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## An Interview with Professor Simon Caney

Brandstedt, Eric

*Published in:*

De Ethica : A Journal of Philosophical, Theological and Applied Ethics

*DOI:*

[10.3384/de-ethica.2001-8819.141171](https://doi.org/10.3384/de-ethica.2001-8819.141171)

2014

[Link to publication](#)

*Citation for published version (APA):*

Brandstedt, E. (2014). An Interview with Professor Simon Caney. *De Ethica : A Journal of Philosophical, Theological and Applied Ethics*, 1(1), 71-84. <https://doi.org/10.3384/de-ethica.2001-8819.141171>

*Total number of authors:*

1

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LUND UNIVERSITY

PO Box 117  
221 00 Lund  
+46 46-222 00 00



## **An Interview with Professor Simon Caney**

Eric Brandstedt

ERIC BRANDSTEDT: To begin with, could you say something about the trajectory of your career, the events, people or writings that have had a particular influence on the development of your interests?

SIMON CANEY: Maybe I could begin by talking about the writings and people. I think that there is a sort of unity that goes through my work, in that I have always worked on the basis of an egalitarian-liberal viewpoint, and have been very influenced by thinkers such as John Rawls, Ronald Dworkin, as well (perhaps less usually) as John Stuart Mill. I have worked in the analytical tradition, so thinkers like Jerry Cohen, who was my doctoral supervisor, were also incredibly influential.

I initially began working on egalitarian liberalism and its critics, and in that vein, worked on liberalism and perfectionism, liberalism and communitarianism, and liberalism and multiculturalism. Then my focus turned to applying egalitarian liberal ideals to issues in global politics – in particular the question of what principles of distributive justice apply at the global level. More recently I have worked on exploring the implications of egalitarian liberalism for intergenerational and environmental challenges. The underlying thread is still this idea of treating people as free and equal persons, respecting their choices and treating them fairly.

E.B. What influence did Cohen's thinking have on you?

S.C. I think that there are three kinds of indebtedness to Jerry Cohen. One is methodological in that his work is incredibly rigorous and lucidly argued. As such it provides a model of how to engage in political philosophy. Secondly, substantively, I find his ideas on equality and responsibility quite compelling, and his criticism of Rawls's treatment of the talented very persuasive. So methodologically and substantively I have been very indebted to him. Finally, he was my supervisor and I benefited enormously from his supervision and support.

E.B. Can you describe for those not previously familiar with it the essence of the moral and political problem that climate change gives rise to?

S.C. Climate change is a problem that has very great practical importance, but also raises a number of complex and important theoretical issues. Practically it is important because our activities have profound effects on the climate system, which impact on people's ability to enjoy their lives, and on their access to food, to water, and their ability to pursue their conceptions of the good. As such it raises paradigmatic questions of justice with

great practical relevance. What entitlements do people have? Who should shoulder which responsibilities? And who is responsible for upholding people's entitlements?

In addition to its practical implications, climate change presents hard theoretical challenges. It is a global problem so calls for principles of global justice. It is also an intergenerational problem and so calls for us to enquire both what kind of responsibilities we inherit on account of the emissions of those before us, but also what kind of obligations we have to those who have not yet come. In addition to this, addressing climate change requires us to have an account of how to deal with risk and uncertainty. It is also an inherently collective problem for it arises because of the combined actions of millions of people. In short, then, climate change is a problem that is global, intergenerational, characterised by risk and uncertainty, and the result of a process of collective causation. That combination really stirs up a lot of theoretical puzzles.

E.B. You favour a human rights-based approach to climate justice.<sup>1</sup> Can you explain the basics of this account?

S.C. I should begin by saying that I think that one should have two types of approach to problems like climate change. One is what I call one's maximum view: this specifies one's ideal. It depicts the vision that everyone should comply with. Secondly, though, I think it is important to generate a more minimal view. Why have a minimal view? The answer is that if we are talking to people who hold political office, or to NGOs (Non-governmental Organizations), if you present them with one's ideal then they might just dismiss it as unfeasible or reject it because they do not share that vision. Given this, if we are to make any progress, we need some account that specifies a moral minimum, and identifies what is most morally urgent. That is how I see human rights.

