

DE GRUYTER

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**NEW
PERSPECTIVES
ON DISTRIBUTIVE
JUSTICE**

**DEEP DISAGREEMENTS, PLURALISM,
AND THE PROBLEM OF CONSENSUS**

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List of Abbreviations

Aristotle

EN *Nicomachean Ethics*
Met. *Metaphysics*
Phys. *Physics*
Pol. *Politics*
Rhet. *Rhetoric*
Top. *Topics*

Cicero

Rep. *De re publica*

Habermas, Jürgen

FH *The Future of Human Nature*

Plato

Gorg. *Gorgias*
Leg. *Laws*
Menx. *Menexenus*
Prot. *Protagoras*
Resp. *Republic*

Rawls, John

JF *Justice as Fairness*
LP *The Law of Peoples*
PL *Political Liberalism*
TJ *A Theory of Justice*

Smith, Adam

LJ *Lectures on Jurisprudence*
TMS *The Theory of Moral Sentiments*

WN *Wealth of Nations*

Other abbreviations

- DP Difference Principle
- GRT Global Resource Taxation
- IPCC Intergovernmental Panel on Climate Change
- OR Opacity Respect (Model)

Angela Kallhoff

John Rawls and Claims of Climate Justice: Tensions and Prospects

Abstract: John Rawls has never addressed natural goods as “primary goods”, nor has he paid attention to environmental justice. Rather than speculating on the reasons for this omission and elaborating on a proposal for how Rawls’s approach to justice could be expanded to integrate issues of environmental justice, this paper defends another claim. It argues that John Rawls’s theory of justice still provides a groundbreaking approach to environmental justice. The paper starts with challenges that this field of research presents to Rawls’s theory of justice. In order to illustrate these claims, the paper includes a short sketch of climate justice as an emerging field of environmental justice. The contribution then draws attention to several of Rawls’ very basic insights which are critical to the discussion of environmental justice. In particular, his insights regarding the political nature of fairness are still particularly important.

Introduction

In the context of political philosophy, “fairness in distribution” has been a leading paradigm in discussing social justice. Following Rawls’s approach in *A Theory of Justice*, principles of fairness serve two goals. *Firstly*, they guide patterns of distribution of primary goods and of joint burdens in order to safeguard a fair distribution of both. Therefore, they should be implemented in institutions of a basically well-ordered society (Rawls 1996, pp. 11–15; 2005, pp. 60–65). Following the crucial demand of respecting the factum of a “reasonable pluralism” (Rawls 1996, p. 64), not only does Rawls acknowledge that personal viewpoints differ, and are therefore difficult to accommodate in the public arena, he also thinks that people share religious and philosophical doctrines that cannot be reconciled. “Our individual and associative points of view, intellectual affinities, and affective attachments, are too diverse, especially in a free society, to enable those doctrines to serve as the basis of lasting and reasoned agreement” (Rawls 1996, p. 58). In particular, they cannot serve as legitimation of principles of fairness. Instead, the defense of principles of justice results from processes of public reasoning.¹ *Secondly*, principles of justice contribute to stability by safeguarding

1 The concept and the objects of “public reasoning” have been emphasized in *Political Liberal-*

a fair distribution of goods that citizens generate by means of cooperation (Rawls 1996, p. 16).

The fair distribution of a range of basic goods supports citizens in order to realize two moral capacities: the sense of justice and the capacity to develop a concept of the good life (Rawls 1996, pp. 187–189). The primary goods Rawls proposes include basic rights and liberties, freedom of movement and free choice of occupation, powers and prerogatives of offices and positions of responsibility, income and wealth, and self-respect (Rawls 1996, p. 181). Yet, do the concepts of justice that Rawls proposes also apply to environmental goods? These are a particularly endangered set of goods; simultaneously they serve the most basic needs of persons. Persons need water, fresh air and food in order to survive and to accommodate most basic needs.

