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Review Article: Non-Ideal Climate Justice

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Review Article: Non-Ideal Climate Justice

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Based on three recently published books on climate justice, this article reviews the field of climate ethics in light of developments of international climate politics. The central problem addressed is how idealised normative theories can be relevant to the political process of negotiating a just distribution of the costs and benefits of mitigating climate change. I distinguish three possible responses, that is, three kinds of non-ideal theories of climate justice: focused on (1) the injustice of some agents not doing their part; (2) the policy process and aiming to be realistic; and (3) grievances related to the transition to a clean-energy economy. The methodological discussion underpinning each response is innovative and should be of interest more generally, even though it is still underdeveloped. The practical upshot, however, is unclear: even non-ideal climate justice may be too disconnected from the fast-moving and messy climate circus.

Keywords: non-ideal theory, climate injustice, transitional climate justice, realistic climate justice, noncompliance, climate justice

Henry Shue, *Climate justice: vulnerability and protection*. Oxford: Oxford University Press, 2014. Pp. 353. ISBN 978-0-19-871370-8.

Clare Heyward and Dominic Roser, eds., *Climate justice in a non-ideal world*. Oxford: Oxford University Press, 2016. Pp. 323. ISBN 978-0-19-874404-7.

Dominic Roser and Christian Seidel, *Climate justice: an introduction*. Abingdon, Oxon: Routledge, 2017. Pp. 229. ISBN13: 978-1-138-84527-5.

I. Introduction

Climate change already causes great economic losses, extreme hardship and premature death by inducing droughts, crop failures, and other detrimental effects. If nothing is done, it will get worse: extreme weather events will become more frequent, and in the worst-case scenario, present an existential threat. To mitigate such dangers the nation states of the world have

accepted to '[hold] the increase in global average temperature to well below 2°C above pre-industrial levels and [to pursue] efforts to limit the temperature increase to 1.5°C above pre-industrial levels', as part of the Paris Agreement (UNFCCC 2015, Art. 2.1). They have also approved that meeting this goal requires net-zero emissions of greenhouse gases (GHGs) in the second half of this century.

The aforementioned agreement is effectively a normative decision about the right balance of probability-weighted costs and benefits of measures to reduce emissions and those of other policy objectives, including how much to spend on adaptation to unmitigated climate change. It furthermore has normative implications in the sense that it raises questions about how to meet the target, and who should do what, and how fast it should be done. Transitioning to a clean-energy economy will entail both large costs and large non-climate benefits that should be fairly distributed.

Ideally, normative theory should be relevant to answering such questions. A theory of climate justice, that is, a set of principles for distributing the goods and burdens of climate change mitigation, could function as an aspirational goal for the just transformation of the current fossil fuel economy. But in the current state of climate politics it is easy to despair – also about normative theory. Although the Paris Agreement may turn things around, climate politics has been and is still to a large extent in a deadlock. Many actors dig in their heels: refuse to act fairly, act as first mover, or even act at all. In this situation, it is unclear what impact philosophical analyses, however sophisticated, could have. What Brian Barry (2003, p. 498) wrote in a different context rings true here: 'whether we make the demands of justice more or less stringent, it is going to demand more than is likely to get done in the foreseeable future'.

In response to such worries, one may seek resort in what is known as 'non-ideal theory'. Perhaps climate ethicists – that is, normative theorists working on climate change – have been too preoccupied with developing ideal theories, and should now focus their efforts

on more practically relevant tasks. Such an idea can be distinguished in the collected works *Climate Justice: Vulnerability and Protection* (2014) that Henry Shue recently has put together. Similarly, a whole third of Dominic Roser and Christian Seidel's just published *Climate Justice: An Introduction* (2017) is devoted to questions about how ethical ideals can and should be put to political practice. Moreover, as the title gives away, it is centrally featured in the anthology *Climate Justice in a Non-Ideal World* (2016) that Clare Heyward and Dominic Roser have edited. It has also been the topic of some journal articles: Hohl and Roser (2011), Maltais (2013, 2014), Caney (2005, 2016a), Gajevic Sayegh (2016).

