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**Moral Responsibility for Climate Change  
Loss and Damage: A Response to  
the Excusable Ignorance Objection**

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## Moral Responsibility for Climate Change Loss and Damage: A Response to the Excusable Ignorance Objection

Laura García-Portela

### RESUMEN

El Principio de ‘Los contaminadores pagan’ (PCP, en inglés Polluter Pays Principle (PPP)) establece que los contaminadores deben cargar con los costes asociados a su contaminación. Este principio ha sido muy polémico porque parece difícil considerar a los agentes contaminantes responsables de buena parte de sus emisiones. El PCP se enfrenta a la llamada objeción de la ignorancia excusada, que establece que los contaminadores fueron por un largo periodo de tiempo ignorantes (de una forma no negligente) acerca de las consecuencias negativas de sus emisiones y, por tanto, no pueden ser considerados moralmente responsables de ellas. Este artículo se centra en el concepto de responsabilidad moral tal y como aparece en la objeción de la ignorancia excusada. En él defiendo que esta objeción surge de una noción estrecha de responsabilidad moral y que una noción más fundamental de responsabilidad moral allana el camino para superarla. Aquí muestro que debería estar fuera de cuestión que los contaminadores deben cargar con algunos de los costes asociados con sus emisiones. La cuestión relevante es qué costes se les puede legítimamente exigir que asuman. Mi argumento es que esta noción fundamental de responsabilidad moral nos permite asignarles deberes de reparación simbólica, los cuales son centrales en las políticas de ‘daños y pérdidas’.

PALABRAS CLAVE: *‘daños y pérdidas’, principio de ‘Los contaminadores pagan’, responsabilidad moral, ignorancia excusada, reparación simbólica.*

### ABSTRACT

The Polluter Pays Principle (PPP) states that polluters should bear the burdens associated with their pollution. This principle has been highly contested because of the putative impossibility of considering individuals morally responsible for an important amount of their emissions. For the PPP faces the so-called excusable ignorance objection, which states that polluters were for a long time non-negligently ignorant about the negative consequences of greenhouse gas emissions and, thus, cannot be considered morally responsible for their negative consequences. This paper focuses on the concept of moral responsibility as it appears in the excusable ignorance objection. I claim that this objection stems from a narrow notion of moral responsibility and that a more fundamental notion of moral responsibility would pave the way to overcome it. I show that it should be out of the question whether historical polluters should bear *some* burdens associated with climate change because of their historical emissions. The relevant question is

which kind of burdens they can legitimately be asked to bear. I argue that this notion of moral responsibility allows us to assign burdens of symbolic reparation, which are at the core of 'Loss and Damage' policies.

KEYWORDS: *'Loss and Damage', Polluter Pays Principle, Moral Responsibility, Excusable Ignorance, Symbolic Reparation.*

## I. INTRODUCTION

Recent discourses on climate justice and climate change policy have focused on loss and damage as distinctive climate change related burdens to be distributed among international agents [Huq, Roberts, and Fenton (2013); UNFCCC (2012); Frankhauser, Dietz, and Gradwell (2014)]. Over decades, United Nations Framework Convention on Climate Change (UNFCCC) negotiations and philosophical debates were focused primarily on measures of mitigation (the prevention of future climate change by reducing the total amount of greenhouse gas emissions (GHG) and the enhancement of carbon sinks) and adaptation (the adjustment of populations to the already existent and foreseeable negative effects of climate change). However, these two do not exhaust the actions that are required as a matter of justice in response to the adverse effects of climate change. 'Loss and damage' measures refer to actions that must be undertaken when individuals suffer permanent losses or severe impairments to the goods and services essential for their lives due to the effects of climate change. An example of this is the case of sea levels rising to the point that seawalls cannot prevent an island from sinking and, consequently, its population being forced to migrate.

