

Coping with Climate Change: What Justice Demands of Surfers, Mormons, and the Rest of Us

“We're an incredibly damaging species, and we're pulling all these other beautiful species down with us, and maybe we ought to just get out of here. You do what you can. Then [at some point] – even if you're burning gasoline to get there – you just have to say fuck it, let's go surfing.”

Yvon Chouinardⁱ

Abstract: Henry Shue has led the charge among moral philosophers in arguing that harms stemming from anthropogenic climate change constitute violations of basic rights and are therefore prohibited by duties of justice. Because frameworks such as Shue's argue that duties of justice are at stake, one could object that the special urgency of those duties threatens to overrun the normatively protected space in which an agent makes her life her own. We argue that an alternative conception of how moral reasons combine to produce duties is required to respond to the demandingness objection, providing normatively protected space to pursue one's projects while yielding numerous strict obligations of justice.

Our ancestors burned through massive quantities of fossil fuels in utter insouciance, but we now know that our actions and our moral attitudes must change. Such changes will not require a mere reexamination of prudence because the agents most likely to exacerbate and perpetuate the problem of climate change are the least likely to suffer its most adverse effects. Furthermore, these changes must encompass more than a rededication to charity, for we are not innocent Samaritans who happen upon strangers in need. Each of us is more robber than Samaritan; it is our own emissions that are causing very real and grievously wrongful harms. So, rather than building from prudence or charity, Henry Shueⁱⁱ argues that duties to combat climate change stand on familiar and solid moral ground: the infringement of basic rights. Regardless of their ultimate grounding,ⁱⁱⁱ basic rights are uncontroversially the territory of justice, and frameworks such as Shue's blaze a new trail for the duties within its borders.^{iv} For Shue, the old requirements that correspond to protecting basic rights will, in today's tightly interconnected world, place a number of new and significant obligations upon us.

As renowned environmentalist Yvon Chouinard colorfully notes, though, this trail of new obligations has to end somewhere or there is a danger that it will overrun the boundaries within which an agent could make her life her own. Because frameworks such as Shue's advance such powerful and novel duties of justice, some will worry that the demands they place upon us are *too* powerful, or too demanding. This worry can perhaps best be captured by considering the demandingness problem made famous by Bernard Williams.^v We contend that this underlying concern is both the basis of a potentially threatening objection to theories like Shue's and an obstacle to moral consensus on the question of what should be done about climate change. We argue that defenders of climate change duties as duties of grounded in rights therefore find themselves in an unfortunate dilemma: either they must deny that there are any duties of justice stemming from collective harms such as climate change or they must hold that there is no protected space in which duties of justice cannot place obligations.^{vi} The only appropriate way to avoid this dilemma, we

contend, is to modify our conception of how moral reasons produce duties of justice. In the end, we claim that with this alternative conception of moral reasons, a framework such as Shue's can respond to the demandingness objection, providing normatively protected space in which to pursue one's own projects while engendering numerous mandatory obligations of justice.

1. Climate Change Duties as Duties of Justice

Henry Shue deploys a number of plausible principles to support the general conclusion that citizens of industrialized nations owe, as a matter of justice, less developed states compensation and reparations for harms resulting from climate change.^{vii} When Tuvalu is made uninhabitable by rising waters, for example, it will not be duties of charity that require those who caused that state of affairs to take on its 9,000 people as refugees. According to Shue, because of the way emissions will have collectively infringed on their basic rights, it will be duties of justice that will require that Tuvaluans are provided for and, to whatever extent possible, made whole. In a similar manner, current contributors to climate change will commit an injustice if we collectively cause other low-lying islands, like the Maldives, to disappear. The novelty and real force of Shue's arguments is to bring these claims under the rubric of rights, where they are accorded special urgency and may generate exceptionless obligations.

While Shue is the most prominent philosopher to advocate that climate change duties are duties of justice, there are many who use a similar framework to argue for similar duties of global justice. Shue's argument is, for example, analogous to Thomas Pogge's in the context of global poverty and Kristen Shrader-Frechette's in the context of public health.^{viii} What ties the work of these authors together is that they each point out alarming ways in which the merely aggregated effects of individual actions combine to violate people's basic rights, and this fact must change our assessment of what might have otherwise been a series of innocuous individual actions. In the case of anthropogenic climate change, Shue, concludes that all of us are under a duty of justice not to create emissions that lead to violations of basic rights.

The general principle Shue adduces in supporting this specific conclusion that is most relevant for our purposes is, in colloquial language, 'to clean up your own mess'. He notes that in economic terms the rule is known as the 'internalization of externalities': in accruing a benefit it is unfair to shove the costs of achieving that benefit onto someone else, especially onto someone who has no opportunity to consent or onto someone who does not consent, does not stand to benefit, and will be harmed in such a way that their basic rights will be breached. Violation of this principle is unjust, and if it is violated the imposition of unequal burdens in the aftermath is justified.^{ix} In the case of anthropogenic climate change, the residents of first world nations are accruing benefits, passing on externalized harms, and violating basic rights, like the rights to physical safety and subsistence.^x Even without considering any past wrongs, residents of developed countries continue to violate rights while receiving vast benefits from those violations.^{xi} With respect to harms due to climate change, the peoples of developed countries clearly have a lot of work to do. The upshot, then, is that considerations of justice will require drastic reform of our emission entailing activity and consumption.

2. Participation and Duties of Justice

The concluding claim of the previous section is a straightforward consequence of Shue's approach, yet its obvious truth conceals an important ambiguity. It is not immediately clear just *who* it is that bears these duties to drastically reform 'our' emission entailing activity. A fully satisfactory answer to this question is beyond the scope of the present inquiry. For present purposes, we will merely demonstrate an often-overlooked consequence of justifying climate change duties via a framework like Shue's: the bearers of such duties cannot be collectives alone.^{xiii} Individuals must hold *at least some* of the duties stemming from anthropogenic climate change. Let us explain.

As many have noted, the causal mechanisms involved in climate change are complex,^{xiii} and that complexity introduces further complications for grounding duties correlated with violations of basic rights.^{xiv} In more straightforward cases of injustice, a single action is causally sufficient to violate a right. Therefore, the duty correlated with that right takes a particular form: a strict duty not to perform that action. However, no single emitting activity is causally sufficient to produce a violation of rights – the violations only happen if many others also emit.^{xv} So a straightforward model can't be deployed in this context.

Yet, there is also no club or organization to which all greenhouse gas emitters belong, no means by which they make group decisions or deliberate about the future, no sense in which they act irreducibly jointly. So the familiar models of joint action and the duties attending such collective action will also be theoretically unequal to the present task. Although we may, in a loose moment, speak of how the United States emits a certain quantity of methane, the convenience of the locution should not mislead. Compare two different propositions. 'The United States declared war on Germany in 1941' and 'The United States consumed 3 billion pounds of chocolate in 2001.' Both statements are true, but the difference between their propositional content is not limited to the differences in their predicates. In the former case, established conventions of authority are invoked to make an irreducibly joint decision for the nation as a whole, whereas in the latter case uncoordinated actors together combined to produce a merely aggregative effect.^{xvi} Unfortunately, neither of these established models for understanding the complex interaction between individual and collective agency succeeds in fully capturing the relevant features of the causally and normatively complex process by which climate change threatens rights.

