifying rights that safeguard basic protections for all human beings. The main task of climate justice is after all to prevent climatic changes resulting in humanitarian catastrophes and thus to set up whatever safeguards we can to protect those most vulnerable.

Furthermore, it seems likely that some of the insights on non-domination and mutual recognition might be helpful to better understand the normative concerns of many agents actively involved in the negotiations and thus might help the process of negotiating itself. Nonetheless, it is not clear whether a more nuanced and more demanding understanding of climate justice which involves political, procedural, and relational aspects in addition to key distributive issues is more likely to be realised with the speed needed given the urgency of the problems than current proposals.

References

- Agarwal, A. and Narain, S. (1991) *Global Warming in an Unequal World: A Case of Environmental Colonialism*, New Delhi: Centre for Science and Environment.
- Anderson, J. and Honneth, A. (2004) 'Autonomy, Vulnerability, Recognition, and Justice', in Christman, J. (ed.) *Autonomy and the Challenges to Liberalism*, Cambridge: Cambridge University Press.
- Arneson, R. (2003) 'Liberal neutrality on the good: an autopsy', in Klosko, G. and Wall, S. (eds) *Perfectionism and Neutrality*, Lanham, MD: Rowman & Littlefield.
- Baatz, C. (2014) 'Climate Change and Individual Duties to Reduce GHG Emissions', *Ethics, Policy & Environment*, 17(1), 1-19.
- Bell, D. (2011a) 'Global Climate Justice, Historical Emissions, and Excusable Ignorance', *Monist*, 94(3), 391-411.
- Bell, D. (2011b) 'Does Anthropogenic Climate Change Violate Human Rights?', *Critical Review of International Social and Political Philosophy*, 14(2), 99-124.
- Birnbacher, D. (1990) 'Ethische Gesichtspunkte langfristiger Klimaschutzpolitik', *Forum für interdisziplinäre Forschung*, 3, 43-37.
- Birnbacher, D. (1993) 'Ethische Gesichtspunkte des Klimaproblems', in: Barz, W., Bonus, H., Brinkmann, B., Hoppe, W. and Schreiber, K.-F. (eds) *Forum Umweltschutz. Ausgewählte Vorträge. Teil 1*, Münster: Zentrum für Umweltforschung (ZUFO) der Westfälischen Wilhelms-Universität.
- Bridges, K. W. and McClatchey, W. C. (2009) 'Living on the Margin: Ethnoecological Insights from Marshall Islanders at Rongelap atoll', *Global Environmental Change*, 19(2), 140-146.
- Broome, J. (2012) *Climate Matters: Ethics in a Warming World*, New York / London: W.W. Norton.
- Butt, D. (2014) "A Doctrine Quite New and Altogether Untenable": Defending the Beneficiary Pays Principle', *Journal of Applied Philosophy*, 31(4), 336-348.
- Caney, S. (2005a) 'Cosmopolitan Justice, Responsibility and Global Climate Change', *Leiden Journal of International Law*, 18(4), 747-775.
- Caney, S. (2005b) 'Global Interdependence and Distributive Justice', *Review of International Studies*, (31), 389-399.
- Caney, S. (2009) 'Human Rights, Responsibilities, and Climate Change', in: Beitz, C. R. and Goodin, R. E. (eds.) *Global Basic Rights*, Oxford: Oxford University Press.
- Caney, S. (2010a) 'Climate Change and the Duties of the Advantaged', *Critical Review of International Social and Political Philosophy*, 13(1), 203-228.
- Caney, S. (2010b) 'Markets, Morality and Climate Change: What, if Anything, is Wrong with Emissions Trading?', *New Political Economy*, 15(2), 197-224.
- Caney, S. (2012) 'Just Emissions', *Philosophy & Public Affairs*, 40(4), 255-300.
- Caney, S. (2014) 'Two Kinds of Climate Justice: Avoiding Harm and Sharing Burdens', *Journal of Political Philosophy*, 22(2), 125-149.