Then the question is: 'what kind of role would a human rights approach play?' I think that partly it gives us a way of thinking about the impacts of climate change. It helps us see why it is so important to prevent climate change. It also gives us guidance as to how to think about adaptation. On this approach, adaptation policies should be conceived of as those policies that enable people to live in a world characterised by climate change and still be able to enjoy their core human rights. Adaptation should prevent climatic impacts from undermining people's human rights. Thirdly, human rights are relevant not just when it comes to evaluating climatic impacts: they should also inform how we think about burden sharing. As, you know, there are many different proposals for sharing the burden associated with mitigating and adapting to climate change, and much disagreement about each. What then should we do? I have my own preferred maximal model. However, given that there is disagreement here, one strategy when seeking to persuade policy makers and those with political influence is to say that whichever of the competing accounts is right, one thing that is crucial is that - as a minimum - we make sure that burden sharing be done in a way that does not deprive people of their core rights. So human rights should influence what kind of policies we adopt to prevent climate change. Those are three ways in which human rights can play a role in thinking about climate change and policies.

<sup>1</sup> Simon Caney, 'Global Justice, Rights and Climate Change', *Canadian Journal of Law and Jurisprudence* XIX:2 (2006), pp. 255-278.

E.B. Can you give us an idea of why we should prefer a human rights-based approach to alternatives such as cost-benefit analysis?

S.C. I think one very appealing feature of the human rights approach is that it takes each person's life with utmost seriousness and gives it equal standing and protection. Going back to what I said about egalitarian liberalism, it says individuals matter and have equal status; their freedom matters, and therefore it does not condone making trade-offs which push people below a decent standard of living just to increase the benefits to others who are perhaps already better off. Cost-benefit approaches, on the other hand, are characteristically insensitive to those issues and aggregate burdens. They hold that if a policy produces more benefits than costs then we should do it even if it means that some people fall beneath the threshold that any human should have to put up with. My concern then is merely a familiar kind of concern that many have about utilitarianism.

E.B. So then, if this human rights-approach is a minimalist theory of justice, do you have a maximalist theory of justice as a complement to this?

S.C. Yes, and here I draw on my work on global justice where I have defended a more egalitarian viewpoint that says that each person is entitled to an equal opportunity to lead a good and fulfilling life. It does not matter if they are born in Malaysia, or in Britain, or in Sweden, or in Latin America. Someone's geographical location does not justify having worse life prospects than others. That goes much further than a minimal human rights point of view – because a human rights point of view would tolerate inequality. I can't see, however, any good reason why people should be penalised because of where they are born. This principle should, in my view, also apply intergenerationally, and this is even more contentious. My thought is: Why should the fact that someone is born in a certain period of time entitle him or her to better opportunities than others?

Sometimes there are cases where you might want to qualify an egalitarian approach – cases where achieving equality comes at such a high cost that we might prefer some other distribution. I am certainly open to that, but I think that the default assumption, the guiding idea, should be that everyone has an equal right to lead equally fulfilling lives.

E.B. You have criticised monist or purist views of climate justice (e.g. the 'contributor pays' principle and the 'equal per capita' view').<sup>2</sup> More recently the critique has been against atomist positions and the use of a 'method of isolation' in addressing climate justice. Instead you have proposed and argued strongly in favour of a holistic and integrationist approach.<sup>3</sup> Can you elaborate on why you think that many existing approaches are amiss?

S.C. I will focus here on the relevance of the distinction between the 'method of isolation' and the 'method of integration'. As I use these terms, an isolationist approach seeks to distribute climatic responsibilities in isolation from a consideration of other normative concerns such as development or poverty. An integrationist approach, by contrast, insists

<sup>2</sup> *Ibid.*

<sup>3</sup> Simon Caney, 'Just Emissions', *Philosophy & Public Affairs* 40:4 (2012), pp. 255-300.

that we should examine climate change in conjunction with other issues, and in the context of an overarching account of justice. So your question then is: Why adopt an integrationist approach and not an Isolationist one?