Yet both individuals and collectives have other important duties, including the duty not to be complicit in injustices.^{xvii} *Mere complicity* is, of course, understating the role of both individual and collective agents in the impacts of climate change because each of us makes causal contributions – we are not merely standing by and allowing the injustice to continue when we could do otherwise, but instead are engaged in perpetrating the injustice. We think an apt description for this role, a description that fits well within Shue's framework, is that agents *participate* in the rights violations climate change produces. Our attention, therefore, is on duties to refrain from *participating in injustices*, duties to refrain from participating in the violation of rights. This understanding entails that individuals will have some duties to modify behavior that qualifies as 'participation in injustice'. While individual duties may be codified, specified and strengthened by new collective endeavors,^{xviii} the existence of such individual duties is not dependent upon forging collective commitments.^{xix} The causal impact of individuals may lack the scale of the causal impact of collective actors, but such a criterion cannot be the only one that matters regarding duties to avoid participation in the violation

of basic rights.^{xx}

Each of us is performing actions that allow us to accrue benefits and pass on externalized harms even as we contribute to violations of basic rights. As a result, each of us faces duties to modify the behaviors that are the basis of our participation in injustice. Abolishing the unjust structure may well be the ultimate goal of any worthwhile public climate change policy. We should no doubt lobby for reform, work to overthrow the system, and strive to make our collective practices more just. We are, however, currently without reform, collective agreement, or justice.^{xxi} The current system lurches forward, as do the aggregate and devastating consequences of greenhouse gas emissions. We must either allow that there is not yet any individual wrong in continuing to participate in delivering grave harms to others or we must accept that each of us has some individual duty to stop or at least attenuate offending behavior.^{xxii} We choose the latter option, an option that seems to us a necessary consequence of any justification for climate change duties grounded on rights.^{xxiii}

3. The Demandingness Objection

Since Shue, Pogge, Shrader-Frechette and others seek to expand the common understanding of what duties of justice require, we should pause to consider whether that expansion will demand too much. The possibility of an excessively demanding morality was famously sounded out by Bernard Williams, and concern regarding overly demanding duties has been a prominent feature of moral debate ever since. We cannot hope to consider all the issues raised in the voluminous and diverse literature regarding this famous objection, but it will be helpful to briefly consider a disagreement regarding the precise problem the demandingness objection is meant to capture.^{xxiv} In this section, we argue that the demandingness objection is fundamentally about the impact morality's authority can have on the indexical identity between *an agent's* projects and *her own* actions.

Perhaps the most straightforward understanding of the demandingness objection would be to claim that duties are too demanding when compliance is too costly or burdensome. Of course, a moral theory is not too demanding merely because it requires great sacrifices, since morality must do that at times. Yet on this interpretation of the demandingness objection, the allegation is that there are some burdens that would be too great to place upon a potential duty bearer. It would be asking too much, for instance, to require an agent to sacrifice her life so that others may enjoy a minimal benefit. Critics have been quick to point out that the objection, interpreted in this way, can't amount to much.^{xxv} If the worry is fundamentally about costs and burdens, then there ought to be equal consideration for the burdens of those who would be under a putative duty *and for the burdens of those who would be negatively affected by the duty's absence.*^{xxvi} In that case, the argument goes, the demandingness objection should be consigned to the same scrap heap as Mill's "wasted sacrifices" and any other duties that impose a burden on the duty bearer greater than any benefit created by their fulfillment.^{xxvii}

This interpretation of the demandingness objection highlights an important feature of the moral domain: the needs and interests that stand to ground a moral duty should not be overlooked or underrepresented. Yet, there is a further issue highlighted by the demandingness objection not captured by the interpretation of the problem suggested above. The concern is as much about "demanding" where the term 'demanding' is analyzed as a verb (*i.e.*, morality advances demands, thereby changing the normative requirements under which we operate) as it is about "demanding"

where ‘demanding’ is analyzed as an adjective (*i.e.*, morality sometimes places heavy burdens upon us). With this distinction in hand, we can recognize that the two sides of a duty are not equally up for assessment in terms of demandingness. In imposing a duty, morality makes a demand (in the former sense of the term) of agents who are subject to it. In failing to impose the duty morality makes no demands (in the former sense of the term) of anyone, and in particular it does not demand of those whose welfare was the concern of the putative duty that they remain in need.^{xxviii}

We can add further detail to this interpretation by noticing that among the constituents of an agent’s self-interests are her commitments, commitments that give shape to her life and that exert a normative pull over her.^{xxix} The space in which agents make commitments and undertake personal projects garners some moral protection. The interpretation of the demandingness objection we pursue here alleges that some projects and commitments ought to be protected against the claims of others, even if the overall consequences would be better in a given situation if they were not. When insufficient theoretical protection is available, moral duties are at risk of being too demanding. This interpretation of the demandingness objection is built upon the indexical identity between *my* projects and *my* actions, and it explains why the demandingness objection is frequently discussed in terms of *integrity*. The core of the objection deals with how *I* value *my* projects, rather than their objective value. On our view, to say that a moral duty is too demanding is to say that it damages an indexical relationship between an agent and *her own* projects in a significant way. When a moral theory is too demanding, it advances moral demands so encompassing and onerous that they do not leave any normatively protected space for an agent to make her life *her own*.

Endorsing this interpretation^{xxx} means that in attempting to discern whether she is obligated to undertake a certain course of action an agent may, *in some cases*, cite the devastating impact that course of action would have on her personal projects in coming to the conclusion that she is under no such obligation, regardless of the net benefits of the possible alternatives. Demandingness leads us to the conclusion that the importance of one’s projects rebuts *some* putative moral requirements in *some* cases. Yet, one’s projects cannot always trump the needs of others: morality must sometimes prevail over self-interest and one’s projects in order to be meaningful at all. In fact, this interpretation of the demandingness objection is compatible with the result that morality ultimately demands much more of us than is commonly believed.

Yet, according to the traditional conception of duties that correspond to rights, demandingness concerns (*i.e.*, appeals to the importance of one’s projects as one’s own) can play no role in determining if one is under a duty of justice. Initially, there may seem to be obvious exceptions to that rule. There is, for example, a generally accepted duty of justice prohibiting stealing, but when stealing a loaf of bread is the only way to survive, stealing can become permissible. But in this case the indexical relationship between an actor and her projects plays no justificatory role. The *all things considered* duty not to steal would fail to obtain with respect to the potential to save *anyone’s* life. In this case, an *all things considered* duty fails to obtain not because the prohibition against stealing is *too demanding*, but rather because the prohibition is overridden by other moral factors whose normative significance is independent of their connection to an agent’s own projects. Therefore, according to the traditional view, duties that correspond with rights require certain actions regardless of their impact on the indexical relationship between the agent and her projects.

Shue’s acceptance of this traditional view of duties that correspond to basic rights is

emphatic: “One is required to sacrifice, as necessary, anything but one’s basic rights in order to honor the basic rights of others.”^{xxxix} He is joined by many other prominent ethicists who also endorse it. Judith Thomson, for example, writes, “It’s rather a shocking idea that anyone’s rights should fade away and disappear as it gets harder and harder to accord them to him.”^{xxxix} T.M. Scanlon agrees: “Being moral involves seeing reason to exclude some considerations. Even if I am in great need of money to complete my life project, this gives me no reason to hasten the death of my rich uncle.”^{xxxix} Rights do not wither in the face of inconvenience, and neither do the corresponding duties of justice.^{xxxix} On the traditional view, claims of demandingness, i.e., indexical appeals to *my* projects, cannot hope to diminish the requirements of justice. Faced with a duty of justice grounded in basic rights, one cannot ask ‘but what about my projects?’^{xxxix}

4. The Demandingness of Climate Change Duties

Section 1 makes the case that climate change duties are duties of justice based on basic rights, duties not to make a mess that harms others in ways that violate their basic rights (and to clean up the mess if you do so harm them). Section 2 makes the case that individuals, as opposed to collectives alone, must have some of those duties to modify their behavior. Section 3 demonstrates that duties of justice, as they are traditionally understood, cannot yield in the face of indexical appeals to integrity.^{xxxix} At this point, one might think that there is no problem of demandingness with regard to emission-entailing activities, even if the duties involved are duties of justice, because compliance with such duties will actually not greatly compromise the space in which we permissibly pursue our own projects. We believe, however, that such a response understates both the severity of the problem of climate change and the efforts that will be required of us in order to address that problem. Absent countervailing normative considerations, the set of duties of justice in connection with climate change threatens to be quite demanding indeed.