- Cripps, E. (2013) *Climate Change and the Moral Agent: Individual Duties in an Interdependent World*, Oxford: Oxford University Press.
- Daniels, N. (1979) 'Wide Reflective Equilibrium and Theory Acceptance in Ethics', *The Journal of Philosophy*, 76(5), 256-282.
- Diez, T. (unpublished manuscript) 'Two Dimensions of Global Justice Claims'.
- Duus-Otterström, G. (2013) 'The problem of past emissions and intergenerational debts', *Critical Review of International Social and Political Philosophy*, 17(4), 448-469.
- Eriksen, E. O. (2016) 'Three Conceptions of Global Political Justice', *GLOBUS Research Papers*, 1/2016.
- Forst, R. (2010) 'The Justification of Human Rights and the Basic Right to Justification: A Reflexive Approach', *Ethics*, 120(4), 711-740.
- Forst, R. (2011) *The Right to Justification: Elements of a Constructivist Theory of Justice*, New York, NY: Columbia University Press.
- Fraser, N. (2005) 'Reframing Justice in a Globalizing World', *New Left Review*, 36(1), 69-88.
- Gardiner, S. M. (2001) 'The Real Tragedy of the Commons', *Philosophy and Public Affairs*, 30(4), 387-416.
- Gardiner, S. M. (2004) 'Ethics and Global Climate Change', *Ethics*, 114(3), 555-600.
- Gardiner, S. M. (2011) *A Perfect Moral Storm: The Ethical Tragedy of Climate Change*, Oxford: Oxford University Press.
- Goodin, R. E. (2013) 'Disgorging the Fruits of Historical Wrongdoing' *The American Political Science Review*, 107(3), 478-491.
- Gosseries, A. (2004) 'Historical Emissions and Free-Riding', *Ethical Perspectives*, 11(1), 36-60.
- Hayward, T. (2007) 'Human Rights versus Emission Rights: Climate Justice and the Equitable Distribution of Ecological Space', *Ethics and International Affairs*, 21(4), 431-450.
- Hayward, T. (2012) 'Climate Change and Ethics', *Nature Climate Change*, 2, 843-848.
- Heyward, C. (2014) 'Climate Change as Cultural Injustice', in: Brooks, T. (ed.) *New Waves in Global Justice*, London: Palgrave MacMillan.
- Heyward, C. and Roser, D. (eds) (2016) *Climate Justice in a Non-Ideal World*, Oxford: Oxford University Press.
- Hiskes, R. P. (2009) *The Human Right to a Green Future: Environmental Rights and Intergenerational Justice*, Cambridge: Cambridge University Press.
- Jamieson, D. (2010) 'Climate Change, Responsibility, and Justice', *Science & Engineering Ethics*, 16(3), 431-445.
- Laborde, C. and Ronzoni, M. (2016) 'What is a Free State? Republican Internationalism and Globalisation', *Political Studies*, 64(2), 279-296.
- Maltais, A. (2013) 'Radically Non-Ideal Climate Politics and the Obligation to at Least Vote Green', *Environmental Values*, 22(5), 589-608.

