

Chapter 12

Climate Change and Collective Responsibility

Steve Vanderheiden

Abstract Can persons be held morally responsible for harmful consequences that result from the acts or omissions of their nation or society, even if they conscientiously avoid contributing toward those consequences *qua* individuals? What if those acts and omissions, together with a great many other similar ones committed against the backdrop of social norms that tolerate and even encourage such harmful behavior, contribute to a global environmental problem that gives rise to valid claims for compensation on the part of those harmed by it, but where discrete instances of harm cannot be attributed to any specific persons as directly causally responsible? Such is the case with global climate change, which results in part from social norms that are permissive of polluting activities and which often frustrate efforts to avoid them, rather than being caused by culpable individual choices alone, in which case individual fault and responsibility could more plausibly be assigned. Furthermore, the harm associated with climate change is caused by aggregated greenhouse pollution from a great many untraceable point sources rather than being the direct result of discrete emissions of heat-trapping gases by particular persons, undermining standard accounts of individual moral responsibility and thus giving rise to claims for assigning responsibility collectively instead. But holding nations and peoples collectively responsible for climate change raises objections from the perspective of individual moral responsibility, at least insofar as some persons may be implicated *qua* members of groups when they are faultless as individuals.

12.1 Introduction

Policy responses to climate change challenge conventional accounts of moral responsibility in various ways, and the normative concept of responsibility serves as the theoretical linchpin of climate justice (Vanderheiden 2011). But what does it mean to be responsible in the context of global climate change? Consider first the purely causal sense of responsibility, in which person P is responsible for outcome X insofar as P's actions bring about, intensify, or increase the probability

S. Vanderheiden (✉)

Department of Political Science, University of Colorado, Boulder, CO, USA

Centre for Applied Philosophy and Public Ethics (CAPPE), Canberra, ACT, Australia

e-mail: vanders@colorado.edu

of X occurring, as applied to unmitigated anthropogenic climate change. Through their greenhouse gas (GHG) emissions, all persons contribute toward climate change in some way since all emit carbon dioxide through respiration, but the wide variation among individual emission rates entails equally wide variation in *causal responsibility* for the various harms associated with climate change. Moreover, those harms are not expected to be evenly distributed across persons or peoples, with the least advantaged suffering disproportionately from climatic disturbances.¹ Without yet invoking any normative account of responsibility, this causal analysis reveals that those expected to suffer the most damaging effects of global climate change are among the least responsible for causing it. Such an empirical observation invites obvious normative evaluation, constructing an account of moral responsibility from its causal counterpart. It might be unobjectionable if persons were to suffer climate-related harm in exact proportion to their causal contributions to the problem, measured in terms of their GHG emissions (or, as I've argued, their luxury emissions).² If this was the case, greenhouse pollution could be seen as imprudent but not unjust, as persons soiled their own nests but imposed no externality costs upon others. In so doing, they would bear one kind of responsibility for their actions and resulting outcomes (i.e. warranting the harm that they impose upon themselves), but this responsibility would invite only prudential rather than moral critique. But in fact many suffer climate-related harm for which they are minimally causally responsible or not responsible at all (by a fault-based standard), while others causally contribute far more than their share to the problem but escape most of its insidious effects.

It is through such an analysis of causal responsibility for climate change that judgments concerning moral responsibility for its mitigation and adaptation can be made. One might endorse the following principle of responsibility in reference to the causes and consequences of climate change: No person should be made to suffer harm (or bear responsibility) from environmental problems beyond their share in having caused such problems, and those responsible for causing those problems should bear liability for ensuring that this is so, in proportion to that responsibility. To speak of *liability responsibility*³ is to focus on the assignment of remedial costs necessary for ensuring that all and only those causing climate change bear its

¹ According to the Intergovernmental Panel on Climate Change, "the impacts of climate change will fall disproportionately upon developing countries and poor persons within all countries, and thereby exacerbate inequities in health status and access to adequate food, clean water, and other resources." (Intergovernmental Panel on Climate Change 2001).

² In contrast to the survival emissions that persons cannot avoid producing in the process of meeting basic needs and for which persons cannot be faulted, luxury emissions are associated with activities that are not necessary for survival and thus form the basis for fault-based liability for climate-related harm. See Vanderheiden (2008:especially chap. 5).

³ I take this term from Hart (1968), but use it in a slightly different way. Hart argued that the "primary sense" of responsibility concerned charges that, if established, entail "liability to punishment or blame or other adverse treatment", but focus especially on remedial or compensatory orders that issue from assessments of liability. That is, my focus is on how determinations of liability responsibility inform who should pay for resulting harm.

costs, and in proportion to those costs. The assignment of liability costs could be used to fund *mitigation* efforts, which reduce the anthropogenic drivers of climate change by either reducing GHG emissions or sequestering those gases after they are released, or efforts at *adaptation*, which seeks to shield humans from climate-related harm once changes to the climate system are underway. In some cases, liability can be justifiably assigned in the absence of moral fault or even causal responsibility, as when potential rescuers are assigned the liability for saving famine victims by virtue of their capacity and proximity alone. This kind of capacity-based responsibility does not involve assessments of vicarious responsibility, where some are held morally responsible for the actions of others, since it can be assigned even when none are at fault for some potentially bad outcome such as a famine and does not necessarily involve blame or moral disapprobation. Typically, however, capacity-based liability is not employed when fault-based moral responsibility is available, as remedial burdens to avoid or compensate for bad outcomes are thought to accrue to faulty parties first when such parties can be identified, and only fall to capable but faultless parties when they cannot.

