



DEBATING CLIMATE ETHICS

STEPHEN M. GARDINER AND
DAVID A. WEISBACH

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Stephen Gardiner and David Weisbach

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DEBATING CLIMATE ETHICS

PART I

IN DEFENSE OF CLIMATE ETHICS

STEPHEN M. GARDINER

How Will We Be Remembered?

Let us begin with a story¹:

Once upon a time, there was a generation that confronted great challenges and survived them. It struggled through a time of global financial collapse; defeated a frightening, destructive, and evil enemy; and ostensibly made the world safer for freedom and democracy for generations to come. This generation inherited a mess, but cleaned it up and passed on a better world to the future. It earned the moniker, “the most splendid generation.”

The most splendid generation was succeeded by another generation, “the bloopers.” This generation had a reputation in its youth for grand visions and moral seriousness (“peace, love, and understanding”); however, when it actually came to hold the reins of power, it became consumed by the pleasures of the moment, and self-aggrandizement (“sex, drugs, and reality TV”). It paid scant attention to the concerns of the future, and indulged in whatever activities it could that brought soft comforts and profit in the short term, regardless of the long-term consequences. The bloopers deregulated financial markets, leaving the world vulnerable to a Great Depression-like crash; they provoked an international arms race and allowed the proliferation of weapons of mass destruction, making future wars more likely and more destructive; they polluted

the natural environment with wild abandon, undermining the future integrity of the world's climate system and food supply; and so on. In short, the blooper generation lived fast and loose, caring little whether others suffered greatly and died young as a result.

As things turned out, succeeding generations really did suffer serious harms (global financial collapses, horrific wars, environmental catastrophes, widespread famine, etc). Like the most splendid generation, they were left to clean up a mess.

This story has ethical import. The bloopers are a profligate generation. They squander the hard work of their predecessors, and inflict serious harms on their successors. Moreover, they do this mostly for the sake of cheap pleasures, and the comforts of easy living. Such a generation would receive harsh criticism from both the future and the past, and this criticism would be well deserved. They fail to discharge their intergenerational responsibilities. Too much goes wrong on their watch, and much of it is self-inflicted.

Sadly, the story has contemporary relevance. Many of us alive now, and especially those in the richer nations, are at risk of being remembered as members of a profligate generation—one that was recklessly wasteful, distracted, and self-absorbed. Moreover, our failures seem likely to be regarded especially harshly by the future, as they threaten to occur on a grand scale. The most serious involve an explosion in environmental degradation, with profound implications for all: globally, intergenerationally, and across species. If we do not address this issue, we may end up being remembered not just as a profligate generation, but as “the scum of the Earth,” the generation that stood by as the world burned.²

It does not have to be this way. We are late, and dragging our feet. We have already taken greater risks than can plausibly be justified. However, there is still time, especially to head off the worst. If we can wake up to what we are doing and engage in meaningful action, we may still redeem ourselves. We can become the greenest generation yet. Given the scale of the challenge, that could make us the greatest generation of all.³

Notes

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2. Stephen M. Gardiner, "Are We the Scum of the Earth?" in *Ethical Adaptation to Climate Change*, eds. Allen Thompson and Jeremy Bendik-Keymer (Boston: MIT Press, 2012), 241–260.
3. This prologue draws on Stephen M. Gardiner. *A Perfect Moral Storm* (Oxford: Oxford University Press, 2011), chapter 4.

Betraying the Future

We, the people, still believe that our obligations as Americans are not just to ourselves, but to all posterity.

We will respond to the threat of climate change, knowing that the failure to do so would betray our children and future generations.¹

2.1 INTRODUCTION ---

In his second inaugural, President Barack Obama boldly asserted that climate change is an ethical issue, that our obligations to future generations are central to it, and that failure to meet those obligations would be a very serious moral matter (a “betrayal”).² He is far from alone. Such pronouncements cross the political spectrum and other cultural divides, both nationally and internationally.

Ethical concerns are also central to the governing treaty for climate action, the United Nations’ Framework Convention on Climate Change (UNFCCC), ratified in 1994 by all major countries, including the United States, China, the European Union, Russia, India, and Brazil. The UNFCCC states as its motivation the “protection of current and future generations of mankind,” declares as its major objective the prevention of “dangerous anthropogenic interference” with the climate system, and requires that this be achieved while protecting ecological, subsistence, and economic values.³ It also announces principles to guide the process that make heavy use of value-laden concepts, such as

“equity,” “common but differentiated responsibilities,” the “special needs” of developing countries, and the “right” to development.

