

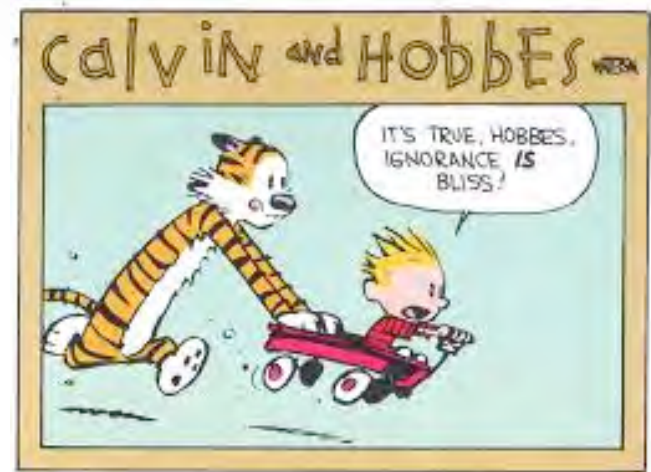
# **Ignorance Isn't Bliss**

Why historical emitters owe compensation  
for climate change

Paul Bowman  
CU-Boulder  
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# The ignorance argument

It would be *unfair* to hold historical emitters—those individuals, countries, or corporations who emitted at a time at which it was reasonable to be ignorant of climate change, its causes, or its effects—liable to address climate change-related harms (e.g., Caney 2005, Vanderheiden 2008, Posner and Weisbach 2010).



Credit: Bill Watterson

# My thesis

The ignorance argument is unsound because historical emitters, despite being reasonably ignorant that they were causing harm, are nevertheless morally responsible for those harms.



Credit: Lucasfilms

# Climate change is a problem of justice

- Has resulted and will result in harm to fundamental human (and nonhuman) interests



Credit: foe.co.uk

- Caused by the actions of human beings.

# Climate change justice

*The distributive question:* Given that climate change is a problem of justice, how should the duties to address climate change (if any) be distributed among duty-bearers?



## **Three Potential Answers to the Distributive Question**

- **Polluter Pays Principle**
- **Ability to Pay Principle**
- **Beneficiary Pays Principle**

# Three Potential Answers to the Distributive Question

- **Polluter Pays Principle**
- Ability to Pay Principle
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Credit: <http://thereal-darthplaya.deviantart.com/>



**United Nations**  
Framework Convention on  
Climate Change

“[T]he global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their **common but differentiated responsibilities** and respective capabilities and their social and economic conditions.”



# PPP: Corrective Justice

**Polluter Pays Principle:** Agents who have causally contributed to climate change-related harms (or threats of harm) are morally liable to compensate the victims of those harms (or to prevent those harms) in proportion to the agents' causal contributions to those harms.



Credit: dropdownnow.com

# What is moral liability?

If X is morally liable to perform some action, then X has an **enforceable duty** to perform that action.

# Who are the agents?

In principle, any agent (collective or individual) who causally contributed to climate change.



+



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# What are the causal contributions?

- Emissions of greenhouse gases
- (Deforestation?)
- (Fossil fuel market participation?)



Credit: [ibtimes.com](http://ibtimes.com)

# PPP: Corrective Justice

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Credit: dropdownnow.com

# The ignorance argument

At some date in the past, it was reasonable to be ignorant of the fact that climate change:

1. is occurring, or
2. is caused by the emissions of greenhouse gases, or
3. is harmful to fundamental interests.

Most theorists put this date at or around 1990 (e.g., Caney 2005, Vanderheiden 2008).



## The ignorance argument

It would be *unfair* to hold historical emitters—those agents who emitted prior to 1990—liable to compensate for (or prevent) climate change related harms, given that they were reasonably ignorant that their emissions were causing these harms (e.g., Caney 2005, Vanderheiden 2008, Posner and Weisbach 2010).



## **Upshot of the ignorance argument (if sound)**

- Historical emitters are not morally liable to compensate for (or prevent) climate-related harms (related to their pre-1990 emissions)
- PPP must be restricted.
- Many believe that PPP must be supplemented by another principle of climate justice.

## Why is it unfair to hold historical emitters liable?

Consider:

***Cell Phone:*** A villain rigs Jack's phone to detonate a bomb when he presses SEND, a fact that Jack could not have reasonably known. Jack presses SEND and the bomb detonates injuring several people.\*

Is Jack liable to compensate the victims of the bomb?



Credit: 20th Century Fox

\*Example adapted from McMahan 2011.

# The ignorance argument: moral basis

Two claims:

1. Liability seems to require *moral*, rather than causal, responsibility, and
2. Reasonable ignorance seems to preclude moral responsibility.