As most readers are well aware, duties stemming from climate change will require many changes to our current individual behavior.^{xxxix} The examples generally start with small, benign tasks: turn off the lights, turn down the thermostat, don’t drink bottled water, buy energy-saving bulbs and appliances, get a more fuel-efficient car, etc. More, however, will be required of most if not all of us.^{xxxix} We may very well be required to become vegetarians, for the methane produced by livestock combined with the energy required for their care, feeding and eventual dismemberment contributes more to the greenhouse problem than does transportation.^{xxxix} We may be required to seek radically different rather than merely more efficient means of transportation.^{xl} We may need to eliminate purchases of all international products, particularly those products manufactured in countries like China, since their manufacture and delivery entail serious emissions.^{xli} Such responsibilities, however, are not limited to changes in behavior; the implications for our epistemic obligations are also ubiquitous. Endless questions we might have previously shrugged off take on a new urgency: Is taking the bus less harmful than riding my scooter? Didn’t they just get new buses? How were they produced, and what happened to the old ones? What about the environmental impact of processing and distributing tofu and meatless sausage?^{xlii} What’s the most environmentally friendly way to get home for the holidays?^{xliii}

We are not simply asserting that any particular change in behavior or any particular epistemic responsibility is too demanding. Nor are we assuming that the set of responsibilities enumerated

above is obviously too demanding. Rather, the demandingness problem stems from the fact that without some limit on when or where the demands of justice must reach an end, *each and every* chance to reduce emissions takes on a moral urgency that threatens to be overwhelming. Finding out about the emissions implications of today's commute, tomorrow's lunch, or even your vocation and then changing your behavior based on those findings – all these actions become, always and in every case, a moral necessity, actions that would earn harsh censure if not performed and that deserve no special praise for being accomplished.

The problem of demandingness is particularly salient because, on Shue's account, climate change duties are duties of justice. Duties of justice are significant precisely because they prevent certain grave harms from becoming morally acceptable due to other, greater benefits to others. Since these are duties of justice, they cannot be flouted for the sake of a net aggregate utility. Yet, given a traditional view of duties of justice, that protection cuts both ways. Since the magnitude and nature of an environmental harm is unaffected by the reason an action is performed, the duty to avoid causing those harms will encroach on the sacred and profane in our lives indiscriminately. Flying to Dubai for a quick but opulent dinner has the same environmental impact as flying to Mecca for the Hajj. Burning through the amount of fuel required to keep a five thousand square foot home at a given temperature has the same impact whether the house is occupied by two people or a family of eight.^{xiv} Duties stemming from climate change will therefore hover over every decision that has an environmental impact, and since those duties are duties of justice, when confronted by them, one may not ask, 'but what about my projects?' even when considering choices that seem fundamental to making a life one's own, choices like going on pilgrimage and having children.

5. Carbon Offsets and a Fair Share Cap: Two Unsatisfying Responses

Two common approaches to climate change duties might be thought to avoid this problem by imposing a limit on the demands of justice. The first approach, often favored by environmental economists, involves carbon offsets. Assuming the reliability problems of offsets can be overcome, this approach promises to reign in harmful emissions. More importantly for present purposes, such an approach allows an agent to emit carbon so long as she compensates the victims or prevents an equal amount of carbon from being emitted elsewhere.^{xiv} This approach might be thought to avoid the problem of demandingness because agents would have the moral freedom to choose between reducing their own emissions, compensating those harmed, or taking steps to get others to reduce other emissions. So, some may initially believe that with carbon offsets in place, duties stemming from climate change will afford agents the requisite opportunity to make their lives their own.

Despite the many potential benefits of carbon offsets, this first approach has taken an odd turn from the language of justice that makes Shue's argument so compelling. One is not generally allowed to continue to perpetrate injustices *so long as* one takes steps to prevent others from doing so or one plans to monetarily compensate the victim. More significantly, even with carbon offsets, the issue of demandingness remains. International travel, even for religious pilgrimage, will likely be prohibited except for the very rich who can afford the compensation or offsets such travel would require. Many may be morally obligated to find a new vocation: either one that requires a smaller carbon footprint or one that pays enough to make it possible for them to compensate others for the damage to which they contribute. Finally, agents living in the developed world may be morally

forbidden from procreating unless they have the considerable means necessary to compensate others for their progeny's inevitable environmental impact.^{xlvi} Their potential pragmatic value notwithstanding, carbon offsets don't solve the problem at hand.

A second possible approach that might avoid concerns of demandingness can best be described as a fair share cap. The proposal here is that each of us has her own "fair share" of a sustainable total amount of carbon to emit and justice demands that each of us emits nothing beyond that cap. If an agent does emit more than her fair share, then and only then has she committed an injustice. 'Fair' is, on this proposal, defined independently of an indexical appeal to the importance of the fact that one's projects are one's own.^{xlvii} There are good normative reasons to emit even less than one's fair share, but an agent does not have a *duty of justice* to do so. Such an approach might be thought to allow an agent to make her life her own by allowing her the moral freedom to pursue the most significant projects under her own cap.

The question of what constitutes one's fair share of carbon emissions is a significant and central element of the climate change discussion. In fact, one could view our eventual solution as a modification to this important discussion, a modification that demonstrates how to internalize considerations of demandingness into determinations of fairness. However, even if our solution is construed as a friendly amendment to the fair share cap, it is nonetheless an important and necessary one, for there are two reasons why a fair share cap cannot, *by itself*, hope to solve the problem of demandingness. First, there is and will continue to be considerable uncertainty regarding what is, in fact, one's fair share.^{xlviii} The problematic uncertainty lies not in determining how much carbon can be safely emitted, but rather in determining the fair distribution given past emissions (at both the individual and national levels), current baselines, and the ever swelling numbers of humans on the planet. We will not dwell long on such uncertainties for they have been discussed at length elsewhere.^{xlix} But keep in mind what work the fair share criterion is meant to accomplish *with respect to the problem of demandingness*: it is supposed to demarcate strict duties that one cannot violate from other moral considerations that one can allow to be overridden by impacts to integrity.¹ If, however, that boundary is so nebulous that even the educated among us would be unable to know what one given individual's fair share would be, then the problem hasn't really been solved.^{li} This issue is not merely a familiar rehearsal of our epistemic limitations, nor of the vagueness of our conceptual apparatus: with an uncertain fair share cap, demandingness concerns remain whenever we consider issues of practical moral deliberation or the practices of praising and blaming.^{lii}

Second, and more importantly, even if such uncertainties could be removed, the fair share approach does not actually address demandingness because fairness and demandingness don't cut at the same joints – that is to say, it's not simply having to do more than one's fair share that is thought to be too demanding.^{liii} An example will help to illustrate this point. Consider an academic colleague of ours from Cyprus. If she wants to pursue her academic career, she is required, at least for the time being, to live in the United States. Her scientific research requires travel, and maintaining her familial ties requires significant international travel. Demands of justice that she must forfeit either her academic pursuits or her trips home take the significance of the demandingness objection too lightly.^{liiv} Consider, alternatively, someone whose family life and vocation require no travel (and no other emission-intensive activities). Understanding he is well below his fair share of emissions, he becomes completely lazy about basic control measures. He leaves his lights on all the time, air

conditions to the point of having to wear sweaters, regularly leaves his car running even when it's not in use, etc. Suppose that both protagonists are conscientious if punctilious observers of moral propriety. Our colleague's behavior oversteps her fair share of emissions, and she thus faces a choice about changing career or allowing literal and metaphorical distance into her familial relationships. The effortless fair-emitter's behavior gets a pass. This is a bad result. What's been asked of our colleague is too much, whereas too little is being asked of the effortless fair-emitter.^{lv} Samuel Scheffler articulates the underlying problem here this way:

“[E]ven if a theory demands the same thing of everyone, it may not be as demanding of some people as it is of others. What this means is simply that, even if a moral theory exhibits formal universality, neither the cost of satisfying its requirements, nor the extent to which those requirements are confining, needs to be the same for everyone.”^{lvi}

Understanding what constitutes one's fair share may be one of the most important theoretical tasks of environmental philosophers, but merely appealing to the existence of a fair share cap cannot, *by itself*, avoid the concerns of demandingness raised in the previous sections.

6. Moral Reasons: Avoiding the Problem

We contend that Shue is correct: given the very real harms they produce, justice demands that we refrain from many greenhouse gas emitting actions. Yet some activities must be protected from those demands.^{lvii} At this point, however, it is not clear how a view like Shue's can accomplish both tasks. The problem is that for Shue or anyone else with a traditional view of duties of justice, since basic rights are on the line, the costs to one's projects cannot counter a *prima facie* duty. Allowing considerations of demandingness to create exceptions would in no small part undercut the very *raison d'être* of duties of justice. In order to demonstrate how we solve this problem, we will have to mark a distinction between traditional duties of justice such as the duty not to kill and duties of justice stemming from collective harms such as climate change.^{lviii} To do so, we will refer to duties stemming from collective harms such as climate change as 'duties of systemic justice'. The name, imperfect as it is, is intended to capture what seems importantly distinctive about these duties: they are duties not to participate in systemic, unjust harms.