The thought that climate change is fundamentally an ethical issue is thus in many ways mainstream. Explicitly or implicitly, ethical concerns are widely held both to explain why we should be interested in the climate problem, and to structure acceptable responses. Nevertheless, such concerns have had very little influence over the making of more substantive international climate policy over the last twenty-five years. Instead, this has been dominated by short-term economic and strategic thinking.

This neglect arises in part because, in some circles, “ethics” is a “dirty” word, not to be mentioned in polite company unless to be ridiculed as obviously irrelevant, counterproductive, or even downright dangerous. Indeed, many in international relations and economics urge that ethics is best eliminated in global affairs quite generally, in favor of narrower considerations of national self-interest. Although (revealingly) this approach is applied only selectively to international issues, it has a strong influence on climate policy, especially in the United States. In particular, some (call them “the economic realists”) insist that “pragmatically” harnessing national self-interest offers the *only* chance of success in combating the climate problem given the actual motivations of governments, since ethical concepts, and especially the key notion of justice, are hopelessly unfit for the purpose. This position fuels stark policy messages, such as Eric Posner’s claim “you can have either climate justice or a climate treaty, not both,”⁴ and perhaps the declaration of the US climate envoy, Todd Stern, to other negotiators, “If equity’s in, we’re out.”⁵

My task in this volume is to defend ethics against such marginalization. For reasons that will become clear, I will not attempt to provide a comprehensive climate ethics. Instead my approach will be to explain why climate change is fundamentally an ethical issue, and why ethics is not easily eliminated from climate policy. My first chapter sketches the grounds for an ethical approach; the second argues against various versions of the anti-ethics position, including the politically influential version pressed by David Weisbach, and his colleagues Eric Posner and Cass Sunstein (the “Chicago lawyers”⁶); the third defends justice. Although the focus is climate, much of what I say applies to the role of ethics in international policy more generally.

My key claims will be as follows. First, *ethics gets the problem right*. Climate change is one instance of a distinctive challenge to ethical action: it is a perfect moral storm.⁷ Moreover, ethical concerns (such as with justice, rights, political legitimacy, community, and humanity’s relationship to nature) are at the heart of many of the decisions that need to be made. Consequently, climate policy that ignores ethics is at risk of “solving” the wrong problem.

Second, the *economic realists get the problem wrong, and dangerously so*. For one thing, they typically misdiagnose the climate problem as a traditional tragedy of the commons or prisoner’s dilemma. Consequently, they miss central issues, and especially the critical intergenerational threat of what I call “a tyranny of the contemporary.” Economic realism thus encourages “shadow solutions” that primarily serve the interests of affluent members of the current generation, including by creating illusions of real progress (e.g., Kyoto, Copenhagen).

Economic realists are also at risk of encouraging morally indecent policies, such as climate extortion. For instance,

a key implication of the Chicago lawyers' "feasibility" approach is that the relatively poor, low-polluting nations who are the most vulnerable to climate impacts (e.g., Bangladesh) should "pay off" the (allegedly) less vulnerable large emitters (e.g., the United States, China) to stop polluting so heavily. Similarly, some "pragmatists" advocate passing the burdens of climate mitigation on to future generations through new forms of intergenerational debt.

Third, *the official rejection of ethics prevents us from raising central questions that need to be discussed*. In particular, although economic realists usually begin by insisting on the hegemony of narrow self-interest, they often end up appealing to wider ethical values, such as global welfare or limited intergenerational responsibility ("our children and grandchildren"). This vacillation not only renders such views unstable, but also undermines public deliberation. Though officially dismissed, ethics reemerges within a highly selective, morally loaded conception of self-interest left to be operationalized behind closed doors by policy professionals. Consequently, economic realism threatens a Trojan Horse. We, the people, are encouraged to quietly depart the scene, ceding power over the central ethical and geopolitical issue of our time to the "technocrats."

2.2 ETHICS FIRST

The third report of the UN's Intergovernmental Panel on Climate Change (IPCC) began by stating:

Natural, technical, and social sciences can provide essential information and evidence needed for decisions on what

constitutes ‘dangerous anthropogenic interference with the climate system.’ At the same time, *such decisions are value judgments . . .*⁸

There are good grounds for this statement. Climate change is a complex problem raising issues across and between a large number of disciplines, including the physical and life sciences, political science, economics, and psychology, to name just a few. Still, without wishing for a moment to marginalize their contributions, ethics plays a fundamental role.

