

Contractualism and Climate Change

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Climate change is ‘a complex problem raising issues across and between a large number of disciplines, including physical and life sciences, political science, economics, and psychology, to name just a few’ (Gardiner 2006: 397). It is also a moral problem. Therefore, in this chapter, I will consider what kind of a contribution an ethical theory called ‘contractualism’ can make to the climate change debates.

I will first introduce contractualism. I will then describe a simple climate change scenario. The third section explains what kind of moral obligations we would have in that situation according to contractualism.

Finally, the last section will discuss some of the advantages and problems of the sketched view. These discussions should help us to better understand contractualism and illustrate how contractualism could perhaps enable us to come to grips with some of the more difficult moral aspects of climate change.

1. Contractualism

I will focus here on contractualism in T.M. Scanlon’s 1998 book *What We Owe to Each Other* (Scanlon 1998). It can be understood as an answer to the questions ‘Which actions are wrong?’ and ‘Why should we not do those actions?’.

According to contractualism, an act is wrong whenever it is forbidden by the set of moral principles which no-one could reasonably reject (Scanlon 1998: 4). We thus need to first define which set of principles could not be reasonably rejected.

Imagine a set of possible worlds that are like our own world. The only difference between these worlds and ours is that different sets of moral principles have been internalised in them. For any set of moral principles we could adopt, there is a possible world in which that set has been adopted.

The way in which agents behave in these worlds is influenced by the internalised moral principles. Therefore, in the worlds in which the principle ‘do not kill’ has been internalised, killings rarely happen. Likewise, in the world in which drinking coffee violates a moral principle, no coffee is drunk. Of course, in most worlds, the adopted rules are much more sophisticated than this. In those worlds, the previous actions are done in some contexts but not in others.

The actions that are done in these worlds determine what kind of lives people come to live in them. They create the personal ‘standpoints’ of the individuals living in those worlds (Scanlon 1998: 202–206). In some worlds, many individuals live happier lives because there help is offered to strangers. In other worlds, people fail to have close personal relations because the moral codes of those worlds require treating everyone equally in a very literal way.

Some features of the personal standpoints in these worlds count as ‘burdens’. For instance, not being able to form close personal relationships is a burden because it is a feature that makes one’s life less choiceworthy.

We can then define when a set of moral principles cannot be reasonably rejected (Scanlon 1998: 195). Any individual in the previous worlds can reject the set of principles under which she lives when she can point to another world in which no-one needs to experience as serious burdens as hers. Thus, we first find, from each world, the individual

who has to live the most burdensome life in that world. We then ask which individual of those individuals lives the least burdensome life. The set of moral principles under which this person lives is the one which no-one could reasonably reject. This is because all other sets of moral principles cause more serious personal burdens to some individuals. The individuals who have to bear those burdens can reasonably reject the principles under which they live because of the way in which they are unnecessarily burdened. By ‘unnecessary burdens’ I merely mean here burdens such that no-one needs to experience qualitatively similar burdens in the other worlds that are being compared.¹

The second part of contractualism explains why we should follow the non-rejectable principles (Scanlon 1998: ch. 4, esp. 162). By following them, we can form relationships with other people such that in them we mutually recognise each other’s ability to evaluate and act on reasons. These relationships are valuable for the following reasons.

If we fail to act in ways that can be justified to others on non-rejectable grounds, we express our willingness to ignore the objections they might have to our actions. This would belittle their abilities to evaluate reasons. We too would be offended if others did not care about whether they could justify their actions to us. In contrast, if we are able to justify our actions on the non-rejectable grounds, we can stand by our actions and proudly look into the gaze of others without feeling like shrinking (Pettit 2000: 231). This relation to others constitutes a concrete good in our lives.

After this brief summary of contractualism, we can ask whether this framework could be used to determine how we should react to climate change.

2. A Climate Change Scenario

Public debates about climate change are often about empirical facts. People disagree about (i) whether the continued emission of the greenhouse gases will change Earth’s climate, and about (ii) how the projected change climate will affect life on Earth. As a moral philosopher, I am unqualified to contribute to these debates. It would be much better to consult the latest scientific report by the Intergovernmental Panel on Climate Change (IPCC 2007).

However, when we do moral philosophy, we can often ignore the empirical questions. This is because, when we focus on purely ethical questions, we can stipulate the facts of the relevant situations and then ask what we should do in them. Thus, when we do ethics, we can go to other possible worlds of which we know all the basic non-moral facts by stipulation. We can then consider what obligations we would have in them. In this way, the empirical facts of the actual world become irrelevant for our ethical investigation.