In this article, I will review the discussion of non-ideal climate justice with the primary aim of clarifying the central concepts therein. This is pertinent because the idea of non-ideal theory – and its opposite, ideal theory – is far from clear. I will thus begin by disambiguating it and highlighting the different ways it has been put to use in the discussion of climate justice. Thereby, I also hope to contribute to an assessment of the role of climate ethics in relation to climate politics.

II. Disambiguating the Distinction

I should first set aside a common usage of 'non-ideal' in discussions of climate justice. That is, when it is to signify the difficult nature of the problem; or, in the words of Aaron Maltais (2013, p. 598), the 'extremely unfavourable conditions for effective climate politics'. Although what is referred to here must be accounted in the implementation and possibly even justification of climate justice, the expression should not be confused with that of non-ideal theory. Also note that this expression can be confusing also after this clarification. Seeing that the dictionary definition of 'non-ideal' is 'real', all real-world conditions, however difficult or easy to overcome, are non-ideal in this sense. So, if one wants to isolate the specific character of climate politics, it is better to use another term, such as 'difficult', 'problematic', or perhaps 'wicked'.

From here on, I will reserve 'non-ideal' to name a particular kind of normative theory, and examine three different interpretations of it in the climate justice discussion, concerned with partial compliance (in section III), realism (in section IV), and transition (in section V), respectively. The tripartite structure comes from the three senses of the distinction between ideal and non-ideal theory that Laura Valentini (2012) has pointed out. That is, first, as a distinction between full and partial compliance with normative principles theorised.[1] One can either work out normative principles on the assumption that all agents can and will comply to the extent that is possible and reasonable for them to do so, or on the assumption that there is or will be some noncompliance, that is, some agents not doing what they should. Non-ideal theory, in this sense, concerns how to respond to injustice. Secondly, it has been understood as a distinction between more utopian and more realistic normative theories. There is a question about to what extent various feasibility constraints or facts should be taken into account in normative theorising. Thirdly, it has been understood as the difference between focusing on the end-state of a perfectly just society, or on transitional concerns about improvements from the status quo.

III. Dealing with Climate Injustice

The partial compliance interpretation is probably the most common one among climate ethicists (see Caney 2005, 2016a, 2016b, Hohl and Roser 2011, Shue 2014, ch. 15, Roser and Seidel 2017, ch. 17). And not without reason: The apparent disregard for climate change that characterises world politics suggests that questions about how to deal with climate *injustice* are central. It seems less relevant to try and work out the precise details of principles of climate justice when agents today cannot plausibly be said to comply with *any*, however modest, requirements of justice. Furthermore, as Shue (2014, ch. 9) argues, the commonly discussed ideal principles perhaps anyhow converge on the same policy prescriptions.

What is important to note, then, is that this raises new and distinct ethical considerations. Questions about how to deal with non-compliers cannot be swept aside as merely practical matters; they are of moral significance and in need of a separate, non-ideal theory of climate justice. As Simon Caney (2016a, p. 12) notes, the existence of noncompliance implies a shortfall of justice, which leads to the question: 'Where should the shortfall lie?' In order to determine this and to thus develop a non-ideal theory of climate justice, Caney (2016a) proposes a three-step methodology.

The first step is to list possible responses to noncompliance. Note that these are often discussed in terms of the fairness of demanding of compliers to 'take up the slack' of non-compliers. One response is that it would be unfair because fairness determines invariable shares. But one may also argue that the existence of noncompliance does affect the ideally fair distribution of responsibility: either, as some state representatives less plausibly have claimed[2], by freeing compliers from responsibility (as it is conditional on some level of compliance), or by increasing responsibility, such that, compliers are now required to do even more (see e.g. Caney 2005, pp. 767-772). Sabine Hohl and Dominic Roser (2011) suggest another possibility: that although it would be unfair to demand of compliers to do more than their fair share, they are still so required because each additional burden[3] shouldered makes it less likely that human rights are violated as a result of climate change. Roser and Seidel (2017, pp. 170-171) similarly concede the unfairness of compliers having to shoulder residual burdens, but argue that it must be balanced against a much worse injustice, namely that of allowing great harm being inflicted on third parties (i.e. the effects of climate change on future people). Caney (2016b) expands and develops the standard set of responses, adding, among other things, the possibility of relaxing moral side-constraints on action and of changing the incentive structure to increase future compliance.

