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Climate Justice and Democracy: A Normative Approach

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ABSTRACT

This paper tackles a highly relevant issue, namely the relationship between climate justice and democracy. The driving motivation of the paper is to ask what principles of climate justice demand from democracies. The paper explores intrinsic and instrumental arguments and develops a sufficiency account: citizens are entitled to the emissions necessary not only to realize their basic needs but to participate as equals in political decision making.

Keywords: Climate Justice, Democracy, Normative Ideals and Climate Debates

1 Introduction

One of the key questions in international climate politics concerns the just distribution of the burdens for mitigation and adaptation necessary to prevent the negative consequences of climate change. In ethical theory, respective principles of climate justice are well established but heavily debated. Most prominent are principles which attribute higher burdens on those who currently or historically contributed most to climate change or are benefiting most from past and current greenhouse gas emissions. Other principles attribute to nation-states duties to take mitigating and adapting burdens relative to their socioeconomic ability (Page 2008). So far the question of how these demands of climate justice relate to the normative ideal of democracy has found surprisingly little consideration.¹ It has rarely been discussed whether certain principles of climate justice have to be accepted from the standpoint of democracy as a normative ideal and where the limits of feasible demands of climate justice on democracy must be drawn.

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At least partly, this is explainable by the fact that the relation between justice and democracy is somewhat neglected in general normative political theory as well (Valentini, 2012, p. 2). The aim of this paper is to fill this gap by systematically exploring the possible relationship between the normative ideals of justice, respectively climate justice, and democracy. This relation can be either conceived as being intrinsic or as being instrumental. An intrinsic relation holds that justice cannot be realized without democracy or vice versa. An instrumental relation conceives democracy either as a means to bring about justice or asserts justice an instrumental role for realizing democracy. Discussing these possible relations shows that the normative ideal of democracy first and foremost provides constraints on the justifiability of principles of climate justice which are similar to the claim in climate ethics that a minimal amount of subsistence emissions should be guaranteed to everyone before assigning duties of mitigation and adaptation.

This finding clarifies the conditions under which claims of climate justice are defensible without being in conflict with the normative ideal of democracy and under what circumstances claims of climate justice directly stem from the normative ideal of democracy itself. Principles of climate justice are only feasible with regard to democracy if they do not infringe with the conditions necessary for democracy to work. Demands of climate justice not violating these conditions are of importance with regard to normative consistency. If in the name of any normative ideal of democracy it is claimed that certain conditions should not be infringed by principles of climate justice, then due to the normative sources of democracy it would be inconsistent to not assigning other nation-states – democratic or not – a right to these very same conditions or at least a right to their potential development.

In the following, I will first discuss the intrinsic relation between justice and democracy. This discussion shows that climate justice falls out of the scope of justice inherent in such a relation (1.). Thereafter, I will engage with the two possible instrumental relations. I argue that democracy should not be understood as instrumental to justice because this would undermine the normative grounds of defense for democracy. In consequence, claims about climate justice should either be supported by the people of a democracy or must be shown as being necessary for democracy to work (2.). In the concluding section it will be shown why, from the perspective of the normative ideal of democracy, it would be inconsistent accepting that climate change leads to harms undermining the conditions democracies claim for themselves somewhere on the world but not engaging in global climate agreements (3.).

2 The Narrow Scope of Justice in the Intrinsic Relation

To discuss the possible relations between justice and democracy it is important to see first that both ideals share the two fundamental values of equality and liberty. Here, equality should not be confused with a distributional ideal as it is often understood by egalitarian theorists of justice. Rather, equality stands for a social ideal which claims an equal moral standing or equal moral worth of all citizens in a nation-state.² According to this ideal, differences in status as in caste-societies or in an aristocracy are unjustified or illegitimate.³ From the perspective of justice, this means that all citizens have to be treated as equals when it comes to the distribution of rights and

duties. From the perspective of democracy equality as a social ideal claim that all citizens should have an equal say and be respected in their interests as equals when it comes to political decision-making.

Liberty, on the other hand, comprises a right of all citizens to live a self-determined life. This second ideal is either understood as a right to non-interference or a right for assistance to reach a certain range of options to realize a self-determined life. In the light of justice, this right has to be ensured with an adequate institutional set-up as well as, concerning rights for assistance, with the necessary distribution of goods to secure at least a minimal value of liberty for all. In a theory of democracy, liberty is understood as a necessary condition for enabling all citizens to engage in collective self-determination. It depends from theory to theory whether liberty demands only for procedural or also for substantial conditions to be ensured.

Starting from either the value of equality or of liberty a lot of different variations of normative theories of justice and democracy emerged. For the purpose of this paper, it is not necessary to go into more detail about the different variants because these two values build the basic foundation for the defense of any kind of relation between justice and democracy. In this section, I discuss the intrinsic relation between justice and democracy and its relevance for demands of climate justice. An intrinsic relation established starting from the value of liberty is connected with republican theories of democracy which put collective self-determination at the core of the ideal. An intrinsic relation taking equality to be the core value is linked with liberal democracy. Liberal democracy takes restrictions on state authority with regard to fundamental rights as central in political decision-making. In the following, I first introduce the intrinsic relation as it could be conceived by Republicans.