Here, I will focus on a possible world which contains a planet which in many ways at least seems to resemble our own Earth. Call it the Earth*. On Earth*, the global average surface temperature was 13.8°C in the year 1900. The average temperature on Earth* then steadily rose so that it was already 14.6°C in the year 2010.

Because we are stipulating the facts of this world, we know that, on Earth*, this rise in temperature was caused by an increased use of fossil fuels. Burning them emitted CO₂ which functioned as a greenhouse gas by reflecting outgoing radiation back on the planet’s surface. So, in this world, climate change is anthropogenic. Thus, on Earth*, the climate

¹ I also assume here that individuals are ‘worldbound’, and so no-one lives in more than one of these compared worlds. Hence, we are always comparing pair-wise the concrete standpoints of individuals a, b, ... , n to the standpoints of different individuals r, s, ... , z. Furthermore, these compared individuals cannot present their non-existence in the other worlds as objections to those other sets of principles but rather only the undesirable concrete qualities of their actual lives to the ones under which they live (see Scanlon 1998: 204). I’ve argued elsewhere that this framework does not lead to the repugnant conclusion. It can also explain why principles that lead to very small populations can still be reasonably rejected (Suikkanen 2011).

change can be explained by the fact that the pre-industrial concentration of CO₂ in atmosphere was 280 parts per million whereas it was about 430 parts per million in 2010.

The higher temperatures were already starting to change the lives of the people who lived on Earth* in the year 2010. Because of the changed climate, these individuals were experiencing more severe weather events: floods, draughts, hurricanes, tornadoes, and so on. More individuals were also dying of heatstroke during the more severe heat waves. What should the people of Earth* do at this point?

Contractualists answer this question by considering two possible futures of Earth*. These futures are different because people have adopted different sets of moral principles in them. This leads them to act in different ways. The adopted principles in these futures also include climate change policies. They govern all the actions that together determine how much CO₂ and other greenhouse gases will be emitted each year. These actions include both economic and environmental policies set by the governments and the ordinary everyday actions of normal people worldwide.

In one future of Earth*, Future A, everyone adopts moral principles that do not change people's behaviour. Call this the adoption of the *Do Nothing Policy*. As a consequence of this, the atmospheric concentration of CO₂ increases by three parts per million each year. Hence, in Future A, the concentration of CO₂ will be 700 parts per million in the year 2100. This raises the global average temperature to 19°C by the same year.

In the other future of Earth*, Future B, everyone adopts moral principles that lead to (i) drastic cuts in energy consumption, and (ii) investment in and adoption of carbon-free energy sources. Call this the adoption of the *Mitigation Policy*. Because that policy is adopted in this future, the emissions of the greenhouse gases are reduced so sharply that the atmospheric concentration of CO₂ is stabilized and eventually even reduced slightly. This, of course, first stabilizes the temperature of Earth* and then begins to slowly lower it.

Achieving this goal requires reducing the CO₂ emissions more than 60 percent below the 1990 emissions levels (Shue 1993: 41). In the Future B, these drastic cuts to the emissions are done during a fifteen year period between 2010 and 2025. This means that, at some point after the year 2025, the atmospheric concentration of CO₂ peaks at 470 parts per million. As a result, the Earth*'s average temperature rises only by two degrees to 16.6°C in the year 2040, and then begins to slowly decrease back towards the original temperature.

I will first focus here only on the choice between these two possible climate policies. Between them, there is of course a whole spectrum of more moderate climate policies. However, once we understand how the contractualist framework makes a choice between the two extreme alternatives, we will be able to use the same pair-wise assessment-method to evaluate also the other policies. I will return to this issue below.

3. A Contractualist Proposal

Contractualists will then want to know if either the Do Nothing Policy or the Mitigation Policy could not be reasonably rejected. This leads them to investigate what kind of personal standpoints these policies create for the individuals who have adopted them in the alternative futures of Earth*.

Let us first consider what kind of lives people will live in the Future A under the Do Nothing Policy. Here the average temperature of the Earth* is 19°C in the year 2100. This does not mean that the temperature on Earth* is uniformly five degrees higher. Some areas will be affected more than others.

