

The significance of legitimate expectations for climate justice

May we pursue our life plans?

People in the highly developed countries live lives that are associated with a high level of emissions. They have made life plans and pursue long-term projects on the basis that they will be able to emit at that level in the future. We can say, that they have the expectation that they will be able to emit at a certain level now and in the future. Are those expectations legitimate or not?

By Lukas Meyer and Pranay Sanklecha

For the purpose of our project, we make the following normative assumptions in ideal theory. First, a justifiable global quota of emissions can be determined by relying on considerations of intergenerational justice, among others (Meyer 2009). Second, in determining a just distribution of the still permissible emissions we should be concerned about distributing the per capita benefits of engaging in emission-generating activities by distributing tradable emission rights and further, by distributing these over the whole lifespan of individuals (Meyer/Roser 2006). Third, liberal egalitarian and non-egalitarian principles of distributive justice (and in particular, the so-called priority view) will demand at least equal per capita emission rights for all individuals and over their whole lifespan (Meyer/Roser 2006).

The individual level of emissions

Next we assume, uncontroversially, in our opinion, that the level at which people in the highly developed countries (to whom we will refer as Pn) in fact cause emissions today and expect to be able to cause emissions in living their lives is above the just per capita level of emissions. They have formed certain expectations under a background condition of injustice, and at least some of those expectations are significant, in that they have a substantial impact on life plans and long-term projects.

Our project aims to explore the normative implications of that fact. In particular, we propose distinguishing between two important questions, both of which we attempt to answer. The first concerns the legitimacy of the expectation that Pn will be able to emit at a certain level now and in the future. Let us call this Expectation E. That word, 'legitimacy,' is capable of bearing a wide variety of meanings, but we mean something reasonably precise by it here, namely the following: We will call an expectation formed under conditions of injustice legitimate if the

agent with the expectation cannot be blamed for having it. We attempt to outline the conditions that need to be satisfied for the expectations of Pn regarding current and future levels of emissions to be considered legitimate in our sense, and we then explore whether any of those expectations actually satisfy our outlined conditions.

Having suggested a way of distinguishing between legitimate and illegitimate expectations, our second question in essence asks: well, so what? That is to say, whether or not expectations about the level of emissions that will obtain now and in the future in the Organisation for Economic Co-operation and Development countries are legitimate (in our sense of the term). Do these have any normative significance (beyond the fact that agents cannot be blamed for having those legitimate expectations), and if so, what? And further, does that significance depend on whether or not those expectations are legitimate or not?

We will consider an expectation to have normative significance when the answer to any of the following questions is yes:

- Do these expectations modify what we think a just distribution of emission rights is?
- Do these expectations generate rights for the people who have them?
- Do these expectations modify how the burdens of transitional justice, i.e. in this context the costs associated with moving from an unjust distribution of emission rights to a just one, should be distributed?

In this short report we will outline the current state of our project with respect to the first question, that of the legitimacy of expectations.

Legitimate Expectations

A working hypothesis of our project is that there are four conditions, each individually sufficient, for an expectation to be legitimate in the sense in which we are using that term.

- The first is called the Epistemic Condition, and it states: One cannot be blamed for forming Expectation E, if one could not have been reasonably expected to know that level X is above the just per capita level.
- The second can be called the Morality Condition, and it states: One cannot be blamed for forming expectation E, if there is reasonable disagreement over whether level X is in fact above the just per capita level.
- The third can be called the Possibility Condition, and it states: One cannot be blamed for forming Expectation E, if all

other possible expectations that could have been formed were no better, morally speaking, than the expectation that one would be continued to allow to emit at level X.

- The fourth can be called the Cost Condition, and it states: One cannot be blamed for forming expectation E, if it was extremely expensive to form a different expectation.

It is important to reiterate two things. Firstly, these are hypotheses of the project; our conclusions may or may not confirm them. Secondly, our hypothesis is that these conditions should all be considered as each being individually sufficient to absolve the agent from blame for having formed the expectation that they would continue to be allowed to emit at level X.

Our Expectations about Emissions

We have, then, four relevant conditions for judging whether an agent can or cannot be blamed for having formed an expectation about how much she will be allowed to emit now and in the future – the Epistemic, Morality, Possibility and Cost conditions respectively. If any of those four conditions are satisfied, then we can call the expectation in question legitimate. The question for us now is whether, broadly speaking, the expectations formed by Pn about the current and future level of their emissions are indeed legitimate.

The working hypotheses of our project with regard to this question are as follows.

Firstly, the epistemic condition: Our working hypothesis here is that Expectation E does not satisfy this condition, firstly because Pn could by now be reasonably expected to know that level X is above the just per capita level, and secondly because the following appeal from the problem of uncertainty does not seem to succeed.