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1. Liability seems to require *moral*, rather than causal, responsibility, and
- 2. Reasonable ignorance seems to preclude moral responsibility.**

# What is moral responsibility?

Moral responsibility is a relation between an **agent** and an **outcome**, such that the outcome is *appropriately attributable* to that agent (Watson 1996, Vallentyne 2011)



# What is moral responsibility?

Two conditions:

*a. Causal Condition:* the outcome must have been caused by the agent, and

*b. Agency Condition:* the outcome must be 'suitably reflective' of the agent's autonomous agency (Vallentyne 2011)



Credit: pixood.com



Credit: MGM

# Agency Condition

Most philosophers think that the agency condition is unsatisfied when:

- One's *agency* is not involved in bringing about the outcome (e.g., gust of wind)
- One's *autonomy* is not involved is not involved in bringing about the outcome (e.g., psychosis)
- One is reasonably ignorant that one's choice causes the outcome.

# Reasonable Ignorance

The harmful outcome does not (nor could not reasonably) play any role in one's practical deliberation or choice.



Credit: [becomeablogger.com](http://becomeablogger.com)



# The ignorance argument: moral basis

Two claims:

- 1. Liability seems to require *moral*, rather than causal, responsibility, and**
2. Reasonable ignorance seems to preclude moral responsibility.

# Moral responsibility and liability

- Our *agency* makes it appropriate to assign liability (or other “special” obligations) to us.

# The ignorance argument restated

- Because historical emitters could not have reasonably known that their emissions would cause climate-related harms, they are not morally responsible for those harms.
- Because moral liability requires moral responsibility, historical emitters are not morally liable to compensate for (or prevent) those harms.

# Potential responses

1. Historical emitters should have known that their emissions were causing harmful climate change (Zellentin 2014).
2. Causal responsibility is sufficient for historical emitters' liability to compensate for (or prevent) climate change-related harms (Shue 1999, Neumayer 2000, Gardiner 2011).
3. Reasonable ignorance does not preclude historical emitters' moral responsibility.

# Potential responses

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# Problems for response (1)

There is surely *some* date prior to which emitters couldn't have reasonably known that their emissions were causing harmful climate change.



Credit: biography.com



Credit: mojo4music.com



Credit: theseconddisc.com

# Potential responses

1. Historical emitters should have known that their emissions were causing harmful climate change (Zellentin 2014).
2. **Causal responsibility is sufficient for historical emitters' liability to compensate for (or prevent) climate change-related harms (Shue 1999, Neumayer 2000, Gardiner 2011).**
3. Reasonable ignorance does not preclude historical emitters' moral responsibility.

## Problems for response (2)

Causation appears to be insufficient for liability.

- Intuitive Case: *Cell Phone*



- Theoretical Case: Agency matters

credit: 20th Century Fox



# Potential responses

1. Historical emitters should have known that their emissions were causing harmful climate change (Zellentin 2014).
2. Causal responsibility is sufficient for historical emitters' liability to compensate for (or prevent) climate change-related harms (Shue 1999, Neumayer 2000, Gardiner 2011).
3. **Reasonable ignorance does not preclude historical emitters' moral responsibility.**

## **My strategy: Argue for response (3)**

Although historical emitters could not have reasonably known that their emissions were causing harmful climate change, historical emitters are nevertheless morally responsible for these harms, and are therefore morally liable to compensate the victims of these harms (or prevent the harms from occurring).

# A thought experiment: *Soup*



Sarah discovered, through trial and error, a recipe for a delicious soup. The recipe required very rare ingredients, each of which had to be added to the pot in a specific order. Unbeknownst to Sarah, the specific combination of the rare ingredients caused the fumes of the soup to be extremely toxic during the cooking process (adding the final ingredient always detoxified the soup, making it safe to eat). Fortunately for Sarah, when cooking the soup, she always had her window open, which allowed the fumes from the soup to escape her apartment without ever affecting her. Unfortunately, however, these fumes were blown into Sarah's neighbor's apartment, and over time, these fumes made Sarah's neighbor increasingly ill. At some point—which we can designate  $t_1$ —Sarah discovered that her soup-making was having this harmful effect on her neighbor. However, Sarah decided that she *really* liked the taste of the soup, and so continued to make it. Her neighbor subsequently became extremely and permanently ill.

## Sarah's liability

Is Sarah morally liable to compensate for:

- **All** of the harm she caused her neighbor?
- Only the harm she caused ***after t1***?

# Sarah's liability

My intuition is that Sarah is morally liable for all of the harm she caused and not just the post-t1 harm.

And she is liable for the pre-t1 harm she caused **because** she failed to alter her behavior at t1.

Consider a variation of *Soup* in which Sarah stops making the soup at t1.