I think that there are two kinds of reply to those questions. In some cases isolationist approaches are subject to substantive objections. I think, for example, that ascribing responsibilities simply by focusing on someone's contribution to the climate problem, and bracketing everything else out, is implausible because fails to take into account what opportunities people have to avoid engaging in harmful activities. So we should look differently on someone who has no choice but to emit high levels to survive and someone who could easily use other energy sources but chooses not to. Treating someone's pollution in isolation would, in this kind of case, result in an unjust outcome. To treat emitters fairly we need to take into account the broader perspective and examine what rights and responsibilities they have. Secondly, I have a broader more methodological concern, which relates to the first point. The methodological concern is that it is artificial to take climate change and, as it were, draw a circle around it, and say we must have principles which treat this on its own and bracket everything else out. A deep problem with this kind of isolationism is that it does not really recognise how integral climate change and the factors that cause climate change are to everything else, like trade, aid, health, migration and development. We could apply principles to climate change on its own if it were a discrete phenomenon, but it is not. If we have economic development then that will often increase emissions, so development and climate change are really related. If we do not prevent climate change then people will want to migrate, so we need to integrate it with an account of rights to migrate. If we come up with an alternative energy source, like biofuels, then that often has impacts on food security, land rights and labour rights. If we think we must not pursue biofuels we might think of using hydroelectric power, but then this might displace people from their land.

The key point I am trying to bring out here is that methodologically it is artificial to separate climate from all these other relationships and practices because they are so interconnected. It is better to have principles that apply to them as a whole.

E.B. Why do you think that the monist or purist principles have been so dominant in the debate up until now?

S.C. I think that there might be principled reasons and there might be pragmatic reasons. The pragmatic reason, which I am often presented with, says 'yes, you are right, these are all integrally interconnected, but it would make it extremely hard to do anything if you took this integrationist picture, so it is better just to set aside lots of these other problems and work on this on its own'. That is the practical reply. Then there are more principled replies. By calling the other practical I do not mean that there is not based on moral reasoning: it is, but it is essentially trying to take account of practical features of the world. The more principled reply is that there is something special about climate change and it should have its own principles for it. I do not think that either strategy works, but that would be my guess as to why people do this.

E.B. So, one alternative view holds that it is important to treat the climate case in isolation from other issues in order to avoid a situation in which progress on this urgent issue is held up because people are locked up in longstanding and controversial debates about

global justice.<sup>4</sup> Given this, is it not enough that more general rights and interests are weighed in after a principle of climate justice is implemented?

S.C. There are a lot of issues at stake here. One of the issues is: Is there really a sound basis for treating some of these topics in isolation? People often say we should treat the distribution of emissions in isolation from everything else, but then we could obviously ask why we should do that. Why is it appropriate to assume that emissions have their own special principle? If the reason we care about emissions is, as I and also other people have said, because they serve human interests, interests in energy or food or water, then there is no philosophical reason for isolating it at all. In fact to do so is a kind of fetishism as Amartya Sen would call it. I think we should focus on what really matters here. So at the level of moral and political theory, there is no case to treat emissions in isolation.

Second, however, and on a wholly pragmatic level, it makes a lot of sense to explore linkages with other goods. Suppose you have three children and you have two bits of cake. If you insist on a distributive principle of justice for cake, you are going to have a problem here. But if you have a principle of distributive justice to do with satisfying people's preferences, then you could offer them something else instead. This is what has happened in international negotiations for the Montreal Protocol on Substances that deplete the Ozone Layer. Progress was made when countries were willing to offer other goods instead, such as financial assistance and technological alternatives. So I say similarly: do not focus on emissions per se, both for principled reasons concerning what matters and also for practical reasons. The more substitutes we allow, the more flexibility; and the more flexibility, the more realistic it is. For both ideal and non-ideal reasons, then, what I call an integrationist approach has an advantage over isolationist approaches.

E.B. An essential part of this integrationist approach is a call for more cooperation between those working on global (or cosmopolitan) justice and those working on normative climate change politics (or climate ethics). Can you explain in what way you think that more communication between those two fields would benefit them?

S.C. I think that it would benefit the two debates in a number of ways. Firstly, climate change – as well as other environmental changes – has an enormous impact on the standard subject matter of global distributive justice. It clearly affects people's ability to have access to food and water, their rights of free movement, and their rights of cultural integrity. So, to talk about climate change is to talk about one of the key determinants of people's entitlements. In addition to this the causal arrow also goes the other way. People's enjoyment of rights of mobility or economic development have an impact on the climate. Since empirically they are so interconnected, it would be a mistake to keep the two apart. There is also a second way in which it would be useful to bring the two together, which is intellectually. There is good research done on both, and we can often make progress in one area by looking at theoretical innovations in another. For example, in both cases people talk about ideas of responsibility, including, for example, concepts of

<sup>4</sup> See, for example, Eric A. Posner and David Weisbach, *Climate Change Justice* (Princeton: Princeton University Press, 2010).

collective responsibility. It would seem advisable, then, for researchers in both to see what others are doing and maybe we can learn a lot more from each other.