A republican theory of democracy taking liberty as core value centrally involves taking social relations among humans as the source for normative political theory. Philipp Pettit, for example, argues that liberty should be understood as a relation of non-domination among citizens. Freedom is secured if no one can arbitrarily dominate someone else (Pettit, 1997, pp. 66f.). In the domain of political decision-making, this means that decision structures must be defined in a way which allows all to participate in the political process as well as to contest political decisions once taken (Pettit 1997, p. 186). Carol Gould, by contrast, asserts that central to justice and democracy is the human capacity for choice and self-development, thus including a right to self-determination (Gould 2004, pp. 32f.). According to Gould democracy is necessary since individual choice and self-development are only possible if individuals are enabled to engage in codetermination of common activities (Gould 2004, p. 35).

In both kinds of republican theories of democracy, justice has an important role to play. For citizens to be able to take part in political processes without being arbitrarily dominated by others or without being disrupted in their right to codetermination it is necessary that certain procedural conditions are secured. For example, no citizen or group of citizens should be discriminated against in the political decision process. Furthermore, as Joshua Cohen argued, beyond procedural conditions substantial guarantees must be given in order to ensure

possibilities for effective participation (Cohen 2009, pp. 170ff.). More explicit in Gould than Pettit such claims are seen as claims of justice. According to Gould for (collective) self-determination at least a minimal standard of material and social conditions must be given. This requires an adequate institutional setting and distribution of goods which can be justified by a “principle of justice (...) ultimately based on the primacy of freedom as a value and, specifically, on the equal freedom of each agent” (Gould 1990, pp. 66ff.; 2004, pp. 36f.). Although Pettit is not that explicit about claims of justice, it seems obvious that in his theory adequate, to wit just, conditions are necessary to ensure non-domination among citizens of a democracy are necessary.

Starting a defense of democracy from the value of liberty leads to the conclusion that at least certain standards of justice must be realized for democracy to work. But in turn, demands of justice are only justifiable under the condition that they do not violate conditions of non-domination or the right to (collective) self-determination. This means in consequence that claims of justice must be justifiable through democratic decision procedures whilst these very procedures presuppose certain conditions of justice themselves. Hence, although it might seem that in republican democracy justice has only an instrumental role to play conditions of justice are only justifiable within this framework if they can be shown not to infringe with conditions of non-domination or the right to (collective) self-determination.⁴

This point becomes especially apparent in Thomas Christiano’s theory of democracy. According to Christiano, central to democracy is equal respect for the interests of all citizens (Christiano 2004; Christiano 2010). This claim usually attributed to egalitarian theories of justice is connected with two preconditions that ground Christiano’s defense of democracy. Concerning individual interests and judgments, Christiano argues that there is always a cognitive bias towards one’s own interests and that individual judgments are always fallible (Christiano 2004, pp. 271f.). Therefore, equal respect for individual interests can only be ensured if not only an authority (some citizens) determines which political decisions are taken but all “on whom the rules [the political decisions] have a major impact” (Christiano 2010, p. 56). It must be possible for all to participate in political decision-making and they must also be able to see that their interests are respected. Thus, what is necessary for claims of justice to be legitimate is their public justifiability. Following Christiano, democracy is the best institutional setup to guarantee at least partially this publicity needed for the legitimacy of claims of justice (Christiano 2004, p. 275).

This line of argument starts with a claim of justice right at the beginning. Justice requires that all interests are respected equally. Due to cognitive biases, the fallibility of judgments and the publicity condition for justice, democratic institutions are necessary. Therefore, democracy is a necessary condition for justice and has authority over justice (Christiano 2004, p. 285). However, there is one limit to this authority: If democratic decisions subvert the right of citizens to be respected as equals with regard to their interests, then justice gains authority over democracy because such decisions would put into question the basis of justice as foundation of the normative argument for democracy. Hence, “since the authority of democracy is grounded in its justice, democracy no longer has authority when it disenfranchises some of its people” in their

right to be respected in their interests as equals (Christiano 2004, p. 288). Although the legitimacy of justice depends on democracy the justifiability of political decisions relies at least on some basic conditions of justice.

Both kinds of defense of the intrinsic relation between justice and democracy – starting from liberty or equality – leave open which exact decisions are reached. As long as such decisions do not undermine the conditions of justice necessary for democracy, they must be accepted as legitimate. In consequence, in a lot of political decisions, the point of view of justice becomes only one of several political positions to contest policy proposals but has no special weight in judging their justifiability (Horton 2012, pp. 35f.). This shows why claiming an intrinsic relation between justice and democracy can ascribe justice only a scope narrower than it has usually in theories of justice. Justice in such a relation stands for the (substantial) guarantee of free and equal political participation and only ensures that no decisions are taken, which undermine the conditions of justice necessary for democracy. Hence, claims of justice which leave these conditions untouched are not part of the intrinsic relation between justice and democracy.