My interest here lies in the justification for assigning climate-related remedial liability to some apparently faultless parties when faulty parties can be readily identified, and in failing to assess such liability proportionate to either causal responsibility or fault. Both present problems from the perspective of responsibility theory, since each involves some outcome that is inconsistent with the imperative to hold persons responsible for all and only their personal contributions toward common environmental hazards, and each is complicated by assessments of collective national responsibility for climate change. In the first instance, as Paul Harris has argued, holding entire nations liability responsible for climate change obscures the wide disparity among individual GHG emission rates within both industrialized and developing countries (Harris 2009). In practice, assessments of national responsibility for climate change typically depend on average per capita emissions, making no distinctions between those well above and those well below those averages in finding citizens to be responsible for their national emissions. When entire nations engage in mitigation activities that are financed through tax revenues, such as transportation infrastructure upgrades, tax assessments that finance such activities are typically not indexed to the GHG emissions of taxpayers that are in effect held liable for those mitigation efforts. When nations commit funds toward adaptation projects, they typically also do so through general tax revenues, ignoring distinctions between the relative causal contributions made by various taxpayers. In practice, national liability for climate-related mitigation and adaptation efforts is assigned to persons on the basis of the income categories to which tax rates are indexed but to neither causal responsibility nor fault for climate change. Given that some residents of high-polluting nations take great pains to minimize their personal carbon footprints, often at considerable expense to themselves, this blanket assignment of liability seems initially to be objectionable from the perspective of individual moral responsibility.

One might view the assignment of collective responsibility to entire nations for climate change mitigation and adaptation as a mere administrative convenience,

delegating individual liability assessments to national governments, to be made on the basis of individual causation and fault. For example, under the Kyoto Protocol the United States incurred a mitigation burden on the basis of its GHG emissions that would require significant reductions in national emissions as well as costly offsets – had the U.S. ratified the protocol – but this liability assignment merely delegated authority for assessing fault and responsibility to the national government and took no position on how it was to be domestically allocated among persons, groups, and industry sectors. What looks like an assignment of collective responsibility entailing vicarious liability for at least some persons at the international level need not entail any vicarious liability at the national or subnational level. Domestically, liability could be assigned to individual persons in proportion to their contributory fault for climate change, as for example through some form of carbon tax. None would need to be held vicariously liable for climate-related harm toward which they did not personally contribute, so typical objections to collective responsibility would not necessarily follow from international burden-allocation schemes. Viewing the assessment of national responsibility for climate-related harm in this way, however, belies the important sense in which the benefits of historical patterns of greenhouse pollution accrue even to those residents of high-emissions countries that take significant pains to minimize their personal carbon footprints and the manner in which the costs of significant national mitigation and adaptation efforts must be borne by entire societies, even if those costs are equally distributed among all of its members. Part of the collective liability for climate change that is assigned to entire nations can be reduced to individual liability, but part cannot, and this latter aspect of responsibility for climate change makes opting out or absolving oneself of responsibility for climate-related harm impossible, but justifies the blanket assessments of national liability that have been part and parcel of international climate policy development.

Indeed, I shall argue that the assignment of collective liability to nations for climate change mitigation and adaptation is not a mere administrative convenience, nor does it impose morally objectionable forms of vicarious liability upon persons that cannot validly be implicated in their home country's role in causing climate change and related remedial responsibility to minimize the harm that it causes to others. Rather, it rests partly upon a kind of moral responsibility for climate-related harm from which none in industrialized nations can completely extricate themselves and in which many residents of developing countries are also complicit. As Christopher Kutz notes, "the notion of participation rather than causation is at the heart of both complicity and collective action" (Kutz 2000:138), and persons cannot help but participate in the systems of advantage and disadvantage that have been shaped by national GHG emissions patterns and against the backdrop of social norms that structure individual emission patterns. Since climate change is not caused exclusively by the isolated acts of atomistic individuals, but is also a product of collective forces like culture, public policy and social norms, entire societies can validly be viewed as collectively causing significant proportions of their national emissions, for which they must be held collectively responsible. By participating in these forces – and persons cannot help but participate in them even if

they also aim to resist and reform those social forces – persons acquire at least a minimal complicity in the harm that results such that assessments of national responsibility for climate change need not be seen as violating principles of individual moral responsibility. Unlike forms of collective responsibility that rest of the causation and fault of only part of the larger collectivity, holding some vicariously liable for harm toward which they are in no way individually responsible, the form of responsibility that best captures the sort of national responsibility on display in climate change is what Joel Feinberg terms *contributory group-fault: collective and distributive*. This model illuminates the important link between individual acts and the broader social context in which they are embedded, and offers a reply to objections lodged from the perspective of individualistic conceptions of responsibility that began this chapter. It holds that all residents of nations held liable for climate change mitigation and adaptation are responsible for climate change in at least some significant sense, and therefore that we must all take steps to mitigate our collective contributions to the problem as well as assist those who are threatened by it.