E.B. In relation to that, what differences in methodology, approach and underlying motivation have you perceived in working in these two fields?

S.C. I think that there are quite a lot of similarities. For example, people often share broadly similar methodological commitments to the tools of analytical political philosophy. Also, in both there is an interest in combining this with the relevant empirical literatures. So I do not think that there is a huge methodological gap between the approaches that we use.

E.B. Can you outline some of the main steps of the integrationist approach and methodology that you favour?

S.C. Let me give you a rough idea of the approach I put forward. It is actually very simple. It has five steps. The first step is as follows: let us start with our vision of what a just society would look like. Tell me what you think people should be entitled to do in terms of their access to food, water, health, education, physical integrity, and so on. Let us start from our vision of a just society. Then, step two of the argument tells us that we need to check whether the vision articulated in step one is actually achievable in this world given the natural resources we have. To take just one example, the protection of people's health requires using electricity and energy, and those have environmental impacts. We therefore need to check whether the vision is sustainable or whether we would be living beyond our means. If the ideal affirmed in step one is not sustainable, then we need to revise our vision of a just society. Suppose that it is sustainable. Then the third and fourth steps apply. For step three says that we can work back from our account of the just society how emissions should be distributed. For example, if our ideal is one in which everyone enjoys some core human rights and has access to some vital goods, then we need to work out what energy use is required to achieve this, and from this we can deduce how emissions should be distributed. What I then argue is that step three needs to be qualified. One cannot simply read off the fair share of emissions from what would best realize a fair society because there are other forms of energy and other ways of meeting agricultural needs which involve fewer emissions. Step four then reminds us that there are then quite different ways of meeting people's core needs; some might use fossil fuels and others might use solar energy, or hydroelectric sources, or geothermal energy. Its point is that there is more than one way of realising people's entitlements.

That is why – and this is step five – we need political institutions to have a deliberative process by which we can decide which energy mix is the best one for realising our entitlements. One way to understand this is to contrast it with what I think other people want to do, which is to say 'let us distribute emission rights in isolation and then separately figure out how to realise a just society', but I think you cannot just do that because the two are so integrally connected. My proposal then is that we should distribute emissions in light of our ideal of a just society.

E.B. Is this an approach that is essential to normative political theory in general; is it, for instance, meaningful to theorise about justice (and related concepts) today without considering a 'sustainability condition'?



S.C. I think the test for answering this is the following: When someone proposes that there should be certain rights or certain ideals, do these require the use of natural resources or the creation of waste? If they do, then they have to be included in this process because we have, as it were, a budget of natural resources, and the proposed rights or ideals are making claims on them. However, I do also think that there are probably policy areas which are neutral on this. Think of debates about multiculturalism and cultural identity, whether people can wear a veil or not, or consider language policy: it seems to me quite likely that whichever policy we choose probably will not have a major impact on that 'natural resources' budget. In cases like this – where resolving a normative issue does not impact on or depend on the natural world – then we do not need to go through that process. However, whenever proposed ideals or policies *do* have environmental impacts or require certain environmental preconditions, then I think it is irresponsible to ignore those relationships. That is not what someone would do if they had a good faith commitment to realizing those ideals.

E.B. Is this consideration included in most normative theorising today, or are people still being careless about it?

S.C. I think people who work on the environment, and people who worked on it long before I did, would complain that mainstream political philosophers have ignored the environment in ways that are unjustified. One can only speculate about why this has been so. Maybe people have assumed some cornucopia, where there are limitless resources; or maybe they have just been blind to the impacts of our activities on the natural world. There are all kinds of explanations one might have, but I think that historically it is true that many theories of justice have just been silent on the relationship between realizing justice and the natural world. I think that that neglect would be justified only if principles of justice did not have any environmental preconditions or environmental impacts, but they do. To give one illustration of this: when Rawls, the greatest political philosopher of our times, discusses intergenerational justice, he focuses not on preserving the natural world but on just savings. You cannot expect him to have dealt with every single problem, so this is not a criticism of him, but it is an illustration of the general neglect of the environment by theorists of justice.