That appeal consists of claiming first that agents simply do not know what the just level of per capita emissions is going to be, and then arguing that therefore they cannot be expected to know that level X is unjust. This appeal is problematic because the conclusion does not seem to follow – we do not need to know what the just level of per capita emissions is to know that level X is unjust; all we need to know is that whatever the just level of per capita emissions, level X is above it.

As regards the morality condition, the project proposes investigating two possible grounds for thinking it is satisfied in the case of Expectation E. The first is reasonable disagreement over whether emissions, looked at in isolation, are the appropriate focus of principles of distributive justice. Our working hypothesis here is that even if one thinks they are not, the strong correlation between emissions and all plausible candidates for baskets of goods that are appropriate foci for principles of distributive justice means that level X will be above the just per capita level of emissions. The second possible ground is reasonable disagreement over whether mitigation or adaptation is the best way to respond to climate change. Our working hypothesis here is that this does not lead to the morality condition being satisfied because all plausible adaptation strategies are likely to

„People in the highly developed countries have formed expectations about emissions under a background condition of injustice.“

include a level of mitigation, that renders level X an unjust per capita level.

The possibility condition absolves the agent of blame for having the expectation of being able to continue to emit X if no possible alternative expectations that were morally better could have been formed. Now, if a single agent in the North decided to emit below X, at a level consistent with a just level of per capita emissions, this would on its own make (very close to) no difference to climate change. That is to say, looked at in terms of consequences, the agent does not seem to have any relevant morally better alternative to continuing to emit X – any level of emissions she chooses is going to have the same impact, i.e. close to none, on climate change. Further, and here we come to the cost condition, this decision would be extremely expensive, involving as it most likely would a radical departure from current ways of life in the North.

In the first instance, however, we propose distinguishing between the legitimacy of a way of life and the legitimacy of the expectation that one will continue to be able to live in a particular way. It may well be true that there is no realistic possibility of living a life that is morally better than the type of life associated with emitting X and / or that the costs associated with living a morally better life are too high to be able to expect anyone to live that life. However, the distinction between ways of life and expectations means we need to investigate whether there is a way to link the possibility / expensiveness of changing one's way of life to the possibility / expensiveness of changing one's expectations.

Changing the way of life

A working hypothesis of our project is that there is such a link because ways of life, properly understood, include long-term projects; and expectations are relevant to choosing between long-term projects and deciding which to pursue. The general point is that one makes significant choices based on the expectations one has formed, and if one changes one's expectations, one might well make different choices. This generates the next working hypothesis, which is that the possibility and cost conditions can be satisfied in the case of Expectation E. →

„It does not seem legitimate to expect to emit greenhouse gases at the current level.“

The possibility and cost conditions may therefore legitimate Expectation E. A final set of hypotheses of our project concerns an important qualification to that claim.

The first in that set is the hypothesis that the eventual solution, whatever it is, will have to be (a) collective in the sense that everyone will have to emit less than X and (b) authoritatively imposed, in order to ensure that everyone does actually emit less than X.

The second hypothesis in that set is that we can say that P_n know, or at any rate can be reasonably expected to know, that the eventual collective solution will mean only being able to emit at a level much below X.

So the concluding hypothesis, which is the important qualification referred to earlier, is that P_n's expectation of continuing to be allowed to emit at level X is legitimate until a collective solution is authoritatively imposed, because until that happens it is impossible / too expensive to live a morally better life in terms of how much one emits. However, it is not legitimate to expect

to continue to be allowed to emit at level X after such a solution is in place.

To sum up: the epistemic condition does not seem to be satisfied in the case of the expectation people in the North have that they can continue to emit at level X into the future. The morality condition might however, in some circumstances, legitimate that expectation (i.e. it can absolve the agent of blame for having it), but our hypothesis is that this is unlikely. Finally, the possibility and cost conditions can legitimate Expectation E currently, but cannot legitimate it once an authoritatively imposed collective solution is in place.

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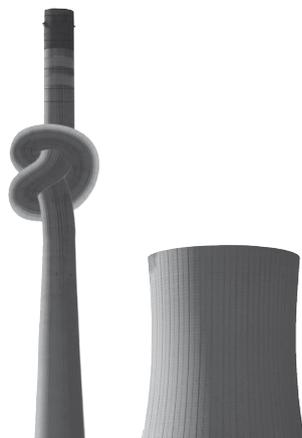
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CO₂-Speicherung

Klimarettung oder geologische Zeitbombe?

Die Abscheidung und Speicherung von Kohlendioxid – im Fachjargon CCS genannt – gilt Befürwortern als unverzichtbare Brückentechnologie, um den Klimawandel zu bekämpfen. Gegner kritisieren CCS als kaum erforscht, zu spät einsatzbereit und mit erheblichen sozial-ökologischen Auswirkungen behaftet. Wo Versuchsanlagen in Planung sind, formiert sich der Widerstand, doch bis Sommer 2011 muss Deutschland die EU-Rahmenrichtlinie zu CCS umsetzen.

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