This contribution attempts to provide an answer to that question. My answer proceeds in three steps. *Firstly*, I shall argue that Rawls's approach to justice is not particularly well equipped to address natural goods. This is in line with the critiques of other authors who argue that the debate on environmental justice needs to transcend and even correct Rawls's ideas of distributive justice in several critical respects (Schlossberg 2007; Walker 2012). *Secondly*, the first statement does not mean that Rawls's path-breaking proposals in addressing social justice should be discarded when addressing issues of environmental and climate justice. Quite to the contrary, some of Rawls's insights in distributive justice remain central, especially in the field of environmental justice. Even though natural goods do *not* fit into the scheme of distributive justice proposed by John Rawls, I shall argue that nevertheless many of his core insights are important in the context of environmental justice. *Thirdly*, I shall argue that even though the debate needs to move beyond Rawls on several points, some of his theoretical insights are still quite relevant to the debate on environmental justice.

1 Confronting Rawls with the claims of environmental justice

In discussing Rawls's approach to justice, it is not difficult to acknowledge the fact that he more or less omits natural goods and issues of environmental justice. In particular, a tension results from a misfit between key assumptions in his theory of justice and the theoretical tools that are needed to address environmen-

ism in order to highlight the prospect of getting the principles of justice implemented, see Rawls 1996, pp. 212–254.

tal goods accordingly. In particular, Rawls shows some interest in environmental change.

In *A Theory of Justice*, Rawls comments on his approach to the environment in the context of a theory of justice. Instead of ignoring issues of environmental justice, Rawls even contextualizes it as necessarily included in an approach to the natural order. In part three, which is dedicated to institutional arrangements that support an incorporation of principles of justice, Rawls states at the very end of the chapter on “the sense of justice”:

A correct conception of our relations to animals and to nature would seem to depend upon a theory of the natural order and our place in it. One of the tasks of metaphysics is to work out a view of the world which is suited for this purpose; it should identify and systematize the truths decisive for these questions. How far justice as fairness will have to be revised to fit into this larger theory it is impossible to say (Rawls 1971, p. 512).

From these brief remarks, two things are apparent: *Firstly*, Rawls does not deliver a theory of justice which is prepared to address the relationship of humankind to animals and nature. He acknowledges though that this would be a demanding enterprise, one that would even include a metaphysics explaining the relationship among persons and animals. *Secondly*, fulfilling this task would involve fundamental revisions to his general approach to justice.

Followers and subsequent philosophers have demonstrated that Rawls’s claims regarding the revisions necessary to include environmental concerns might be somewhat overstated – most prominently Thomas Pogge (Pogge 1998, pp. 501–536). In my view, the undesirable theoretical consequence is that – even if Rawls’s theory of justice would be broadened – it would not suffice to get the role of principles of justice into the right place. In this respect, Rawls’ speculations regarding the major systematic revisions his theory would require were right: he must integrate a normative perspective on animal life and environmental resources. In particular, three obstacles need to be addressed: the limited view of “objective circumstances of justice”, the “distributive paradigm” and “value pluralism”. I shall discuss these in turn.

1.1 Objective circumstances of justice

Following Rawls in elaborating a theory of justice, it must be presupposed that the idea of a society which is regulated by an effective public conception of justice is “suitably realistic” (Rawls 1996, p. 66). Therefore, circumstances of two kinds of justice need to be given and respected: objective circumstances of moderate scarcity, and subjective circumstances expressing the fact of pluralism

(Rawls 1996, p. 66). In *A Theory of Justice*, Rawls gives a lengthy explanation of what “circumstances of justice” include: these are “normal conditions under which human cooperation is both possible and necessary” (Rawls 2005, p. 126). Whereas the **latter** contributes to persons making “conflicting claims on the natural and social resources available” (Rawls 2005, p. 127), both contribute to persons being interested in “how the greater benefits produced by their collaborations are distributed” (Rawls 2005, p. 126). Moreover, the circumstances of justice are not simply there. Following Rawls, persons and parties in the original position also need to know that these circumstances will apply (Rawls 2005, p. 128). This means that not only in practice, but on the most fundamental theoretical level of his theory, these circumstances need to be presupposed. They are part of the design of the original position which is the most basic justificatory tool in selecting principles of justice that each person is willing to subscribe to in terms of a reasonable agreement.