The second step responds to the need to evaluate and choose between the possible responses. Like many in the general discussion (e.g. Rawls 1999, p. 90; cf. Simmons 2010),

Caney (2016a) argues that this must be met with ideal theory. Non-ideal theory presupposes ideal theory: the aim of the former is to approximate the latter. There are two things to note here. First, by implication, it is not enough to just assume (as I did above) that present agents have not complied with their responsibilities on *most* theories of justice; the evaluation of appropriate responses depends on a more specified ideal theory. The second thing is that, at least for Caney, there seems to be a strict partitioning between ideal and non-ideal theory. As far as the development of the latter goes, ideal principles are not revisable, but insensitive to facts and intuitions related to the application. Non-ideal theorising is thus not a matter of testing ideals against reality and possibly adjusting them accordingly. It is rather applying an independently justified theory of justice. The aim is to deal with climate injustices in ways conducive to the ultimate objective of an ideal theory. It is always the ideals prescribed that should inform the treatment of noncompliance: agents must ask themselves whether a particular course of action will be an ethically acceptable (as judged by the ideal), efficient and effective step towards the ideal. There can be no compromising of the ideal.

In the third step of his account of non-ideal climate justice, Caney argues that one must attend to what is (politically) feasible for differently positioned agents, such as governments, firms, and individuals. Depending on the individual agent's action space, different actions will be called for by the non-ideal theory of climate justice. The government of a well-positioned and affluent nation state will need to take actions different from those of a potential victim of climate change, such as an individual farmer in a developing country. The former may need to take on extra mitigation burdens or help finance an institutional framework to encourage future compliance (what Caney calls '*Changing the Incentives Structure*'). The latter may be permitted certain acts of civil disobedience, for instance, to take possession of certain low-carbon technology ('*Burden Shifting II*'). These facts are relevant to determining what is an efficient and effective step towards the ideal. So although ultimate

principles of justice are abstracted away from the facts on the ground, on Caney's theory, their application is not.

Thus, although all considered agents are required to comply with one and the same ideal theory, different agents may be required to do different things in response to noncompliance. How and why will their obligations differ? The answer is given by ideal theory.[4] If it prescribes, say, that all agents should enjoy comparable opportunities to lead a good life, then those with fewer opportunities should shoulder fewer additional burdens, and vice versa. Residual responsibility would, accordingly, be distributed in accordance with ability to take on additional burdens, subtracting what is needed to lead a good life. Given the opening for a plurality of different ideal theories, each with their distinct non-ideal auxiliaries, it is a striking fact that climate ethicists generally support some such cosmopolitan egalitarianism coupled with some such ability-based principle for residual responsibility.[5]

One can also challenge the premises of the take-up-the-slack-understanding of partial compliance theory. Caney's non-ideal theory, in a way, does so by drawing on the multidimensional and dynamic character of real-life decisions.[6] He rightly notes that the action space is variable, which enables positive or negative incentive effects: additional burdens carried by compliers can make it more or less likely that non-compliers will come to comply too. But it is even clearer with Aaron Maltais (2014), who argues that the problem is more fundamental than what has been assumed so far: there is a set of 'non-ideal burdens', actions that are costly in the short term but necessary to make an effective international response to climate change politically feasible, and it is these that must be distributed fairly. Such a distribution, Maltais (2014) argues, requires economically powerful states to show 'climate leadership' by taking unilateral actions, because they are well connected to the problem and have the capacity to effectuate structural change.[7] Maltais is right in problematizing the non-ideal problem: the default framing certainly seems like a misrepresentation of a situation in which almost no one complies. But it should be noted that

one thereby leaves the partial compliance interpretation of non-ideal theory. Maltais's (2014) discussion of the normative ground of climate leadership is of a different kind. It is more akin to the second interpretation of non-ideal theory, to which I will now turn.

IV. Realistic Climate Justice

An ironic twist of the partial compliance interpretation is that its suggested treatment of noncompliance risks furthering even more noncompliance. If compliers are required to shoulder residual burdens of non-compliers, their motivation is tested, and, if stretched to its limit, the result could be yet more noncompliance, not only with the additional, residual burden, but also with respect to the initial, ideal burden. Of course, this need not happen, but one can think of cases more generally where it seems likely, such as when one of two younger siblings defaults on a joint enterprise and leaves the other to singlehandedly bear the full burden. It is anyhow surprising that non-ideal theory thus understood may be more demanding than ideal theory. Why would making the demands of justice more stringent make it more likely that they are met in the future, one is inclined to ask.