We contend that the problem articulated above stems from a traditional assumption about the way reasons interact to create duties of systemic justice. Let us consider two paradigmatic cases in order to demonstrate this point. The first situation is one in which helping another would have greater total consequences but would come at a significant cost to an agent's own projects. In this case, integrity-based reasons could measure up to and overwhelm reasons of beneficence.^{lix} When an agent finds herself pulled between furthering her own aims and benefiting another person, she may, at least sometimes, permissibly choose to further her own aims, even when the greater total consequences are to be had by helping. She still has reasons to help in such cases, but she will not always be obligated to help. That is to say that in a particular instance reasons of beneficence could fail to give rise to a strict duty because of the presence of integrity-based reasons. Counterfactually, were the integrity-based reasons absent, one might well have a strict duty to benefit.

The traditional view holds that the special urgency afforded traditional duties of justice such as the duty not to kill changes the landscape. In the case in which reasons of integrity are in conflict

with some reasons of justice, integrity-based reasons are not merely overcome; they are silenced, undercut, or severely outweighed.^{lx} According to the traditional view, no number or kind of integrity-based reasons will cause justice-based reasons to fail to give rise to a *prima facie* duty. This does not imply that reasons of justice will always create an *all things considered* duty, but traditional reasons of justice always give rise to a *prima facie* duty of justice, even though that duty can be overridden by other, agent neutral reasons for action.^{lxi}

So in traditional cases of beneficence, integrity-based reasons can make an action that would otherwise be mandatory into an action that is instead supererogatory. In traditional cases of justice, however, integrity-based reasons can have no such effect. Unfortunately, integrity-based reasons cannot be merely silenced, undercut, or severely outweighed in cases involving reasons of systemic justice. The first five sections of this paper demonstrate that if reasons of integrity were silenced by reasons of systemic justice, we would be forced to conclude that it is not possible for a framework such as Shue's to engender mandatory duties of justice while simultaneously providing normatively protected space in which to pursue one's own projects.

In order to solve this problem, it is helpful to consider the interesting case in which one must determine whether a mandatory duty of rescue exists. In cases of rescue, an agent could be morally required to take action even if the action is not dictated by justice and even if the action has negative impacts on the agent's own projects. In these cases integrity-based reasons play a radically different role than in the other two cases. Integrity-based reasons do not excuse one from the obligation to act, nor are they silenced, undercut, or severely outweighed by the concerns of others. Rather, integrity-based reasons play a constitutive role in determining whether or not an action is even *prima facie* compulsory. For example, if an agent is the only one who can save the lives of three others, but she can only save them at the cost of ruining a \$1000 watch, then she is still under a *prima facie* duty to perform the rescue. Barring any other relevant moral data, the *prima facie* duty to rescue becomes a strict, all things considered duty. If, however, an agent can save the lives of three others, but must sacrifice her own life to do so, then rescue would be supererogatory.^{lxii}

In the case that an agent can save the lives of three others but must sacrifice her own life to do so, rescue is supererogatory not because a *duty* of rescue has been *outweighed* by other objective considerations. Rather, in cases such as these, the severe impact to an agent's integrity blocks *reasons* to rescue from forming a *prima facie* duty of rescue. In standard circumstances, she would still have strong moral reasons to intervene, but she would be under no duty of rescue.

This is to say that the duties to rescue are underdetermined by the objective impacts of rescue on the person of need – the reasons that favor rescue can't, on their own, give rise to the duty. Instead, impacts on the rescuer also have a role to play. A duty to rescue, therefore, is the result of strong reasons of beneficence and weaker or absent reasons of integrity. The interaction between these different kinds of reasons is difficult to illuminate, but whatever model we adopt will have to explain why a duty of rescue can fail to obtain even when the objective consequences would be better if it did obtain. This is why, for instance, the potential loss of one life (the rescuer) can rebut the normative requirement to save three (those to be rescued). Yet, in those cases in which a duty of rescue *does* exist, it is a nonetheless a strict duty that requires compliance. It does not matter how important the duty is taken to be, how inconvenient it seems, or whether one falsely believes that there could never be duties of rescue at all.

The way in which moral reasons interact in rescue cases can be instructive. The solution we propose is to suggest that reasons of integrity need not be decisively silenced or irrelevant, even when they conflict with justice-based reasons. Rather, in cases of systemic justice, reasons of integrity come together with reasons of systemic justice to determine if there is in fact a *prima facie* duty of systemic justice. Duties of systemic justice emerge from the confluence of reasons of integrity and reasons of systemic justice just as duties of rescue emerge from the confluence of reasons of integrity and reasons of beneficence. Whether the potential benefit is great or small does not by itself settle whether a given act of rescue is obligatory; one must also take into account how great the sacrifice is to an agent's commitments.^{lxiii} We make a parallel assertion about systemic justice: one cannot determine whether an agent is under a duty of systemic justice by exclusive reference to the harms her actions help to produce. One must also take into account impacts on her ability to make her life her own.

In determining whether a duty of systemic justice exists, reasons of systemic justice compete with reasons of integrity. The greater the impact on climate change, the more likely it is that a duty of systemic justice exists. Similarly, the slighter the impact is to the putative duty bearer's central projects, the more likely she is under a duty of systemic justice. The impact of environmental harm to the potential victims is captured by reasons of systemic justice; the impact to the putative duty bearer is captured by reasons of integrity. The interaction between these reasons is as complex here as it was in the case of rescue. But given the analysis of the past five sections, whatever model we adopt for the interaction of reasons must explain why the central significance of a pilgrimage, composed partly of an agent's own attitudes towards that event, can *prevent* reasons of systemic justice from eventuating in a duty to forgo that trip, even if the environmental impact of the trip is significant. The complexity cuts both ways, however: a duty of systemic justice that does not affect one's ability to make one's life one's own, such as the duty to alter one's method of transportation, *can* obtain *even if* the negative objective consequences for the duty bearer are greater than the positive consequences it produces for those harmed by climate change. Unfortunately, there is no principle for determining systematically how weighty reasons of integrity are compared to reasons of systemic justice.^{lxiv} Determining whether a duty of systemic justice exists will not always be easy and may often be quite difficult, but it will always involve consideration of reasons of systemic justice and reasons of integrity. The moral waters here are muddy, but we do better to acknowledge that fact than to ignore the obscuring particles in an attempt to see the bottom.^{lxv}

Once a duty of systemic justice exists, however, its normative role in deliberation is unaffected by the role reasons of integrity play in their creation. Just as in cases of rescue, the way reasons interact when determining whether a putative duty exists in cases of systemic justice is different from the way reasons interact when a duty presents itself in practical deliberation. Once the balance of reasons culminates in duties of systemic justice, those duties are strict and binding. In other words, what systemic justice requires is influenced by how important a given project is to the agent, but not by how important she believes justice to be, not by whether a duty is considered inconvenient, and not by whether she believes that her actions harm anyone at all.

Although we contend that the case of rescue can be helpful to understand how duties of systemic justice are created, there is also an important disanalogy between duties of systemic justice and duties of rescue. Since duties of systemic justice involve avoiding participation in the creation of

a harm rather than alleviating a harm an agent had no role in creating, reasons of integrity will have to be much more weighty in order to block the creation of a duty of systemic justice than they would be to block the creation of a duty of rescue. As noted earlier, the strength of a framework like Shue's (or Pogge's) is that it demonstrates how our actions contribute to harming others in serious ways. To merely equate the actions required to mitigate such violations with duties of rescue is to ignore the contributing role each of us plays in creating those rights violations in the first place. Duties to avoid putting someone in need of rescue are necessarily prior to and more significant than duties of rescue.