A first point in discussing whether or not Rawls’s theory of justice is applicable to the distribution of natural goods is the following: It is doubtful whether or not the objective circumstances of justice are a helpful and realistic expectation regarding natural resources. Not only water (Feldman 2007, pp. 1–33), but various natural goods are endangered by over-exploitation. Following the report of the Intergovernmental Panel on Climate Change (IPCC), climate instability and an overall rising temperature do not only result from high emission rates in greenhouse gases. The IPCC states: “Anthropogenic GHG emissions are mainly driven by population size, economic activity, lifestyle, energy use, land use patterns, technology and climate policy” (IPCC 2014, p. 8). Instead of lowering emission rates, the atmosphere has been used as a waste dump for greenhouse gases without respecting reasonable limits. Therefore today the space for additional emissions has become particularly scarce. Instead of “moderate scarcity”, a sort of “radical scarcity” has emerged – at least when severe consequences are to be avoided.

1.2 The distributive paradigm

In explaining the underlying ideas of the “original position”, Rawls explains that the “veil of ignorance” is not only a strategic device used to prevent persons from adopting principles of distribution from a partial position. Moreover, he states:

The reason the original position must abstract from and not be affected by the contingencies of the social world is that the conditions for a fair agreement on the principles of political justice between free and equal persons must eliminate the bargaining advantages

that inevitably arise within the background institutions of any society from cumulative social, historical, and natural tendencies (Rawls 1996, p. 23).

Instead of reiterating rules which give advantage to some while disadvantaging others, “contingent advantages” need to be eliminated. In light of this, Rawls’s theory of justice is discussed as a theory of distributive justice with the goal to distribute basic goods according to principles of non-discrimination. It also argues for egalitarianism in regard to the most basic goods, including freedoms. According to Rawls, both principles “express an egalitarian form of liberalism” (Rawls 1996, p. 6).

In particular, in arguing for principles of fair distribution, Rawls refers to a list of “primary goods” which underlies the discussion of principles of fairness. This list includes basic rights and liberties, freedoms, powers and prerogatives of offices and positions, income and wealth, and the social bases of self-respect (Rawls 1996, p. 181). One of the challenges in applying Rawls’s approach to distributive justice in real scenarios is the question of how this list of basic goods resonates with goods that people need in order to realize their life-plans. It is also difficult to agree with Rawls in another respect: He is rather confident in just stating that these goods and related burdens are the outcome of cooperation in modern societies. Societies will produce these goods; the only thing that really is at stake is fairness in distribution (Rawls 1996, pp. 15–21). Yet, neither the joint production of good nor the need to really distribute them is self-explanatory.

As applied to issues in environmental justice, two problems prevail. *First*, natural goods are not *outcomes of cooperation* in any reasonable sense. Even though authors in the field of sustainability studies lay emphasis on the need of management systems that indeed are the outcome of cooperation, the adequate frameworks do not primarily imply rules of cooperation. In addressing natural goods, systems of governance and of management, which, contribute to sustainable management of water or other goods, need to be flexible and need to cohere with the exigencies presented by those goods (Norton 2005).

Second, natural goods might figure as resources whose distribution accords to principles of fairness that in turn relate to justified claims of persons as citizens. In Rawls’s view, citizens regard each other as “self-authenticating sources of valid claims” (Rawls 1996, p. 32), which will be addressed rightly to political institutions. Rights to fair access conditions in terms of water rights, for example, are today part of the range of basic human rights (Kallhoff 2014, pp. 416–426). Yet, regarding natural goods, *distribution* of these resources is not actually the primary need addressed in replying to claims of justice. Instead, claims of justice can best be expressed as fair access conditions to natural goods (Brown/Schmidt 2010). The justification of fair access conditions could in part resonate with prin-

ciples of fairness by distributing eco-services derived from natural goods. In elaborating on fair access conditions, the burdens of establishing and supporting eco-system management systems prevail. In both respects, egalitarianism is not particularly helpful. Instead, a fine-grained approach to justice is needed – one that also includes special obligations and special rights of profiteers from a natural resource (Kallhoff 2012).