12.2 Fault, Responsibility, and International Climate Policy

In assessing national liability for climate-related harm, the 1992 United Nations Framework Convention on Climate Change (UNFCCC) declares that mitigation, adaptation, and compensation costs should be allocated among the world's nations according to their “common but differentiated responsibilities” for the problem (United Nations 1992). This judgment follows from the recognition that all nations are to some extent responsible in that persons everywhere emit some of the heat-trapping gases that cause the phenomenon, but considerable variation exists among nations in terms of their per capita emissions, levels of economic development, and past and ongoing proactive efforts to abate those hazardous emissions originating within their borders. As I have argued elsewhere (Vanderheiden 2008), this standard is best understood as invoking fault-based rather than strict liability, where parties are assigned remedial burdens based upon their relative causal contributions to the problem combined with some assessment of moral fault. Indeed, debates over the meaning of the “differentiated responsibilities” language and the burden-allocation formula that it entails have focused upon the manner in which such fault can be defensibly assessed. Strict liability (in which fault plays no role, as parties are held liable only for their causal contributions to harm) would unjustifiably jettison the morally relevant difference between the survival emissions that persons and peoples cannot avoid generating through basic activities associated with biological needs and the luxury emissions that cause the avoidable harm of anthropogenic climate change. According to the analysis that faults parties for their luxury but not survival emissions, none can be faulted for acts that are necessary for survival (as *ought* implies *can*), but assessments of fault may legitimately be applied to those activities that generate harmful emissions above the survival threshold, and agents producing

these harmful emissions may defensibly be held liable for redressing the harm that results.⁴

But fault-based liability requires complicated normative judgments that are unnecessary under assessments of strict liability, even when applied to individual persons in relatively simple cases of harm. Judgments of fault require more than determinations of causal responsibility for climate change, which can readily be quantified from existing data on historical greenhouse gas emission patterns. Fault relies on judgments of moral responsibility rather than mere causation, and is most commonly understood in terms that defy its straightforward application to collective entities like nations. Individual persons can be faulted for actions that result in harm to no one and can be faultless despite causing harm to others,⁵ with the attribution of fault and assignment of liability turning on mental states that have no parallel in collective entities like nations or cultures. Given the apparent dependence of judgments of fault on cognitive capacities and forms of agency that only individual persons have and exercise, we must ask: Can collective entities like nations be held responsible for harm through fault-based liability at all? Must a remedial global climate regime instead seek out those individuals that are morally responsible for the problem, seeking to assess liability for climate-related harm through billions of separate determinations? If collective responsibility cannot coherently rest on judgments of national fault, the enterprise of assessing national liability for climate-related harm may be an indefensible one.

In allocating climate-related costs to nations rather than persons, nations are assumed to exercise a kind of collective agency that is not fully reducible to individual agency, and some persons are bound to be held responsible for the faulty acts of others. Rather than assigning remedial responsibility to individuals in proportion to their historical emissions (as in an *ex post* carbon tax), this approach relies upon a kind of collective responsibility where societies are held to be at fault in a way that does not reduce to faulty individual acts or decisions. At least part of my responsibility *qua* American is based not on my past individual emissions, but on the effects of national affluence on my life prospects and global climate, for which I am also responsible, even if I cannot be faulted for these advantages. Another part is based in the harmful social norms in which I have participated and/or not adequately challenged, and which condition the greenhouse-polluting acts that contribute toward high per capita rates of national emissions. I owe some compensation to the victims

⁴ Some claim that this sort of backward-looking attribution of responsibility is untenable in cases where individual persons lack non-polluting options or the resources to employ them instead of polluting ones, suggesting that responsibility for climate change be instead assessed in terms of forward-looking obligations to remedy. See, for example, Fahlquist (2009). My concern here is both backward-looking at causal responsibility and moral fault as well as forward-looking toward remedies, using the former to inform the latter. To the extent that better options are not available, as where persons have no mass transit options for commuting to work and so must drive personal automobiles, individual causation is at least partly the product of collective fault in failing to make more sustainable options available.

⁵ Perhaps the best account of the disjuncture between assessments of moral responsibility and the consequences of an action can be found in Nagel (1979).

of climate change because of the state policies and social norms that are complicit in causing the problem and undermining potential solutions to it, from which I have benefitted in the past and continue to do so, however reluctantly. Even if I avoid contributing to climate change directly, it might be argued, I can be faulted for my indirect contributions to the problem.

However, this judgment about the sources of my responsibility for compensating those harmed by collective activities in which I participate appears to violate the standard conditions for assessing liability, which requires contributory fault. As Joel Feinberg notes:

First, it must be true that the responsible individual did the harmful thing in question, or at least that his action or omission made a substantial causal contribution to it. Second, the causally contributory conduct must have been in some way faulty. Finally, if the harmful conduct was truly “his fault”, the requisite causal connection must have been directly between the faulty aspect of his conduct and the outcome. It is not sufficient to have caused harm and to have been at fault if the fault was irrelevant to the causing. (Feinberg 1970:222)

From this individualistic conception of causal agency, collective liability in the climate case inevitably but unjustly holds some persons responsible for harm that is in no way their fault. It does this by imposing upon entire nations a liability burden, which not only declares all its citizens to be at fault in producing a global environmental hazard but also would presumably be born by the nation at large through general taxation, rather than mandating that individuals be held liable for their personal contributions to the problem. In reply to this objection, I shall consider how citizenship in a democratic society might affect one’s responsibility for this global environmental problem, beyond whatever individual responsibility one might have as greenhouse polluter. My claim is that the justification for holding an entire nation responsible for climate change depends on whether its cause is seen as aggregated individual emissions only, or whether its causes are also (and, in my view, properly) regarded as being a function of citizenship, membership in a culture, and participation in networks of social norms. If the latter, it becomes considerably more difficult (if not impossible) for Americans to extricate themselves from responsibility for the problem, regardless of their individual emissions or personal preferences, and the use of collective responsibility in climate policy becomes less problematic.