Whether or not this has been the reason, some climate ethicists have used non-ideal climate justice in a radically different sense. The proposals considered in this section all, in different ways, challenge the standard *modus operandi* of climate ethics and call for a rapprochement to climate policy. Even if not all of these proposals are meant to replace existing ideal theories – they, at least, question standard methodological choices and defend alternative ways of doing climate ethics. The common core is realism: start with an accurate description of people, politics and policies and then evaluate and make normative proposals. The difficulty, of course, is doing that without too much of a concession to *realpolitik*. That is, to avoid reducing normative principles to political strategy, and being apologetic of the status quo.

Alexandre Gajevic Sayegh (2016) points out a first, less radical, way in which principles of climate justice should be realistic: they need to take into account the relevant empirical circumstances. Climate ethicists cannot – and do not – settle for only very abstract formulations of general principles of justice, such as the principle of equality. They take into account things like the currency of equality. An inattentive assumption of GHG emissions as the distribuendum to be equalised leads to implausible results, as some individuals reasonably need to emit more than others.[8] Such facts should be taken into account, and so should of course the facts from climate science, and facts about how GHG emissions are measured, what incentive effects policies are likely to give rise to, etc. Only then can one hope to formulate principles of climate justice that are action guiding, as Gajevic Sayegh (2016) rightly points out. Indeed, otherwise one would not have formulated principles of *climate* justice at all.

Nor should Roser's (2016) proposal to ground climate protection in already existing motivation be controversial. His idea is 'to choose the least unjust option within the bounds of motivation, however insufficient motivation may currently be' (Roser 2016, p. 84). He further assumes that there are actions that provide better climate protection, yet are compatible with the limited motivation of present agents (he calls these 'the motivation-compatible set of options'). These are actions (and policies) that are sometimes referred to as 'no-regret options' and 'win-win options' due to having co-benefits other than climate protection (e.g. cleaner air and fewer respiratory diseases) or directly saving costs (e.g. energy efficiency), but also ideas inspired by studies in psychology and behavioural economics, such as deferring the costs of climate action, 'green nudges', debiasing techniques, as well as a proposal to simplify the measurement of climate injustice: instead of a comprehensive evaluation one could focus only on the effects on world poverty and thus create a kind of 'poverty index' for climate action.[9] Most of these proposals seem promising, which is hardly surprising given that they are designed to be just that.[10] It is also easy to agree with Roser that: 'Searching for, engaging

in, and promoting such strategies is one of the weighty moral imperatives in an unjust world such as ours' (2016, p. 93). Climate ethicists should continue to engage in the kind of interdisciplinary work cognisant of the relevant political facts with moral reflection that Roser (2016) has set the example for.

Maltais (2016) and Light and Taraska (2016) advance two similar approaches. Maltais (2016) argues that climate ethicists should focus less on 'fine-tuning general distributive principles', and more on the normative dimension of reforms proposed to overcome the political inertia (e.g. reforming the multilateralism of UNFCCC). By evaluating these, one could advance 'mediating strategies', which, in a piecemeal manner, make the political situation more tractable. Similarly, Light and Taraska (2016) exemplifies policy-relevant climate ethics. They provide a rather detailed outline of the current pledge-and-review system of the Paris Agreement, and also characterise some of the domestic political obstacles to more ambitious commitments. On that basis, they propose a 'workable option with significant potential' (2016, p. 180): to phase out 'short-lived climate pollutants'.

As with some of Roser's proposals, it is hard to disagree. But what should be more controversial is the new role for the climate ethicist implicitly assumed. It seems to be that of steering politicians out of the current impasse by making concrete and here and now politically feasible recommendations. This role, which is similar to the policy analyst, is no doubt important, though not clearly one that climate ethicists should exclusively adopt. A consideration against is that it gives up on the central discussion of background injustice, that is, scrutinising how a number of individually fair and freely entered policies and agreements could produce an injustice on the aggregate level; a 'compound injustice', in the words of Shue (2014, pp. 36-41). Another criticism is that such a bottom-up approach is too narrowly focused, and because of that fails to address spillover effects between different domains of concern. Even so, I do believe that climate ethicists should consider adopting it on the

condition that they, like Light and Taraska, have insight into the policy process. But, then, be aware that it does not make the work of traditional normative theory obsolete.