Some may worry that we have taken the long way around to a simple solution that was available all along. Why not simply stipulate that the ability to make one's life one's own is itself a basic right? Why not say that agents have a basic right to integrity, to privilege and cultivate *their own* projects? The answer is that while such a move may solve the surface level issue of balancing considerations of systemic justice and considerations of integrity, there are serious problems with taking the conflict between considerations of systemic justice and considerations of integrity to be a *conflict of rights*. First, conflicts of rights do not allow for moral freedom. When two rights conflict, one is duty bound to favor the right that is weightier. Yet, like in cases of rescue, in cases of systemic justice, sacrifice beyond what is required ought to be allowed, even lauded. Those who forfeit careers for the sake of such considerations, those who live off the grid, are not for that reason alone making a moral mistake.^{lxvi} Even though they are doing more than could be required precisely because of the potential impact to their central projects, they are nonetheless acting permissibly in pursuit of an important moral goal. There is no room for such a category of actions in a conflict of *rights*. Second, conflicts of rights create moral residue. When an agent is placed in the unfortunate situation in which she must violate someone's rights or those of another, guilt is thereby appropriate, perhaps even required.^{lxvii} Yet, we contend that such residue is missing when concerns of integrity block duties of systemic justice. The importance of integrity is poorly reflected by a view that makes room for it only if it is accompanied by a Nietzschean guilt for making one's life one's own in the modern world. A theory must be able not only to accommodate an agent's ability to make her life her own, but also to ensure her concerns play the appropriate role in the moral calculus. A model of conflicting reasons rather than conflicting rights is therefore better suited to represent the workings of duties of systemic justice.

7. Theoretical Progress

Importantly, this solution we propose can avoid an all-too-common line of reasoning we refer to as the *fallacy of comparative emissions*. Consider two actions, X and Y; by stipulation, Y entails greater emissions than X. Next, assume that if there is a duty of justice to alter either action, it is because of its effects of its emissions. Therefore, according to the *fallacy of comparative emissions*, if action X is *prima facie* unjust *precisely because* it creates emissions of a given level, action Y must also be *prima facie* unjust. If an action's contribution to a collective violation of rights is significant enough to make that action unjust, then unless other, competing duties of justice are involved, any action with an even greater impact must be at least equally unjust.

Here's an example of this prevalent fallacy in action. Making either the choice to A, *not* travel to Switzerland for a small international philosophy conference or B, *not* have four children rather than one child, will cause a greater reduction in an agent's causal contributions to carbon emissions

than all of the following combined: C, taking public transportation rather than driving every day for a year; D, changing to a vegetarian diet for a year; and E, giving up purchasing any imported items for a year. So if one is morally required as a duty of justice to act on any one of C, D, or E, or even if one is required to act on some subset of C, D, and E (e.g., eat *less* meat, buy *fewer* imports) then one must also be required to act on A and B. This fallacy creates a dilemma: either 1) actions such as A and B are morally required or 2) actions such as C, D, and E cannot be included in the demands of justice.

As we saw earlier, carbon credits and a fair share cap could mitigate some of the problematic implications of the fallacy of comparative emissions, but they cannot eliminate them altogether. In the remaining problematic cases, some would choose the first horn of the dilemma, holding that actions like eating less or no meat, buying less or no imported items are required, and therefore so are things like not having many (perhaps any) children, etc. In effect, concerns of integrity are always overridden and modern life would become for some a tragic dilemma in which one could only hope to do the least unjust action.^{lxviii} Even more worrisome, since this situation is created in large part by the actions of others, this position entails that the actions of a third party could cause an agent to forfeit her own agency and integrity.

Others would choose horn 2 of the dilemma, denying that Mormons, for example, can be required as a duty of justice to have no or few children, that an academic can be under a duty of justice to forgo all international conferences, and that surfers would be committing an injustice by flying around the world to find the perfect break. They then use the fallacy of comparative emissions to infer that other actions, such as eating less or no meat, buying fewer or no imported items, etc., praiseworthy though they might be, cannot be required by duties of justice. We contend, however, that this horn of the dilemma is equally problematic. In order for morality to be meaningful in our modern collective age, the fact that an agent is responsible for merely one cut out of a thousand cannot completely absolve her. Neither the size of the collective endeavor nor the limited role one plays in it can make one's efforts to avoid the harms it creates merely supererogatory if those collective endeavors are in fact violating others' basic rights.

Our solution, however, allows us to recognize this common line of reasoning as a fallacy. The argument assumes that systemic rights claims cannot be sensitive to demandingness concerns: if an action X creates emissions of level Y and action X is *prima facie* wrong *precisely because* it creates those emissions, then all activities that create emissions of level Y or greater must also be *prima facie* wrong, however demanding it would be to discontinue them. Our solution, however, suggests that reasons of integrity need not be decisively silenced or irrelevant, even when they conflict with justice-based reasons. Rather, in cases of systemic justice, reasons of integrity come together with reasons of systemic justice to determine if there is in fact a *prima facie* duty of systemic justice.

So on our view, where they exist, duties of systemic justice are duties of justice; they are strict duties that demand compliance independently of an agent's desire to comply and even when compliance is costly. One who violates such a duty acts unjustly, and therefore can be, in standard cases, forced to comply. But on this proposal duties of systemic justice are sensitive to demandingness concerns because reasons of integrity play a role in determining whether a duty of systemic justice exists at all. Therefore, with this conception of moral reasons, a framework such as Shue's can provide normatively protected space in which to pursue one's own projects while simultaneously engendering numerous and mandatory obligations of justice.

8. Reasons of Integrity and Duties of Systemic Justice

Our solution implies that actions that would be unjust for one agent to perform may not be unjust for another to perform, precisely because they may have different reasons for undertaking a given action. When one's old car breaks down, the environmental benefits of buying a fuel-efficient used hybrid may be less than forgoing a trip to Mecca or to Oxford, but one may be required to buy a hybrid without being required to forego the trip. This solution provides normatively protected space in which to pursue one's own projects while simultaneously engendering mandatory obligations of justice. Before tracing out the practical consequences of this solution in the final section, we pause here to consider and respond to three potential areas of concern.

First, a variant of the problem of expensive tastes might be thought to trouble our view. Some people will have projects that are absolutely central to their lives and which are also emission intensive, and it seems our view protects those choices from the reach of duties of justice. We accept this implication, but with important limitations. First, there are always important reasons not to form or further "expensive tastes," even if those reasons cannot prohibit them. Second, the mere fact that a project is central to one's life does not give one *carte blanche* to pursue that project however one sees fit. While reasons of systemic justice may sometimes not prevent us from pursuing a given project, they may well nonetheless constrain our pursuit of it. While first-personally significant, high impact activities will be constrained by duties of justice, they will not universally be *prima facie* prohibited the way in which theft and assault are.

This first concern is closely related to a second: one might worry about the asymmetry we posit between traditional, negative duties of justice and duties of systemic justice. Why should we allow demandingness to play the role it does with systemic justice without also allowing it to play that role in the case of traditional duties of justice? Why allow *any* first-personally significant, high impact activities to matter in the moral calculus if rights are being violated? The answer lies in a fundamental asymmetry, discussed earlier, between how the harms in question are brought about. The crucial distinction is not whether an action is joint or individual. A joint action may well fall under the traditional requirements of justice if it is the product of an irreducibly joint intention. To excuse or justify these sorts of actions on the basis of integrity claims would lead to perverse incentives and undercut the significance of morality.^{lxix} Instead, the crucial distinction is between actions that only have moral importance given their unintended, collective consequences – as in the case of emitting carbon – and actions that have moral importance even when done in isolation, whether those actions are performed by individuals or groups.

Contributions to climate change are actions that *would be* permissible if other agents acted differently; there's nothing wrong with any one single individual emitting carbon. It is only because so many of us are emitting so much that such actions come under the rubric of justice at all. No such complexities are involved in the case of one individual intentionally harming another. Whether isolated or in the midst of many similar actions, traditional cases of injustice are *prima facie* wrong. A career as a thief or murderer isn't a morally permissible option even if one is the only person pursuing such a career. Likewise a career as part of a gang of thieves or murderers is impermissible even if one plays only a small causal role in the irreducibly joint actions that comprise the career. There is no threshold level below which participation in a gang of thieves is morally permitted. But a career as a carbon emitter doesn't have a moral valence with the same independent nature. This is

our reason for excluding reasons of integrity from traditional justice but allowing them a formative role in systemic justice. The ways of life chosen by people who emit lots of carbon are not, for that reason alone, morally problematic. So those ways of life, insofar as they create value for those living by them, warrant moral consideration in a way the career of a robber or murderer could not, even if robbing and murdering created value for those who pursued that life.