2.2.1 Evaluation

The first reason is that we *need ethical concepts to identify the relevant problem*. One issue is the challenge of the perfect moral storm (to which I return shortly). However, let me begin with a more general point. In stark physical terms, climate change (like most other things) might be seen as merely a series of events in the world. If we think that something should be done about it, it is because we *evaluate* those events, our role in bringing them about, and the alternatives. This evaluation gives us both an account of the problem, and constraints on what would count as relevant solutions. The critical question is what “values”⁹ are in play when we do this.

Often, we do not notice that this question arises, since we assume that the relevant values are so widely shared that the answer is, or should be, “obvious” to everyone. Nevertheless, the values question is not trivial, since our answer shapes our whole approach. For example, when people say “murderers should be punished,” we do not normally

ask why; yet it makes a difference whether our reason is deterrence or retribution.

One way to highlight the values question in the climate context is to point out some highly restrictive ways of evaluating climate change. For instance, occasionally some with large fossil fuel holdings talk as if climate change is a “problem” *only* because tough emissions limits would make their assets worthless. For them, a good “solution” is to fund campaigns that question the science, and politicians who oppose action. So far, this “solution” has worked reasonably well in addressing their “problem.” Nevertheless, theirs remains a poor description of what is really at stake in climate policy. One reason is that it is far too limited in what it takes into account; another is that these actors implicitly take their own narrow economic concerns as decisive over all other values.

A similar problem confronts the economic realists. Typically, they argue that the only thing that really matters to nation states as currently constructed is their short-term economic interests, usually understood in terms of domestic economic growth over the next couple of decades. However, on this account, it is not clear why climate change is much of a problem. Given the long time lags involved, most climate impacts, including many of the most serious, are not short-term in this sense, nor narrowly economic. Moreover, those that will occur in the next few decades are likely already “in the cards,” in the sense that we are already committed to them, either by past emissions or by those that are now, practically speaking, inevitable. Consequently, a policy that tried to address climate change with an exclusively “next decade or two” focus would confront only a very small set of the relevant impacts, and probably miss the

most important (e.g., the potentially catastrophic). Such a policy would probably also employ the wrong methods. For example, if all that mattered were domestic economic impacts for the next twenty years, but these were more or less “in the cards,” mitigation would likely seem pointless, or even counterproductive. From the “few decades” point of view, it seems much better to put the resources into offsetting the immediate threats (e.g., through national adaptation). Why not, if the main point of mitigation would be to reduce later effects that fall mainly elsewhere and on others?¹⁰

In my view, better explanations of the climate “problem” appeal to a much more extensive, but also widely shared, set of values. The climate problem that *should* concern public policy is global, intergenerational, and ecological in scope, and the most important concerns are ethical, including considerations of justice, rights, welfare, virtue, political legitimacy, community, and our relationship to nature. If public policy neglects such concerns, its account of the problem to be solved is impoverished, and the associated solutions quickly become grossly inadequate. For example, we do not “solve” the climate problem if we inflict catastrophe on future people, or devastate poor African nations, or rapidly accelerate the pace of mass extinction. We can summarize this point by saying that alleged solutions face a set of *intelligibility constraints*. Economic realists (and others) must explain what problems their “pragmatic” policies seek to solve, and why these are the most pressing.

Importantly, there are signs that some intelligibility constraints are already beginning to bite. For instance, some world leaders criticized the Copenhagen Accord’s proposal to interpret “dangerous climate change” as that which

exceeds a two-degree limit. Mohamed Nasheed, President of the Maldives, complained:

Anything above 1.5 degrees, the Maldives and many small islands and low-lying islands would vanish. It is for this reason that we tried very hard during the course of the last two days to have 1.5 degrees in the document. I am so sorry that this was blatantly obstructed by big-emitting countries.

More dramatically, Lumumba Stanislaus Di-aping, lead negotiator of the G-77 group of developing countries, protested:

[The draft text] asks Africa to sign a suicide pact, an incineration pact in order to maintain the economic dominance of a few countries. It is a solution based on values, the very same values in our opinion that funneled six million people in Europe into furnaces.¹¹

Whatever one thinks of the rhetoric, the ethical worry is clear. Without justice to developing nations, what (or who's) problem does a climate treaty solve?

Elsewhere I argue that the dominance of short-term and narrowly economic concerns favored by economic realists goes a long way towards explaining the past failures of international climate policy in Kyoto and Copenhagen. Although these were disastrous in ethical terms, arguably they were great "successes" in achieving the modest ambitions of the current generation of the most powerful. Most notably, for many they perpetuated a "dangerous illusion" of progress that facilitated an ongoing strategy of distraction and delay.¹² As we shall see, such "shadow solutions"—reflecting only the limited concerns of those with the power

to act rather than the central ethical concerns—are persistent threats in the climate case.