12.3 Democracy and Collective Responsibility

To what extent can persons be implicated for the polluting actions of their fellow citizens, even when they themselves conscientiously aim to minimize their individual greenhouse footprints? Does democratic citizenship diffuse responsibility for climate change among an entire populace, even when considerable variation exists among individual pollution patterns? Do citizens assume responsibility for the greenhouse pollution rates of their fellow citizens, when these are conditioned by the social norms and public policies (or lack thereof) for which they are collectively responsible? These questions aim to link democratic citizenship with collective

responsibility for those adverse consequences caused by one's fellow citizens, treating citizenship as the source of responsibilities and well as privileges and regarding the relationships of social solidarity that define citizenship as a potential source of liability for the harmful actions of others.

Climate-related harm displays some of the characteristics of a collectively produced hazard for which responsibility cannot be fully ascribed to individual citizens. Although the GHG-emitting actions and choices of individual citizens can be identified as among the causes of a nation's aggregate emissions, so too can public policies, social norms, and public infrastructure be seen as causally responsible for these collectively generated harms. The citizen driving long distances to and from work may be the proximate cause of the emissions that she produces through her automobile's petroleum combustion, but she may rightly claim that the lack of more efficient personal automobiles (itself a product of a lax regulatory state that fails to encourage automobile fuel efficiency combined with social norms that attach status to fuel-inefficient vehicles) is also partly to blame for the greenhouse pollution from her commute, as is the lack of an adequate mass transit option or affordable housing located closer to her place of employment. Such factors play a causal role in structuring her choice, making difficult or impossible more sustainable individual actions, and yet are themselves not obviously caused by identifiable individuals that could be held responsible for them. When democratic societies fail to enact adequate anti-pollution regulations, develop norms of affluent consumption that equate polluting with higher social status, and build cities and towns without a sustainable transit infrastructure or decent housing that is proximate to jobs that make such housing affordable, these failures are the fault of the group itself, even if no individual member can be faulted for them. When whole societies are held responsible for the collected but evidently faultless acts of individual members, as in holding an entire nation of reluctant car commuters responsible for their aggregate greenhouse emissions, it would seem that collective responsibility is being applied where individual responsibility would be un-warranted.

Such cases tempt us to exonerate collectively-produced harm when no group members can be held individually and fully responsible for causing it, but such exoneration would raise its own set of problems for individual responsibility. Writing about national responsibility, David Miller identifies this problem as one of ensuring that persons are held responsible for their own acts and choices, but not those of others, which he takes to comprise the normative core of individual responsibility. Linking responsibility and justice, he articulates the two-sided nature of individual responsibility, describing its imperative as holding that "as far as possible we want people to be able to control what benefits and burdens they receive, but we also want to protect them against the side effects, intended or unintended, of other people's actions" (Miller 2004:245). In cases where groups make collective decisions or engage in collective actions, even where some group members oppose those decisions or abjure those actions, it is sometimes impossible to assign responsibility to discrete individuals. In such cases, the two parts of this justice aim conflict: either we can hold entire groups responsible for consequences that are beyond the control of some members, or we fail to protect others against the harmful effects of group

actions. From the perspective of group members, it may seem entirely unjustified to hold reluctant participants in collective actions or omissions responsible for the consequences that result from those actions, particularly when some members actively oppose them, but from the perspective of the victims of group actions it is preferable to hold some group members vicariously responsible than to exonerate entire groups when culpable individual parties cannot be identified. Unless the group is held liable for its collective action, the victims of that action may be forced to bear the costs of harm for which they are not responsible, but this group liability may have to be borne by some faultless individual members if faultless external victims are to be adequately compensated for the harm that they are made to suffer.

In an example analogous to problems of assessing national responsibility for climate-related harm, Miller considers groups displaying “cooperative practices” characteristics such as a polluting firm in which a dissenting minority of its employees opposes that pollution, favoring instead the purchase of some costly anti-pollution controls in order to avoid it. Because a numerical minority, these conscientious employees are overruled by those for whom additional private costs on behalf of avoiding a public nuisance are seen as imprudent. Although opposing the group’s final decision by voting against it, can they still be held responsible for the resulting pollution-related harm? Miller argues that they can be held responsible, under some circumstances, if “they are the beneficiaries of a common practice in which participants are treated fairly – they get the income and other benefits that go with the job, and they have a fair chance to influence the firm’s decisions – and so they must be prepared to carry their share of the costs, and in this case the costs that stem from the external impact of the practice” (Miller 2004:253). Insofar as members have fair and meaningful opportunities to influence group actions – decisions are not made by a small clique of elites against the will of the majority, for example – the mere fact that some oppose the group’s final decision cannot exonerate them from responsibility, so long as they benefit from the cooperative endeavor. As Miller claims of such groups, “participating in the practice and sharing in the benefits may be sufficient to create responsibility” (Miller 2004:253). Thus, he suggests, the more open and democratic the group, the more each member must be held responsible for its decisions, whether or not they personally supported them.

This sort of collective responsibility is essential for ensuring group accountability and preventing individuals from becoming moral free riders, harmlessly dissenting from group decisions when possible in order to create benefits for the entire group at some external costs to others and then invoking this ineffective dissent as a grounds for deflecting responsibility. If available as a means for escaping responsibility for group actions, citizens might seek to avoid the burdens and duties of citizenship *en masse*, transferring their democratic agency to unrepentant polluters (in the climate case) that can provide cover for their ongoing harm on the pretext that they would have preferred to have been legally prohibited from polluting but didn’t have anyone palatable to vote for in the last election. If merely registering some opposition to harmful group actions was sufficient to exonerate individual members from fault and liability for them, when those same members could enjoy the private benefits of their reluctant public nuisance nonetheless, then dissent would cease to be

sincere or effective and could become a cynical means of obtaining the benefits of membership without accepting its burdens. Dissenters would merely be shirking their responsibility, and might be unfavorably compared to those voting in favor of harmful group actions that at least in principle accept responsibility for the public nuisance from which they derive private benefits. As Miller suggests, refusing the benefits of harmful group actions would be the only way to demonstrate the sincerity of one's opposition to them, and this sort of principled dissent would be the only way of altering this insidious incentive structure.