Finally, and perhaps most significantly, one might fear that our solution makes it flatly impossible to protect the basic rights threatened by climate change. This is an important concern, but let us first note its scope. In our world as it is currently constituted, we contend that it is in fact possible to demand enough in order to ensure that basic rights are protected with our framework. Even if net total emissions must be scaled back by 30-40% from current levels in order to reach a sustainable baseline, as some have argued,^{lxx} then even taking into account the limits created by reasons of integrity, there is no reason to think that morality's demands will prove insufficient for the task.^{lxxi} However, we should note that on our view, there is a dystopian possible world in which it *could* prove morally impossible to demand enough of everyone in order to protect basic rights. In effect, our view highlights yet another way that the world could become dystopian: by making it morally impossible to protect what we, in this world, properly consider basic rights.

Yet, this initial reply, while significant, does not yet get to the heart of the concern. For some, the fact that in *any* possible world it could be impossible to demand enough to ensure basic rights are protected may seem troubling, and any view that moves that possibility closer to the actual world will seem on that count questionable. Such theorists may fear that we have undercut the significance of Shue's argument for duties stemming from anthropogenic climate change. If these duties are subject to concerns of demandingness, the worry goes, then they can't correspond to rights. If that were the case, the "basic rights" considered at the outset would turn out to be no rights at all. We would have, in that case, gutted Shue's theory in order to "save" it.

To begin to respond to this worry, let us note a distinction in rights. To use Henry Richardson's terminology, Shue's basic rights are not 'specifically addressed rights'.^{lxxii} These basic rights are not Hohfeldian claim rights, rights in which A has a duty to B to Φ , B has a corresponding claim against A that she Φ , and the content of B's claim is the same as A's corresponding duty.^{lxxiii} Consider, for example, Shue's basic right to security. This right to security will include numerous and varied duties, including duties to avoid depriving another of security, duties to protect others from being deprived of that right, and duties to aid those deprived of that right.^{lxxiv}

According to the traditional view of rights, specifically addressed, Hohfeldian claim-rights are *not* subject to demandingness concerns. But this does not imply that demandingness concerns have no role to play in transforming non-specifically addressed, basic rights into the numerous, specifically addressed claims and duties required to secure those rights. Furthermore, those specifically addressed claims and duties, once specified, can share all the characteristics of more traditional, specifically addressed claim rights. These duties will: a) be owed *to* the rights holder,^{lxxv} b) imply one could wrong the rights holder by failing to perform,^{lxxvi} c) be more influenced by the concerns of the right's holder than the concerns of other, uninvolved agents,^{lxxvii} d) have an urgency and a stringency greater than duties not correlated to such rights (at least defeasibly),^{lxxviii} e) block brute utilitarian calculation^{lxxix} and f) be legitimately demandable by the rights holder.^{lxxx} Shue's basic rights *are* rights, it just turns out the broad normative category of rights is more complicated and

diverse than we might have initially believed.

9. Let's Go Surfing

While the theoretical implications of our solution are noteworthy, its consequences are perhaps best seen in the practical domain, where we identify three categories of cases. The first set of cases involves situations in which potential environmental impacts^{lxxxix} (justice reasons) clearly outweigh the negative impacts to an agent's personal projects (integrity reasons). The second set involves conflicts between reasons of integrity and reasons of systemic justice in which the negative impacts to an agent's personal projects clearly outweigh considerations of systemic justice. The third set of cases includes conflicts between reasons of integrity and reasons of justice that cannot be so easily resolved. For any of the practical examples considered in this section, one may take issue with our claims about the level of environmental impact (justice reasons) or the level of impacts to an agent's personal projects (integrity reasons) we ascribe. We welcome debate on the way we categorize any specific case, for such debate would ask the very questions our view is designed to encourage – questions the traditional view of justice made illicit.

Let us begin with the first set of cases: cases in which the potential environmental impacts (justice reasons) clearly outweigh the negative impacts to an agent's personal projects (integrity reasons). A subset of this first category contains the easiest cases, those in which minimizing her carbon footprint is in an agent's own best interests. Buying energy saving appliances and more fuel-efficient cars will save the buyer money in the long term as well as reduce emissions. Here, clearly, reasons of integrity do not conflict with reasons of justice.^{lxxxix} There is no integrity-based resistance to the constitution of duties of justice in these cases, so we can quickly conclude that investing in energy-efficiency is a duty of systemic justice.

These are not the only cases, however, in which the potential environmental impacts (justice reasons) clearly outweigh the negative impacts to an agent's personal projects (integrity reasons). We can conclude that numerous duties of justice will be created in spite of the negative impacts they have on an agent's welfare – so long as those duties do not interfere with the agent's fundamental life goals and projects. Because of the significant harms climate change threatens to impose on others, cases of this first type will not be rare. Our focus on the few cases where demandingness concerns block the creation of duties of justice should not cause illusions about the scope or significance of duties in this first category. Justice is likely to require each of us to make significant sacrifices and radical changes.

Theoretically simple though it is, our analysis still has important implications for this kind of case. Shue, Pogge, and others have advanced two important insights regarding this type of case. The first insight is that there are moral duties of *justice* at stake here. The second insight follows from the first: while others cannot generally prevent someone, either morally or legally, from doing something that is merely imprudent, they can sometimes legitimately limit autonomy in order to prevent serious harm to others. Some impositions that would otherwise be awkwardly paternalistic could be justified, even required. Our solution secures these conclusions on grounds safe from the demandingness objection.

Not all greenhouse gas emitting actions that have a significant environmental impact will

engender a duty of systemic justice, however. Our second set of cases involves conflicts between reasons of integrity and reasons of systemic justice in which the negative impacts to an agent's personal projects outweigh the considerations of systemic justice. For example, even if living off the grid would minimize her contribution to the serious harms of climate change, justice cannot demand that the local artist change her calling. Procreative choices enjoy a similarly protected status, at least in some cases. There is perhaps no greater threat to our planet (or to us) than our grotesquely swelling numbers. Yet Mormon parents, for example, have a strong, integrity-based case to make in favor of having large families because an essential feature of what it is to live in the Mormon faith is to seek to reproduce prodigiously. As a church apostle recently declared, "knowledge of God's plan gives Latter-day Saints a unique perspective on marriage and children. We look on the *bearing* and nurturing of children as part of God's plan and a *sacred duty* of those given the power to participate in it" (emphasis added).^{lxxxiii} Even if reduced fertility in the Mormon community would have a huge impact in reducing their contribution to harm stemming from climate change, the integral importance of procreation in their way of life assures that having large families is protected from the demands of systemic justice.

There could well be other ways in which a decision to have children could earn a negative moral evaluation. One might rightly conclude that some decisions to have children are inappropriate, unfitting, or even irresponsible. But these normative evaluations are importantly distinct in kind from the indictment of injustice. Whereas in typical cases of injustice (e.g., murder, assault, or petty theft) third parties have a warrant to prevent the injustice, no such warrant exists for the prevention of inappropriate, unfitting or irresponsible actions simply because they are inappropriate, unfitting or irresponsible. One cannot legitimately prohibit Mormon couples from having large families even if the choice to have a large family is inappropriate or irresponsible.^{lxxxiv}

Our findings regarding this set of cases are much more significant. In this class of cases there has been a tendency by some theorists to overstate what justice may require from us. We believe one reason for this tendency is the underlying assumption that if what makes some contributions to climate change unjust is that they harm others in serious ways, then greater contributions to those same harms can only be even more egregiously unjust. This is, of course, just an instance of the fallacy of comparative emissions. To establish extreme demands of justice one must deny the central claim we advance in this paper: reasons of integrity must be considered in addition to reasons of justice in order to determine whether a duty of systemic justice exists. Our solution avoids the fallacy by involving reasons of integrity in the very formation of duties of systemic justice. A Mormon family has the moral freedom to choose to have another child, even if systemic justice restricts their ability to make choices that have a smaller environmental impact (e.g., what sort of car to drive).

This leaves the third set of cases, where conflicts between reasons of integrity and reasons of justice cannot be so easily resolved. Unfortunately, we can make no systematic effort here at sorting through these difficult cases and the questions they raise.^{lxxxv} However, we contend that some solution such as ours is required in order to even try to sort through these difficult cases. In a way, our view is designed to force us to tackle the questions about this complex interplay, questions the traditional view of justice made impossible to ask. This means, of course, that much of the work required to untangle the moral implications of climate change remains unfinished. However, in this paper we have hopefully provided a framework in which that work can be accomplished.