E.B. But even if we accept your approach does that not still mean that we should focus on distributing 'emission rights'? If so, what is your response to those who argue that the very notion of emission rights is obsolete or irrelevant today?<sup>5</sup>

S.C. It is important to define 'emission rights' quite carefully. I think those who have concerns about this concept might sometimes be thinking that to affirm an 'emission right' implies an unlimited permission to emit. That would be clearly wrong. If anyone has a right to emit, it should be circumscribed: you have a right to emit a certain amount. That might be one source of antagonism or hostility to the idea of an emission right. The other, I think crucial, point to make is that we have different kinds of rights. Joseph Raz distinguishes in the *Morality of Freedom* between 'core rights' and 'derivative rights'.<sup>6</sup>

<sup>5</sup> See, for example, Tim Hayward, 'Human Rights versus Emissions Rights: Climate Justice and the Equitable Distribution of Ecological Space', *Ethics and International Affairs* 21 (2007), pp. 431-450.

I think of emission rights as being derivative of some more fundamental rights. This might mean in certain circumstances people have a right to emit greenhouse gases, but they have that in virtue of some more fundamental right. Other people may not have that emission right; they may not have it if they live in a country where they can use solar energy, or tidal energy, to a great extent, but the crucial thing is that it is still a right. It is a right in the sense used by Raz: it is an interest that is sufficient to impose obligations on others.<sup>7</sup> The people I am thinking of do have an interest that is sufficient to grant them an entitlement that others should respect. For example, people in developing countries who do not have access to other energy sources, I think, do have a right to emit, but it is predicated on some more fundamental rights.

E.B. You have proposed a hybrid account for the distribution of responsibility for addressing climate change.<sup>8</sup> Can you give us an idea of this proposal?

S.C. The core idea of the hybrid account I propose is that there are two intuitively appealing principles that should guide the allocations of burdens. On the one hand, there is the principle of responsibility, that people who engage in environmentally harmful action should be held responsible for their actions. That would justify an emphasis on a polluters pay principle. Then, the second principle is an ability to pay principle. The thought underlying this, again, goes back to core egalitarian liberal values: it is that there are some things that people should not be held responsible for, mainly perhaps adverse conditions in which they live when it is not their choice or fault that they live in them. As Rawls, Dworkin, and other egalitarian liberals say, we should give people a fair chance of opportunities. I think that an ability to pay principle preserves such a fair set of opportunities. Within that set people should be held responsible for their choices.

Just to focus on one and not the other would come up with very implausible outcomes. To focus just on a polluter pays principle would mean that we hold the poorest and most vulnerable people accountable for the emissions they need to survive. On the other hand, if you had an ability to pay approach, which paid no attention to the choices people make when they could have done otherwise is just to let them off the hook and not then hold them responsible for their choices. That is the broad underlying idea of the hybrid approach. There are complications which can added in, but that is the fundamental idea.

E.B. Can you say something about how the ability to pay principle is also circumscribed?

S.C. My treatment of the second principle I propose, the ability to pay principle, has taken different forms in my work. I defend a pure ability to pay, which says those who have better opportunities than others have a responsibility to contribute to attempts to deal with the climate change problem. But then people criticise this on the grounds that

<sup>6</sup> Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon, 1986), p. 168ff.

<sup>7</sup> *Ibid.*, p. 166.

<sup>8</sup> Simon Caney, 'Cosmopolitan Justice, Responsibility and Global Climate Change', *Leiden Journal of International Law* 18:4 (2005), pp. 747-775; Simon Caney, 'Climate Change and the Duties of the Advantaged', *Critical Review of International Social and Political Philosophy* 13:1 (2010), pp. 203-228.

an ability to pay principle ignores entirely the historical genesis of people's wealth. They ask, should people not be held liable because of past emissions?