But forfeiting the benefits of membership in affluent industrialized democratic society is not easily accomplished, and may be altogether impossible. Some benefits are public goods from which none can be excluded, however reluctantly citizens may participate in such consequences of social affluence as democratic governance, political stability, and economic opportunity. By nature, such goods accrue to all, regardless of whether or not citizens voluntarily accept them. Insofar as democratic citizenship constitutes what Miller terms a cooperative practice, is it possible for citizens to escape from this sort of collective responsibility for climate change, short of exercising their exit option from society? Must they go beyond standard avenues of democratic participation before their opposition to some harmful policy can be regarded as adequately sincere, and would such measures release them from responsibility even if ineffective? The illogic of wishing that one's nation or residence had avoided past greenhouse pollution is especially evident. Can one tenably embrace post-materialist environmental values in a pre-industrial society, or regret the economic bases upon which many of one's inherited advantages were forged without undermining the very advantages which make such regret possible? Indeed, a complete opting out of the advantages of residing within nations whose affluence depended on high rates of greenhouse pollution may not be possible at all, but it may be possible to reduce one's personal share of responsibility by acting in ways that tend toward minimizing future bad social conduct or refusing advantages that stem from past bad conduct. The issue concerns the shares of individual responsibility for collective decisions in a democracy, including those to allow ongoing GHG pollution, and to this problem we now turn.

In considering whether fault and liability for social failures to enact sufficient climate policies can be applied to citizens themselves, including those actively encouraging the adoption of such policies, we might consider examples of vicarious fault and liability from other domains of theory. Persons are held vicariously liable for the acts of others when they specifically authorize those acts, as is paradigmatically seen in the principle-agent relationship within military hierarchies. In just war theory, soldiers in the field are obligated to follow orders without question, within reasonable limits, so that while they may be at fault for wartime atrocities, the moral blame and legal liability is typically attributed to commanding officers issuing the orders or failing to control the conduct of those under their command. But can fault and liability similarly transfer in other such principal-agent relationships? Decisions about whether to wage wars are typically made by civilian leaders rather than military commanders, so vicarious liability may likewise be transferred from military commanders to political authorities, and perhaps in turn to those citizens

of democratic states in whose name and presumably with whose consent the war is waged. Since democratic governments function as agents that are authorized by principals within the electorate, citizens are in this sense responsible for the actions of their government, even if they personally oppose them, as Miller claims. But are all citizens equally responsible for the harmful actions of their states or governments, by the mere fact of the principal-agent relationship that defines democratic governance? If so, this form of vicarious liability stretches principal-agent causality much further than does just war theory, and arguably by conflating ineffective resistance to power with acquiescence to and support of it.

Michael Walzer, in considering the case for reparations for victims of aggressive wars, notes that such reparations are generally paid for through taxation of all a nation's citizens (a form of liability), not just the active supporters of the war, and over time such that many who had nothing to do with the decision to wage war continue to bear collective responsibility for it (Walzer 1977:297). This does not, he thinks, pose a particularly difficult philosophical problem for moral responsibility so long as they are only held liable and not guilty for the war's atrocities.

Attributions of liability (as in reparations) are not necessarily attributions of legal or moral guilt, he suggests, but are rather judgments based upon the existence of harm, the finding of fault, and the demand of justice to compensate victims for their injuries. Making such responsibility collective rather than individual, even if this implicates a war's opponents along with its supporters, acknowledges the causal role of citizenship in a state's decision to wage an aggressive war. In the context of global climate policy, where the citizens of causally responsible nations may be held liable for mitigation and adaptation burdens even if they exercised no control over national climate policies, Walzer's parsing of liability and guilt may be attractive. Insofar as national responsibility for climate-related harm is translated into individual citizen responsibility for paying shares of those national liability burdens, climate-related liability resembles reparations for unjust war in that both involve culpable collective actions but questionable individual culpability for harmful state actions or omissions, and both hold individual citizens liable for this collective culpability as the only way in which the collective itself can discharge its remedial obligations. Responsibility for climate change in nondemocratic states mirrors Walzer's description of responsibility for unjust wars in those same states, as both incur obligations to compensate victims for the harm that they are made to suffer regardless of citizen control of relevant policies, and both discharge this remedial responsibility through individual assignments of shares of this collective liability. Yet, Walzer's analysis holds persons liable for decisions over which they as citizens of nondemocratic states have no control, seemingly violating the core tenet of moral responsibility, which insists that individuals be at fault if they are to be held liable for some harm.

Of course, citizenship confers far greater responsibility in democratic states than it does in authoritarian ones, and Walzer also considers the case of a state opting to wage war from open and democratic processes, arguing that more widely dispersed decision-making power in democracy connotes similarly dispersed responsibility

for bad state decisions, basing culpability on a sliding scale according to the extent to which each citizen wields their various powers of resistance. Who, he asks, should be held responsible for the decision to wage unjust war? Those “who voted for it and who cooperated in planning, initiating, and waging it” must be held most responsible for its atrocity, he argues, including those soldiers who, in their capacities as citizens though not in their capacities as soldiers, shared in the decision to wage the war. Those who voted against the war, he provisionally suggests, cannot be morally faulted for it, although they may later be held liable for harm that results. But what about those citizens who didn’t vote? Walzer suggests that they are blameworthy for their “indifference and inaction” in failing to do what they could have done to oppose an unjust policy, “though they are not guilty of aggressive war.” Here, though, attributions of fault-based liability would not be inappropriate.