1.3 Value pluralism

A further tension arises when theories of environmental justice are contrasted with Rawls's ideas concerning the "factum of pluralism" (Rawls 1996, p. 64). Rawls draws a line between value commitments which – in his view – are best explained as being part of the "comprehensive doctrines" of people and the reasons that persons present in the public sphere of a political society. In Rawls's view, persons do not just develop a rational idea of their own good lives; instead, they also cling to worldviews which are both coherent with rational requirements and with the major traditions of thought (Rawls 1996, p. 58). Independently of whether or not persons adhere to a moral theory or to a religious worldview, they subscribe to value commitments which, following Rawls's proposal, should not guide the justification of political claims. An approach to social justice needs to cohere with claims of fairness that are political, not metaphysical (Rawls 1996, pp. 10, 97). Personal values need to be distinguished neatly from political values. And, in entering the public arena, persons need to abstract from these commitments and transcend their individual value commitments. Principles of fairness are legitimated by procedures of rational consent, not by value commitments of individuals (Rawls 1996, pp. 212–219).

The commitments to value pluralism on the one hand, and neutrality in the public sphere on the other, are severe obstacles to justifying claims of environmental justice. One important resource for defending claims of environmental protection is an analysis of values in nature – either in an emphatic sense of "life's intrinsic value" (Agar 2001) or in a more pragmatic interpretation of "value" in terms of "eco-systemic services". These services are valuable in that they respond to basic needs of persons (Costanza et al. 1997). In particular, environmental values cannot be chosen or rejected; instead, they are part of nature. They respond to "the good" of living beings (Attfield 1991); at least they correspond to a range of values with different significance, including instrumental values (Muraca 2011). Some authors argue that the values in nature need to be answered by a set of virtues (Sandler 2007). When it comes to most basic needs, it might be right to claim access to some natural goods, including

water and clean air, as more or less “neutral” regarding further value commitments. Yet, beyond that threshold of basic human needs, one of the difficulties in addressing environmental goods in the context of claims of justice is the idea of “values in nature”.²

Overall, it appears to be difficult to translate claims for environmental justice into value-neutral statements in the Rawlsian sense. For sure, some claims for sustainability might rest on prudential reasons which all persons are likely to share. But these claims are limited to existing communities; which means they do not usually include a trans-generational perspective. This does not imply that justice is not at stake here. But the debate on value pluralism needs to be taken into account when addressing the value of nature within a debate on justice.

To sum up this first assessment of how Rawls’s approach to justice relates to the debate on environmental justice, the following needs to be said: Obviously, the current situation of several very basic natural resources, including water and the atmosphere, does not match the condition of “moderate scarcity”. Therefore, the conditions which provide the background for reasonable discussion of principles of fairness in Rawls’s approach to justice are threatened. Moreover, fair access conditions to natural goods do not fit particularly well into the distributive paradigm. In particular, Rawls’s respect for value pluralism does not pave the way to a straightforward application of his proposals to environmental justice. Therefore, authors in the field of environmental justice side-step Rawls and instead indulge in different types of justification – at least it seems so on first glance. The next section presents some of these proposals in the field of climate justice that point in new directions, yet still remain within the framework of elaborations on justice.