This is not to say that the standard of justice in such a relation is only minimal. It depends on the normative ideal of democracy defended how wide the scope and how demanding standards of justice in such a relation must be understood. But the scope and demandingness of justice in such a relation rely on the functional role justice plays with regard to democracy. Justice can only be relevant in an intrinsic relation if it has a necessary function for a respective normative ideal of democracy to be realizable. But in such a relation democracy is also conditional on justice so conceived. Although lots of policy decisions might be legitimately unjust, if they conflict with the conditions of justice necessary for democracy they get illegitimate since they undermine the very standards necessary to realize a respective normative ideal of democracy.

This becomes especially apparent taking climate justice into focus. As Simon Caney argues for example, climate change leads to infringements of human rights. This is why there is a duty to take action to mitigate and to adapt to the consequences of climate change (Caney 2005a, pp. 767f.). With regard to the normative ideal of democracy, such an infringement is relevant insofar as political rights, to wit, the necessary conditions of justice for democracy are at issue. However, due to the intrinsic relation between justice and democracy, there can be no duty to reach climate justice overall. If climate change leads to infringements of the conditions necessary for democracy, then with regard to the intrinsic relation it only follows that something has to be done. But whether respective policies distribute burdens for mitigation and adaptation in a just way or not remains irrelevant to a large extent since climate justice is not functional to democracy. As long as climate policy proposals do not undermine the conditions of justice necessary for democracy they must be respected as legitimate.

Consider an example concerning mitigation policy: Imagine John living somewhere in the woods in Canada far away from civilization where he has no access to internet and television. He uses a heavily emitting propeller-driven aircraft to reach the next town. He does not only need his aircraft to fulfill his needs of subsistence but also to be able to take part in the public discourse

on policy matters. He must be able to fly to the next town to buy newspapers to gather relevant information as well as to make his own interests public. Moreover, he must get to the next town to reach a ballot box to vote. Therefore, to be able to participate in political decision-making as a free and equal John must be allowed at least to a certain amount of emissions. With regard to the intrinsic relation between justice and democracy, however, how much extra emissions must be allowed to John depends on policy strategy but not on any kind of demands of justice. Ensuring John his right to take part in political decision-making as a free and equal could be realized by other means than just letting him fly his aircraft. Canada could decide for a program allowing John to buy an aircraft less heavily emitting or it could decide to provide John with television and internet access. Under the condition that such scenarios would reduce John's amount of greenhouse gas emissions, with regard to the intrinsic relation it would be justifiable to expose him to much heavier burdens of mitigation than it would be justifiable without these programs.

Moreover, Canada could decide to let John fly his aircraft but put heavier mitigation burdens on all inhabitants of towns with a ballot box. Whether or not this is fair from the point of view of climate justice is irrelevant with regard to the intrinsic relation. As long as these inhabitants of towns are still able to participate in political decision-making as free and equals, with respect to the intrinsic relation such a policy measure is justifiable. This also applies to the choice between different principles of climate justice. Whether or not a democratic society decides to put heavier burdens on those who contribute most to the problem and how it decides who is able to pay for mitigation is only predefined by the intrinsic relation insofar as the necessary conditions of justice for all citizens must be given to be able to participate in political decision-making as free and equals. In consequence, whatever underlying principle of climate justice for mitigation policy is chosen if it is accompanied by provisions necessary to secure these conditions for all citizens equally it must be accepted as democratically legitimate.

3 Justice as a Means for Democracy

The scope of justice in the intrinsic relation between justice and democracy is defined by its functional role regarding the necessary conditions for democracy to be realizable. Political decisions beyond these conditions are legitimate irrespective of whether they are just or not. This leads to a potential conflict between such justified political decisions on the one hand and claims of (some conception of) justice on the other. For instance, if democratically justified decisions are taken that do not attribute the heaviest burdens for mitigation and adaptation to those contributing most to climate change, a conflict between such a principle of climate justice and legitimate political decisions occurs. A climate policy allowing John to fly his aircraft without being obliged to take burdens heavier than someone who solely uses public transportation is not defensible with regard to such a principle. Political theorists who claim an instrumental relation between justice and democracy have two ways to respond to such conflicts. Either they argue for democracy being instrumental to justice or vice versa.

If democracy stands in an instrumental relation to justice then political decisions are a means to realize just social outcomes. In case of failure, democratic decisions must be corrected in the

name of justice. Such an understanding of the instrumental relation can attribute justice a wide or a narrow scope. With a narrow scope such view takes up the conditional side of the intrinsic relation between justice and democracy. It is only concerned with the necessary means for all citizens to be able to participate as free and equals in political decision-making. In such an instrumental relation democracy is a means to ensure that all citizens can co-determine their common activities or can express their interests on equal grounds (Waldron, Dworkin). Such an understanding of the instrumental relation can only solve potential conflicts between justice and democracy insofar as the necessary conditions of justice for democracy to work are at issue. Political decisions which are not in conflict with these conditions fall out of the scope of such an instrumental relation.