The moral language of guilt and blame is invoked against the apathetic citizen, suggesting that omissions can be faulted alongside actions when either results in some avoidable bad outcome and that fault turns on an individual’s capacity to affect group actions. This control condition mirrors that of standard accounts of individual moral responsibility, as citizens are held accountable not only for what they personally do but also for what they fail to do in politics. Even if one was to abstain from personally emitting unsustainable levels of greenhouse gases, one’s failure to exercise political responsibility on behalf of sustainable climate policy confers fault and triggers liability for climate-related harm without the need for vicarious responsibility. As Larry May argues, “the degree of individual responsibility of each member of a putative group for the harm should vary based on the role each member could, counterfactually, have played in preventing the inaction” (May 1992:106). Suppose that the anti-war minority could have won the decision had they staged marches and demonstrations rather than merely voting, but they opted not to. Would they then bear responsibility? Walzer thinks so, “though to a lesser degree than those slothful citizens who did not even bother to go to the assembly”, since their more active but incomplete resistance is less faulty than the predictably ineffective acquiescence of the nonvoter. Fault among citizens in democratic regimes is thus assigned in proportion to their missed opportunities to wield their various powers of citizenship in defense of justice and against injustice. Given the magnitude of the injustice of aggressive war, the democratic citizen is obligated, he argues, to “do all he can, short of frightening risks, to prevent or stop the war” (Walzer 1977:300–01).

As Walzer suggests, democracy can be regarded as “a way of distributing responsibility”, and insofar as citizens have some control over their collective decisions they must also be held responsible for them. Those with more control, whether by virtue of their office or influence in democratic societies or their being in a better position to resist collective decisions outside of standard political processes, may be held assigned greater responsibility for collectively-produced harm than may those with less control, and even if all citizens are to some degree responsible for what they do together. Collective responsibility in wartime and its aftermath therefore sometimes extends even to those citizens that opposed the war at the ballot box or public forum, insofar as they did not do all they could reasonably have done to stop it. Here, citizens are the principals that collectively bear responsibility for the

decisions of the state, which acts as their agent. Collective responsibility thus serves a valuable social role in expressing and strengthening the solidarity of groups that share mutual interests or bonds of affection, strengthening norms and encouraging cooperation. But it also raises objections from the principle of responsibility, since the group's fault does not readily reduce to the faults of all individual members held liable for group actions and decisions. The same is true of collectivized responsibility for climate change, as fault that is widely disparate among fellow citizens is obscured by blanket assignments of group liability.

12.4 Social Norms and Collective Fault

Climate change may be caused by individual actions, but significant contributing causes of those actions are state policies and social norms, and in the contemporary United States neither prohibits individual emissions at levels well above those which are globally sustainable. Despite its several democratic deficits, the US government remains answerable to its citizens during periodic elections and through inter-election pressure groups, so the American citizenry must shoulder some share of responsibility for the failure of its government to make adequate domestic climate change mitigation policy, and perhaps also for its continued obstruction of global climate policy efforts, given its widespread passive support for its government's active opposition to global efforts to reduce emissions. But the government's failure to adequately address global climate change is not merely an institutional shortcoming, since social norms are too permissive of pollution to generate genuinely democratic support for taking the necessary policy steps to avoid dangerously high greenhouse gas concentrations from accumulating, much less to achieve those aims in the absence of coercive policies. Part of the problem is a public culture constructed around the personal automobile, large living spaces, high resource consumption, and little regard for the consequences of these upon the world's less fortunate. Democratic decisions ultimately reflect this culture, and the shared values and common identity it fosters create the necessary conditions for attributing collective responsibility as well as generating the preferences for which such attributions are necessary. Prior to those political decisions lies a culture that is inimical to meaningful action to reduce emissions, and that culture can only be the product of society taken as a collectivity, and irreducible to individuals.

The key to linking group fault and liability with individual acts and choices lies within the roles played by social norms and practices and the culture in which they are bound. Describing this role, Howard McGary finds individuals to be culpable for social practices in which they acquiesce, even if they don't personally support or participate in them. A practice, he writes, is "a common accepted course of action that may be over time habitual in nature; a course of action that specifies certain forms of behavior as permissible and others as impermissible with rewards and penalties assigned accordingly" (McGary 1991:79). According to McGary, individual fault is based partially on personal control over group actions, but persons

can escape responsibility for group actions without stopping those actions if they are powerless to affect group outcomes and they refuse to accept unjust enrichment from collectively-produced harm. Here, fault-negating acts of “disassociation can involve publicly denouncing a practice, but only if that is all that one can do, and a refusal to accept any enrichment that occurs as a result of the faulty practice” (McGary 1991:83). Given the inescapable benefits that accrue to members of affluent industrial societies that are primarily responsible for causing climate change, one might infer that citizens of such societies might mitigate their personal fault by publicly opposing the harmful polluting practices and those social norms in which they are embedded, along with taking care not to personally contribute to collectively-produced harm by reducing their own greenhouse emissions to sustainable levels, but that they cannot escape fault and liability altogether. Insofar as climate-related harm is at least partially caused by norms and practices, which provide the context in which individuals make choices and societies set policy, none are held vicariously responsible for environmental harm for which they are not at least at some fault.