Martin Kowarsch and Ottmar Edenhofer's (2016) 'pathway exploration approach' is to some extent similar to the ones just considered: climate ethicists should evaluate policy pathways, much like the policy analyst. But their more specific proposal, that the ethical discussion should be integrated in the assessments of the Intergovernmental Panel on Climate Change (IPCC), suggests a different take on policy-relevant work. It must be squared with the mission statement of the IPCC, which among other things states that '[t]he work of the organization is therefore policy-relevant and yet policy-neutral, never policy-prescriptive'. If Kowarsch and Edenhofer's proposal is simply to strengthen the evaluative assessments that are already a part of the IPCC[11], then that is fine, but perhaps somewhat futile. But if it is to give the IPCC a more straightforward normative project, it is not compatible with the mission statement and likely to meet fierce resistance.[12] Either way, if the ambition is to make climate ethics more practically relevant, it is more promising to follow Maltais, Light and Taraska in integrating it with relevant *political* practices, rather than with the scientific community. There is, however, one feature of Kowarsch and Edenhofer's approach that I want to note: that the distinction between implementation and justification is blurred. They stress that ideal principles should be revised, if they cannot be implemented in any acceptable way. This may be an interesting contrast to some ideas discussed in the previous section.[13]

Darrel Moellendorf (2016) also presents a policy-relevant approach to climate ethics. Because climate change is such an urgent issue, he argues, we cannot wait for a fully specified ideal theory, nor fall back on non-ideal theory (as that presupposes ideal theory).[14] The only normative guidance possible thus is that of the norms nation states already are committed to in virtue of having ratified UNFCCC: The goods and burdens of climate change abatement should be distributed according to these norms. The obvious problem with such a proposal however is that by being a result of international diplomacy, the norms of UNFCCC

are abstract and rather non-committal. Take what is among the clearest norms prescribed in it (also Moellendorf's example): 'the right to sustainable development' (1992, Art. 3.4/4.7). This has been understood as recognising the claim of 'Non-Annex I Parties' (among them China, India, Brazil) to develop and grow their economies, even if that amounts to additional GHG emissions.[15] But what actions are prescribed by that recognition is unclear, and so is the application of the concept of needs (more on this below). Moellendorf devotes considerable space to justifying that the norms should be taken seriously, but should rather have worried about explicating and specifying them.

V. Transitional Climate Justice

Consider again the reluctance of nation states, local governments, business and other relevant actors to take appropriate climate measures. The situation may be one in which 'there is no allocation of GHG emissions […] that is both morally tolerable and, at present, politically feasible as long as most economies are dependent for energy upon carbon-based fuels, that is, fossil fuels' (Shue 2014, p. 225). If fairly dealing with climate change clashes with entrenched interests in the fossil fuel economy, there may be no practicable alternative but to aim for a technological solution, to make renewables, like wind and solar, competitive.[16] The transition to a clean-energy economy, however, also raises questions of justice.

Shue (2014) makes a case for transitional climate justice. He notes that in the deadlocked political situation one must engage in incremental improvements on the status quo. This raises the question about what compromises are morally acceptable. A question that cannot be answered merely by pointing to 'ultimate goals': there is a need for 'guidelines for transitions' (Shue 2014, p. 58). Although such guidelines probably share some features of the principles for dealing with injustice (considered in section III), they nevertheless are of a different type. The 'transition' is not, or at least not directly, to the ultimate goals of ideal theory.[17] Rather, it is to a clean-energy economy. The theoretical focus is on giving ground to

and justification for grievances such a transition may bring about. In this connection, Shue (2014, pp. 133-141) distinguishes between different ranges normative standards may take. With respect to some ideals a relatively long transition period is allowed before it ought to be fully complied with, with respect to others a much shorter one. Then, there are 'minimum standards', which 'must be satisfied as quickly as is humanly possible' (Shue 2014, p. 134).