Some debates on climate justice revolve around the burden-sharing debate, that is, the debate about how to determine burdens associated with combatting and responding to climate change. To do so, different moral principles are weighed against each other to determine who should pay which of the burdens associated with climate change. This paper is focused on how to distribute a specific kind of burdens associated with 'Loss and Damage' policies, namely, burdens of symbolic reparation. By symbolic reparation, I refer here to those aspects of losses and damages that have value beyond material or monetary reparations (non-economic losses and damages). Non-economic losses and damages affect, for instance, the self-respect and sense of pride of victims, their freedom of cultural self-determination, or their relationships of trust with other communities.

In this paper, I argue that historical emitters should bear the burdens of symbolic reparation that are part of ‘Loss and Damage’ measures.<sup>1</sup> I do so by defending the Polluter Pays Principle (hereafter, PPP) against the excusable ignorance objection. The upshot of my argument will be that historical emitters owe duties of symbolic reparation to victims of climate change *even if* they cannot be considered culpable for their historical emissions. For this purpose, I challenge two presuppositions that underlie the excusable ignorance objection. First, I challenge a *volitionist notion* of moral responsibility. Second, I challenge a straightforwardly economically loaded idea of what might be owed to victims of climate change. In contrast to this, I will show, first, that a more inclusive non-volitionist notion of moral responsibility would pave the way to supporting the PPP, and second, that the excusable ignorance objection does not invalidate every burden that can be allocated to historical emitters due to historical emissions. The objection might be adequate when it comes to allocating straightforward compensatory payments, but this does not rule out the validity of other kinds of moral demands. I will argue that a non-volitionist notion of moral responsibility allows us to assign symbolic duties, which are at the core of ‘Loss and Damage’, to historical emitters. Whether or not they should bear additional burdens will depend on other variables that I will not explore in this paper.

## II. THE PPP, THE EXCUSABLE IGNORANCE OBJECTION AND THE NARROW VOLUNTARIST CONCEPT OF MORAL RESPONSIBILITY

The PPP can be defined in different ways. Usually, the principle is described in an economically loaded manner as stating that polluters should *pay* for the negative consequences of climate change in proportion to the pollution caused by them [Shue (1999); Neumayer (2000)]. I will work here with a more general – and less economically loaded – reading of the principle. According to this description, the PPP states that those who contributed to climate change by emitting GHG emissions should bear the burdens associated with its adverse effects in proportion to their contribution. This description of the PPP is more inclusive insofar as it makes room for burdens that are not necessarily economic.

The PPP faces a number of objections. My focus here will be the so-called *excusable ignorance objection*. The excusable ignorance objection allows for at least two different readings, which are intimately related but must be distinguished. First, the excusable ignorance objection can be in-

terpreted as addressing attributions of moral responsibility in general (*MR version*). According to this reading, the objection states that an agent should not be considered morally responsible for the harmful consequences of his actions if they could not have known or foreseen them at the time his action took place. Second, the objection can be interpreted as addressing liability for economic costs. According to this reading, the objection states that no one can be made to bear economic burdens for something caused under excusable ignorance circumstances (*LEC version*). The reason behind this is that no one can be made worse off for circumstances that were not under their control. Demanding compensation from someone for losses and damages caused in a non-negligent way would, in fact, make them unfairly economically worse off.

Both versions of the objection imply the same conclusion concerning pre-1990 GHG emissions. As is generally agreed [Gosseries (2004); Bell (2011); Moellendorf (2014)], before the publication of the first Intergovernmental Panel on Climate Change (IPCC) report in 1990 agents could have not been expected to know about the negative consequences of releasing massive amounts of GHG emissions into the atmosphere. Thus, those that emitted GHG emissions were non-culpably ignorant. Following the objection, they cannot be considered morally responsible (*MR version*), and/or they cannot be made liable for the economic costs associated with the negative consequences of those emissions (*LEC version*).