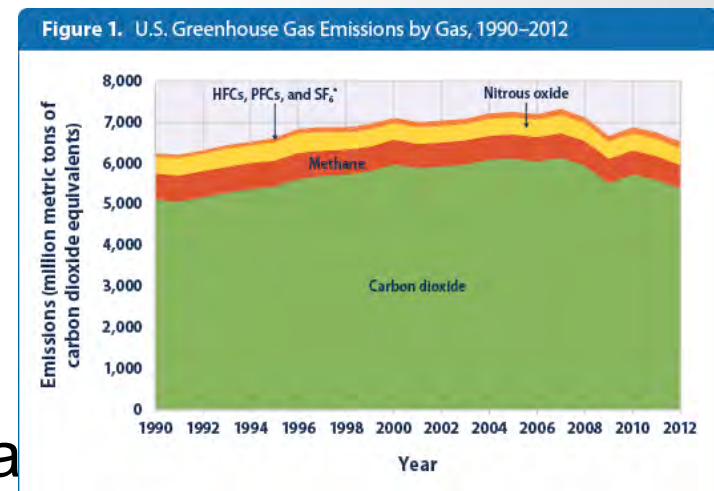
# **The analogy to historical emitters**

Once historical emitters learned that they were contributing to climate change, what did they do?

# One example: The United States

From 1990 to 2012:

- total annual emissions of greenhouse gases increased by about 5 percent (average annual increase of about .4%).
- per capita annual greenhouse gas emissions remained constant



# The analogy

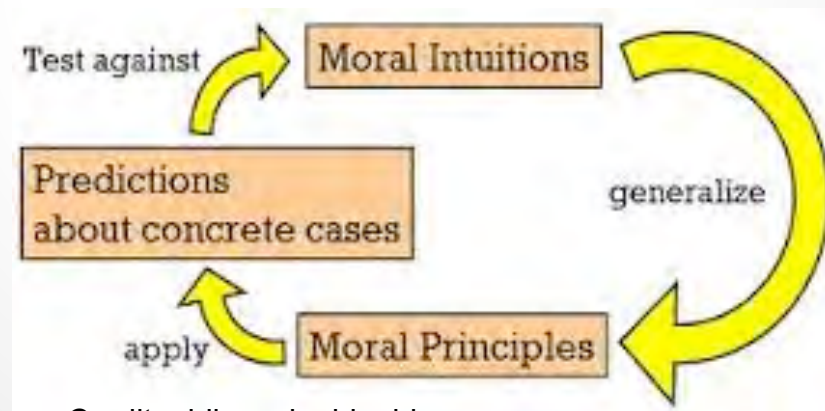
Sarah is liable to compensate her neighbor for all the harm she caused, including the pre-t1 harm.

Similarly, historical emitters like the U.S. are liable to compensate for (or prevent) all the climate change-related harm they caused, including the pre-1990 harm.



# Explaining the intuition

Appeals to case-based intuitions and analogies in moral reasoning are useful, but need to be backed-up by a theoretical account that can explain those intuitions and analogies.



Credit: philosophy.hku.hk

## What explains the intuition in *Soup*?

Specifically, how is Sarah's choice not to cease making soup at  $t_1$  relevant to her liability for the pre- $t_1$  harm she caused?



## **Two possibilities:**

Sarah's choice not to cease making soup at  $t_1$  makes it appropriate to:

1. hold her strictly (non-responsibly) liable for her pre- $t_1$  harm, or
2. attribute to her moral responsibility for the pre- $t_1$  harm.

## **Two possibilities:**

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2. attribute to her moral responsibility for the pre- $t_1$  harm.

# Problems for (1)

General problems with strict liability that we encountered before.



Credit: 20th Century Fox

## Two possibilities:

Sarah's choice not to cease making soup at  $t_1$  makes it appropriate to:

1. hold her strictly (non-responsibly) liable for her pre- $t_1$  harm, or
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# My explanation for (2)

Two conditions:

*a. Causal Condition:* the outcome must have been caused by the agent, and

*b. Agency Condition:* the outcome must be 'suitably reflective' of the agent's autonomous agency.



Credit: pixood.com



Credit: MGM

## My explanation for (2)



Credit: pixood.com

The causal condition is clearly satisfied: Sarah caused the pre-t1 harm.



## My explanation for (2)

Sarah's failure to cease making soup at and after  $t_1$  is *good evidence* that the agency condition is satisfied with respect to the pre- $t_1$  harm, *despite* her ignorance that her choice was causing harm.



Credit: MGM

## What does it mean for an outcome to be ‘suitably reflective’ of one’s agency?

The outcome, via the agent’s choice, is expressive of the agent’s *attitudes* and *values*.



Credit: USC

In Gary Watson’s (1996) words, the outcome “expresses and constitutes [one’s] practical identity.”

## **Sarah's attitudes and values**

At and after t1, Sarah continued making soup despite the fact that she was knowingly harming her neighbor.

Which attitudes and values are these choices expressive of?

