Individual Compensatory Duties for Historical Emissions and the Dead-Polluters Objection

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Abstract

Debates about individual responsibility for climate change revolve mainly around individual mitigation duties. Mitigation duties concern future impacts of climate change. Unfortunately, climate change has already caused important harms and it is foreseeable that it will cause more in the future, in spite of our best efforts. Thus, arguably, individuals might also have duties related to those harms. In this paper, I address the question of whether individuals are obligated to provide compensation for climate related harms that have already occurred. I explore two possible strategies to answer that question. The *straightforward strategy* answers in the affirmative. Two approaches embrace this strategy: the ‘ecological citizenship’ approach and the benefits-based approach. I challenge those two approaches and rule out an affirmative answer. The *alternative strategy* answers in the negative but provides a way to respond to why currently living individuals should pay for burdens created for past individuals. Two possible approaches embrace this alternative: the community-based approach and my own state-based benefits approach. I will argue that individual duties do not fall under the realm of compensatory justice, but they have nonetheless a duty to bear compensatory burdens allocated to their states.

Keywords Climate change · Historical emissions · Compensatory justice · Individual duties · Atmospheric debt · Benefits

Introduction

For about a decade, ‘individual climate ethics’ has become a topic in its own right (Fragnière 2016). The debate has mainly focused on mitigation duties, which are individual duties to reduce emissions, that is, mitigation duties. However, the accumulation of historical emissions over centuries has already produced harmful

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consequences. In this paper I address the question of whether individuals have duties of compensation for those harmful effects of climate change. Some may think that this is unfair because the negative effects of climate change witnessed today are the result of emissions released by past individuals, not by present individuals. Arguably, it is unfair to make people pay for the effects of actions in which they did not participate, nor could they prevent. This is the so-called dead polluters objection (DPO). Thus, finding an answer to the above question is relevant because it could potentially sort out an important objection against a compensatory justice approach to climate justice. I will answer the question of individual duties of compensation in the context of this objection.¹

My understanding of compensatory justice draws on the narrow notion provided by Meyer and Roser (2010, 238–240), who claim that we can differentiate between compensatory and distributive justice in the following way. Given a just baseline distribution of goods, duties of compensatory justice arise when there is a deviation from that baseline due to an agent's wrongful actions, that is, actions that violate a valid moral norm.² In contrast, distributive justice concerns, first, the determination of that baseline and, second, the responses to non-wrongful deviations from that baseline. Thus, distributive justice concerns would arise, for instance, when the deviations of the baseline are produced by natural events. This definition of compensatory justice seems to be widely accepted in climate justice debates, since participants in the debate focus on how to conceptualize the wrongful character of past actions (see Gosseries 2004; Bell 2011; Butt 2014, 2017; Zellentin 2015; Thompson 2017).³

Claims of climate compensatory justice face two additional objections to the DPO: the excusable ignorance objection (EIO) and the non-identity problem (NIP). The EIO states that an agent “should not be held morally responsible for the harmful consequences of their own actions if they were unknown to her and could not have reasonably known at the time the action took place” (Gosseries 2004). The NIP (Parfit 1984, 2011) challenges compensatory claims because no one is or will be harmed by past emissions. The argument goes as follows. The identity of currently living people depends upon the action of previous generations. Had past generations not emitted, currently living people would not have come into existence. Thus, this particular people are not worse-off than they would have been otherwise since they would not have existed in a counterfactual world without climate change. The result is that no one is harmed by past emissions and therefore no one is owed compensation for the state of affairs that currently existing people find themselves in.

¹ Note that overcoming the DPO justifies only the application of compensatory justice to historical emissions, not to current and future emissions. However, given that historical emissions are the hardest case overcoming the DPO would be already considerable progress.

² Unlike Meyer and Roser, I accept that the validity of a moral norm can rely on a time-neutral judgement. That is, whether an agent's action violated a moral norm can be judged considering the knowledge available at the time of judging the action. See footnote 5.

³ An exception to this understanding of ‘compensation’ is Baatz (2013). For Baatz, ‘compensation’ and ‘distribution’ are not necessarily opposite terms. In his view, one could have the duty to compensate victims of an injustice as a matter of distributive justice. I do not deny the plausibility of this reading, but I restrict my argument to the widespread understanding of compensation pointed out in the text.