My argument starts with a criticism of the notion of moral responsibility that underlies the two versions of the excusable ignorance objection. The excusable ignorance objection assumes a *volitionist* notion of moral responsibility. That is, it requires that the agent acted voluntarily. This is suggested by the idea that, for being morally responsible, the agent must have been aware of the consequences of their actions or must have at least had the open possibility of knowing them.<sup>2</sup> Absent this epistemic condition, moral responsibility cannot be assigned on the basis of historical emissions. I assume that what makes advocates of excusable ignorance reject the attribution of responsibility for pre-1990 emissions to historical emitters is conditioned on volitionist compromises regarding moral responsibility. In the next section, I argue that it is possible to use a different and more fundamental notion of moral responsibility that does not rest on voluntarist conditions. This notion is thus immune to the excusable ignorance objection, at least for what concerns certain climate change-related burdens.

### III. RESPONSIBILITY AS ANSWERABILITY: A FUNDAMENTAL NOTION OF MORAL RESPONSIBILITY

Angela Smith (2008, 2015) has proposed an understanding of moral responsibility as a single and unified concept that underlies our attributions of moral responsibility. She calls this notion ‘responsibility as answerability’. In her words, responsibility as answerability works as follows:

To say that an agent is morally responsible for something is to say that that agent is an appropriate *target*, in principle, *of request for justification* regarding that thing and that she is *eligible*, in principle, *for a variety of moral responses depending upon how well or poorly she meets the justificatory request* [Smith, (2015), p. 103].

According to this definition, attributions of moral responsibility are appropriate when two conditions are met. First, the agent must be eligible for demands of justification regarding her action. Second, her action must concern her moral relationship with others, such that it would make sense for them to hold certain moral attitudes in response to her action depending on how well she meets the justificatory requirement.

To explain the first requirement, Smith compares her definition of moral responsibility with what she calls ‘superficial’ assessments (Smith 2008). Superficial assessments are the kind of assessments that have no moral dimensions at all. For example, let us imagine that someone goes to the doctor because they are experiencing some vision problems. The doctor assesses their vision with a vision test that they happen to fail. According to Smith’s account, the results delivered by the test constitute a paradigmatic example of a superficial assessment because it represents a *merely descriptive* assessment and does not involve any kind of moral evaluation of the agent.

It bears noting that the fundamental reason why those results cannot lead to any attribution of fault or blame is that it would make no sense to ask that person for the reasons underlying her performance. Moral responsibility applies only to those behaviors that, in a rational creature, are or should be ‘under the control of reason’ [Scanlon (1998), p. 272]. ‘Superficial’ assessments describe features of individuals that just happen to them or, in Scanlon’s words, features that ‘visit them’. This also applies to individual actions when they are caused by external physical forces. The aforementioned remarks suggest that there is a fundamental

difference between ‘superficial’, morally meaningless attributions of fault, and valid attributions of moral responsibility. This difference concerns the plausibility of asking for the reasons that underlie the agent’s actions. There is yet another condition to be met for attributions of moral responsibility: It must make sense for others to have certain kinds of moral responses to the agents’ actions. Or, in other words, the kind of moral criticism attached to moral responsibility ‘must have a particular kind of significance for the agent’s relation to other people’ [Scanlon (1998), p. 276]. These responses will vary depending on how well the agent meets the justificatory requirement. Scanlon explains this second characteristic by comparing moral criticism with rational criticism. Rational criticism merely concerns one’s ability to apply certain kinds of rational procedures to an activity. One can be rationally criticized for errors in mathematical reasoning, spelling, or chess based on a mistaken application of certain rational procedures. Moral criticism, in contrast, concerns our relations with other people and what we owe to each other. In Smith’s words: ‘The special significance of moral as opposed to other forms of rational criticism, then, is that it concerns the quality of our relations with others rather than the quality of our activity in some other normative domain’ [Smith (2015), p. 120].