Many of those who emitted in the past are now dead; we can't make them pay. Note, though, that the wealth of many of those who are currently affluent is based on the history of high emissions of other people in the past. This led me to think that a proponent of an ability to pay principle could draw on this. For if the affluent ask 'Why should I pay when I am not responsible for those past emissions?', one could reply to them that their wealth is in part built on this history of high emissions. So it strengthens, I think, the reasons we already have for appealing to them, and it removes one reason they give for resisting. They can't say that addressing climate change is not their responsibility if their affluence arose in climate endangering ways.

E.B. So it is compatible with a 'beneficiary pays' principle?

S.C. Yes, it can use the idea that people have benefited. However, we have to be very careful in defining benefiting. Some people say that you benefit if you are made better off than you would have otherwise have been, and I have argued that using that notion of benefiting is problematic in this context. My claim here is just that the historical process by which wealth comes about can be morally relevant and that those who are affluent whose wealth originates in climate-endangering activities cannot plausibly argue that this wealth is all legitimately theirs. I should stress that I think that the advantaged should pay anyway: it is just that the fact that their advantage stems from this harmful activity further undermines their claim that they should not pay.<sup>9</sup>

E.B. Does the ability to pay duty have a different status from the polluter pays duty? Is it, for instance, a duty of humanity or beneficence rather than a duty of justice?

S.C. No, not in my account. I think of them as being co-equal. They are both duties of justice and closely linked. The first principle says that people should be held responsible for emissions except when they are entitled to emit greenhouse gases (for example, they are severely poor and need to do so). The first principle thus includes exemptions to people's responsibilities based on their lack of wealth. That also explains why wealth comes into the second principle, which is that those with greater ability to bear the burden have a responsibility.

There is one difference that I should add, which is that the second principle has an element of non-ideal theory built into it. If we focus on the polluter pays principle, there are certain limits to that: I say that it ought not to apply to those who need to emit to secure their entitlements. That is one exemption. Another limitation in the polluter pays principle is that it can't cover the case where there is climatic change stemming from non-human activities. Then there is a third exemption, namely the emissions of those who have died and also of those who have not complied in the past. So there are quite a lot of emissions that need to be accounted for. The ability to pay principle then does have a non-ideal element, that is, that the affluent should pick up some of the bill that results

<sup>9</sup> Simon Caney, 'Environmental Degradation, Reparations, and the Moral Significance of History', *Journal of Social Philosophy* 37:3 (2006), pp. 464-482.

from some people not complying with their responsibilities. So there is that qualitative difference.

E.B. Your account relies on an interest-based theory of rights.<sup>10</sup> You have thoroughly and convincingly argued against the idea of discounting fundamental interests of future persons.<sup>11</sup> Does that mean that whenever a course of action potentially (however unlikely) threatens a fundamental human interest, we have a duty not to undertake that action, or are there some limits such that the duties imposed by such a precautionary approach could reasonably be thought of as too onerous in some cases? More generally, how do you deal with risk and uncertainty?

S.C. I do not have a general answer to that question. I think it is one of the hardest questions that a theory of justice has to deal with. It is hard often because one cannot even identify probabilities. But I have had a more modest ambition, which is to see what this means for climate change and there we are quite fortunate in that climate scientists and the climate models have said that there is a high probability of very harmful effects. That in itself does not, of course, necessarily justify a precautionary approach because the actions needed to avoid these harmful effects may also be terrible. But I think if we look at the relevant climate economic policies we can see that they are alternative policies that do not have probabilities of catastrophic or harmful effects. So my ambition has therefore been just to show that the problem of risk and uncertainty associated with climate change can be dealt with using an approach grounded in human rights. Put crudely, it says that we have a responsibility not to gamble with people's human rights when there are other options available. But that is not an approach that can cope with all problems. It could not cope with ones where the probabilities of harms are much lower or where the harms are of a lower magnitude, but I do not think that is necessary in the case of climate change.

E.B. How about the small probability of an ultimate catastrophe, say the extinction of the human race?

S.C. I think that the way to treat this is to treat it as a magnifying reason. I propose a couple of principles to guide the way we think about risk and uncertainty in the case of climate change. One of the conditions is that climate change poses a high probability of very severe harms to people's fundamental human rights, and a low probability of absolutely catastrophic results. In my argument the reference to severe climatic effects is therefore not really necessary to justify mitigation, I think, but it amplifies the risk. So, it is useful to bear this in mind. My approach here contrasts with that of John Broome and those who think, like him, that the question of the small probability of severely catastrophic outcomes is crucial. I do not think the case for aggressive policies to mitigate climate change depends on that assumption.