The main change in the climate is that there are more severe weather events in this future.² Because of the more frequent heat waves, more people will die of heatstroke. Many

² For a description of similar consequences of the climate change on the actual Earth, see Caney (2009: sec. 2).

other severe weather events are water-related. Some areas will experience severe draughts whereas others will flood because of the increased levels of rain. Both disasters will claim human victims directly. They will also spread fatal and painful diseases such as malaria, diarrhoeal diseases and dengue.

The higher temperatures will mean that snow cover and ice extent will decrease. This makes the sea-level rise. As a result, many coastal populations will lose their homes and livelihoods. Higher temperatures and the severe water-related weather events will also be bad news for farmers. Lower crop yields will cause hunger and starvation, and more people will need to emigrate. All of this will lead to conflicts and wars over the scarcer resources.

We then know that billions of lives in the Future A will be very bad. Many will die, suffer from painful diseases, starve, lose their homes and livelihoods, be forced to migrate, and to fight wars.

Things change in the alternative Future B for the worse too. Firstly, the temporary two degree increase in the Earth*'s average temperature will cause some severe weather events. Some additional people die of heatstroke. There will also be some additional floods and draughts, and some individuals will need to leave their homes because of the higher sea-levels. This will just unavoidable because the Mitigation Policy was not adopted before 2010.

Secondly, the individuals who live in this future will also have to bear other types of perhaps less serious personal burdens. In the Future B, the radical steps taken to cut greenhouse gas emissions will affect people's everyday life: cars and airplanes will be smaller and they can only be used for most essential travel; houses have to be insulated; the use of air-conditioning will be restricted even in the hot areas; the availability of cheap consumer goods will be constrained; having many children is no longer permitted; food will be sourced locally; meat will not be generally available; fewer careers will be open in energy-heavy industries; and so on.

All of this makes most people's lives more burdensome. However, as personal burdens, these life-changes are not as serious as the burdens which people need to bear under the Do Nothing Policy in the Future A. Being able to fly less just does not compare to losing one's home because of a hurricane. In the future B, far fewer lives will be lost and there will be fewer individuals who will need to suffer as much as the people who are worst affected in the Future A. The only additional burdens which people need to bear in this future are caused by the fact that people can no longer live their everyday life in the same polluting way as before.

Contractualism then asks us to consider whether the individuals in either future could reasonably reject the principles under which they live. They can do so if they can point to alternative principles under which no-one needs to bear equally serious burdens.

It seems that some individuals of the Future A can reasonably reject the Do Nothing Policy whereas the individuals of the Future B cannot reasonably reject the Mitigation Policy. Take all the individuals who bear the most serious personal burdens in the Future A (premature death, suffering from tropical diseases, starvation, forced migration, and so on). We can pair some of these individuals with each individual who has to experience equally serious burdens in the Future B. However, once we have done this, we are left with a group of individuals of the Future A such that (i) the lives of these individuals are extremely burdensome, and (ii) no person from the Future B (who has not already been paired with someone from the Future A) has to bear equally serious burdens. All the remaining individuals of the Future B only need to cope with the changes to their everyday life caused by the adoption of more environmentally sound lifestyles.

It is those remaining burdened individuals of the Future A who can reasonably reject the Do Nothing Policy under which they live.³ That policy creates extremely serious personal burdens to some individuals such that no-one needs to bear them under the alternative Mitigation Policy. In other words, if the Do Nothing Policy were followed on Earth*, serious unnecessary burdens would be caused to some individuals. Because of this, the actions authorised by that policy could not be justified to everyone else on grounds they could not reasonably reject.

The individuals who happen to suffer under the Mitigation Policy in the Future B could not in the same way reasonably reject the policy under which they live. We can take every individual who has to bear extremely serious burdens in the Future B. For every one of these individuals, we can find a counterpart from the Future A who has to bear equally serious burdens. Once we have done this pairing, there is no one left in the Future B who has to bear serious personal burdens such that they remain unmatched in the Future A. Everyone else in the Future B needs to only bear the less serious burdens caused by the requirement to emit less greenhouse gases. Because no-one has to therefore bear avoidable, unnecessary burdens in the Future B, the people who live under the Mitigation Policy in this future could not reasonably reject that policy. Because of this, no-one could reasonably reject the Mitigation Policy.

There are of course many other policies which could be adopted on Earth*, and yet the Mitigation Policy seems to be a good candidate for a non-rejectable climate policy. The policies that cut emissions less than the Mitigation Policy fail to stabilize the atmospheric concentration of the greenhouse gases. Therefore, the global average temperature would keep rising under them, which would only delay the bad consequences of climate change. Therefore, these principles could still be reasonably rejected for the very same reasons as the Do Nothing Policy. This shows how contractualism offers a temporarily neutral solution to the question of intergenerational justice.