The EIO and the NIP are *general* objections to responsibility for past emissions: neither collectives—usually understood as states—nor individuals bear responsibility according to these objections. In contrast, the DPO challenges the possibility of attributing duties of compensatory justice to individuals. Here, I propose to isolate the DPO from the other objections by assuming a sound answer to the EIO and the NIP. By doing that, I also assume that it is appropriate to attribute duties of compensatory justice to states for their past overuse of the atmosphere.⁴ The remaining question is: why should individuals bear those burdens? I aim to answer this question.

When we put aside the other objections against a compensatory view of climate justice, we can overcome the DPO in at least two different ways. First, we can argue why individuals living in high polluting states nevertheless have compensatory duties (what I will call the *straightforward strategy*). Second, we can argue that individuals should bear the burdens associated with the collectives to which they belong (*alternative strategy*). I will address two approaches to the *straightforward strategy* (the ecological-citizenship approach and the benefits-based approach) in section two and section three. I will address the *alternative strategy* (the community-based approach) in section four. In section five, I will argue that all three strategies either fail or are insufficient. I will introduce and defend a more successful *alternative strategy*, which I call the state-based benefits approach. To do that, I compare my approach to the other three and show how it can overcome their shortcomings. Section six will be the conclusion.

A purely individualistic approach to compensatory duties (straightforward strategy) for historical emissions faces the challenge of connecting emissions of dead people and duties of currently existing individual people. However, a purely collective approach does not explain the concern of why individuals should pay for the deeds of past generations. My approach aims to solve these two challenges. It departs from the idea that the current climate related harms are the result of the historical overuse of the atmosphere. In other words, those harms are the consequence of an atmospheric debt. My state-based benefits approach claims that individuals should bear the burdens of the atmospheric debt of their states because they also enjoy the benefits of belonging to that state. I will show that this approach can avoid the problems of the other approaches. This strategy does not weaken the demands of a compensatory justice framework because we do not necessarily need the same grounding to justify state's duties and the duties of those living within their borders.

⁴ Regarding the EIO, this assumption might be controversial—many scholars think that past emissions were harmful, but not wrongful, in the sense that they did not violate certain moral norms of which they could be aware. However, the opposite answer is not unheard of. Janna Thompson, for instance, has drawn on Risse (2008) and Bell (2011) to argue that we could distinguish between a 'time-relative' and a 'time-neutral' basis for moral judgement: "A time-relative basis for judgment is available to agents at the time of their action. A time-neutral basis is what would be available to agents if they were not limited by lack of relevant knowledge" (Thompson 2017). Historical emissions can be considered wrongful from a time neutral perspective. In a similar vein, Butt (2017) has argued that the high level of emissions emitted after knowing about the negative consequences of climate change casts doubt on the non-wrongfulness of emissions before the acquisition of that knowledge. For convincing responses to the NIP (see Meyer 2004; Kumar 2003).

It is perfectly compatible to say that states should pay their atmospheric debt as a matter of compensatory justice and that burden should fall on individuals who are not responsible for that debt. Making them pay the debt is still justified because they enjoy benefits resulting from past actions for which they are not responsible.

The importance of this paper for climate justice and climate ethics debates is two-fold. First, the paper addresses the question of whether individuals have duties of compensation—as described above—based on historical emissions to victims of climate change. By doing that, it also contributes to the debate on one of the features of ecological citizenship, namely, the existence of individual duties of compensation. I will deny that there are individual duties of compensatory justice. Second, it provides a response to why individuals should still pay for the duties of compensatory justice *of their states*. Those two contributions will clarify the nature of individual duties for past harmful emissions. An additional underlying point is that my argument contributes to block objections against compensatory justice based on individualistic concerns. I provide a way to argue that individuals are obliged to pay for the compensatory duties of their states, even though they do not have compensatory duties themselves.

Ecological Citizenship and Duties of Compensation

Dobson (2003) coined the term ‘ecological citizenship’ to refer to a new kind of citizenship that emerges from our new and substantial impacts on the environment.⁵ Individual duties of compensation for those climate impacts are at the core of his idea of citizenship.⁶ I will focus on these duties of compensation and argue they are not well grounded. Then, I will briefly sketch other alternatives, which will be addressed in detail in later sections.