In numerous chapters, Shue (2014) argues for two minimum standards to form the transitional principles of climate justice. To govern the intergenerational dimension, he proposes a 'do no harm' principle, which prescribes precautionary actions to prevent harm from climate change being inflicted on future generations, irrespective of the relative probability of the harm above a certain minimum likelihood threshold (Shue 2014, chs. 8, 11, 12, 14, 16). And for the international distribution, a basic needs principle (Shue 2014, chs. 2, 6, 9, 17). These minimum standards could be described as sufficientarian. They set thresholds under which no one should fall: no one should suffer damage as a result of climate change and no one's basic needs should be left unmet as a result of actions to mitigate climate change. Shue defends their correctness as guidelines for transitions without invoking a complete theory of justice.[18]

But problems arise as one tries to specify what concrete climate policies they recommend. To apply Shue's 'do no harm' principle it seems the current generation would need to just stop any GHG-generating activities: already the current stock of GHG is dangerous (cf. Shue 2014, p. 309, fn. 32). But why should we not take into account probabilities (even if they are hard to get at) and make comparisons to other policy objectives? It is at any rate not a minimum standard to recommend the prevention of any risk of harm. On the contrary, it is a very demanding one. The other principle is less controversial, but still problematic. In the international policy community, there is, at least in the abstract, consensus about something like the needs principle, expressed in the UNFCCC (1992, Art. 3.1). But the contentious issues arise in the specifications required to make the principle

actionable. There are, for instance, different ways of satisfying basic needs: some based on fossil fuels, others on renewables. In order to evaluate such policy topics as climate finance, technology transfer and capacity-building, the basic needs principle must be more concretely specified. Then, more generally, the transition to a clean-energy economy raises normative questions about what means may be taken to that end (see Roser and Seidel 2017, chs. 18-20) that cannot be resolved merely by the needs principle. The challenge is to formulate transitional principles that are not too abstract and thus leave too much to the political process.

VI. Conclusion

Having sorted out three different senses of non-ideal climate justice, it is natural to ask whether one or the other is more fruitful for future theorising.[19] But to answer that I believe one needs a description of the political practices they are meant to regulate that is more detailed than what can be provided here (but see e.g. Keohane and Victor 2016). I can only note that as the Paris Agreement has entered into force, the structure of the main climate regime is now in place. As already noted, the overall ambition for the world at large and an approximate timetable for reaching it has been agreed on. Also other features of this institutional framework are likely to circumscribe the role and function of normative theories, although institutional reform and innovation of course are possible and probably necessary.

The following normative question remains anyway: how to fairly distribute the burdens of a transition away from fossil fuels to sources of clean energy? The reviewed literature highlights some concerns important to consider in answering that. The discussion of noncompliance may seem hopelessly out of touch with the unfortunate state of climate politics, but still is a reminder that the action space is subject to change. What is politically infeasible today may be a central part of a political consensus tomorrow. That this is so raises questions about how such transitions come about. One suggestion is that it is by gradually realising an independently justified ideal theory. But as has been suggested above, such a

view seems unrealistic, and furthermore could neglect normative complaints specific to the circumstances of this particular transition.

It is more promising to take into account various feasibility constraints – psychological, institutional, and perhaps also those given by particular moral judgments – in formulating ideal principles. Elaborating on the reviewed literature, this can be done by formulating ideal principles specific to a particular context (e.g. the current climate regime) or conception of the agent in question (e.g. negotiating nation states), rather than assuming a more general scope. The challenge is to connect to the motivation of relevant actors so that normative principles guide their actions, without thereby uncritically accepting the status quo. Possibly, this can be addressed by providing a relatively thick description of what matters to the agents facing the distributive problem, the ones who must strike a fair deal. On common conceptions of fairness, such as 'the original position' (Rawls 1999), there is nothing that prevents a richer description of the person than what is standardly supplied in the literature on climate justice. Other factors than contribution, basic needs and ability to pay – such as co-benefits, competitiveness, and reputation – may partly determine what is a fair distribution of costs, even if they do not weigh equally.

A final lesson from the above is that climate ethics better work towards the more concrete and particular. This could involve engaging in the kind of policy-relevant work that several of the theorists considered above suggest, but it could also extend to evaluating yet more concrete proposals, such as that of a feed-in tariff or an aviation tax. Beyond that, one can only conclude that the role of the climate ethicist in a just climate transition is still not clearly and convincingly articulated.