- Meyer, L. H. (2003) 'Past and Future: the Case for a Threshold Notion of Harm', in Meyer, L. H., Paulson, S. L. and Pogge, T. (eds) *Rights, Culture, and the Law: Themes from the Legal and Political Philosophy of Joseph Raz*, Oxford: Oxford University Press.
- Meyer, L. H. and Roser, D. (2010) 'Climate Justice and Historical Emissions', *Critical Review of International Social and Political Philosophy*, 13(1), 229-253.
- Meyer, L. H. and Sanklecha, P. (2011) 'Individual Expectations and Climate Justice', *Analyse & Kritik*, 2, 449-471.
- Milton, K. (1996) *Environmentalism and Cultural Theory: Exploring the Role of Anthropology in Environmental Discourse*, London / New York, NY: Routledge.
- Moellendorf, D. (2014) *The Moral Challenge Of Dangerous Climate Change: Values, Poverty, and Policy*, Cambridge: Cambridge University Press.
- Neumayer, E. (2000) 'In Defence of Historical Accountability for Greenhouse Gas Emissions', *Ecological Economics*, 33(2), 185-192.
- Okin, S. M. (1998) 'Feminism, Women's Human Rights, and Cultural Differences', *Hypatia*, 13(2), 32-52.
- Page, E. (1999) 'Intergenerational Justice and Climate Change', *Political Studies*, 47(1), 53-66.
- Page, E. (2006) *Climate Change, Justice, and Future Generations*, Cheltenham/Northampton, MA: Edward Elgar.
- Page, E. (2011) 'Climate Justice and the Fair Distribution of Atmospheric Burdens: A Conjunctive Account', *The Monist*, 94(3), 412-432.
- Parfit, D. (1984) *Reasons and Persons*, Oxford: Oxford University Press.
- Perrett, R. W. (1998) 'Indigenous Rights and Environmental Justice', *Environmental Ethics*, 20, 377-391.
- Pettit, P. (2000) 'Democracy, Electoral and Contestatory ', in Shapiro, I. and Macedo, S. (eds) *Designing Democratic Institutions (Nomos XLII)*, New York / London: New York University Press.
- Rawls, J. (1996) *Political Liberalism*, New York: Columbia University Press.
- Rawls, J. (1999) *A Theory of Justice*, rev. ed, Cambridge, MA: Harvard University Press.
- Raz, J. (1986) *The Morality of Freedom*, Oxford: Clarendon Press.
- Roberts, M. A. (2015) 'The Nonidentity Problem', in Zalta, E. N. (ed.) *The Stanford Encyclopedia of Philosophy*. Winter 2015 ed.
- Scanlon, T. M. (1998) *What We Owe to Each Other*, Cambridge, MA: Harvard University Press.
- Schinkel, A. (2011) 'Causal and Moral Responsibility of Individuals for (the Harmful Consequences of) Climate Change', *Ethics, Policy and Environment*, 14(1), 35-37.
- Schlosberg, D. and Collins, L. B. (2014) 'From Environmental to Climate Justice: Climate Change and the Discourse of Environmental Justice', *Wiley Interdisciplinary Reviews: Climate Change*, 5(3), 359-374.
- Sen, A. (2009) *The Idea of Justice*, London: Penguin.

- Sher, G. (1996) *Beyond Neutrality*, Cambridge: Cambridge University Press.
- Shue, H. (1992) 'The Unavoidability of Justice', in Hurrell, A. and Kingsbury, B. (eds) *The International Politics of the Environment: Actors, Interests, and Institutions*, Oxford: Clarendon Press.
- Shue, H. (1993) 'Subsistence Emissions and Luxury Emissions', *Law & Policy*, 15(1), 39-59.
- Shue, H. (1996) *Basic Rights: Subsistence, Affluence, and US Foreign Policy*, 2nd ed, Princeton, NJ: Princeton University Press.
- Shue, H. (2014a) 'Changing Images of Climate Change: Human Rights and Future Generations', *Journal of Human Rights and the Environment*, 5, 50-64.
- Shue, H. (2014b) *Climate Justice. Vulnerability and Protection*, Oxford: Oxford University Press.
- Shue, H. (2016a) 'High Stakes: Inertia or Transformation?', *Midwest Studies In Philosophy*, 40(1), 63-75.
- Shue, H. (2016b) 'Uncertainty as the Reason for Action: Last Opportunity and Future Climate Disaster', *Global Justice*, 8(2), 86-103.
- Shue, H. (forthcoming) 'Distant Strangers and the Illusion of Separation: Climate, Development, and Disaster', in Brooks, T. (ed) *Oxford Handbook of Global Justice*, Oxford: Oxford University Press.
- Sinnott-Armstrong, W. (2005) 'It's Not My Fault. Global Warming and Individual Moral Obligations', in Sinnott-Armstrong, W. and Howarth, R. B. (eds) *Perspectives on Climate Change: Science, Economics, Politics, Ethics*, Oxford: Elsevier Ltd.
- Steininger, K., Lininger, C., Droegge, S., Roser, D., Tomlinson, L. and Meyer, L. (2014) 'Justice and Cost Effectiveness of Consumption-Based Versus Production-Based Approaches in The Case of Unilateral Climate Policies', *Global Environmental Change*, 24, 75-87.
- Vanderheiden, S. (2008) *Atmospheric Justice. A Political Theory of Climate Change*, Oxford: Oxford University Press.
- Von Lucke, F. (2017) 'O Justice, Where Art Thou? Developing a New Take on Climate Justice', *GLOBUS Research Papers*, 1/2017.
- Wall, S. (1998) *Liberalism, Perfectionism and Restraint*, Cambridge: Cambridge University Press.
- Wallimann-Helmer, I. (2013) 'The Republican Tragedy of the Commons: The Inefficiency of Democracy in the Light of Climate Change', *Ancilla Iuris*, 2013, 1-20.
- Walzer, M. (2003) 'Democracy and Philosophy', in Matravers, D. and Pike, J. E. (eds) *Debates in Contemporary Political Philosophy: An Anthology*, London: Routledge in association with the Open University.
- Wenar, L. (2005) 'The Nature of Rights', *Philosophy & Public Affairs*, 33(3), 223-252.
- Westra, L. (2008) *Environmental Justice and the Rights of Indigenous Peoples: International and Domestic Legal Perspectives*, London: Earthscan LLC.
- Westra, L. (2009) *Environmental Justice & The Rights of Ecological Refugees*, London / Sterling, VA: Earthscan.