For Dobson, ecological citizenship is acquired through the excess of one’s fair share of the “ecological footprint”. The ecological footprint represents the space of nature that each individual uses to sustain her life. However, when an individual exceeds the amount of nature that belongs to her as a matter of justice, she takes away a space of nature that should belong to other individuals.⁷ Dobson limits the

⁵ Dobson, following Lichtenberg (2010), endorses the idea that climate change impacts are ‘new’. Other scholars (see Peeters 2019, this volume) challenge this idea.

⁶ I would like to make a brief remark on the novelty of my critique to the notion of ‘ecological citizenship’. The ecological citizenship approach was heavily criticized in its original form for including over-demanding individual duties (Neuteleers 2010) and for not being well defined (Hayward 2006). However, the fact that this approach was also conceived as contributing to the debate between compensatory and distributive conceptions of climate justice was overlooked. Here, I try to highlight this aspect and connect the approach with further developments of the debate on compensatory duties.

⁷ This explanation slightly deviates from Dobson’s literal formulation. In Dobson’s account, ecological footprint (full stop) is what defines ecological citizenship. However, this is problematic because every human being, simply due to her interaction with the environment, would belong to the category of ecological citizenship (Hayward 2006). This would mean that both high polluting individuals and victims of climate change are members of the community of ecological citizens. Thus, given that ecological citizen-

illustration of the ecological footprint to just one common resource: the limited absorptive capacity of the atmosphere. According to Dobson, whenever we emit above our fair share, we appropriate natural resources that belong to others as a matter of justice.⁸ This process makes us ecological citizens and ecological citizenship comes with certain special duties. For Dobson, apart from mitigation duties, ecological citizens also have duties of compensation to victims of climate change.

Dobson grounds compensatory claims in what he calls a 'historical' argument, which he wants to prioritize over a 'moral' one (Dobson 2003, 48). The 'moral argument' is an ability-to-pay argument. It states that the source of what an individual A owes to another individual B is A's ability to alleviate B's plight or benefit her, and not any causal role she has had in bringing about B's current situation, nor in any other relationship or agreement she has with her. In contrast, the 'historical' view grounds the obligation of A to B in an antecedent action.⁹ Dobson considers harmful actions to ground stronger obligation between human beings, leading to what he calls 'thick community of *historical* obligation'. In contrast, the relations established by 'moral arguments' are rather 'thin' because they are just based in being part of a 'common humanity' (Dobson 2003, 99). However, justifying individual compensatory duties in this way comes with many problems.

As Dobson himself seems to imply, the label 'historical' suggests that the source of citizenship duties is beyond individuals' lifetime. Therefore, the kind of 'antecedent' actions that matter for compensatory claims include actions that happened before individuals' lifetimes. It then seems that Dobson does not just want to attribute responsibility to individuals for the emissions above the fair threshold that occur during their lifetime but also for excessive emissions of earlier generations. However, this raises the question of how currently living people's emissions and historical emissions are connected. Aware of this problem, Dobson provides the following postmodernist explanation,

In a globalizing world, the notion of 'antecedent' wears thin, as both space and time tend towards collapse. Thus, in postmodern parlance, inhabitants of globalizing nations are *always already* acting on others, as when our use of fossil fuels causes the release of gases that contribute to global warming (2003, 49).

Footnote 7 (continued)

ship comes with compensatory duties, victims of climate change would also have compensatory duties, which seems to be at odds with Dobson's own account. However, Dobson also claims that the morally problematic features of our ecological footprint arise when we exceed a fair-share threshold. There is, then, a lack of clarity in what exactly defines ecological citizenship. To avoid this lack of clarity, I propose a charitable reading of Dobson's account. Following this reading, Dobson would be implicitly arguing that what defines ecological citizenship is the excess of one's fair share of ecological footprint.

⁸ For a further development of a fair share argument applied to individual emissions (see Baatz and Voegt-Kleschin 2019, this volume).

⁹ This distinction shares some similarities with the distinction between compensatory and distributive justice. As with the 'moral view', distributive justice arguments do not ground duties of justice on antecedent relationships between the duty-bearers and the victims (i.e., actions for which duty-bearers could be considered culpable), but merely on the existence of undeserved harms. As with 'historical' arguments, compensatory justice arguments consider an antecedent action to be the source of duties of justice, specifically, a wrongful antecedent action.