Similarly, Kutz finds the concept of “collective intention” to be the key to understanding collective responsibility, wherein individual persons can be complicit in harmful outcomes that they cannot cause by themselves. According to his Complicity Principle:

(Basis) I am accountable for what others do when I intentionally participate in the wrong they do or the harm they cause. (Object) I am accountable for the harm or wrong we do together, independently of the actual difference I make. (Kutz 2000:122)

What matters for holding individuals morally responsible for collective actions and their outcomes is not the control that each member exercises over group actions or the difference that each makes on their own in producing or avoiding the bad outcome, but it is their “intentional participation in a collective endeavor directly links them to the consequences of that endeavor” (Kutz 2000:138). Social norms may structure our interactions with others and condition our priorities, but we cannot be excused from culpability for contributing toward harmful outcomes merely because our actions are not expressly condemned by those norms. Rather, persons reinforce norms by participating in them and by not challenging or resisting them, but norms themselves are a collective rather than an individual product. To the extent that they are implicated in the causal processes that produce harmful acts, people can be held collectively responsible for these norms and thus the behavior they encourage. As Kutz argues, “it is both a reasonable and a necessary expectation upon agents inhabiting a crowded social landscape that they be prepared to deal with the costs imposed upon others by their freely chosen projects” (Kutz 2000:154). To the extent that persons fail to resist or challenge harmful norms, they freely endorse them and thus are complicit in the outcomes that result.

Likewise, May describes this relationship between individual and group, mediated by culture and based in group identity, as a form of metaphysical guilt, which “arises out of each person’s shared identity, out of the fact that people share membership in various groups that shape who these people are, and that each person is at

least somewhat implicated in what any member of the group does” (May 1991:240). Like McGary, May argues that the “moral taint” of metaphysical guilt “arises from the fact that nothing is done to prevent the harms or at least to indicate that one disapproves of them. Due to these failures, the individual does nothing to disconnect himself or herself from those fellow group members who perpetrate harms” (May 1991:240–41). For May, however, this form of responsibility is existential rather than causal, in that by “condemning or disavowing what one’s community has done”, one “changes that part of one’s self which is based on how one chooses to regard oneself” (May 1991:247). If we define ourselves by our choices, we acquire this taint by our choice not to disassociate from the harm that groups to which we belong cause through actions in which some but not all group members participate. Our identity is bound up in what the group does, May suggests, and we are responsible as individuals to avoid personal associations with harmful group actions even if we do not ourselves commit them.

Although May is concerned with the appropriateness of what Bernard Williams terms “agent regret” rather than legal liability (Williams 1981), his diagnosis of the link between individual failures and group fault is instructive for climate change. Individuals become tainted, according to May, from their solidaristic relationships with others in a culture that encourages or allows harmful action, and their willing participation in harmful social norms, where “cultures are both the product of individual actions and attitude, and also the producers of new actions and attitudes in the world” (May 1991:246). Because individual citizens can be faulted for acquiescing to harmful social norms that provide the context for harmful actions by others, they are not held vicariously liable under a climate policy that assigns mitigation and adaptation burdens to them, since they are responsible for one set of causes (the social norms that condition polluting behavior by others) if not for another (that behavior). What we do conditions what others see as permissible and impermissible, and May’s account of the mediating role of culture recognizes this link between individual and collective agency. The permissive culture of industrialized nations like the United States implicates those who fail to sufficiently challenge the norms by which high rates of greenhouse emissions are produced, even if they do not produce those emissions personally. Because persons can be more or less faulty in their participation in this culture, fault and liability can be greater or lesser depending upon the efforts by which persons challenge this culture. Since May argues that collective responsibility cannot vary among group members, he terms this form of group-based taint shared responsibility, implying the presence of individual responsibility alongside that assigned to groups.

Others endorse similar versions of collective responsibility but deny that it must be equally shared by all group members. Feinberg, for example, considers the deeply ingrained racism practiced by whites in the post-bellum American South, where only some group members took part in acts of violence against blacks but where “99 percent of them, having been shaped by the prevailing mores, whole-heartedly approved of them” (Feinberg 1968:686). Although the vast majority actively or passively reinforced a hostile environment for blacks – faulty acts for which they may be held responsible – what about that one percent that disapproved? According to

Feinberg, the extent to which they could be implicated in the group's fault – with the community's passive supporters guilty of abetting those actually undertaking violent attacks – depends upon the pains they took to distance themselves from the acts of the majority; acts that appear to go beyond mere voice and appear closer to exit options. One might plausibly oppose this racism, he suggests, but to do so would “totally alienate” a person from the white Southern community, and such total alienation would be “unlikely to be widely found in a community that leaves its exit doors open”. Commenting on the same example, Miller argues that one cannot escape collective responsibility merely by speaking out or voting against such practices, but rather “must take all reasonable steps to prevent the outcome occurring” (Miller 2004:255).