- Wong, P. H. (2015) 'Confucian Environmental Ethics, Climate Engineering, and the "Playing God" Argument', *Zygon*, 50(1), 28-41.
- Wong, P.-H. (2016), 'Responsible Innovation for Decent Nonliberal Peoples: A Dilemma?', *Journal of Responsible Innovation*, 3(2). 154-168.
- Zellentin, A. (2014) 'Compensation for Historical Emissions and Excusable Ignorance', *Journal of Applied Philosophy*, 32(3), 258–274.
- Zellentin, A. (2015a) 'How to do Climate Justice?', in Brooks, T. (ed.) *Current Controversies in Political Philosophy*, London: Routledge.
- Zellentin, A. (2015b) 'Climate Justice, Small Island Developing States & Cultural Loss', *Climatic Change*, 133(3), 491-498.

GLOBUS Research Papers

1/2018

Alexa Zellentin

**Different Angles on Climate Justice
Insights from Non-domination and
Mutual Recognition**

6/2017

Mai'a K. Davis Cross

**Europe's Foreign Policy and the
Nature of Secrecy**

5/2017

Bettina Ahrens

**The Solidarisation of International
Society
The EU in the Global Climate Change
Regime**

4/2017

Mai'a K. Davis Cross

**EU Institutions and the Drive for Peace
The Power of Ideas**

3/2017

Kjartan Koch Mikalsen

**Equal Sovereignty
On the Conditions of Global Political
Justice**

2/2017

Helene Sjursen

**Global Justice and Foreign Policy
The Case of the European Union**

1/2017

Franziskus von Lucke

**O Justice, Where Art Thou?
Developing a New Take on Climate
Justice**

1/2016

Erik O. Eriksen

**Three Conceptions of Global Political
Justice**

GLOBUS Research Papers

The GLOBUS Research Papers are pre-print manuscripts on the EU's contribution to global justice as well as the wider question of Global Political Justice. The series is multidisciplinary, with a particular emphasis on the fields of international relations, political science, political theory, sociology and law.

Reconsidering European Contributions to Global Justice - GLOBUS

GLOBUS is a research project that critically examines the European Union's contribution to global justice. Challenges to global justice are multifaceted and what is just is contested. Combining normative and empirical research GLOBUS explores underlying political and structural obstacles to justice. Analyses of the EU's positions and policies are combined with in-depth studies of non-European perspectives on the practices of the EU. Particular attention is paid to the fields of migration, trade and development, cooperation and conflict, as well as climate change. GLOBUS' team of researchers covers the disciplines of politics, international relations, law, economics, sociology and political theory. The project is coordinated by ARENA Centre for European Studies at the University of Oslo and has partners in Brazil, China, Germany, India, Ireland, Italy and South Africa. It is funded by the Horizon 2020 Programme of the European Union for the period 1.6.2016 - 31.5.2020.

Series Editor

Helene Sjursen, ARENA Centre for European Studies, University of Oslo
GLOBUS Coordinator.

Editorial Board

Mai'a K. Davis Cross	ARENA Centre for European Studies, University of Oslo
Thomas Diez	Institute of Political Science, University of Tübingen
Erik O. Eriksen	ARENA Centre for European Studies, University of Oslo
Sonia Lucarelli	Department of Political and Social Sciences, University of Bologna
Pundy Pillay	Wits School of Governance, University of Witwatersrand
Ben Tonra	School of Politics and International Relations, University College Dublin