Note on contributor

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Notes

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[1] This is also the received interpretation of John Rawls's (1999, p. 216) original presentation of the distinction (see e.g. Simmons 2010).

[2] For references see Hohl and Roser (2011, p. 478). The claim is implausible absent some moral justification for why the noncompliance of some should dissolve compliers' obligations. Perhaps this could be provided (see Miller 2011), but as it stands it just collapses normative theory to a description of what agents are actually doing.

[3] 'Burden' here is understood in an encompassing way, including not only emission reductions, but also measures to adapt to climate change, as well as actions to promote and facilitate future solutions.

[4] Caney's (2016a, p. 16) own ideal theory is a cosmopolitan egalitarianism, based on the capabilities framework. What matters fundamentally thus is that all present and future people have equal capabilities to lead a good life. The ultimate aim of any climate transition thus is to approximate such a fair distribution of life opportunities.

[5] See the overview provided by Roser and Seidel (2017). The most notable deviations are some defending a 'beneficiary pays principle' and some defending so-called 'grandfathering'.

[6] See also Hohl and Roser (2011, pp. 495-497).

[7] Shue (2014, ch. 15) similarly argues for climate leadership: In order to avoid paralysis, nation states are required to unilaterally do their fair share in mitigating climate change, even without promise that others will follow.

[8] See Caney's (2012) compelling critique. Perhaps partly as a result of such criticism, the assumption is less commonplace in climate ethics today than it used to be.

[9] See also Light and Taraska (2016), who also discuss co-benefits of climate action, and Pickering (2016), who discusses strategic communication.

[10] But see Shue 2014, p. 210, for some possible objections.

[11] Several climate ethicists, such as John Broome, Lukas Meyer and Simon Caney, contributed to the latest IPCC (2014) report, in particular to WGIII, ch. 3 ('Social, Economic, and Ethical Concepts and Methods').

[12] An example of that is Christian Seidel's (2016) proposal of a 'government house climate ethics', situated in the IPCC. The idea is in effect for the IPCC to act as a philosopher king, issuing normative recommendations to the political process. But this seems unpromising: not only would it likely be procedurally unfair, but also counterproductive.

[13] Whether or not it does so depends on how ethically acceptable application is understood. Traditional ideal theorists are also worried about that, as I described in section III. The difference, if any, is that whereas they have a fixed idea about what is ethically acceptable (namely, what their ideal theories prescribe), the alternative is to allow more particular judgments to play a justificatory role. To clarify: Kowarsch and Edenhofer (2016) do not make this point, but it is one way of making sense of their criticism against climate ethics.

[14] His main argument against ideal theory is that it is impractical to fully specify such a theory (2016, pp. 107-110). But he does not say anything about what is wrong with those already specified ideal theories, such as the one from Caney considered above. In what sense, if any, are they impractical?

[15] Note that since the UNFCCC was first drafted and signed in 1992, some of these countries have had strong economic development, with the result of higher standards of living but also higher GHG emission levels. In 2006, China surpassed the US as the world biggest absolute emitter of GHGs, yet it is still a Non-Annex I Party.

[16] Note that also a technological solution, which likely involves quite some political steering, is bound to meet resistance from vested interests in the fossil fuel economy. The claim is just that it is more feasible than the alternative of just stop using fossil fuels.

[17] My rendition of transitional theory thus differs from Valentini's (2012), according to which it concerns what gradual steps of justice-improvement can be taken, possibly without consulting an end-state theory.

[18] Amartya Sen (2009) presents a more explicit argument for why ideal theory (what he calls 'the transcendental approach') is neither necessary nor sufficient for such comparative judgments.

[19] Note a more general conclusion suggested by the discussion above: the distinction is rather blurry. If there are different kinds of non-ideal theory, they are likely rather similar in structure and extension.

References

Barry, B., 2003. Sustainability and intergenerational justice. *In:* A. Light and H. Rolston III, eds. *Environmental ethics. An anthology*. Malden, MA: Blackwell, 487-499.

Caney, S., 2005. Cosmopolitan justice, responsibility, and global climate change. *Leiden journal of international law*, 18 (4), 747-775.