It is unclear what Dobson means by ‘wears thin’, ‘space and time tend towards collapse’ and ‘always-already’. One charitable interpretation is that inhabitants of industrialized countries live in societies that have been historically developed in a way that forces them to emit high levels of emissions. The historical development of industrialized countries has triggered the “sedimentation” of structures (material economic, political, social and cultural) that make it difficult not to emit at an unfair level of emissions. Currently living people’s actions are conditioned by what happened in the past because previous generations created the background against which they act in the present. In this sense, one can take Dobson to be saying that what currently happens in globalizing nations ‘collapses’ with activities undertaken in the past.¹⁰

This observation might be a good phenomenological explanation, but not a normative justification for attributing compensatory duties to individuals. It is difficult to claim that citizens owe compensation for ‘antecedent’ actions that happened before their lifetimes just because they act against a background defined by those past actions. In Dobson’s individualistic approach, it is difficult to see how individuals could be made responsible for actions that they did not cause and happened when they were not even alive. Under an individualistic approach, we need to find a way to connect currently living people to past injustices in a way that could ground compensatory duties. The ecological citizenship approach does not successfully explain how that can be done.

The problems faced by the ecological-citizenship approach could be solved in two ways. First, we could keep its individualistic focus and explain what connects currently living people’s actions with the past so that they have compensatory duties. One way of doing this is through benefiting from past injustices (a benefit-based approach). Alternatively, we could focus on the other aspect relevant to the ecological citizenship approach, the ‘community of historical obligation’, and claim that communities are the ones that have compensatory duties, which individuals should shoulder because of certain aspects of their membership in this community (community-based approach). In the following two sections, I will consider these two approaches. Then, I will offer an alternative approach that will avoid the drawbacks faced by those approaches.

¹⁰ This interpretation is coherent with previous uses of the concept “always already” (see, for instance, Althusser 1970). For Althusser, individuals are always already subjects conditioned by certain ideologies even before they come into existence. In a similar sense, Andrew Dobson could be implying that individuals of globalizing nations come to live in a space that forces them to follow certain patterns of behavior that are conditioned by past structures.

The Benefits-Based Approach: The Problem of Disaggregating Climate Change Related Benefits and Giving an Account of Remaining Injustices

Benefits may constitute the relevant connection between currently living individuals in high polluting countries and historical emissions. A response to the DPO based on benefitting from historical emissions states that individuals have compensatory duties towards victims of climate change because they benefit from those emissions. This is what I call the benefits-based approach.

The general rationale is that beneficiaries of past injustices have compensatory duties because their benefits are blemished by their morally unacceptable origin. However, to ground individual compensatory duties, we also need to refer to a wrongful action undertaken by beneficiaries. One proposal is that those actions consist in *accepting* or, alternatively, *not rejecting* benefits that come from unjust sources. Gosseries (2004, 50), for example, claims that benefiting ‘involves in some sense *an action (accepting)*’ that can be regarded as ‘*voluntary wrongdoing*’. Nonetheless, we find a similar problem to the one faced by Dobson here. It is difficult to sustain that accepting benefits is a voluntary action, because people just happened to be born in a society built upon the benefits from historical emissions. Beneficiaries could reasonably claim that they acquired the benefits involuntarily, meaning that their benefits are both *unintentional* (they have been received without involving any process of decision-making on their part) and *forced* (they could have not refused to get them) (Page 2008).

To avoid the aforementioned criticism, Butt (2014) acknowledges that benefitting from historical injustice is not a voluntary action. For him, the wrongfulness of benefiting from injustice relies on the *voluntary* ‘refusal to give up benefits’. In Butt’s words: “The key idea behind the BP [Beneficiaries Principle] can be articulated as an aversion to taking advantage of wrongdoing (...) The crucial claim of the BP is that taking advantage of others in this way may need not be an active act; it can consist of a passive refusal to give up benefits. It is true that the receipt of the benefit is non-voluntary, but the decision not to give up the benefits is fully voluntary, and represents an act of moral wrongdoing” (Butt 2014, 339).