In contrast, arguing for democracy as a means to bring about just social conditions overall, to wit justice with a wide scope, would provide a standard to decide such conflicts. Following Richard Arneson, political institutions have to be assessed with regard to the quality of the political decisions they produce. Democracy is only a justified institutional framework insofar as it leads to just social outcomes and its institutions must be evaluated with regard to their potential to “increase the likelihood that as time goes on our epistemic access to moral truth will improve” (Arneson 2004, p. 43).⁵ Notwithstanding the on my view problematic belief about objective moral truth involved here, such a claim is confronted with two difficulties regarding the fundamental values of equality and liberty grounding any defense of democracy and justice:

Firstly, such an argument leads to a violation of the value of equality. According to Arneson, only those can have a right to collective self-determination who are capable of bringing about just decisions because otherwise the search for objective moral truth would be ineffective if not impossible (Arneson 2004, p. 46). Therefore, a right to political participation could not be attributed to all equally irrespective of their competence. Such a view claims that some citizens are better able (to use Orwell’s expression; more equal) to steer a society than others because they are more apt to be part of the search for and realization of moral truth respectively justice.

Secondly, seeing democracy as a means for realizing justice leads to an infringement of liberty. Following Arneson once again, such a relation allows for autocracy in the name of justice because autocracy might lead to better social outcomes (Arneson 2004, p. 56). This is objectionable from the perspective of the fundamental value of liberty since it involves unjustifiable paternalism. In the democracy, it must be open for a society’s citizens to take political decisions and actions which are in tension with whatever objectively best standard for optimal social outcomes there might be.

To be sure, due to the belief that the overall goal of politics is to reach objective moral truth Arneson’s view is an extreme case because such a goal has consequences which are in direct opposition to the values of equality and liberty. But it shows why, with regard to the values of equality and liberty, it is unacceptable to degrade democracy only to be a means for realizing justice. Whether or not the scope of justice in such a relation is wide or narrow its content had to

be defined irrespective of democratic procedures of legitimate decision-making. Since, if democracy is a means to bring about justice, to decide whether or not it reaches this end, the end itself must be defined independently of democratic decision processes. The content of justice had either to be decided by experts of justice or through decision procedures which are not democratic themselves. This necessarily conflicts with the values of equality and liberty since both ways to define the content of justice do not ensure equality in defining the content of justice and if the content of justice is defined in any of these two ways, citizens liberty to decide policy matters would be illegitimately bound by this very content.

This is especially true in the case of climate change. Although there is a wide scientific consensus that anthropogenic climate change takes place, the exact harms projected depend on highly complex scientific models and probability calculation. Consequently, which exact political measures have to be taken to effectively combat the potential harms of and adapt to climate change is insecure as well. If this applies to the technocratic choice between different policy options this insecurity gets even more weight when it comes to evaluative judgments concerning climate justice. In such circumstances letting some experts of climate justice decide what has to be done would mean to allow for even greater inequalities than in examples of pure technocratic choice. These experts would not only get interpretative authority over uncertainty with regard to scientific knowledge but also with regard to evaluative judgments, which highly depend on the opinions of citizens in a society and are not verifiable according to scientific standards.⁶ Similarly, claiming for a stewardship of experts of justice would lead to drastic infringements of the value of liberty. It would not only allow for authority regarding insecure scientific and evaluative judgments but also give some experts authority concerning the question of the acceptable incision in liberty for a society and its people since mitigating and adapting measures need most probably a drastic change of lifestyle to be realizable.

Therefore, it becomes apparent why at least in the case of climate change (but also in case of most other policy decisions) democracy should not be understood as only being a means to realize justice. Ensuring equality and liberty is only possible if all citizens can have an equal say and participate as free individuals in political decision-making without being constrained by demands of justice. Hence, a defense of an instrumental relation between justice and democracy seems to be only plausible if justice is seen as a means to realize democracy and not the other way around.

Such an understanding of the instrumental relation between the two ideals, however, can only ascribe a narrow scope to justice. In such a relation justice can only be of instrumental value for democracy subject to the conditions which are necessary for democracy to work because otherwise it cannot be made clear in what way justice should be understood as a means to realize democracy. Hence, justice as a means for democracy must play a functional role in realizing this normative ideal. As has already been argued in the last section, climate justice falls outside the scope of justice so conceived since it plays no functional role for democracy. In consequence, such an instrumental understanding of the relation between the two ideals neither gives guidance

nor does it ground any duty for just distribution of mitigating and adapting burdens to tackle climate change.