Caney, S., 2012. Just emissions. *Philosophy & public affairs*, 40 (4), 255-300.

Caney, S., 2016a. The struggle for climate justice in a nonideal world. *Midwest studies in philosophy*, 40 (1), 9–26.

Caney, S., 2016b. Climate change and non-ideal theory: six ways of responding to non-compliance. *In:* C. Heyward and D. Roser, eds. *Climate justice in a non-ideal world*. Oxford: Oxford university press, 21–42.

Gajevic Sayegh, A., 2016. Justice in a non-ideal world: the case of climate change. *Critical review of international social and political philosophy*.

Heyward, C. and Roser, D., eds., 2016. *Climate justice in a non-ideal world*. Oxford: Oxford University Press.

Hohl, S. and Roser D., 2011. Stepping in for the polluters? Climate justice under partial compliance. *Analyse & kritik*, 33 (2), 477–500.

Intergovernmental panel on climate change (IPCC). 2014. *Fifth assessment report: working group III (Mitigation of climate change)*. Cambridge: Cambridge university press.

Keohane, R. O. and Victor, D. G., 2016. Cooperation and discord in global climate policy. *Nature climate change*, 6, 570-575.

Kowarsch, M. and Edenhofer, O., 2016. Principles of pathways? Improving the contribution of philosophical ethics to climate policy. *In:* C. Heyward and D. Roser, eds. *Climate justice in a non-ideal world*. Oxford: Oxford university press, 296–317.

Light, A. and Taraska G., 2016. A responsible path: enhancing action on short-lived climate pollutants. *In:* C. Heyward and D. Roser, eds. *Climate justice in a non-ideal world*. Oxford: Oxford university press, 169–188.

Maltais, A., 2013. Radically non-ideal climate politics and the obligation to at least vote green. *Environmental values*, 22 (5), 589–608.

Maltais, A., 2014. Failing international climate politics and the fairness of going first. *Political studies*, 62 (3), 618-633.

Maltais, A., 2016. A climate of disorder: what to do about the obstacles to effective climate politics. *In:* C. Heyward and D. Roser, eds. *Climate justice in a non-ideal world*. Oxford: Oxford university press, 43–63.

Moellendorf, D., 2016. Taking UNFCCC norms seriously. *In:* C. Heyward and D. Roser, eds. *Climate justice in a non-ideal world*. Oxford: Oxford university press, 104–121.

Miller, D., 2011. Taking up the slack? Responsibility and justice in situations of partial compliance. *In:* C. Knight and Z. Stemplowska, eds. *Responsibility and distributive justice*. Oxford: Oxford university press, 230-245.

Pickering, J., 2016. Moral language in climate politics. *In:* C. Heyward and D. Roser, eds. *Climate justice in a non-ideal world*. Oxford: Oxford university press, 255–276.

Rawls, J., 1999. *A theory of justice, rev edn*. Cambridge, MA: The Belknap Press of Harvard University Press, [1971] 1999.

Roser, D., 2016. Reducing injustice within the bounds of motivation. *In:* C. Heyward and D. Roser, eds. *Climate justice in a non-ideal world*. Oxford: Oxford university press, 83–103.

Roser, D. and Seidel, C., 2017. *Climate justice: an introduction*. Abingdon, Oxon: Routledge.

Seidel, C. 2016. The cost of moralizing: how about a 'government house climate ethics'? *In:* C. Heyward and D. Roser, eds. *Climate justice in a non-ideal world*. Oxford: Oxford university press, 277–295.

Sen, A. 2009. *The idea of justice*. London: Allen lane/Penguin books.

Shue, H., 2014. *Climate justice: vulnerability and protection*. Oxford: Oxford university Press.

Simmons, J., 2010. Ideal and nonideal theory. *Philosophy & public affairs*, 38 (1), 5-36.

UNFCCC, 1992. *United Nations framework convention on climate change*. http://unfccc.int/key_documents/the_convention/items/2853.php

UNFCCC, 2015. *Adoption of the Paris Agreement*. Report No. FCCC/CP/2015/L.9/Rev.1, http://unfccc.int/resource/docs/2015/cop21/eng/l09r01.pdf

Valentini, L., 2012. Ideal vs. non-ideal theory: a conceptual map. *Philosophy compass* 7 (9), 654–664.