2 Climate justice as a new approach to justice

To focus the claims of this paper, I shall discuss a number of recent proposals made in regard to climate justice to provide the background needed to contrast Rawls’ theory with theories advocating environmental justice. I wish to highlight that environmental justice, and climate justice in particular, are particularly challenging to reason. Natural goods are becoming scarce in a world in which

² It should also be noted that authors in political philosophy have attempted to resolve this problem by developing principles of environmental justice in the context of a liberal state (Dobson/Bell 2006; Wissenburg 2006).

the world population still grows. Moreover, they differ from other goods in that they cannot be generated by means of cooperation, but need to be protected from over-exploitation. In addressing issues of justice that relate to the climate, it is helpful to start with an insight that Peter Singer introduced into the debate on climate justice, in which he defines the main problem as an unfair depletion of a shared natural resource. Singer (2002) argues that in discussing climate justice, it is helpful to frame the scenario in the following way: For centuries, the atmosphere has served as a sink for greenhouse gases; yet, this space has become dramatically limited. Therefore, one of the main issues from the perspective of justice is a fair distribution of the remaining space.

In order to address climate justice, an even more complex scenario must be addressed (Gardiner/Caney/Jamison 2010; Shue 2010, 2013). In particular, it is not only physical space that needs to be distributed according to principles of fairness. Instead, a list of secondary goods, including profits from emitting greenhouse gases in terms of welfare goods, but also in terms of a high level of economic performances, are also at stake. It includes the costs for remedies that become necessary regarding damages and harm that people suffer from climate change. In the context of climate change, a fair distribution of its burdens includes a fair scheme of international contributions to a climate fund that restores living conditions in the most badly hit spaces of the world. Therefore, it has been argued that a “hybrid account”, combining various principles of justice and human rights-claims are needed in order to develop an approach to justice that fits claims of climate justice (Caney 2005a). One urgent issue in climate justice is a suitable interpretation of “fairness” in the first place. Overall, three different interpretations have been proposed: one in terms of “green democracy”, one in terms of a rather complex distributive paradigm, and one in terms of a priority view. I shall introduce these in turn.

Firstly, authors in the field of green democracy defend a view, according to which “fairness” is not restricted to a distributive claim. Instead, fairness is outlined in terms of procedural rights which guarantee a due process of political decision-making. In particular, these proposals say that environmental fairness comprises rights which guarantee access to information, rights that help persons to articulate their opinions, for instance: the rights to assemble, to form private associations and to protest in the public, and rights that guarantee participation in political processes. Much of the literature is dedicated to overhauling a theory of liberal democracy such that it incorporates environmental goals.³ Unlike

³ The debate on political institutions that are ready to include environmental agendas is vast, in

Rawls's proposal, a fair procedure is regarded as the main scope of justice in the liberal state.

The *second* interpretation in discussing principles of fairness is indeed a debate of *distributive justice*. Here, it is important to distinguish two issues in addressing natural goods: The first issue is the distribution of a life-sustaining natural good so that each person receives a fair share. As for this claim, an approach to justice must work on two issues simultaneously. First, it is necessary to demonstrate that claiming a fair share is justified. Second, the question of how a fair share can best be determined also needs to be answered. This raises the question of whether there are general criteria, or only meta-criteria which indicate how a distinction of a fair share and undue claims can be distinguished. Most authors agree that principles of fairness can be argued, yet they depend on the specific good of which distribution is at stake. In particular, within a distributive framework, secondary burdens also need to be discussed. They include costs that are caused by climate change and by developing procedures and instruments to cope with the effects of climate change. This includes costs for *mitigation*, which is the reduction of emission rates, and costs of *adaptation*, which means new buildings and instruments needed to cope with severe weather events. In addition, support and relief efforts for persons who flee regions which are severely hit by weather events that result from climate change also need to be included.⁴ Finally, there are also direct costs of extreme weather events. In sum, there are many different items that need to be distributed once fairness is called upon.

As for the principles, distributive justice also implies a discussion of issues of *compensatory justice* or even *restorative justice*. Compensatory justice claims that victims of climate change need to be compensated for their suffering; this includes the naming of a person or a group of persons who is responsible for doing so. Restorative justice, instead, goes one step further. It also claims that a situation of justice has been forfeited by an act of harm. Whether or not the application of these concepts it is justified is a matter of debate in theories of climate justice (Gosseries/Meyer 2009).