Such an instrumental relation between justice and democracy starts from a pure procedural understanding of democracy. Procedural democracy takes democratic decision procedures to be valuable in themselves because they allow securing equality and liberty. In such an understanding of democracy, justice has – if at all – only a subordinated role to play in ensuring the necessary procedural conditions for political decision-making. This is potentially problematic with regard to the overall goal which should be reached, namely to ensure equality and liberty for all. If democratic procedures are not conditional on any fundamental rights or conditions of justice it is possible that citizens decide to give up their rights as free and equals or a majority could at least cut back the right to equal and free citizenship for some minorities. This leads to an inconsistency in a procedural understanding of democracy since it is defended as being the only institutional framework which can secure equality and liberty but it allows that this very framework undermines its own goal (Brettschneider 2006, p. 264). To abandon such inconsistency a proceduralist understanding of democracy must allow for qualifications. These qualifications can take two forms.

On the one hand, it could be argued that in such a case justice with a narrow scope had to correct for political decisions which conflict with the necessary conditions of justice for democratic decision-making among free and equals. But such an argument works only if the relation between the two ideals is intrinsic. For if democratic procedures are defended as valuable in themselves to realize equality and liberty in the first place then justice cannot count as a standard to correct political decisions for the reason that democracy is a means to bring about just conditions. This would make it unclear why democracy has value in itself in all cases in which the procedural conditions of democracy are left untouched. On the other hand, it could be argued that a procedural understanding of democracy necessarily goes along with some substantial conditions because in their absence the ideal would not be realizable. Such an argument takes democracy and justice to be independent. It claims that substantial conditions often attributed to justice are part of the ideal of procedural democracy itself (Brettschneider 2006, p. 270).

In this paper, it cannot be decided which of these two qualifications is correct. What these qualifications show, however, is that democratic decisions have to be balanced in the light of the overall goal of securing equality and liberty (Brettschneider 2005, pp. 437f.). Such balancing is more dynamic than the two qualifications just mentioned because it would allow for shifts in the understanding of how equality and liberty for all in political decision-making have to be secured. It would not only be up to justice intrinsic to democracy or substantial conditions necessary for democratic decision procedures to correct political decisions but as well up to a democratic process to decide how both these values should be ensured. This is no argument to decide any conflict between justice and democracy. It only provides reasons for why political decisions cannot be seen as democratically justifiable without balancing them in the light of the fundamental values of equality and liberty.

In sum, the argument so far shows that the relation between justice and democracy can only attribute a scope to justice which is narrower than theories of justice usually assume. In addition, it provides a standard for what policy proposals in the name of justice are feasible in democracies. As long as claims of justice do not conflict with the conditions necessary for democracy to work they are justifiable. In the context of climate change, this means that the normative ideal of democracy cannot help deciding which distribution of burdens for mitigating and adapting is just. But, as the next section argues, it shows under what conditions demands of climate justice are acceptable with regard to the normative ideal of democracy and under what conditions democratic nation-states have reason to shoulder mitigating and adapting burdens.

4 Climate Duties as a Consequence of normative Consistency

Thus far it has been argued that there is only a minimal relationship between climate justice and democracy. This relation only limits the spectrum of justifiable climate policy proposals in and for democracy but does not allow to derive further guidelines on what it means to distribute burdens concerning mitigating and adapting duties in a just way. As minimal as this result looks like, from the perspective of the normative ideal of democracy it bears two consequences with regard to international climate politics and how a just distribution of the burdens of mitigation and adaptation should be conceived. Firstly, it shows why the debate about climate justice on a global level should start with nation-states as relevant moral entities. Secondly, it makes clear under what conditions democracies have normative reason to take action to tackle climate change on a domestic as well as on a global level.

As argued, in democracy policy proposals are only justifiable if they do not undermine the necessary conditions of justice for democracy or the substantial conditions for democratic procedures to work. With regard to climate change, this means on a domestic level that claims of climate justice are only feasible if they are not in conflict with these very conditions. With regard to global climate politics, this argument allows defending a kind of a subsistence constraint for democracy. In climate ethics, a subsistence constraint has usually been linked with the need of a society for a certain minimum of emissions to ensure the fulfillment of the vital interests of all its citizens (Shue 2010, p. 211). Claims concerning climate justice should respect this right to so-called subsistence emissions and distribute burdens for mitigating and adapting respectively. Only those societies should be obliged to take up burdens which can, despite their climate duties, still ensure the fulfillment of the vital interests of all their citizens (Shue 2010, p. 212).

Further discussion is needed to find out whether claims of subsistence emissions should be understood relative to the cultural and economic development of a society already reached and how far reaching the right to subsistence emissions must be conceived. However, seen through the lens of the normative ideal of democracy, from the discussion thus far it becomes clear which decent minimum should be respected in and against democracies. Climate policy proposals should not infringe on the conditions necessary for democracy to work. Depending on whether these conditions are defined by an intrinsic or an instrumental relation between justice and democracy they are a claim of justice stemming directly from the normative ideal of

democracy or are a constraint on claims of climate justice derived from the substantial conditions necessary for procedures of democratic decision-making to be possible.