<sup>10</sup> Raz, Ch. 7.

<sup>11</sup> Simon Caney, 'Climate Change, Human Rights and Discounting', *Environmental Politics* 17:4 (2008), pp. 536-555; Simon Caney, 'Climate Change and the Future: Time, Wealth and Risk', *Journal of Social Philosophy* 40:2 (2009), pp. 163-186.

E.B. A follow up question of more specificity: say that we are in a state of radical noncompliance and that there are no institutional frameworks for regulating climate change action in place (much like the present situation). Assume further that unilateral individual emission reductions are futile, for instance because of issues of overdetermination. Now, on your account, is it not the case that the ability to pay component in practice requires me to give up all but what is needed to meet my basic needs, and if so, is it not the case that accordingly it can be thought of as unduly demanding?

S.C. I do think that where there is noncompliance, those who do comply have reason to take on more than their fair share and maybe a great deal more. How much more would depend on several factors. One is, just how bad is the outcome if I do not take on the extra burden. There are cases, not to do with climate change, where you might think I should not do more than my fair share because it is bad if this outcome occurs but it is not terrible. However, climate change is really terrible. Then a second variable places limits on what you reasonably could expect of someone. How hard is it for someone to pick up some of the extra slack? In some cases it is not that hard: they may enjoy the cycling or the extra activity it involves. So, the second variable is how demanding it is for the person. A third variable is this: suppose I pick up some extra responsibilities, are there ways that I can pursue the non-compliers and get compensation from them? Because, if I do not do my bit and there is severe climatic change, there is nothing we can do for those who die because of it. But if I pick up the extra responsibility because someone does not do their bit, then I can reclaim it from them. I do not think there is any precise algorithm, but those are the three variables. There will be cases where you think that it will be just too much to ask of someone because it is unfair to ask them to make that degree of sacrifice. But I still think that quite a lot of demands on human beings to do these things are allowable.

It is also worth thinking through more concretely and practically what you should do under conditions of non-compliance. Suppose there are people who lack access to energy, but could take it illegally in ways that would not increase their emissions but would meet their needs. You might also think of a case where others are not supplying the clean energy they need: are they then entitled to violate someone else's property rights and steal, for instance, technologies that would reduce emissions? I think, if others have not complied with their responsibilities, then those who want to meet their own vital needs but also want not to increase the problems of dangerous climate change may also be permitted to engage in those kinds of behaviours. So it is not just about affluent people reducing their emissions, it is also about disadvantaged people possibly being empowered to do things which otherwise we think they should not be allowed to do.

E.B. In response to some standard criticisms against rights-based approaches to intergenerational ethics,<sup>12</sup> you have referred to Amartya Sen's notion of a 'goal rights

<sup>12</sup> See, for example, Wilfred Beckerman and Joanna Pasek, *Justice, Posterity, and the Environment* (Oxford: Oxford University Press, 2001), and Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984).

system'.<sup>13</sup> Can you expand on this understanding of rights in the intergenerational setting and explain its relation to your interest-based theory of rights in general? Should this be understood as a defence of a broadly consequentialist and impersonal approach to human rights?

S.C. Let me answer that in two parts. I try to take two approaches to human rights when writing on climate change. One is grounded in the approach that I think is the most promising, which is Raz's interests-based theory of rights. I actually do not agree with his account of *human* rights, but I use his interests-based theory and I think that is the most compelling account of the notion of rights. But at the same time, I have also tried to argue that holders of non-deontological approaches should also accept that climate change jeopardises human rights. So, I have tried to take an ecumenical approach according to which both deontological theorists and teleological theorists should endorse my conclusions. That is one part of the answer, but you also ask whether my account of rights is generally more consequentialist. I do think there is a strong outcome-oriented element to it. I think we treat people as free and equal by respecting their core interests and their core entitlements. That means that not only is there a negative duty not to deprive people of them, but there might also be a positive duty to ensure that people can enjoy these goods. So I agree with Amartya Sen, not only in his endorsement of a goal rights system, but also in that he understands human rights in terms of people's abilities to enjoy capabilities, to function. I think this has several advantages. One is that in enabling each and every person to lead a rich and fulfilling life, it captures the best way of treating people with respect. But it also helps to avoid problems that afflict other accounts.