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ⁱ Vetter (1997). It is important to note, given the paper that is to follow, that surfing is not just some frivolous activity for Chouinard; it is integral to his identity, an essential part of his being in the world.

ⁱⁱ See Shue (1999).

ⁱⁱⁱ We take no position here on the proper derivation of rights. We also do not take any stance on the precise content of such basic rights. Although these are obviously important theoretical questions that will have significant practical import, they are not the focus of this investigation. This paper is focused on the confluence of the questions of basic rights and demandingness within the context of the climate change debate. We try to lay out a *prima facie* case in Section 1 that as long as there are such things as basic rights, whatever their derivation and precise content, it's possible that our emissions will collectively infringe upon the basic rights of others.

^{iv} Unless otherwise noted, we will use the term 'justice' throughout to refer to an especially urgent kind of moral duty correlated with a basic right that is nonetheless an individual moral duty, and not, as some use the term, to denote a virtue of institutions. The rough idea, embodied in what we will call 'the traditional view', is that any duty that correlates with a right is a duty of justice. There is thus a justified claim that the duty be fulfilled, and if it is not, an instance of injustice has occurred. We follow Shue in thinking that duties of justice could take a variety of forms, including duties to promote and protect basic rights in addition to the more straightforward duties not to violate them. All duties that correlate with rights are duties of justice. Of course, the converse isn't true: not every duty of justice correlates with a right. Our focus, however, is primarily on duties of justice that do correlate with rights, both because it enjoys a kind of priority over the others for individuals and because Shue's own arguments support that focus in the context of climate change (see also footnote 10 below). We later use 'reasons of justice' to denote moral reasons tied to these considerations.

^v See Williams (1985) and Williams & Smart (1973).

^{vi} We are not attempting to provide principles of distributive justice to govern emissions. Cf. the central task of Gosseries (2005), Caney (2005), Fabre (2005). Rather, we are attempting to address a more basic theoretical problem: how can any set of principles accommodate demandingness concerns if basic rights are at stake?

^{vii} See Shue (1999).

^{viii} See Pogge (2008) and Shrader-Frechette (2007).

^{ix} Shue (1999), p. 534.

^x Shue (1996), pp. 13-33. The examples we use in the text feature displacement and are thus perhaps more complicated in terms of the rights at stake than other cases might be (like deaths, injuries and additional deprivation caused by climate change induced flooding in low-lying regions of Bangladesh, for example).

^{xi} Shue is concerned to establish a basis in justice for both future restrictions and restitution for past harms. Accepting that some reparations are due, as Shue does, will of course only exacerbate the problem of demandingness.

^{xii} Shue's language here is often unhelpfully ambiguous. But, if we're talking about aggregative violations of basic rights, individuals ought to possess the duty not to be complicit and participate in those violations. That means individuals will possess some duty to distance themselves from such violations of rights.

^{xiii} Gardiner (2006), pp. 397-401.

^{xiv} Gardiner (2006), pp. 405-411.

^{xv} See Hiller (2011) pp. 19-21, and Garvey (2005), pp. 59-65.

^{xvi} Of course it's true that *some* emissions are more like the decision to go to war in that they are the result of a policy enacted by elected authorities, etc.

^{xvii} See Kutz (2000), pp. 166-204.

^{xviii} If we are considering the problem at a collective level, individual duties will not fully prescribe what an appropriate collective distribution of burdens looks like, but they will be an important input to that collective consideration.

^{xix} Sinnott-Armstrong (2005) correctly notes that individual obligations do not always follow from collective ones (p. 287). His argument warrants a more detailed consideration than the one we can give here. It is worth noting, nonetheless, that Shue's framework appears to be less susceptible to Sinnott-Armstrong's skepticism than some views would be. When considering collective duties due to voluntarily undertaken collective action or duties to aid that require the ability to aid, it is easier to sever the duty of the collectivity as a group itself from the individual duties of its membership. When considering the duty not to violate the basic rights of others via aggregative (not joint) impacts, it becomes much more difficult to sever the duty of the collectivity as a group itself from the duty of its membership. In effect, whether Sinnott-Armstrong's skepticism is appropriate depends greatly on the provenance of the relevant collective duties.

^{xx} Hill (1991), pp. 52-66.

^{xxi} David Luban (1988) makes a similar point about role responsibilities within a less than ideal system.

^{xxii} We take no particular stand in this paper on the important questions about how climate burdens ought to be allocated beyond the limitations placed by issues of demandingness. Allocation debates often involve issues we would label 'demandingness concerns,' e.g. when arguments are made that a particular allocation would place too great a burden on an individual or individuals, but those discussions obviously involve numerous other ethical considerations as well. We are focused in the current investigation solely on the force and limits of demandingness concerns.

^{xxiii} For the rest of this paper, therefore, we are considering the specific question of what duties if any individual agents have in the absence of some collective agreements to address the problem.

^{xxiv} Cf. Arneson (2004).

^{xxv} See Sobel (2007), for example.

^{xxvi} Cf. Scheffler (1982).

^{xxvii} Mill (1863), Chapter 2, Paragraph 20.

^{xxviii} As we will see below, the objection need not imply that morality is silent or neutral in a given circumstance, but instead only that it cannot demand.

^{xxix} Our understanding of self-interest is thus fairly broad, at least in the sense that it may include commitments and projects that are altruistic in nature.

^{xxx} We recognize, of course, that not everyone will endorse this interpretation. Nonetheless, we will assume for the remainder of this paper that this latter interpretation does, in fact, highlight a distinctive worry about the reach of moral duties.

^{xxxi} Shue (1996), p. 114.

^{xxxii} Thomson (1971), p. 61.

^{xxxiii} Scanlon (1998), p. 156.

^{xxxiv} Interestingly, Peter Singer (2004) also appears to assume this traditional view with respect to theories of justice not grounded in the greatest happiness principle (p. 42). Singer claims that if the greatest happiness principle is ultimately what grounds any more particular principle of distributive justice, then complaints to do with demandingness would have to be counted in determining what is required. The implication, of course, is that without the greatest happiness principle grounding them, the principles of justice on their own would not take account of any such complaints, and would determine what is required independently of them.

^{xxxv} We follow Shue in thinking that duties of justice could take a variety of forms, such that the traditional view will surely include not only duties to refrain from certain activities that would infringe on the rights of others, but also duties to work toward and support just institutions (see note 5). We take the problem of demandingness to be different and more pressing for the duties under consideration than it might be for duties to support just institutions. We make several observations here. First, duties not to participate in the violation of rights enjoy a kind of theoretical priority over

duties to work toward and support just institutions. Second, duties to support just institutions are not neatly correlated with rights in the way other duties of justice are (where a breach of the duty constitutes a rights violation). Finally, duties to support just institutions are also unlike duties we'll eventually call duties of systemic justice in that they address us as members of a structured collective rather than as unaffiliated individuals. For all these reasons, we take the connection between demandingness concerns and duties of justice tied to primary rights to be significantly novel. Nonetheless, there could still be a demandingness problem for duties to support just institutions, and in that case something like the approach we defend here could be expanded to deal with that version of the problem as well.

^{xxxvi} For ease of illocution, we will refer to duties related to violations of rights as 'duties of justice' (and later we'll refer to 'reasons of justice') rather than 'duties of justice based on violations of rights' (or 'reasons of justice based on the violation of rights') for the remainder of the paper. This does not imply that these duties of justice are the only duties of justice. There may well be duties of justice that do not correlate with rights.

^{xxxvii} It is not immediately obvious whether the demandingness objection has any force when dealing with the projects and interests of collectives. Nor is it obvious that the obligations placed on such collective entities as countries and corporations would be problematically demanding.

^{xxxviii} How much behavior modification will be required will depend on one's current lifestyle in addition to the limits of duties of justice stemming from climate change.

^{xxxix} Food and Agriculture Organization of the United Nations (2006).

^{xl} Greene & Schafer (2003).

^{xli} Weber, Peters, Guan & Hubacek (2008).

^{xlii} Rastogi (2009).

^{xliii} Leibenluft (2009).