A right to subsistence emissions conceived this way can either be identical with how it is understood in climate ethics or it can be more demanding. This right is identical to a right of subsistence emissions if the conditions for an ideal of democracy to be realized make the very same minimum of emissions necessary as is to ensure the fulfillment of the vital interests of all citizens. In a lot of cases, however, for democracies, this right will be more demanding because to realize democracy, institutions, and procedures are needed which request a higher level of emissions than is necessary to secure the fulfillment of vital interests for all. How much higher this level will be in the end, depends on the normative ideal of democracy defended and on the way in which democratic institutions and procedures are realized in a society. In consequence, whatever global climate policy fits best demands of climate justice, from the perspective of the normative ideal of democracy, such a proposal should take into account the right of citizens of democracies to the necessary conditions to take part as free and equals in political decision-making.

A further consequence of this argument is that global climate policy should also ensure that democratic nation-states remain sovereign. The reason for this is simple. Guaranteeing democracies, the necessary level of emissions to ensure free and equal participation for all citizens would be absurd if global climate policy would impair the right of the democratic nation-states to self-determination in a relevant sense. Global climate policy is only consistent with democracy if it does not only ensure the necessary conditions for democratic decision-making but also secures that these processes can have an effect at all. Democratic nation-states should be allowed, besides deciding on whether to accept an international climate policy agreement, to define through democratic decision procedures how such an agreement should be implemented on a domestic level. It should be open to democratic decision-making which domestic policies – just or unjust ones – are chosen to implement respective international agreements. Thus, from the perspective of the normative ideal of democracy for global climate policy agreements a two-stage approach like the one proposed by David Miller is necessary (Miller 2008, p. 121): In a first stage, duties of mitigation and adaptation should be attributed to sovereign nation-states. In a second stage, it should be up to nation-states and their citizens to decide how the burdens of these duties should be distributed internally.

In this sense, this paper complements a further argument by Miller (Miller 2008, pp. 121f.). According to Miller, the coercive power to implement international agreements concerning climate change on a domestic level should remain with nation-states. Miller argues for this conclusion with regard to practical matters. Nation-states should be the central entities of responsibility because it is only possible to realize climate targets if there is coercive power to coordinate the respective collective action needed. As by now this power is concentrated in nation-states climate policy is more efficient if it remains with them. In addition, if global climate agreements would put into question the right to national self-determination, the probability of acceptance and compliance with such an agreement would decrease. Whilst Miller

makes this argument from a more pragmatic perspective this paper showed why overruling the right to national self-determination leads to a conflict between democracy and demands of climate justice.

So far, little has been said about why and whether there are normative reasons for democracies to take action to combat the consequences of climate change. But it becomes clear from the above discussion that democracies have reason to engage in mitigating and adapting action against if climate change leads to infringements of their individual citizen-rights to take part in political decision-making as free and equals. Under the condition that there is a reason to believe that due to climate change harms will occur in a democratic nation-state and these will undermine at least some citizen-rights to free and equal participation in political decision-making, such a society would be in conflict with its own normative grounds not combating climate change. As a consequence, democracies should engage in global climate agreements. Although it is possible to reach some adaptation to the consequences of climate change on a domestic level; by building dams to abandon floods, for example, mitigation can only be reached by globally coordinated action to keep greenhouse gas production below a certain threshold.

However, this argument shows only that a democratic nation-state has normative reason to combat climate change if it is potentially threatened by climate consequences in a way undermining at least some of its citizen's right to free and equal participation in political decision-making. But it does not make clear whether or not democracies have normative reason to engage in mitigating and adapting action, irrespective of whether they are potentially harmed by the consequences of climate change: As argued above, the normative claim that a democratic nation-state should be entitled to subsistence emissions necessary for such a political system to work relies on the fundamental values of equality and liberty. As from the point of view of the normative ideal of democracy equality and liberty belong to all human beings irrespective of nationality, it would be inconsistent to claim, based on these values, certain conditions to be ensured to one nation-state without being ready to grant these very conditions or at least the potential to their development to other nation-states and their citizens as well. Thus, to remain consistent with their own normative foundations, democratic nation-states have reason to grant the very same conditions to others as they claim for themselves.

This bears two consequences: On the one hand, only those nation-states – democratic or not – should be under the duty to shoulder mitigating and adapting burdens which can ensure the same or similar conditions as democracies claim for themselves. If a democratic nation-state is concerned it should be secured that it can ensure – despite its climate-related duties – free and equal participation to all its citizens in political decision-making. For non-democratic or semi-democratic nation-states climatic conditions should be secured that it is at least possible to reach similar conditions as democracies claim as being necessary for themselves. On the other hand, as with high probability climate change leads to harms undermining the conditions democracies claim to be necessary for themselves somewhere on the world, it would be normatively inconsistent not to do anything against these potential threats. Since under these conditions not combating climate change would mean to deny some human beings the status of (potentially)

free and equals. In consequence, irrespective of whether a democratic nation-state is potentially harmed by climate change, due to the normative grounds of the ideal of democracy there are normative reasons to engage in global climate politics and accept respective duties of mitigation and adaptation.