There are also climate policies that would cut emissions even more radically than the Mitigation Policy sketched above. They have two downsides. Firstly, they too fail to prevent all bad consequences of climate change. This is because the emissions produced before the year 2010 would continue to change the atmosphere of Earth* in any case. Secondly, these policies would also probably be so intrusive because they would take away too many opportunities for making personal choices. Given how important personal autonomy is, these policies could thus perhaps be reasonably rejected because of their intrusiveness (see Scanlon 1998: sec. 6.2).

To conclude, contractualism picks out the policy which no-one could reasonably reject by comparing pair-wise the burdensome personal consequences of alternative climate policies. This policy then sets the moral standards by which the actions in the relevantly similar circumstances are to be evaluated. If our own planet is like the Earth* in the relevant respects, then we will act wrongly unless we take the drastic measures recommended by the Mitigation Policy. We would do so because we could not justify our failure to change our behaviour to all future generations on grounds which they could not reasonably reject.

4. Additional Issues

In this final section, I will discuss some of the advantages and problems of my proposal.

(i) The Non-Identity Problem. The first thing to note is that my proposal avoids the Non-Identity Problem (Parfit 1984: ch. 16). It is considered to be a decisive objection to many

³ For a more general discussion, see Scanlon (1998: 232–233).

theories of duties towards future generations. The Non-Identity Problem problem begins from the plausible thesis that, if some policies affect how we behave, then they also affect when new individuals will be conceived. Yet, according to most theories of personal identity, who one is essentially depends on the time of one's conception. If your parents had conceived a child at a different time than when they conceived you, then you would not have existed but rather some other person.

This has led many to believe that future generations cannot be harmed by the adoption of climate policies (Parfit 1984: 361–364). It is appealing to think that one harms someone when one makes her worse off than she would have been otherwise.⁴ Yet, the adoption of an identity-affecting policy cannot make the life of a future person worse than it would have been otherwise. This is because, without the adoption of that policy, that very individual would not have even existed.

The version of contractualism introduced above does not rely on the notion of harm. In it, principles can be reasonably rejected because of the personal burdens which they cause to individuals. These burdens need not be harms. That is, the relevant objections to the principle need not be based on being worse off than one would have been in some alternative scenario. Rather, the burdens are considered to be concrete features of lives (heat strokes, malaria and so on) that make one's life less choiceworthy (Scanlon 1998: 204). These burdens are only compared to the burdens which some other individuals have to experience under the alternative principles. This is why it is not a problem for contractualism that different individuals exist under different principles.

(ii) *The Relationship-based Reasons.* So far, I have focused on contractualism as an account of which climate-changing acts might be wrong. Contractualism is also supposed to be a theory of why we should not do those acts. At this point, the view faces a serious problem.

Recall that the contractualist reasons for not acting wrongly are based on the value of the reciprocal relations of mutual recognition. These reasons are based on how important it is for us to be able to stand by our actions when we interact with other agents.

However, we cannot have that kind of relations to the future generations in the first place. When the time comes for these generations to evaluate our actions, we have ceased to exist. At that point, it is too late for them to exclude us from any relationships. And, it is not clear why these future assessments should matter to us especially when we do not even know who the assessors will be.

The contractualist reasons to follow the Mitigation Policy must therefore be based on the relationships we can have with the people around us now. Violating that policy reveals that one's moral deliberation has not been shaped by the non-rejectable principles. This shows that one is willing to overlook the objections from the future standpoints.

This fact about one's deliberation should be a reason for concern. In overlooking the objections of the future people, one implicitly judges that those individuals do not deserve to be taken into consideration on the basis of their cognitive and affective capacities.

However, we – the present people – share all those same capacities. The only difference between us and the future people is that we exist right now. So, if someone ignores the objections of the future people to our behaviour, this also tells us that she thinks that we do not deserve to be taken into consideration on the basis of our essential qualities. We are only taken to deserve to be taken into account on the basis of our 'presentness'. Yet, from our present perspective, this seems like a demeaning judgment of our qualities as

⁴ See Parfit (1984: 374), Bayles (1976: 293), but also Hanser (1990: 58).

persons. This is why we should be concerned about our relation to people who are not willing to justify their actions to the future generations on reasonable grounds.

