

## The Questions

### How is justice best served?

Do you believe in punitive justice?

Is rehabilitation possible?

How effective is redistributive justice?

### What compromises do we make?

Should we give people immunity?

How far are we willing to prosecute aggressors instead of healing victims?

How does corruption affect justice?

### How does society normalize injustices?

Can people be held accountable for participating in a system?

How can new norms of justice be created?

### Is it possible to be neutral?

Can you remove yourself from politics and be a bystander?

What does it mean for countries to take a neutral stance on atrocities?

Why do states choose to remain neutral?

Are weightless condemnations effective neutrality?

How does privilege relate to the ability to be neutral?

## Issues in Contemporary Ethics: Justice

### At a Glance

Justice, and how to serve justice, takes many forms, such as retributive, distributive, and redistributive. Generally, a state will have its own system of justice of which the government and the courts set the tone for dealing with crimes. The international is far less clear. This Brief seeks to explore redistributive justice on a global scale with Climate Justice.



Livestock in Kenya dies during drought (Cox, 2019)

### Case Study: Loss and Damages in Climate Justice

The effects of climate change are transnational; a factory spewing smog in nation can be felt in nations across the globe. As the effects of this become more and more catastrophic, we must ask ourselves: how can states, firms, and individuals be held accountable for actions that have drastic consequences for communities far away? One answer is loss and damages. Loss and damages require parties to be held accountable for their actions in the form of compensation. Compensation may encompass many forms of damages, not just financial. For example, if a village is forced to relocate due to climate change, there are socio-cultural and livelihood damages as well. The process of repayment is ever evolving in the international system and has been in the works for 27 years under the United Nations Framework Convention on Climate Change (UNFCCC). Additionally, there is the Warsaw International Mechanism, which seeks to redistribute resources from those causing harm with those facing the burdens of. This can lead to redistributive justice: a system wherein the effects of harm are proportionally distributed in repayment; those that cause the most harm have to pay the most. This is built into the Paris Agreement of 2015, yet states fail to not only recognize their actions, but act upon compensation. If a commitment is made without action, there may need to be a serious reconsideration of the agreement.

### Implications

The biggest polluters are often ones with high industrialization that produce greenhouse gasses either by their production in factories or simply their lifestyle; and there is a clear, legal precedent for redistributive justice, such as in *Argentina v. Uruguay 2010*. How should similar cases be held accountable? When effects are not always immediate, how can pollution be calculated? How can we enforce the legal norm of “polluter pays?” Why about countries that are hesitant to take on the label of guilty? Or, hesitate to act upon that? Consider how Germany has adopted collective guilt into the repayment atrocities of the Holocaust.

## Further Reading

Nokoko Pod (podcast)

[Addressing Loss and Damage Resulting from Climate Change via the Warsaw International Mechanism under the United Nations Framework Convention on Climate Change](#)

Argentina V. Uruguay

[Case Concerning Pulp Mills on the River Uruguay](#)

Priyamavada Gopal

[Insurgent Empire](#)

Ibram X. Kendi

[How to be an Anti-Racist](#)

Thomas Pogge

[“Global Justice: What are the Responsibilities of Citizens?”](#)

Howard Zinn

[You Can't Be Neutral on a Moving Train: A Personal History of Our Times](#)

Sam Adelman

[Climate Justice, Loss and Damage and Compensation for Small Island Developing States](#)

Climate Home News

[Loss and Damage: Who Pays for the Impacts of the Heated Earth?](#)

## Comparing Perspectives

Ethical theories have been divided into rationalist theories and alternatives to them. Rationalist theories include: deontological, utilitarian, contractualist and discourse ethics. Alternatives include virtue ethics, feminist ethics and postmodern ethics. In this series of Briefs, one rationalist and one alternative will be explored to present contrasting views on the issue raised.

### (Act) Utilitarian Ethics

Act Utilitarianism is consequential and seeks to maximize the overall happiness (utility). This means that so long as the overall result is positive and increases utility, then the action is ethical. This begs the question: whose happiness is being maximized? On one hand, Hardin's lifeboat analogy says that one should care for their own citizens and that a state should increase its own utility (this could include lifestyles). On the other hand, some argue that the world's happiness that should be maximized, and environmental justice should be invoked on the behalf of all people. Singer's pond agrees with this and says that those with agency have an obligation to help; Pogge takes this a step further by saying that this obligation, on an international scale, should be implemented because we (those with agency and privilege) are responsible for suffering. Forcing countries to pay is a strong incentive for structural change that is in their self interest in the long term. Even if there are short-term consequences like losses of jobs, the overall affect is perceived as positive.

### Virtue Ethics

Virtue ethics dictates that one should strive for virtue (balance of excess and lack) because it is the right thing to do. The hard part, however, is when people have different visions of virtue and responsibility. It calls into question if the people in power will make the change themselves if there is a lack of authoritative body to enforce justice. Thus, we have to turn to the societal aspect of virtue ethics where a culture of climate justice must be created in order to incentivize paying back for pollution. Consider the cultural norm of shaming those who litter. The virtues are determined by the society. As political members of the community, that sense of justice can be a drive for activism and social change against some of the biggest polluters.

### Questions for Reflection

How can utilitarianism leave people behind? How does virtue open up the door to charity rather than repayment? Both theories focus on acts rather than the system. Which theories could fill this gap? If there is already a precedence for redistributive justice in to pay back wrongdoings, like in Germany, could this apply colonialism? What of the transatlantic slave trade? Who decides what issues get justice? In Canada, for example, some indigenous persons have had monetary compensation, but still carry generational trauma with them and continue to face institutional discrimination. Can you be neutral on ethical stances? How does privilege play a role in being able to ignore issues of justice? How does your lifestyle affect your concept of justice?

### References

Explainer: [Dealing with the 'loss and damage' caused by climate change](#). (2019, September 25).

On Climate Change, U. nations F. C. (n.d.). [Approaches to address loss and damage associated with climate change impacts in developing countries](#).