^{xliv} Even if the current state of the world made it the case that some of the particular duties we consider would somehow not be too demanding, the counterfactual significance of demandingness considerations, i.e., the mere fact that such duties could be too demanding if the problem were worse, remains largely anomalous within the family of duties of justice. To claim that duties of justice hold merely because they are, in fact, not too demanding is, on the traditional view, simply to deny that they are duties of justice at all.

^{xlv} Cf. Engel (2007), Cropper and Oates (1992).

^{xlvi} It's true in a sense that the process of internalizing costs could be seen to include just these sorts of compensation, so that, for example, tickets for air travel should, if the costs of air travel are truly internalized, include a lot more taxes to take account of the damage it does and to compensate those who suffer the results. So, if that is the principle we, with Shue, are standing on, then it may seem odd that we object to its use here. There are two reasons for this. First, there is a difference between arguing that agents have a duty to compensate after institutional, systemic controls have been adopted and arguing that agents have a duty to do so before such changes have been imposed on a societal level. Second, the process of internalizing costs of air travel, child rearing, etc., would, without further reform, deeply exacerbate already problematic inequalities in access to important goods. The precise just distribution of such internalization costs is beyond the scope of this paper. The question we are here focused on centers upon what duties of justice individuals have before such systemic changes are implemented and legally enforced. It is in this case that such a framework of compensation seems woefully out of place.

^{xlvii} Cf. Baer (2002), Agarwal and Narain (1991), Jamieson (2001), and Singer (2004).

^{xlviii} Carey (2005) makes a similar argument, pp. 765-766.

^{xlix} See Gardiner (2004).

¹Although some vagueness will be present whenever a collective obligation is distributed to its membership, the extreme and near total uncertainty found in the case of climate change regarding what constitutes one's fair share of emissions is not present in most, more traditional fair share duties.

^{li} Given the myriad ethical considerations involved in determining what constitutes one particular individual's fair share it is not obvious that the uncertainty regarding one's fair share of carbon emissions is merely epistemic. Some fair share analyses seem to assume that what constitutes each person's fair share already exists and is merely waiting to be discovered. But this notion flies in the face of at least some very prominent ways of thinking about fairness – namely, procedural fairness. What we as individuals are obligated to do will be determined, in large part, by what we, as nations, bind ourselves to as the outcome in procedurally fair negotiations. Questions remain, however, about our individual duties of justice in the interim, questions a fair share analysis cannot by itself reconcile with demandingness concerns.

^{lii} Our own proposal, which follows Shue in giving pride of place to a principle governing basic rights-violating harms rather than a fair share principle, is not free of epistemic troubles, to be sure – no view is. But since the harms under consideration – those which when imposed would constitute a violation of basic rights – are relatively well understood, they supply the needed baseline with which to make assessments of harms. The remaining causal complexity is shared by any view tackling what is a causally complex problem.

^{liii} This commits us to a certain view of the limitations of Liam Murphy's (2000) project to understand beneficence as a cooperative endeavor. Namely, that it only addresses the demandingness problem insofar as that problem has fundamentally to do with a complaint at doing more while others do less.

^{liv} Notice the familial reasons for travel could already exceed her fair share even taking into consideration the way her fair share could be modified based on our collective division of labor (i.e. the additional travel required by her work). Since hers is a job someone else could perform who would not have to travel so far to see her family this problem cannot be avoided by a simple appeal to a necessary division of labor.

^{lv} Some might think that the given requirements for our colleague can't be fair because she too has a basic right, a basic right to make her life her own. The problem of demandingness is thereby avoided because any distribution that violates that right cannot be fair. Notice this would, for Shue, change things considerable (see quote on p. 9). We consider this possibility explicitly in Section 7.

^{lvi} Scheffler (1992), p. 99.

^{lvii} We believe, in fact, that an intuitive fear of extreme demandingness is one of the fundamental reasons many are reluctant to admit that climate change is a problem and even more reluctant to take action to address the problem. The fact that the effort to combat climate change may require significant personal sacrifice is a powerful motivation to deny that a problem exists at all, especially if there appears to be no way in which such demands will be ever checked by concerns for integrity.

^{lviii} Although we will limit our analysis in this paper to the question of individual duties of justice regarding harms due to anthropogenic climate change, we believe that a similar problem to the one we have adduced exists for any framework that attempts to ground individual duties of justice on unintended, aggregative harms.

^{lix} To regard all projects as objectively interchangeable would be to forfeit our integrity, the narrative cohesion of our life. The category 'reasons of integrity' is meant to capture the reasons that favor an agent's ability to make her life her own.

^{lx} Whether the reasons are silenced, undercut, or severely outweighed depends upon one's particular theory of how moral reasons operate. We mean for our proposal here to be neutral with respect to competing views of reasons.

^{lxi} One may also excuse certain violations of duties of justice if the duties are too demanding; others may choose not to hold an agent accountable for actions when such duties impose a heavy burden on an agent, but that does not make it the case that these violations would be justified. See Goodin (2009) for a defense of the view that demandingness has no impact on whether an act is required but does mitigate blameworthiness. It is important to note, however, that such a position is distinct from claiming that demandingness makes an action morally permissible. Agents who do permissible acts cannot be responsible for duties of reparations, a subset of the duties of justice. So, even if an action

is blameless, determining whether it was unjust is relevant to determining what others can claim as reparations due to them.

^{lxiii} Of course, not everyone sees the duty to rescue this way. For a contrasting view, see Unger (1996).

^{lxiiii} Here we propose no precise way of measuring the magnitude of a sacrifice, but it seems that, minimally, the centrality of the commitment and the severity of the proposed change will both influence the degree to which integrity is impacted.

^{lxiv} Cf. Scheffler (1982). See for example p. 62, where Scheffler introduces his ‘liberation strategy’, which includes allowing agents to value their own projects out of proportion with the objective value of those projects from an impersonal point of view. Scheffler nowhere attempts to be more precise than to say ‘out of proportion’, so while *just how much* out of proportion is a fair question, it’s not one that probably has a very precise answer.

^{lxv} Some may fear that the epistemic concerns raised in Section 5 could be raised here as well. However, the concern there was that epistemic uncertainty would leave *every* choice vulnerable to the demands of morality. Once there’s a basis for protecting choices most fundamental to making one’s life one’s own, the remaining uncertainty is less problematic.

^{lxvi} Those who sacrifice in this manner are also not waiving a claim.

^{lxvii} Tannenbaum (2007), pp. 43-57.

^{lxviii} Cf. Ashford (2003).

^{lxix} Cf. Pettit (2007).

^{lxx} IPCC (2007), Living Planet (2010).

^{lxxi} This should not be seen as undercutting the claims of Section 4. The concern there was that *every* decision would be open to scrutiny. Only once there is a limit on demands, does the issue become less salient.

^{lxxii} Richardson (2012) pp. 9-11.

^{lxxiii} Hohfeld (1919).

^{lxxiv} Shue (1984) pp. 51-55.

^{lxxv} This point is increasingly invoked as an important element of rights. See, for example, Sreenivasan (2010).

^{lxxvi} See, for example, Thomson, M. (2004).

^{lxxvii} See, for example, Dworkin (1984).

^{lxxviii} See, for example, Pogge (2008).

^{lxxix} See, for example, Dworkin (1984).

^{lxxx} See, for example, Feinberg (1980) and Darwall (2006).

^{lxxxi} By ‘environmental impacts’ we are actually referring to the harmful impacts environmental degradation from climate change have on people. We have, throughout, only been concerned with environmental harms insofar as they eventuate in harms to people. We take no stance in this paper on whether there is anything unjust or otherwise wrong about environmental degradation in the absence of human consequences.

^{lxxxii} This claim assumes that integral projects do not involve incompatible ends, such as a project that entailed both collecting and using only antique appliances.

^{lxxxiii} Oaks (2010).

^{lxxxiv} In other words, all Mormons are *normatively free* to have kids (morality places no requirements on any of them) – even if the exercise of this normative freedom plays some small part in negatively influencing the descriptive capabilities of others to do likewise. We contend that this consequence stems from taking the demandingness objection to be about the demands of morality rather than the burdens.

^{lxxxv} In fact, we are skeptical that they can be finely delineated in a principled manner. Regardless of whether such skepticism is warranted, doing so remains a task for another day.