E.B. How does your view, then, relate to the role human rights when they are seen as safeguards against trade-offs and, more generally, contrasted with utility calculations?

S.C. I think the deep problem with many kinds of consequentialism is the distributive principle they embrace and their maximising approach. Being concerned with outcomes is in itself, not problematic. My approach, however, includes a threshold component that says: each and every human being is entitled to do this or, more ambitiously, that everyone should have an equal opportunity to lead rich and fulfilling lives. In this way, it disallows the troubling trade-off that afflicts maximising approaches, which would allow some to fall beneath that threshold. The key point here is that maximising approaches are problematic, but approaches concerned with people's ability to enjoy certain interests and rights in themselves are not necessarily problematic.

E.B. If we assume that something resembling your hybrid account is the correct approach to climate justice (in the sense of being most justifiable), what role or function do you imagine that it should play? Is it a blueprint for climate negotiations or more of a benchmark to strive towards?

<sup>13</sup> Simon Caney, 'Global Justice, Rights and Climate Change', *Canadian Journal of Law and Jurisprudence* XIX:2 (2006), pp. 255-278; Cf., Amartya Sen, 'Rights and Agency', *Philosophy & Public Affairs* 11:1 (1982), pp. 3-39.

S.C. I think the answer to that is that it should serve both. What I try to do is to think about 'what is just?' and that means identifying what I earlier called maximal principles: what is the kind of world that people are entitled to live in? I think that political philosophy has two goals. One is action-guiding; the other is descriptive. The first goal should answer the questions 'is this a just world?' and 'what would a just world look like?'. The second goal is aimed at policy-makers, concerned citizens or influential public figures and is something that they could try to implement now. This is where we need a more minimal theory. My view is that the two goals mostly go hand-in-hand: we need to have some broader vision that should guide what you called a benchmark, but we also need something to guide us in the here and now.

E.B. One final question. In your work you include many references to empirical work. Is that something that you think is crucial in working with these kinds of questions?

S.C. I do think it is really important for political philosophers to be as well informed as possible about the empirical aspects of issues. It is important to know how much climate change stems from historical emissions and it is important to know just how harmful climate change will be. Otherwise the principles we come up with might really miss the point and not provide much guidance in our world.

Eric Brandstedt, Lund University  
eric.brandstedt@fil.lu.se

## Bibliography

- Beckerman, Wilfred and Joanna Pasek. *Justice, Posterity, and the Environment*. Oxford: Oxford University Press, 2001.
- Caney, Simon. 'Cosmopolitan Justice, Responsibility and Global Climate Change', *Leiden Journal of International Law* 18:4 (2005), pp. 747-775.
- Caney, Simon. 'Environmental Degradation, Reparations, and the Moral Significance of History', *Journal of Social Philosophy*, 37:3 (2006), pp. 464-482.
- Caney, Simon. 'Global Justice, Rights and Climate Change', *Canadian Journal of Law and Jurisprudence* XIX:2 (2006), pp. 255-278.
- Caney, Simon. 'Climate Change, Human Rights and Discounting', *Environmental Politics* 17:4 (2008), pp. 536-555.
- Caney, Simon. 'Climate Change and the Future: Time, Wealth and Risk', *Journal of Social Philosophy* 40:2 (2009), pp. 163-186.
- Caney, Simon. 'Climate Change and the Duties of the Advantaged', *Critical Review of International Social and Political Philosophy* 13:1 (2010), pp. 203-228.
- Caney, Simon. 'Just Emissions', *Philosophy & Public Affairs* 40:4 (2012), pp. 255-300.
- Hayward, Tim. 'Human Rights versus Emissions Rights: Climate Justice and the Equitable Distribution of Ecological Space', *Ethics and International Affairs* 21 (2007), pp. 431-450.
- Parfit, Derek. *Reasons and Persons*. Oxford: Oxford University Press, 1984.
- Posner, Eric A. and David Weisbach. *Climate Change Justice*. Princeton: Princeton University Press, 2010.

Raz, Joseph. *The Morality of Freedom*. Oxford: Clarendon Press, 1986.

Sen, Amartya. 'Rights and Agency', *Philosophy & Public Affairs* 11:1 (1982), pp. 3-39.