#### IV. ELIGIBILITY FOR JUSTIFICATION AND MORAL RESPONSES FOR HISTORICAL EMISSIONS

In this section, I argue that historical emitters comply with the aforementioned conditions of moral responsibility. I do so by elaborating on the idea that being ‘eligible for justifications’ depends on whether an agent can be considered to have acted, in Scanlon’s words, ‘under the control of reason’. I interpret this condition to be met when an agent acts deliberately (or should have acted deliberately), that is, weighing reasons in favor and against the action at stake. I argue that this is a sufficient condition to make someone eligible for demands of justification regarding the consequences of his actions. If, in addition, those actions also affect their relationship with others, those agents are also eligible for moral responses.

The excusable ignorance objection relies on the notion of a sharp epistemic threshold. Before a certain cut-off date, emitters are considered excused for their ignorance concerning the negative impact of their emissions. After it, they are or must be aware of the negative consequences of their emitting activities. This interpretation gives us the im-



pression that before 1990 historical emitters *did not know* and *could not reasonably have known anything* about the possible negative consequences of their emissions. I consider this interpretation of a ‘sudden realization’ to be implausible.

A more reasonable interpretation of the underlying rationale behind the excusable ignorance objection would be the following. Up to 1990, agents could not have been expected to have the obligation to modify their emitting behavior because their ‘pro-emitting reasons’ overrode ‘pro-mitigation reasons’ stemming from scientific uncertainty regarding the effects of GHG emissions. Before 1990, they did have reasons (maybe even good reasons) to continue emitting GHGs. The benefits coming from their emissions-generating activities allowed them to boost their social, political and economic development. When weighing the benefits of their activities against their only possible negative consequences, emitters might have had good reasons to carry on emitting until 1990. However, the fact that they weighed (or should have weighed) those conflicting reasons is what makes their decision to continue emitting a deliberative action.

The question now is whether historical emitters acted, or could have acted, in such a way. A key issue is whether they suspected, or had reasons to suspect, that their activities had unknown, underexplored, or even possible dangerous consequences. When approaching this question, we should, once again, steer clear of the ‘all-or-nothing’ narrative of the excusable ignorance objection. It is enough to prove that at early stages historical emitters acted, or should have acted, against a background of conflicting reasons regarding the adequacy of basing their development on the burning of fossil fuels.

Historical data speaks in favor of this hypothesis, suggesting that historical emitters went through various stages of realization from total ignorance to high scientific certainty regarding the negative consequences of GHG emissions. Awareness of the potential effects of GHG emissions dates back to at least 1896, when Svante Arrhenius published the first scientific study describing the GHG effect and the yet-unknown consequences of industrialization. In 1899, Thomas C. Chamberlin further developed the idea that changes in climate could result from changes in CO<sub>2</sub> concentration. In 1938, Guy S. Callendar recovered Arrhenius’ ideas about the GHG effect. He presented scientific data that showed a correlation between rises in temperature and CO<sub>2</sub> level in the atmosphere, and measurements about the capacity of that gas to absorb radia-

tion. This evidence was even more significant if we consider that the effects of the local environmental impacts of pollution were well-known since the beginning of the Industrial Revolution [Zellentin (2015)]. Furthermore, political awareness of the critical situation was already evident at least since the early 1960s. In 1965, the president of the US Lyndon B. Johnson reported to Congress that ‘this generation has altered the composition of the atmosphere on a global scale through ... a steady increase in carbon dioxide from the burning of fossil fuels (...); large-scale pollution of air ... is no respecter of political boundaries, and its effects extend far beyond those who cause it; the longer we wait to act, the greater the dangers and the larger the problem’.<sup>3</sup> Thus, as Stephen Gardiner suggests, a better approach would be to embrace a more sophisticated historical understanding that acknowledges an evolution of awareness over time [Gardiner (2016)].