Since the inception of the debate on justice, a *third* interpretation has been put on the table. This resonates with another particularly pressing question: Because justice does not necessarily mean that each person receives exactly the same share of a good or needs to shoulder the same burden, criteria for unequal

particular their approaches to democracy. For important contributions, see (Eckersley 2004; Hayward 2004; Scerri 2012).

⁴ For a debate on current approaches to climate victims in the EU and the debate on the political implications of the term "victim" in this context, see Ammer (2015).

distributions of benefits and burdens are pivotal. When framed in a theory of joint action, this problem received new weight. For groups focusing on some natural good, the issue of *justified priorities*, regarding both relief efforts as well as gains from climate policy, need to be discussed anew (Shue 1999).

To conclude, in addition to the diversity of principles of justice that results from different types of fairness, principles also need to be adjusted according to various types of burdens and gains that in turn resonate with specific features of natural goods. Different from Rawls's approach, the debate is not about a single list of primary goods. Instead, it is about principles of fairness that accrue to a variety of distributive scenarios, including secondary goods and burdens resulting from climate change. In addition, it is not preset that fairness is spelled out in terms of principles of a fair distribution. Instead, climate justice is also about fair procedures in the liberal state and beyond.

3 Paying tribute to Rawls

As noted in section 1, environmental justice provides a range of challenges for Rawls's approach to justice. Yet, even though there are challenging issues included, it is also important to highlight some very basic insights in Rawls's thoughts on justice that are helpful and perhaps even necessary when considering climate justice. I shall now focus on the elements that Rawls's theory includes and that are important to any discussion of climate justice at a very basic level and present the second half of my argument: Even though Rawls's theory is far from perfect in the context of environmental justice, it nevertheless includes some elements that are helpful to a successful consideration of environmental justice. My modest goal in this section is to demonstrate that Rawls's theory of justice, even though confronting environmental justice with significant challenges, is helpful in developing a framework that transcends individual value judgments and comes to grip with principles of fairness.

3.1 Establishing reasonable goals

The latest IPCC report states:

Continued emission of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems. Limiting climate change would

require substantial and sustained reductions in greenhouse gas emissions which, together with adaptation, can limit climate change risks (IPCC 2014, p. 8).

Following this assessment, greenhouse gas emissions need to be cut dramatically. Accordingly, principles of justice were primarily designed as principles which contribute to a fair distribution of costs which result from reducing climate gases. More recently, the discussion has made a major shift to principles of adaptation. “These are the costs to persons of adopting measures that enable them and/or others to cope with the ill effects of climate change” (Caney 2010, p. 124), including costs to minimize cholera and malaria, costs for strengthening coastal regions against rising sea levels etc. (Caney 2010, p. 125).

As for theorizing justice, this shift of opinions includes the following: There has been an ongoing reassessment of what the reasonable goals are. Yet, a theory of climate justice does not only have to defend reasonable goals that each actor can subscribe to. They also need to be combined with other global agendas. Some claim that climate goals need to be compatible, perhaps even correlated with the goal to reduce poverty (Posner 2008). Overall, the challenge to define “reasonable goals” remains a big issue.

Following Rawls, reasonable goals of justice need to resonate with a set of claims that are basic in addressing cooperation in modern societies. One important insight of Rawls is that social justice is supportive regarding stability, yet stability needs to be chosen for the right reasons (Rawls 1996, p. 390). In particular, stability is not a political goal per se. Instead, it is supposed to be the effect of an established order that accords with basic principles of fairness. This is an important argument in the international arena, too. Not establishing fair principles of distribution of environmental goods threatens stability in a very fundamental way. Some even address “resource wars” and the collapse of societies as the anticipated scenarios, unless environmental justice is addressed successfully in the international arena (Diamond 2005). Yet, reasonable goals in Rawls are also tied to a concept of citizenship: citizens regard themselves for good reasons as “self-authenticating sources of valid claims” (Rawls 1996, p. 32). Even though Rawls limits his theory of justice to nation states, the underlying ideas also provide a very basic backdrop for developing goals of justice as related to environmental goods. Though the concept of citizenship needs to be tested in terms of cosmopolitanism (see e.g. Caney 2005b), the insight that persons as citizens have justified claims is important. What if anything is a valid claim if not the claim for water, air and food and for stable environmental living conditions?