To concede a reciprocal entitlement to the very same conditions of other nation-states as democracies claim for themselves shows why democracies have normative reason to do something to tackle the consequences of climate change. But as such the above arguments do not show why democracies should aim at a just distribution of burdens of mitigation and adaptation. They give no guidance with regard to the question which principle of climate justice should be agreed upon and be implemented. Furthermore, whether or not political decision procedures lead to the acceptance of the above mentioned normative reasons for accepting mitigating and adapting duties must depend on citizens' political action. As I have argued in the last section, especially in the case of climate change democracy should have priority to ethical judgment because otherwise the fundamental values of democracy – equality and liberty – would be undermined. Therefore, only under the condition that the people of a democracy believe that climate change leads to harms undermining the necessary conditions for democracy to work somewhere on the world, respective normative arguments can legitimately provide the normative reason for mitigation and adaptation policy. But if the need of such policy is accepted within a democratic nation-state, there are normative reasons for why democracies should engage in global climate agreements to tackle climate change.

4 Conclusion

This paper argued that neither an intrinsic nor an instrumental relation between justice and democracy can provide guidance for how burdens of mitigation and adaptation should be distributed in a just way. The intrinsic relation gives no guidance because the scope of justice in such a relation is bound by the functional role it plays for democracy to work not capturing any demands of climate justice at all. For the same reasons, the instrumental relation provides no guidance either. Without conflict with the two fundamental values of equality and liberty, it is only possible to claim an instrumental relation between justice and democracy if justice is viewed as a means to realize democracy. Otherwise, there would be a risk of conflict between claims of justice and the values of equality and liberty. In consequence, the scope of justice in such a relation is as narrow as it must be conceived in an intrinsic relation since as a means for democracy justice has a functional role to play for democratic decision-procedures to be realizable.

In consequence, whether or not democracies accept the need for global climate policy should in a large part rely on how their citizen's view the problem of climate change. Depending on whether democracies, respectively their citizens, see the consequences of climate change as a potential threat to their own political system or as leading to consequences undermining the conditions necessary for democracy to be realizable somewhere on the world, there are normative reasons to promote measures to tackle the consequences of climate change. Due to the narrow scope of

justice in any possible relation between justice and democracy, however, it is not possible to give normative reasons for any kind of principle of climate justice to be implemented from the perspective of the normative ideal of democracy. The only ‘principle’ of justice which emerged from the discussion of different possible relations between justice and democracy was a sufficiency constraint: Democracies must ensure and be entitled to the emissions necessary to secure the right of all their citizens to participate in political decision making as free and equals. If these conditions are secured any climate policy – whether just or unjust – must be accepted as legitimate.

References

- Arneson, R.J. "Democracy is not Intrinsically Just." In *Justice and Democracy. Essays for Brian Barry*, edited by K.M. Dowding, 40-58. Cambridge: Cambridge University Press, 2004.
- Brettschneider, C. "Balancing Procedures and Outcomes Within Democratic Theory: Core Values and Judicial Review." *Political Studies* 53 (2005): 423–441.
<http://journals.sagepub.com/doi/abs/10.1111/j.1467-9248.2005.00536.x>.
- Brettschneider, C. "The Value Theory of Democracy." *Politics, Philosophy & Economics* 5, no. 3 (2006): 259–278. <http://journals.sagepub.com/doi/abs/10.1177/1470594X06068300>.
- Burnell, P., "Democracy, democratization and climate change: complex relationships." *Democratization* 19, no. 5 (2012): 813–842. <http://wrap.warwick.ac.uk/50606/>.
- Caney, S. "Cosmopolitan Justice, Responsibility, and Global Climate Change." *Leiden Journal of International Law* 18, no. 04 (2005a): 747. <https://www.cambridge.org/core/journals/leiden-journal-of-international-law/article/cosmopolitan-justice-responsibility-and-global-climate-change/BD126B5ED00DD9469FEB07BBB195F004>.
- Christiano, T. "The Authority of Democracy." *The Journal of Political Philosophy* 12, no. 3 (2004): 266–290. <https://pdfs.semanticscholar.org/ae24/6dab48a72d0a826606f58b5da3cb50f6df27.pdf>.
- Christiano, T. *The Constitution of Equality. Democratic Authority and its Limits*. Oxford: Oxford University Press, 2010.
- Cohen, J. *Philosophy, Politics, Democracy. Selected Essays*. Cambridge Mass: Harvard University Press, 2009.
- Gould, C. C., *Rethinking Democracy. Freedom and Social Cooperation in Politics, Economy and Society*. Cambridge: Cambridge University Press, 1990.
- Gould, C.C., *Globalizing Democracy and Human Rights*. Cambridge: Cambridge University Press, 2004.
- Holden, B., *Democracy and Global Warming* (London: Continuum, 2002).
- Horton, J. "Political Legitimacy, Justice and Consent." *Critical Review of International Social and Political Philosophy* 15, no. 2 (2012): 129–148. <http://www.tandfonline.com/doi/abs/10.1080/13698230.2012.651015>
- Kymlicka, W. *Contemporary political philosophy. An introduction*. Oxford: Oxford University Press, 2002).
- Miller, D. *Principles of social justice*. Cambridge Mass: Harvard University Press, 2009.
- Miller, D. "Global Justice and Climate Change: How Should Responsibilities Be Distributed? Parts I and II." *The Tanner Lectures on Human Values* 28 (2008):117–156.
https://tannerlectures.utah.edu/_documents/a-to-z/m/Miller_08.pdf.
- Page, E. "Distributing the Burdens of Climate Change." *Environmental Politics* 17, no. 4 (2008): 556– 575. <http://www.tandfonline.com/doi/pdf/10.1080/09644010802193419>.
- Pettit, P. *Republicanism. A theory of freedom and government*. Oxford: Clarendon Press, 1997.
- Shearman, D., and J. Wyne Smith. *The Climate Change Challenge and the Failure of Democracy*. Westport, London: Praeger Publishers, 2007.