Historical data supports the claim that historical emitters did make or should have made a deliberative choice. They chose not to invest more in research before continuing with rising emissions, or not to give up emission-generating activities as a driver for their development. They even could have had good reasons not to do so. Even if they weighed the reasons available to them in an adequate way, they should be considered the agents of their actions. This is what makes them ‘an appropriate target, in principle, of a request for justification’ regarding the consequences of their activities. Arguing to the contrary would lead us to treat historical emissions as if those actions just ‘happened to’ or ‘visited’ historical emitters. That would imply treating the actions of historical emitters and their devastating climate change consequences as equivalent to natural variability or natural disasters. This, in my view, would be a rather odd view on climate change, since it would ignore a widespread intuition concerning the moral significance of its anthropogenic origin.

The aforementioned conclusion supports the first condition of moral responsibility as answerability. What about the second one? We should recall that this eligibility for moral responses depends on the fact that the agent’s actions affect their relationship with others. I claim that this condition is met because emission-generating activities lead to devastating consequences for those most vulnerable to climate change. If someone doubts this, it is enough to take a look at how vulnerable countries of the Global South have pressed industrialized and developed countries to bear the burdens of addressing climate change on the basis of their historical responsibility. Since the two conditions of moral responsibility are met for the case of historical emitters, we should con-

clude that historical emitters are morally responsible for the activities that, having high levels of emissions as side-effects, ended up harming others.<sup>4</sup>

At this point, it is important to bear in mind that the question of whether someone is morally responsible for something or not, and the question of which moral responses and requests are suitable in light of that attribution, belong in two different categories. The first one depends only upon the conditions put forward in this section. The second one depends upon the nature of the justification provided by those who are deemed morally responsible, as well as whether that justification violates certain moral norms or expectations [Smith (2015)].

Taking the findings of this section into account, let us come back to the two versions of the excusable ignorance objection. By now, it should be clear that the *MR version* does not apply because historical emitters' actions comply with the two (non-volitionist) conditions of moral responsibility. It is more difficult to conclude that this notion of moral responsibility undermines the second version, the *LEC version*. Unlike the *MR version* of the excusable ignorance objection, the *LEC version* refers to a specific response that should be requested from historical emitters, namely, economic compensation. It is not immediately clear that demanding economic compensation is the adequate response to actions undertaken under excusable ignorance circumstances. However, as I will shortly explain, this does not imply that the notion of moral responsibility outlined above has no normative and political implications whatsoever. They could be asked to bear other kinds of burdens that accommodate the nature of the thing in question, namely, their excusable ignorance concerning the conclusiveness of their data about climate change. In this vein, I argue that symbolic burdens associated with 'Loss and Damage' can be allocated on the basis of the concept of moral responsibility sketched in this section.

## V. JUSTIFICATION BASED ON 'EXCUSABLE IGNORANCE' AND SUITABLE MORAL RESPONSES

My aim in this section is to show that the kind of justification brought forward by historical emitters – based on excusable ignorance – is neither sufficient to withhold attributions of moral responsibility nor to forego requests of moral responses. I argue that excusable ignorance still allows for requests of certain kind of reparatory symbolic measures.

First, some further words about excusable ignorance. The term ‘excusable’ in the phrase ‘excusable ignorance’ stems from the premise – which I accepted as valid – that agents could not reasonably have known about the negative effects of GHG emissions at the time when they emitted. It was not the case that they had a clear possibility of getting access to that knowledge and negligently overlooked it or that they deliberately ignored clear signals about the consequences of their polluting actions. Thus, we can say that historical emitters’ ignorance was non-negligent. This is the reason why we consider them *excused for* their ignorance. This prompts the question of whether this non-negligent aspect of their ignorance leads straightforwardly to withholding every moral demand. In other words, the question is whether, while being excused for their ignorance, agents are also *excused from* every moral request.