2.2.2 Policy Questions

The second reason that ethics plays a fundamental role in climate change is that *ethical considerations are right at the heart of the main policy decisions that must be made*, such as how quickly to reduce greenhouse gas emissions over time, how those emissions that are allowable at a given time should be distributed, and what should be done to address unavoided impacts.

Suppose, for instance, one were deciding where to set a global ceiling on emissions for a particular time. This decision depends in large part on how the interests of the current generation are weighed against those of future generations. At one extreme, giving absolute priority to the interests of the future probably means ceasing emissions very quickly, even if this involves severe sacrifices for the current generation; at the other extreme, continuing high levels of emissions—as we are currently doing—suggests giving the future no weight at all. Presumably, neither extreme is justified, but determining precisely where the appropriate balance lies is an ethical question (and a difficult one).

Similarly, ethical questions pervade the issue of how to distribute emissions under a ceiling. Distributive decisions depend in part on background beliefs about the appropriate role of energy consumption in people's lives, the relevance of historical responsibility, and the current needs and future aspirations of particular societies. For instance, should those in severe poverty get greater access than the

affluent, or do those who have already invested in fossil-fuel intensive infrastructure have a prior claim? Again, the ethical questions are serious and central.

2.2.3 Ethical Challenge

The third reason that ethics is fundamental is that climate change *presents a severe ethical challenge*. It throws down the gauntlet to us as ethical agents, and especially to our moral and political systems. Specifically, climate change is an early instance of a problem that poses a profound ethical test for humanity and its institutions. I call this problem, “the perfect moral storm.” The ongoing political inertia surrounding climate action suggests that so far we are failing that test.

Let us say that a perfect storm is an event constituted by an unusual convergence of independently harmful factors where this convergence is likely to result in substantial, and possibly catastrophic, negative outcomes. The phrase “perfect storm” became prominent in popular culture through Sebastian Junger’s book and Wolfgang Peterson’s subsequent movie starring George Clooney.¹³ Junger’s tale is based on the true story of the *Andrea Gail*, a fishing vessel caught at sea during a convergence of several independently powerful storms. The sense of the analogy is that climate change is a perfect *moral* storm because it involves the convergence of a number of factors that threaten our ability to behave ethically.

As climate change is a complex phenomenon, I cannot hope to identify all of the ways in which its features create challenges for ethical behavior. Instead, I will highlight four especially salient threats—analogue to the storms that hit the *Andrea Gail*—that converge in the climate case. These “storms” arise in the global, intergenerational, ecological,

and theoretical dimensions. Each is serious in its own right. However, their interaction also helps to exacerbate a lurking problem of moral corruption that may be of greater practical importance than any one storm considered in isolation.

2.3 THE GLOBAL STORM

In the policy world, the climate challenge is usually understood in spatial, and especially geopolitical, terms.

2.3.1 The Basic Global Storm

We can make sense of this by focusing on three important characteristics. The first is the spatial *dispersion of causes and effects*. Climate change is a truly global phenomenon. Emissions of greenhouse gases from any geographical location on the Earth's surface enter the atmosphere and then play a role in affecting climate globally. Hence, their effects are not realized solely at their source, either individual or geographical, but rather are dispersed across all regions of the Earth.

The second characteristic is *fragmentation of agency*. Climate change is not caused by a single agent, but by a vast number of individuals and institutions (including economic, political, and social institutions) not fully unified by any comprehensive structure of agency. This poses a challenge to humanity's ability to respond.

In the spatial dimension, fragmentation of agency is usually understood as arising out of the shape of the current global system, dominated by nation states, and in terms of the familiar theoretical model of the prisoner's dilemma,

or what Garrett Hardin calls a “tragedy of the commons.”¹⁴ Weisbach and his colleagues also endorse this approach.¹⁵

Later I will argue that the standard model is a *dangerous misdiagnosis* that threatens good policy. However, first let us explain it. The relevance of the prisoner’s dilemma scenario is easiest to show by focusing on a paradigm case: overpollution. Suppose that a number of distinct agents are trying to decide whether or not to engage in a polluting activity. Assume for the moment that each is concerned only with its own interests, narrowly construed, and that the situation can be characterized as follows:

- (PD1) It is *collectively rational* to cooperate and restrict overall pollution: each agent prefers the outcome produced by everyone restricting its individual pollution over the outcome produced by no one doing so.
- (PD2) It is *individually rational* not to restrict one’s own pollution: when each agent has the power to decide whether or not it will restrict its pollution, each (rationally) prefers not to do so, whatever the others do.