However, historical emissions did not just bring about an identifiable collection of goods and/or services that beneficiaries currently enjoy at the expense of victims of climate change that could be easily transferred from beneficiaries to victims. They also led to social, economic, and technological lock-in processes and energy structures that depend on the overconsumption of fossil fuel. These structures benefit individuals by enabling certain actions, but they also constrain them (Young 2011). Emitting activities have benefitted individuals in many ways, for instance, by providing them with infrastructure that allows them to commute easily or by providing them with access to global markets. However, individuals are also dependent on some of them. A person living within driving distance from a big city benefits from the improvement of her job prospects, but at the same time would have difficulties in finding a job in her vicinity. A local producer would find it difficult to survive if she does not participate in the global market.

Because of that, refusing to accept those the benefits would be very costly and unreasonably demanding. If voluntariness requires having reasonable alternatives available, agents living under structures created by historical emissions cannot reasonably give up an important number of the benefits of historical emissions. Thus, it would be unfair to consider them being *voluntarily retaining* an important number of benefits.

An objection to this structural argument is that, although benefits are structural in the sense described above, individuals who benefit from historical climate injustice can transfer parts of their benefit back by transferring money to the victims of climate change. This might not be possible for everyone, but it would be indeed possible for affluent people. Affluent people can at least share some of their income with people harmed by climate change. In this way, they could ‘voluntarily give up (*some of*) their benefits’.¹¹

Even if we grant this objection, there is the problem of determining how much should *affluent beneficiaries* pay to victims of climate change. To make this determination we would need to know the amount of benefits that stem from emission generating activities. This poses a difficult question. Some of the participants in the debate assume that “*all* existing wealth is to some extent tainted by the activities in the past and present that produce climate change” (Page 2012; in a similar vein, see Baatz 2016). Generally speaking, I do not deny that the wealth of affluent people living in industrialized countries is tainted by activities linked to industrialization and climate change. However, if we cannot be more precise in disaggregating the part of the wealth that is owed to climate change and the part that is not, it seems that all the work of the approach is made by an ‘ability-to-pay’ consideration. In other words, it seems that the reason why *affluent beneficiaries* should pay is because they are affluent and not because they are beneficiaries. It seems that their current holdings do the work of determining both why they should pay and how much. The relevance of the wrongful origin of their holdings is lost along the way.

This reading of the benefits-based approach allows us to see how the approach shifts us from a compensatory justice rationale to a distributive justice rationale. By doing that, the approach leaves out some important aspects of climate justice. Recall that compensatory justice refers to those responses that address the deviation from a just baseline because of an agent’s wrongful actions. To clarify this definition, note that compensatory justice is meant to address two components of the injustice: the harm, which is described as the deviation from the just baseline, and the wrong. The benefits-based approach addresses the first element of the injustice, but not the second. While giving up the benefits that are voluntarily kept can restore a just distribution, beneficiaries cannot, as individual persons, completely address the wrong that climate change victims suffer. This is especially true when climate losses and damages have already materialized. Let me explain why giving up benefits cannot address this problem.

¹¹ The success of this objection is highly dependent on how we understand the structural argument. If we are willing to accept that people are psychologically dependent on or attached to their luxury expenses, to their savings or their investments, forcing them to give away their benefits might be highly demanding. This would reproduce the involuntary objection supported by the structural argument (for a similar concern, see Duus-Otterström 2014a, b).

Issues of compensatory justice arise when an agent P wrongfully harms an agent V. There is a connection between P's actions and V's suffering and that connection defines the action for which P should owe compensation to B. In the case of benefitting, things work differently. Beneficiaries receive benefits non-intentionally from P's wrongful and harmful actions. But, according to Butt, beneficiaries can commit their own wrongdoing by refusing to give up those benefits that may alleviate V's plight. However, giving up those benefits would undo V's harm, but not the wrong she suffered. Relying on the benefits-based approach would leave the wrongfulness of the action (and, thus, some injustices) unaccounted for. For instance, due to the differences between the initial wrongdoing and the beneficiaries' wrongdoing, beneficiaries would not have any duty to apologize or commit themselves to claims of no-repetition (in this last case, not at least, due to their condition as beneficiaries). Given that beneficiaries did not have a say in receiving those benefits—or so assumes the benefits-approach, they are not morally obliged to apologize for having received those benefits. Likewise, beneficiaries did not cause those actions and there is no reason to think that, by having received the benefits, they are more likely to cause similar wrongful actions in the future. Thus, it does not seem to be the case that they have duties related to those wrongdoings. These symbolic measures are not just relevant for the victims' self-respect (García-Portela 2018) and recognition (Thompson and Otto 2015), but they can also ground further financial compensation to redress wrongdoing. If climate change is the harmful consequences of wrongdoing, victims are also owed those kinds of symbolic and financial responses (see Burkett 2009; Heyward 2012). By relying on an individualistic approach, the benefits-based approach cannot provide a convincing response to this.