To answer this question, let us consider a paradigmatic case of excusable ignorance. Bernard Williams presents a scenario involving a ‘lorry driver who, through no fault of his, runs over a child’ [Williams (1981)]. To elaborate on the ‘no-fault claim’, we could imagine the child being obscured by a rock and jumping suddenly in front of the lorry without the driver having any room to maneuver and avoid running over the child. Following the aforementioned analyses, we shall say that the lorry driver is eligible for demands of justification regarding how and why the accident happened. When facing those demands, the lorry driver can, of course, explain that he was non-negligently ignorant. He could not have reasonably expected the child to appear all of a sudden and run in front of his lorry. Thus, he must be excused for his ignorance concerning the presence and actions of the child. However, it is important to notice that, *while he is excused for his ignorance, he is not excused from every moral demand or request* that one could make on him concerning that action. This is, I believe, a common misconception in climate justice debates. Of course, it makes sense to ask the driver for a justification regarding his action and to ensure that he was excusably ignorant. But it also makes sense to expect him to regret what happened and express it together with his condolences to the child’s family. In my view, these expectations also have normative force. That is, we would consider him to act wrongly should he not react in such a way.

I must admit there might still be an unexplained gap between our reasonable expectations and their normative force. Although one would expect these kinds of reactions from anyone in their right mind, that does not necessarily mean that they would have done something wrong had they frustrated these expectations. I think that our intuitions regard-

ing the case point towards a different direction. Imagine a driver that, confronted with the fact that he killed the child, immediately reacts by saying that he did not do so voluntarily, that his ignorance was non-negligent and, thus, that he must be excused. If he reacts in such a way without manifesting any kind of agent-regret sentiment, or attempting to comfort the family for what happened, we would not just feel that our expectations have been frustrated.<sup>5</sup> We would also think that there is something wrong about his conduct and that he should not have acted in that way. This is why we are justified in thinking that our expectations regarding the lorry driver's reaction have an important normative value. This hypothetical case suggests that when confronted with an explanation about the consequences of their harmful actions and their moral significance, moral agents owe at least a certain kind of symbolic reparation for what they unwittingly did.

The narrative in which the excusable ignorance objection was developed seems to point out that there is *not a thing* we can demand from an agent when it comes to actions that were pursued under excusable ignorance. This seems to put us in an all-or-nothing position: Either we consider someone morally responsible and require them to pay for all the costs associated with their action or we withdraw any attribution of moral responsibility and forward-looking demands. My point is that there should be something in between. It would, indeed, not be reasonable to demand of the lorry driver that he bears the whole costs associated with the death of the child, economically, legally, or otherwise, as if he had killed the child intentionally or negligently. However, it is also true that it would not be a suitable reaction to overlook the fact that the lorry driver was prominently involved in the death of the child because 'there is something special about his relation to this happening, something which cannot merely be eliminated by the consideration that it was not his fault' [Williams (1981), p. 28]. If we were to ignore this fact, we would be treating the child's death as if it had been caused by the fall of a tree. If the distinction between harm caused by natural factors and harm caused by human agency is blurred, we would overlook the potential reparative significance of the lorry driver's agent-regret. Given the central significance of those responses, we would not be right in thinking that those actions are merely to be expected, but rather that they should be demanded as suitable moral responses for the loss experienced by the child's family.

As I showed in this section, excusable ignorance belongs to the kind of extenuating circumstances that demand middle-way responses. By its nature, non-negligent ignorance does not invalidate every kind of attribution of moral responsibility and every demand of responses to those involved in the relevant action. In the next section, I will address how the moral requests suitable for this case can be translated into symbolic reparation for climate loss and damage.

## VI. SYMBOLIC REPARATION FOR CLIMATE CHANGE LOSS AND DAMAGE

I said so far that the concept of moral responsibility – in the basic sense of answerability – addresses demands of justification from those rational agents that, in the course of the development of their rational plans, were prominently causally responsible for harmful outcomes that affect their relationship with others. I also showed that the nature of the justification provided by non-negligent ignorance suffices to excuse people for this epistemic status, but not excuse them from every moral request. Particularly, I have claimed that non-negligent ignorance does not preclude agents from bearing duties of symbolic reparation. Now the question is: Why should this matter for the debate on how to distribute the burdens associated with climate change?