Thus, if someone violates the Mitigation Policy now, this would be a reason for the other presently existing people to distance themselves from that individual. If moral relationships described by Scanlon are valuable, then one would have a reason to avoid this distancing move by following the Mitigation Policy. In this way, the contractualist account of our reasons not to act wrongly could perhaps be extended to apply to the Mitigation Policy.

(iii) The Anti-Utilitarian Protection. One interesting feature of contractualism is that the rejectability of the climate policies is a function of the pair-wise comparisons of the potential personal burdens. Because of this, unlike utilitarianism, contractualism can protect individuals and small groups (Scanlon 1998: 235).

Consider a climate change scenario in which the future climate change would only affect the northernmost parts of North America. The only affected groups would be 32 million Canadians and a small Inuit population. The potential climate change in question would make the life of the Canadians somewhat easier. Warmer summers and milder winters would make everyone's lives more comfortable. Crops would grow quicker, less energy would be needed for heating and more time could be spent in pleasant outdoor activities. The projected climate change would, however, threaten the traditional Inuit ways of life. For example, Arctic mammal populations would become too small to support hunting.

Should we try to prevent climate change in this case? According to utilitarianism, we should not. On that view, we should do whatever would satisfy the largest amount of preferences. However, more preferences will be satisfied overall by satisfying some preference of every Canadian even if this means failing to satisfy the central preferences of the small Inuit population. Therefore, utilitarianism implausibly makes the Inuit pay the price of the small improvements to the life of all Canadians.

According to contractualism, we should instead compare the personal burdens which individuals would need to bear under the alternative policies. The Inuit would have to bear very serious personal burdens if we failed to prevent the climate change in this case. They would after all lose their traditional livelihoods. In contrast, the only personal burden any Canadian would have to bear from climate change mitigation would be the loss of the small benefits gained from the warmer summers and milder winters.

Because of this, in this case, the Inuit are threatened by far more serious personal burdens than the Canadians. The Inuit could use these potential serious unnecessary burdens to reject any policies that would fail to prevent the climate change in question. This shows how contractualism can protect individuals and small groups.

(iv) The Costs of Mitigation and Adaptation. The final part of the climate change debates which I have room to address is the debate about how the costs of the climate change mitigation and adaptation should be distributed (Baer 2006; Jamieson 2005; Singer 2002: ch. 2).

The Mitigation Policy sketched above would severely limit the amount of greenhouse gases that could be emitted. The remaining, reduced emission capacity needs to be distributed to individuals in some way. The more one is required to cut emissions, the more costly it is for one to comply with the relevant climate policy.

Secondly, even the Mitigation Policy leads to some climate change. There are two ways in which we can diminish the harm caused by the resulting warming and the more frequent severe weather events. We can prepare ourselves for these events in advance, and

we can also use our resources to repair the damages afterwards. Both of these options are costly.

How should all of these costs be distributed? The main alternatives in the current literature are (i) the polluters pay policies, (ii) the capability policies (the wealthy will pay), (iii) the egalitarian policies (everyone will pay), and (iv) various mixed policies. In order to choose between these options, according to contractualists, we should compare the worlds in which these alternative policies have been adopted. We should then consider what kind of lives would individuals live under them. The correct policy would then be the one which would create the least serious personal burdens.

It would be very likely that the non-rejectable cost-distribution policy would include a requirement for the polluters to pay majority of the costs. This requirement would have beneficial deterring consequences. Given that the polluters would be aware of this publicly enforced policy, it would often be less rational for them to pollute because of the increased costs of polluting. This would mean fewer emissions and less serious climate change and personal burdens.

However, the non-rejectable policy would also include a requirement for the wealthy to pay some of the costs of mitigation and adaptation. Demanding the polluters to pay might make all beneficial economic activity prohibitively expensive, which would be bad for everyone. Thus, some costs would need to be distributed on other grounds.

Demanding everyone to pay would require that the poorest would have to pay some of the costs too. However, they could use the intrapersonally aggregated burdens of having to both (i) live in poverty and still (ii) pay for the costs of mitigation and adaptation to reasonably reject the ‘everyone pays equally’ policy. The alternative policy that requires both the polluters and the wealthy individuals to pay for these costs would not cause equally serious burdens to anyone. This is why that kind of a mixed policy could probably not be reasonably rejected.

To conclude, I have sketched a contractualist framework for thinking about climate change as an ethical problem. Even if this framework is still incomplete in many ways, I hope that I have done enough to show that the contractualist perspective deserves to be investigated further and taken more seriously in the public debates.

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