Advocates of the benefits-based approach want to find something *active* that connects currently living individuals with historical emissions. However, given the impossibility of charging people with burdens they did not cause, they try to reproduce this model by looking for another voluntary wrongful action. They claim to have found it in the benefits inherited from historical emissions. However, as described above, giving up (some of) the benefits would rather fall under the realm of distributive justice. Therefore, some aspects of the compensation owed to victims would remain unaddressed.

The only way that seems to avoid this problem is to steer clear from the individualistic approach of the *straightforward strategy*. This then addresses one of the questions of this paper, which is that individuals do not have duties of compensatory justice for emissions emitted beyond their lifetimes. As shown, the moral logic of the compensatory justice framework cannot be applied at the level of individuals for past emissions because it is impossible to attribute wrongdoing to them.

The only way to guarantee that compensatory justice is achieved is by attributing these duties to collectivities that last over time. One way of doing this would be to focus on states, since states are, arguably, transgenerational entities

whose identity does not easily fade away over time.¹² The question, then, would be why individuals living in a state should bear the burdens of decisions they did not have a say in making. In the next section, I explore whether it is possible to find a meaningful connection between past injustices and currently living people that does not involve attributing any wrongdoing to them and allows us, nonetheless, to explain why individuals should bear the burdens of compensation attributable to their collectives.

The 'Community-Based' Approach and the Problems of Communitarian Identification

The community-based approach holds that we should focus on communities, rather than individuals, when it comes to attributing compensatory duties. The follow-up issue is how to justify why individuals should bear the compensatory duties of their groups. Here I shall address the influential community-based approach developed by Janna Thompson. Thompson has developed this approach for a general context of compensation for historical injustices (2002) but has applied it to climate injustice (2017).

Thompson's basic argument starts with three premises. First, she argues that people value their membership in a group and care about the group exhibiting the values they embrace. These values are important to individual members because they define both the identity of the group and their individual identities. Second, she considers justice to be a virtue that everyone wants to have as part of his or her identity. Third, she thinks that states are intergenerational groups that are perceived as having more value the more they maintain and promote justice. The underlying presupposition is that people perceived themselves as being part of those intergenerational communities. Following these premises, she argues that citizens should have the disposition to promote justice-based practices of their states because they have good reasons to want their identity to be shaped by the virtue of justice.

Thompson uses this argument to explain why individuals have a duty to contribute to discharging the compensatory duties of their states. If people care about justice in their community as a mark of their identity, they should also care about their societies being fair towards other communities. In the intergenerational context, this concern has two consequences. First, if people value justice to define their identities, they should also want justice to hold across generations. This means that they should also demand from their state's future generations to maintain those practices. Second, and most importantly, if they value these features, they should also ensure

¹² The emergence of new states could challenge this 'persistence-over-time' claim, which constitutes its major advantage (Moellendorf 2014, 167). Against this claim, it must be noticed that the borders of the duty-bearers identified in this paper—namely, major historical emitters like the United States, many important countries in Western Europe, Japan, Australia and New Zealand—have been relatively stable over time. Additionally, in those cases in which borders have changed, there seems to be no reason why a new state should not be held accountable for emissions that were undertaken on the territory within its current boundaries (Neumayer 2000).

that their state's future generations repair the consequences of their possible wrongful actions. Following a principle of 'like cases treated alike', they should be prepared to accept similar burdens. This means that they should repair the injustices committed by their predecessors (Thompson 2017, 55). Thus, besides their duty of promoting and maintaining just institutions in the present, they also have a duty of reparations for past wrongdoings of their communities. Applied to the context of climate change, the 'community-based approach' holds that members of developed and high-polluting communities, who presumably are concerned with maintaining just institutions and practices—as well as relations of respect with other intergenerational communities—should accept duties of compensation towards victims of climate change in order to be consistent with their own values.