As I noted at the beginning of this paper, the analysis provided here is important for climate loss and damage. ‘Loss and damage’ burdens refer to the actions that must be undertaken when individuals suffer permanent losses or temporal severe impairments to the goods and services essential for their lives. These measures range from compensatory payments for climate change losses and damages to ‘measures of satisfaction’ [Burkett (2009), Page and Heyward (2016)]. My focus here is on ‘measures of satisfaction’ or what can also be called ‘symbolic reparation.’ As I indicated at the beginning of this paper, measures of satisfaction or symbolic reparation address those aspects of losses and damages that have value beyond material or monetary reparations (non-economic losses and damages). Non-economic losses and damages affect, for instance, the self-respect and sense of pride of victims, their cultural determination, or their relationships of trust with other communities.

According to the existing literature on climate reparations, satisfaction and symbolic reparation cover a wide range of measures. They usually go from public apologies to truth-telling initiatives, commemoration,

remembrance, and acknowledgment [Meyer (2006); Burkett (2009); Page and Heyward (2016); Heyward (2012)]. While it is true that all of them intend to address non-economic losses and damages suffered by victims, it is usually not highlighted that they belong to two different categories. Satisfaction can be focused on victims (victim-centered) or the perpetrators and their relation to the harm suffered by victims (agent-centered). An instance of the first category would be remembrance. In the context of climate change, remembrance would refer to actions that 'enable victims of climate change injustice to record their story, to recount what was lost and its effects upon them' [Heyward (2012), p. 163]. These kinds of measures are victim-centered because their main purpose is the preservation of the victims' history and culture, which might be important for the sense of identity of members of the affected communities. In other words, these measures of satisfaction are independent of the origin of the harm suffered by the victims, whether it is anthropogenic or otherwise. In contrast, agent-centered measures of satisfaction acknowledge the origin of the harm. The purpose of these measures is to acknowledge the role of the agents in the injustice suffered by the victims and, eventually, to restore the moral relationship between victims and agents. Agent-centered measures include, for instance, apologies, statements of (agent-)regret, truth-telling measures, and guarantees of non-repetition.<sup>6</sup>

The notion of moral responsibility that I put forth here is intended to cover losses and damages associated with agent-centered measures of satisfaction or symbolic reparation. To see how this can happen, let us recall the previous steps of my argument. Historical emitters are answerable for their historical emissions for two reasons. First, their actions were undertaken 'under the control of reason', that is, they were not simply something that 'happened' or 'visited' them. Second, their actions affected their relationship with others because they made victims suffer the negative effects of climate change. The fulfilment of these two characteristics makes them answerable for their actions. When confronted with the demands of answerability, historical emitters can bring up their well-justified pre-1990 excusable ignorance. However, as we see in the case of Williams' lorry driver, excusable ignorance does not constitute a fully extenuating justification. Historical emitters, as the lorry driver, are subjected to requests of symbolic reparation. This means that they ought to acknowledge their prominently causal role in the harm suffered by

victims of climate change, as well as to provide a public statement of agent-regret for their historical contribution to climate change.

Measures of satisfaction should include two elements. First, an acknowledgment that the victim's situation is not due to natural variability of the climate, but rather a consequence of polluting actions. This explicit acknowledgment would mean recognizing that historical emitters are morally answerable for what they did. This means acknowledging that *they*, and not others, are the ones eligible to respond for what happened.<sup>7</sup> Recognizing climate change losses and damages as something that has anthropogenic origin is what allows us to explain their situation as a particular type of injustice, as distinguished from cases of 'tough luck'. The second element to be included in measures of satisfaction is a public expression of agent-regret that aims at the restitution of the moral ties among climate change perpetrators and victims. This is due because the nature of the justification provided by excusable ignorance does not preclude this kind of symbolic reparation. The same goes for truth-telling measures and guarantees of non-repetition [Minow (1998)].