3.2 Priority to the worst off

Henry Shue argues that in discussing climate justice principles of fairness need to address the discrepancy between the rich nations and the poor nations. In order to prevent further severe injustices, the rich nations are obliged to compensate the poor for harm which was primarily caused by the richer nations (Shue 1993, 2010). Even though the nations are divided into rich and poor nations, this does not say that only part of the world needs to act. Instead, Shue has recently acknowledged that each actor is obliged to contribute to a radical shift both in means of carbon-free energy resources and in means of a global effort to compensate the poor (Shue 2013, pp. 381–402). Simon Caney also develops a theory of international justice which draws heavily on the basic rights of persons – and correlative duties which relate to human rights (Caney 2005b). In particular, he argues that international obligations do not result only from former incidents of harm. Instead, he discusses “beneficiary pays principles” which argue that

where A has been made better off by a policy pursued by others, and the pursuit by others of that policy has contributed to the imposition of adverse effects on third parties, then A has an obligation not to pursue that policy itself (mitigation) and/or an obligation to address the harmful effects suffered by the third parties (adaptation) (Caney 2010, p. 128).

This principle goes back to the gains from greenhouse gas emission. Caney argues that persons have been made better off by a higher standard of living which is correlated with greenhouse gas emission. Therefore, they should now give back to those who do not have gains, but instead suffer from the emissions.

This claim resonates with John Rawls’s distinction between two principles of justice that respond to different claims. Basic goods, including freedoms and liberties, need to be distributed according to principles of justice. In Rawls’s approach, this egalitarianism is part of what constitutions should guarantee to each single citizen (Rawls 1996, pp. 227–230). Obviously, this claim is restricted to citizens of a single nation. Yet, the second principle is reasoned against an economic insight, the maximin principle (Rawls 2005, pp. 75–82). Even though the extension of Rawls towards an international approach to justice or a cosmopolitan principle focuses on primary goods and their distribution, it is reasonable to rethink a difference principle in the international arena, too. Actually, economic and utilitarian approaches take into account that marginal expenses can lead to very good outcomes in poorer regions of the world (Posner 2008). Even though a great deal of work would have to be invested in adapting Rawls’s concept to an international theory of justice, it is not just a moral argument for pri-

oritization of the worst off, but also Rawls's economically based proposal for supporting the poor that at least to some degree is still important.

3.3 Moral concepts underlying justice

Even if it is granted that climate change is – to some degree – due to manmade causes, the relationship between climate change and moral demands needs to be made explicit. It appears as if claiming justice also includes the claim of responsibility or at least liability at some point. The normative claim is that if someone caused climate change, this very actor needs to take responsibility for the harmful effects. Moreover, the question of why persons need to assist other persons in order to cope with climate change is close to debates on international obligations to the poorer nations. Yet, the situation is particularly complex, because climate change is not an event which takes place suddenly. Instead, it will affect coming generations; and it was caused by generations in the last century.