I find Thompson's approach convincing when it comes to explaining why certain people should make up for past injustices committed by their states. That is, I share the intuition that those committed to promoting just practices of their states, both in the present and in the future, should repair past injustices committed by their states. However, I find her argument limited in application. Although national communitarian feeling is widespread, individuals' identities and their community identifications are broader and sometimes they do not include national identification. For example, political orientation, class, gender, religion, and race are also important features of people's identity, to the extent that they can override them. People might be willing to make up for the injustices committed in the name of their God, or by individuals belonging to their race or political orientation. However, they might not feel the same way for wrongdoing committed by the states they belong to, simply because they do not feel they are part of the intergenerational community.

People may feel detached from any national identification for various reasons. For example, past injustices committed by states might inspire people to feel alienated or separate from their *de facto* national membership. For instance, the genocide committed in the seventeenth Century by Spaniards in Latin America make many Spanish people feel they are simply 'not Spaniards'. Instead, they may refer to a different national identification—in the Spanish case, they might identify themselves as Catalan, Galician, Bask—or they might just refuse to identify with any national community. They may rely on other types of community identification, like their religion, race, political orientation or other type of regional identifications when they refer to their intergenerational attachments and commitments. In this sense, they may not be willing to make up for the wrongdoings of their states. Moreover, in a world full of cross-border mobility, this is likely happen. People might not understand why they should pay for the past wrongdoings of states they neither feel committed, nor attached.

The community-based approach may actually incentivize people to identify with a particular community in very strange ways in order to minimize payments for historical wrongdoings. It would be easy for an individual to get off the hook by claiming that she does not have any sense of identity or belonging with her state, so she is not willing to make up for what *that* state did in the past. She might care about the future and past development of her religious community, people of her race or supporters of her political ideology. Moreover, Thompson assumes that people care about just practices within and by their communities, or that people affirm justice to

be an important virtue. However, some people just do not care about how their societies, as a whole, behave towards other communities, not to mention how they acted in the past. We might then need different grounds to justify to those people why they should pay for what their state did wrongfully in the past.

One might think that we could just leave those people off the hook and not make them pay compensation for past injustices. However, this would be impractical. Compensation would need to be paid via taxes, which would affect every individual residing inside the borders of the state. How could we leave them off the hook? It seems to be difficult to know how individuals' identities are constituted, and how strong their national commitments are. Should we make a national survey to identify this? That seems highly implausible.

These remarks do not invalidate Thompson's approach, but they show its limitations. To be clear, I do not think Thompson's approach is an implausible way to justify to people of why they should repair past injustices. Rather, the scope of her argument is limited for the aforementioned reasons. To overcome that limitation, I propose that we rely on something more objective than the subjective identification of individuals with their states and their current and future related justice commitments.

States-Based Benefits Approach: Inheriting Benefits and Burdens

The remarks put forward in sections one through three cast doubt on the possibility of attributing duties of compensation to individual people for the negative consequences of climate change. In section four, I showed that if we try to avoid that problem by attributing compensatory duties to their communities, it would be difficult to explain why individuals should bear the burdens associated with their communities' duties.

This conclusion would not be much of a problem were it not for the implications it has at a higher level. For some philosophers, justifying why individuals should bear compensatory burdens allocated to their states is necessary in defending a general compensatory framework of climate justice. Even if we adopt a collectivist approach for compensatory justice, we need to justify why individuals who are members of these collectives should pay for what their ancestors did (Caney 2005, 760; 2006).

In this section, I follow a similar line of reasoning proposed by Thompson while trying to avoid the problems with her account. I hold the view that we can justify individual duties to bear burdens associated with compensatory duties without necessarily attributing compensatory duties to them as individuals. That is, we can justify why they should bear those burdens without attributing any wrongful action to them as individuals, as both the ecological-citizenship approach and the benefits-based approach do. However, I will develop an approach that will allow us to sidestep the problems of Thompson's account. To do that, I will make use

of the ‘cooperative practice model’ proposed by David Miller to explain why people should bear the burdens resulting from the actions of their collectivities (Miller 2007).¹³