Here, the more demanding standard for extricating oneself from responsibility for harm caused by group actions – separately endorsed by Walzer, Feinberg, Miller, McGary, Kutz, and May – is more plausible, requiring democratic citizens to take all reasonable and prudent steps to avoid individually contributing to a problem, whether through individual emissions or through acquiescence with harmful social norms or solidarity with polluting activities. Merely voting against some candidate or policy is insufficient, since such passive opposition to something that finds support not only from other citizens but also through prevailing social norms amounts to too meager an attempt to avoid personally contributing to the problem. Given their vast historical and ongoing responsibility for climate change, Americans cannot merely vote for a losing candidate or ballot measure, return to their oversized homes, park the SUV in their three-car garages, and reasonably expect to be exonerated from liability for the harm associated with climate change. To do so would not only be to personally contribute toward the harm in question, but is also to fully participate in the harmful culture and reinforce the harmful norms on which the group's culpability rests. Exercising political responsibility requires more than low-cost and ineffective action. One must, as Miller argues, “take all reasonable steps” to prevent climate change from occurring – not only at the ballot box or public forum but also in everyday consumer decisions and the manifold ways in which persons may reinforce or challenge prevailing social norms; which all contribute, albeit in different ways, to the problem. And even then, the impossibility of forgoing all unjust enrichment from residing within an historical greenhouse polluter only allows citizens of industrialized nations to mitigate rather than negate their personal responsibility and thus liability for climate-related harm.

Thus, the sort of collective responsibility involved in anthropogenic climate change most closely resembles what Feinberg terms *contributory group-fault: collective and distributive*, as there is contributory fault on the part of all group members, so no one's fault is vicarious and (nearly) all are somehow at fault, if unequally so (Feinberg 1968:683). Hence, as May suggests, this sort of group liability need not run afoul of individual moral responsibility, as all are at fault for climate change, whether directly or indirectly. Fault need not be distributed equally among group members – more liability may be attributed those who are more causally responsible – but all members are responsible in some way for the harm in question, and so can be held liable for it.

12.5 Conclusion

From such examples, a preliminary picture emerges concerning each person's share of the collective responsibility that attaches to citizenship in those nations most responsible for anthropogenic climate change. Even though national per capita averages obscure a wide range within individual emissions, the aggregate rate of fossil fuel combustion within the United States is plainly too high to avoid collective (if distributive) fault, yet those patterns of behavior that generate such high emissions are supported by social norms in the same way that white racism in the post-bellum South was the product of such norms. As is the case in Feinberg's racism example, some may be more responsible than others for contributing to climate change and so might be assessed greater liability for compensating those harmed by it, but none escape some fault altogether, at least insofar as all benefit from group activities that result in greenhouse pollution, regardless of whether or not they personally support those activities. Unlike Feinberg's drowning example, however, none can be released from responsibility by the acts of others, as national GHG mitigation cannot be accomplished by a single rescuer. Such a conclusion need not dismay those pressing their governments to take action to abate national emissions as well as personally reducing their own carbon footprints, for such collective responsibility is part and parcel of democratic citizenship. Justice requires that, insofar as culpable parties owe compensation to the victims of climate change, it also requires those at greater fault to pay more than those at lesser fault. Nothing in the general claims of collective responsibility diminishes the sense of individual responsibility discussed above. More importantly, nothing in the conception of either individual or collective responsibility absolves democratic citizens of their duty to ensure that their government and society does all that it can to avoid harming others. In this sense, the sort of collective responsibility invoked in global climate policy is wholly consistent with the individualistic conceptions of responsibility upon which it has been premised.

References

- Fahlquist, Jessica. 2009. "Moral Responsibility for Environmental Problems – Individual or Institutional?" *Journal of Agricultural and Environmental Ethics* 22(2):109–24.
- Feinberg, Joel. 1968. "Collective Responsibility." *The Journal of Philosophy* 65:674–88.
- Feinberg, Joel. 1970. *Doing and Deserving*. Princeton, NJ: Princeton University Press.
- Harris, Paul. 2009. *World Ethics and Climate Change*. Edinburgh: Edinburgh University Press.
- Hart, H.L.A. 1968. *Punishment and Responsibility*. New York, NY: Oxford University Press.
- Intergovernmental Panel on Climate Change, Climate Change. 2001. *A Synthesis Report. A Contribution of Working Groups I, II, and III to the Third Assessment Report of the IPCC*, edited by R.T. Watson and the Core Writing Team, 12. Cambridge: Cambridge University Press.
- Kutz, Christopher. 2000. *Complicity: Ethics and Law for a Collective Age*. New York, NY: Cambridge University Press.
- May, Larry. 1991. "Metaphysical Guilt and Moral Taint." In *Collective Responsibility: Five Decades of Debate in Theoretical and Applied Ethics*, edited by Larry May and Stacey Hoffman, 239–54. Savage, MD: Rowman & Littlefield.
- May, Larry. 1992. *Sharing Responsibility*. Chicago, IL: The University of Chicago Press.

- McGary, Howard. 1991. "Morality and Collective Liability." In *Collective Responsibility: Five Decades of Debate in Theoretical and Applied Ethics*, edited by Larry May, and Stacey Hoffman, 77–87. Savage, MD: Rowman & Littlefield.
- Miller, David. 2004. "Holding Nations Responsible." *Ethics* 114:240–68.
- Nagel, Thomas. 1979. "Moral Luck." In *Nagel Mortal Questions*, 24–38. New York, NY: Cambridge University Press.
- United Nations. 1992. *United Nations Framework Convention on Climate Change*. http://unfccc.int/essential_background/convention/background/items/2853.php
- Vanderheiden, Steve. 2008. *Atmospheric Justice: A Political Theory of Climate Change*. New York, NY: Oxford University Press.
- Vanderheiden, Steve. 2011. "Climate Justice as Globalized Responsibility." In *Cosmopolitan Conceptions of Climate Change*, edited by Paul Harris. Cheltenham: Edward Elgar.
- Walzer, Michael. 1977. *Just and Unjust Wars*. New York, NY: Basic Books.
- Williams, Bernard. 1981. *Moral Luck*. New York, NY: Cambridge University Press.