## VI. CONCLUSION

In this paper, I strengthened the case for the Polluter Pays Principle for distributing the burdens associated with climate change symbolic reparations under the framework of 'Loss and Damage' policies. I did so by challenging a highly relevant objection to the principle: the so-called excusable ignorance objection. I proposed a non-volitionist concept of moral responsibility that would allow us to consider historical emitters morally responsible, in a very fundamental sense, for their historical emissions. As I argued, excusable ignorance does not preclude requesting symbolic reparations from agents that prominently caused severe harm to others. This is the case of historical emitters.

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## NOTES

<sup>1</sup> In this paper, I consider states to be the relevant agents: Since we are dealing with historical claims, we need to rely on entities that persist over time as the relevant agents for bearing the costs associated with climate change. This is mostly the case with states. This way of proceeding is not ad-hoc, but rather justified due to three factors. First, states are the ontological units at the heart of global environmental law and they possess legitimacy in policy areas that concern climate change. Second, states are the agents capable of coordinating efforts to undertake the necessary measures to respond to global climate change [Page (2012)]. Third, treating states as the relevant agents is a well-established and prevailing practice in international policy and, more specifically, in the context of UNFCCC negotiations. Thus, it would be difficult to imagine how to deal with international problems otherwise [Gardiner (2016)]. Therefore, whenever I use terms such as 'agents' and 'historical emitters' I refer to states.

<sup>2</sup> Drawing on Aristotle (2004), III, 1110a-1111b, a full volitionist account of moral responsibility includes a control condition as well as the epistemic condition already mentioned. The control condition states that the action at stake must have its origin in the agent, that is, that it cannot be compelled externally. What exactly this control condition means is under dispute. However, since what diminishes the voluntariness of the action in the context of historical emissions is the epistemic condition and not the control condition, I can remain agnostic about how we should understand the control condition.

<sup>3</sup> See: President Lyndon B. Johnson, "Special Message to the Congress on Conservation and Restoration of Natural Beauty," February 8, 1965, Santa Barbara, CA: The American Presidency Project, 2015, <<http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/650208.asp>>. Cit. in Gardiner 2016, pp. 112-113.

<sup>4</sup> One might object that this does not fit the description under which they undertook their actions. When they acted, the description of the action was X (and X did not include any harmful consequences). Then, when we formulate the question by describing their actions as ‘activities that entailed high levels of emissions as side-effects and ended up harming others’ (say, Y), we are asking about an action they do not acknowledge as the action they undertook. At that time, they would insist, they undertook action X and not action Y. As a reply to this, it must be noticed that, on the answerability account, the relevant description of the action is the one that, in principle, affects our moral relationship with others, because that is what triggers the answerability mechanism. That description is not X but Y.

<sup>5</sup> The concept of agent-regret was coined by Bernard Williams to draw the distinction between the form of regret that belongs to third parties, first-person regret, and remorse. For Williams, *regret* always involves thoughts like ‘how much better it would have been if it had been otherwise’. Nonetheless, there is a difference between third-party regret and agent-regret. Third-party regret is a general regret that can be felt, in principle, by everyone who could have the conception of how things might otherwise have been and the consciousness of how things would then have been better. In contrast, agent-regret is ‘a species of regret which a person can only feel towards his own past actions’ [Williams (1981)]. This concept of agent-regret is independent from whether these actions were undertaken voluntarily or not. Remorse refers, on Williams’ account, to agent-regret that applies only to voluntary actions.

<sup>6</sup> It bears noting that some measures can be seen as belonging to both of these categories. For instance, acknowledgment can be seen as the acknowledgment of the facts by the perpetrators, but it can also be seen as recognition that something of value that belongs to the victims was lost [Heyward (2012)]. In this sense, victim-centered and agent-centered can be seen not just as categories that cover different measures, but also as approaches to each of them.

<sup>7</sup> This does not exclude that others should also *respond to* that injustice in different ways – by victim-centered measures of satisfaction or by providing other kind of aid. However, the only ones that should *respond for* the injustice in an answerable sense are emitters.

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