Agents in such a situation find themselves in a paradoxical position. On the one hand, given (PD1), they understand that it would be better for everyone if every agent cooperated; but, on the other hand, given (PD2), they also all prefer to defect. Paradoxically, then, if all individual agents act rationally in terms of their own interests, then they collectively undermine those interests.

For current purposes, assume that a tragedy of the commons is roughly a prisoner’s dilemma involving a common resource.¹⁶ This has become the standard analytical model for understanding large-scale environmental problems, and climate change is no exception. Typically, the

reasoning goes as follows. Conceive of climate change as an international problem where the relevant parties are individual countries, who represent the interests of their populations in perpetuity. Then (PD1) and (PD2) appear to hold. Individual states accept that allowing climate change to continue unabated is bad for them, that cooperation is needed to address it, and that it would be in their interests for all to cooperate (i.e., (PD1)). However, each state also believes that when it comes to making its own decisions about what to do, it is better not to cooperate, since this choice is better on strategic grounds (i.e., (PD2)). Specifically, on the one hand, if others cooperate, it is better to defect, since then one can receive the benefits of cooperation (i.e., meaningful reductions in overall climate risk) without having to pay any of the costs; however, on the other hand, if others fail to cooperate, it is also better not to cooperate, since otherwise one would pay costs without receiving the benefits (e.g., since meaningful reductions require cooperation). Unfortunately, this pattern of reasoning leads to a paradoxical result: if each country reasons in the same way, no one cooperates, and each ends up worse off by its own lights than they would if all cooperated. This result is aptly termed a tragedy: the problem seems self-inflicted and the behavior self-destructive.

If climate change is a normal tragedy of the commons, this is challenging, but also encouraging. Given (PD1), there is a sense in which each country should be motivated to find a way out of the paradox, so that all can secure the better, cooperative outcome. Moreover, in the real world, commons problems are often resolvable under certain circumstances, and climate change seems to fit these desiderata.¹⁷ In particular, commons problems are often resolved

if the parties benefit from a wider context of interaction; and this appears to be the case with climate, since countries cooperate on a number of broader issues, such as trade and security.

Unfortunately, this brings us to the third characteristic of the basic global storm, *institutional inadequacy*. The usual means for resolving commons problems under favorable conditions is for the parties to agree to change the existing incentive structure by introducing a system of enforceable sanctions. (Hardin memorably labels this “mutual coercion, mutually agreed upon.”)¹⁸ Such a system transforms the decision situation by foreclosing the option of free riding, so that the collectively rational action also becomes individually rational. Theoretically, then, matters seem simple. Nevertheless, in practice the need for enforceable sanctions poses a challenge at the global level because of the limits of our current, largely national, institutions, and the lack of an effective system of global governance. In essence, global regulation of greenhouse gas emissions seems required, including a reliable enforcement mechanism; however, the current global system—or lack of it—renders this difficult, if not impossible.

The standard (spatial) analysis thus suggests that the main thing needed to address climate change is an effective system of global governance (at least for this issue). This is a tall order; still, there is a sense in which it remains good news. In principle at least, it ought to be possible to motivate countries to establish such a regime, since they should recognize that it is in their best interests to eliminate free riding and so make genuine cooperation the rational strategy at the individual (i.e., national) as well as collective (i.e., global) level.

2.3.2 Exacerbating Factors

Alas, other features of the climate case make the necessary global agreement more difficult, and so exacerbate the basic global storm.

The first is *uncertainty* about the precise magnitude and distribution of climate impacts. Lack of trustworthy data about national costs and benefits casts doubt on the truth of (PD1): the claim that each country prefers the outcome produced by everyone restricting pollution. Perhaps, some wonder, we might be better off with at least some climate change. More importantly, some (e.g., the United States) might ask whether they will at least be relatively better off under climate change than others (e.g., Bangladesh), and so might get away with paying less to avoid the costs of cleaning up. (Such considerations are emphasized by the Chicago lawyers, and fundamental to their analysis.)

In other contexts, uncertainty might not be so important. However, the second exacerbating feature of the climate problem is its *deep roots* in the infrastructure of many current civilizations. Carbon dioxide emissions are predominately brought about by the burning of fossil fuels for energy, and this energy supports most existing economies. Given that deep cuts are needed over time, such actions are likely to have profound implications for the basic economic organization of developed countries and the aspirations of others. One implication is that those with vested interests in the continuation of the current system—e.g., many of those with substantial political and economic power—will resist such action. Another is that, unless ready substitutes are found, substantial mitigation can be expected to have considerable repercussions for how humans live and how