**What attitudes and values are these choices expressive of?**

Perhaps the attitude that *her pleasure from eating the soup is more significant to her than the harm she was causing her neighbor.*

# Sarah's attitudes and values

The fact that Sarah failed to cease making soup at t1 gives us good evidence that the **pre-t1** harm is **also** expressive of those same attitudes and values.

Sarah seems to have been implicitly acting on the same maxim or rule, **both prior to and after t1**: *Make the soup even if it harms one's neighbor.*

# Ignorance and moral responsibility

Does it matter that Sarah was ignorant that her pre-t1 choices were causing harm?



Credit: [becomeablogger.com](http://becomeablogger.com)

# Ignorance and moral responsibility

Recall the putative basis of the claim that ignorance precludes satisfaction of the agency condition:

- The harmful outcome does not play any role in one's practical deliberation or choice.

## Recall *Cell Phone*

A villain rigs Jack's phone to detonate a bomb when he presses SEND. Jack could not have reasonably known this fact. He presses SEND and the bomb detonates injuring several people.



Credit: 20th Century Fox



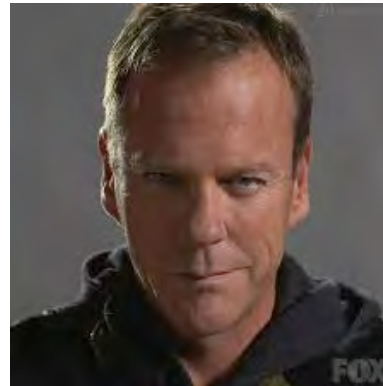
# Ignorance and moral responsibility

However, if the knowledge of the harmful outcome **would not have made a difference** to one's choice that produces that outcome, then things look different.

# *Cell Phone*

Suppose, however, that **even if** Jack *had* known that his cell phone was rigged to detonate a bomb, he **still** would have pressed SEND anyway.

The harmful outcome that Jack ignorantly caused is expressive of his attitudes and values—in other words, his autonomous agency.



Credit: 20th Century  
Fox

# Back to Sarah

Prior to  $t_1$ , **even if** Sarah had known that her soup-making was causing her neighbor harm, she would have continued to make soup.

**Evidence:** Sarah's choice to continue making soup once she learned doing so was causing harm.

# Sarah's Moral Responsibility

So the harmful outcome resulting from Sarah's pre-t1 choice is expressive of her attitudes and values.

Therefore, **both** the agency condition and the causal condition on moral responsibility for the pre-t1 harm are satisfied.

Therefore, Sarah is liable to compensate her victim for the pre-t1 harm.

# Historical Emitters

Prior to 1990, **even if** historical emitters had known that their emissions were causing climate change-related harm, they would have continued to emit.

**Evidence:** Historical emitters' choice to fail to reduce their emissions once they learned that their emissions were causing harmful climate change.

# Historical Emitters

The harmful outcomes resulting from historical emitters' pre-1990 choices to emit are expressive of their judgments and values.

Thus, **both** the agency condition and the causal condition on moral responsibility are satisfied.

# Historical Emitters: Conclusions

- Therefore, historical emitters are morally responsible for their climate-change related harms.
- They are therefore morally liable to compensate the victims of these harms (or prevent those harms).
- PPP still needs to be restricted



Credit: dropdownnow.com

# Objection

“Even if one had overwhelming reason to think that people would not have cut back on their emissions if they had known earlier and so would have acted wrongly, one is not entitled to treat them as if they have in fact acted wrongly. For they have not and it would be a violation of procedural justice to treat them as if they had. They should be given a fair chance to act correctly.” (Caney 2010)



Credit: [lweg.org.uk](http://lweg.org.uk)



# Caney's Objection

“Act wrongly” (Caney) = “are morally responsible for harm” (me)

# Reply to Caney

Important to distinguish between:

**Caney:** Historical emitters *would have been* morally responsible for climate change-related harms had they known that their emissions were causing those harms (though they are not *actually* morally responsible for those harms).

**Me:** Historical emitters are *actually* morally responsible for climate change-related harms, given that they would have caused those harms had they known that their actions were causing them.

## Reply

Holding historical emitters liable in (1) is a violation of procedural justice (as well as corrective justice).

It is less clear why holding historical emitters liable in (2) is a violation of procedural justice.

# Reply

- We know that historical emitters caused climate change-related harms, and
- We have good evidence that they were acting with the appropriate agency to hold them morally responsible for the harm that they caused.

# Reply

- It does, however, seem that hypothesizing about what people would have done had they had additional information could be problematic.
- There may be good reasons why we don't want our institutions routinely attempting to determine what people would have done if they had better information.



Credit: 20th Century Fox

# Reply

- But determining whether historical emitters are morally responsible for climate change-related harm is “one-off,” not embedded in an ongoing institution.
- Rarely is there the *magnitude* of evidence for the relevant counterfactual that we have with historical emitters.

**The End**



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