- Shue, H. *Subsistence Emissions and Luxury Emissions*. In *Climate Ethics: Essential Readings*, edited by S.M. Gardiner, 200–214. Oxford, New York: Oxford University Press, 2010,
- Valentini, L. “Justice, Disagreement, and Democracy.” *British Journal of Political Science*, Online First (2012). <https://www.cambridge.org/core/journals/british-journal-of-political-science/article/justice-disagreement-and-democracy/79A70AB650AE1555F057363D87E561D2>.
- Van Parijs, P. “Justice and Democracy: Are they Incompatible?” *The Journal of Political Philosophy* 4, no. 2 (1996): 101–117. https://cdn.uclouvain.be/public/Exports%20reddot/etes/documents/1996p.Justice_Demo__JPP_.pdf.

Notes

¹ Exceptions are the investigations by Barry Holden, David Shearman and Joseph Wayne Smith (Holden 2002; Shearman and Wyne Smith 2007). Most recently Peter Burnell launched a special issue in *Democratization on Democracy, Democratization and Climate Change* which takes up a number of different issues concerning climate change in relation to democracy from the normative as well as from the perspective of social sciences (Burnell 2012). However, none of these research endeavors systematically deals with the relation between climate justice and democracy in depth.

² To be sure, a close connection between equality and equal distribution plays a central role in debates about justice. But for a normative defense of democracy, it is not that central because democracy is mainly concerned with the equal standing of citizens in political decision-making. The same applies with regard to conceptions of justice if no presumption in favor of an equal distribution is derived from the supposition of an equal moral standing of all. In this respect, I follow Kymlicka who claims that the status of equal moral standing is the starting point for any (liberal western) theory of justice (including libertarian ones) (Kymlicka 2002, pp. 3f.). In consequence, a claim for equal distribution is only one among several possible conceptions of what it means to respect all as having an equal moral standing.

³ For the distinction between equality as a distributional and as a social ideal compare Miller Miller (1999, pp. 231f.): “(...) there are two different kinds of valuable equality, (...) Equality of the first kind is distributive in nature. It specifies that benefits of a certain kind – rights, for instance – should be distributed equally because justice requires this. The second kind of equality is not in this sense distributive. It does not specify directly any distribution of rights or resources. Instead, it identifies a social ideal, the ideal of a society in which people regard and treat one another as equals (...)”

⁴ Against this last point it could be argued that at least in Pettit’s theory of democracy demands of justice only stand in an instrumental relation to democracy. They are only a means to realize this ideal but are not necessarily part of it. However, as will be shown in the next section with regard to the question of how climate justice and democracy relate conceiving the relation between justice and republican democracy this way would not change that much. As argued below the scope of justice inherent in any relation between justice and democracy is too narrow to include demands of climate justice.

⁵ Besides Arneson, Philippe van Parijs defends explicitly such a view with regard to taxation schemes (van Parijs 1996). Most recently Laura Valentini argued that under the condition that broad consensus about the truth conditions of claims of justice can be assumed experts should have authority in political decision making (Valentini 2012, p. 14). But she also argues that a state cannot claim to show equal respect for its citizens if the consensus about truth conditions concerning claims of justice is not given. Under these circumstances, only democracy can ensure the conditions needed for equal respect (Valentini 2012, p. 17). In the following, I provide a similar argument concerning the instrumental relation between justice and democracy which has special force in the case of climate politics.

⁶ Holden makes a similar point, but only with regard to the insecurity of evaluative judgments. He argues that in the case of climate change democratic decision-making should have priority to scientific knowledge because evaluative judgments should be made by all those affected by respective political decisions (Holden 2002, p. 42). As already mentioned Valentini differentiates in this respect between circumstances in which consensus about truth conditions of claims of justice can be presumed and others in which it cannot (cf. Fn. 6). In my view, this distinction is highly problematic. Whatever consensus about truth conditions concerning claims of justice there is, it should be up to citizens to decide whether or not they are ready to legitimize respective policy proposals.