Overall, climate change correlates to deep moral claims and with issues of justice. Yet, neither the relationship to morality, nor the underlying claims are self-explanatory. Therefore, it is part of the theoretical endeavor when discussing environmental justice to develop a thorough picture and a clear-cut understanding of the underlying moral claims involved in the climate debate. As already noted, John Rawls is far from arguing principles of environmental fairness as an important ingredient in theories of justice. But he is aware of the need to address moral concepts at a very basic level of theoretical reasoning. Even his concept of a person is a deeply moral one. He argues that persons are equipped with two *moral* powers – including a sense of justice and a capacity to develop a life-plan for a good life (Rawls 1996, p. 19). Possibly, Rawls is far too optimistic here. Yet, he is certainly right in addressing a moral backdrop of theories of justice. In applying this insight to the climate debate, two options prevail: Either persons are regarded as equipped with basic rights, including rights to access to basic environmental resources; or normative claims are defended with respect to justice as itself a normative notion. Rawls also reminds us of a third important option. Persons are equipped with moral capacities. Therefore, it is obligatory to theorize and finally also to realize principles of fairness that resonate with these capacities. Even in a global world, persons can be regarded as being equipped with a sense of justice that somehow needs to be responded to in readjusting and building institutions that care for environmental goods.

3.4 Political, not metaphysical

John Rawls did not just address justice anew. He also contributed to a theory of justice that he himself interprets as “justice as fairness”. This has many different implications. An easily overlooked, yet for climate justice central, aspect is that the methods he chooses are “political” and not “metaphysical” (Rawls 1996, pp. 12–15). Rawls does not wish to go beyond the public arena; nor does he provide a foundation of justice that goes back to metaphysical claims. This backdrop has several implications. One implication has already been mentioned: Rawls regards it as obligatory to cope with the factum of reasonable pluralism in a constructive way. He does not reject the idea that persons have values, even values contextualized in reasonable doctrines. But he rejects the idea that these doctrines also frame political decisions in the public arena. Another implication is his concern for a basically well-ordered society, guided by principles that citizens can agree upon (Rawls 1996, pp. 12–15). Rawls does not start with a theory of well-ordered institutions, nor does he wish to present a comprehensive account of justice in societies. Instead, he argues that a political conception needs to argue principles of justice that each citizen can subscribe to.

As for environmental justice and climate justice in particular, this claim cannot be underrated. In particular, it forestalls two options to discuss justice that have also been put on the table. This forecloses a primarily economic approach to climate justice (Stern 2007); and it forestalls a normative approach that resonates with distinct values. In particular, Rawls’s approach supports a view of justice in terms of fairness resulting from networks of cooperation that already exist. As for environmental justice, it is important to understand that – even though the goods are not man-made as discussed in section 1 – the patterns of cooperation are there. Persons are not free to choose environmental surroundings, but are confronted with them. And the outlook of these surroundings is to a high degree shaped not only by institutions, but also by various patterns of exploitation. Those patterns are often unfair and need to be corrected in the context of politics (Walker 2012).

Conclusion

It is possible that John Rawls could not foresee the rapid degradation of natural resources and the already dramatic weather events resulting from climate change. In particular, he never provided a background for discussing a fair distribution of environmental resources. Instead of concluding that these facts forestall a debate about “John Rawls and environmental justice”, I have argued two

claims. *Firstly*, the tensions that result from confronting Rawls with claims of environmental justice can be specified. In particular, they transcend the usual reservations against Rawls's theoretical approach as not confronting global issues of justice accordingly. Instead, they include the normative presuppositions of the necessary background conditions for justice, a particular interpretation of "distribution" that is at stake here, and respect for value pluralism. These aspects of Rawls's theory provide particular challenges in addressing environmental justice.

Secondly, I have argued that even though Rawls is not prepared to address environmental justice accordingly, he makes a number of important points. As well, some of his insights are crucial when considering climate justice. Besides ideas about the moral powers of persons and concern for stability and cooperation, Rawls also highlights that his theory of justice is a political, not a metaphysical theory. This is an important aspect to arguments addressing environmental justice and more specifically climate justice: Instead of focusing on "values in nature", it is helpful to focus on patterns of cooperation that are forward-looking in two respects. They should pay tribute to the needs of the worst-off regarding environmental resources as basic as water supply and stable environmental living conditions. And they should resonate with the validity claims of persons.

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