The ‘cooperative practice model’ provides a justification for why individuals should bear the inherited burdens of their collectives. The idea is simple: individuals should pay for the inherited burdens of their collectives because they also inherit the benefits from the past actions of their societies. Note that the point is not that they should pay for the burdens generated by *certain actions* because they also inherit the benefits of *those* actions. The point is more general: they should pay for those burdens because they also enjoy benefits generated from past actions for which they are not responsible. It would be incoherent to accept that individuals can inherit assets without, at the same time, inheriting duties to redress past injustice. In more concrete terms, if one enjoys benefits coming from the past actions of one’s society, such as certain institutions, industry, schools, hospitals and so on, one should also accept the debts from the past (Miller 2007, 151). Accordingly, my state-based benefits approach claims that members of high-polluting countries acquired an atmospheric debt because they polluted more than they should have, thereby causing climate change-related harms. Due to these harms, they have compensatory duties to pay for the burdens imposed on victims of climate change. The reason why individuals should pay for the compensatory justice duties of their states is that they also enjoy the overall benefits resulting from the past deeds of previous generations, even though they did not contribute to them.

Notice that my approach relies on a mutual interdependency between debts and benefits coming from the past. The main point is that if someone enjoys the benefits coming from past generations, one does not have a valid claim to reject the debts. In the case at stake the debt refers to those harms caused by the overuse of the absorptive capacity of the atmosphere. By relying on benefits and debts, my approach resembles other approaches, such as the ‘inherited debt principle’ (IDP) proposed by Duus-Otterström (2014a) and the benefits-based approach explored above. Later, I will explain the differences between my approach and the IDP and benefits-based approach.

¹³ To be fair to Miller’s original contribution, let me make three remarks. First, the cooperative practice model is one of the two models that Miller uses to explain why individuals should bear the burdens of their collectives. The second one is the like-minded model. The like-minded group model states that members of a collectivity are responsible for the results of their collective action because they ‘share aims and outlooks in common, and [they] recognize their like-mindedness, so that when individual members act they do so in the light of the support they are receiving from other members of the group’ (Miller 2007, 117). The like-minded model is very similar to Thompson’s approach. Thus, it is subject to the critic above: it seems not to be overarching enough. Second, Miller’s theory relies on nations as the relevant collective agents, whereas the approach I develop here takes states as the relevant agents. In my view, a state-approach has practical advantages in terms of applying the theory to real world politics. For instance it is in accordance to the prevailing practice in international policy and, more specifically, in the context of UNFCCC negotiations (Gardiner 2010; Gardiner 2016). Third, both models are meant to address both synchronic and diachronic responsibility for the burdens of collective action. It is controversial whether the description of the synchronic application of the cooperative practice model matches the diachronic, but I will not address that here. I just want to point out that the reading I make of the cooperative practice model is diachronic—that is, it addresses the inheritance of past responsibilities—and it does not include any reference to the synchronic reading.

According to the IDP, the reason why individuals should carry climate change-related burdens is that some of their current holdings are debt-tainted by the uncompensated overuse of the atmosphere.¹⁴ Duus-Otterström also claims that climate change-related burdens stem from the overuse of the atmosphere. This overuse generates an atmospheric debt that should be paid. The IDP approach and my state-based benefits approach share, indeed, an important feature. They both emphasize the importance of the debts acquired by past generations and the fact that those debts generate duties to make up for the appropriation of a common resource. However, Duus-Otterström argues that ‘it is not the atmospheric debt that are heritable, but the resources that generate’ (2014a, 459). That is, it is the fact that people hold resources that come from the overused of the atmosphere what generates duties to pay for that overuse and not the fact that the atmosphere has been overused. In his account, each agent should contribute to the payment of the debt according to his or her debt-tainted resources. This leaves Duus-Otterström with the problem of determining the number of holdings coming from the past overused of the atmosphere.

My approach contrasts with Duus-Otterström because I argue that the past overuse of the atmosphere is relevant, regardless of the number of holdings that can be directly related to it. In my account, the reason to pay the debt is that one belongs to a collective entity, namely a state, and that that state acquired the debt in the past. Whether individuals nowadays enjoy these holdings or the extent to which they enjoy them is not relevant. What matters is that in other regards they enjoy the positive effects of *general* past actions that are not necessarily attached to the use of the atmosphere. My argument is that, then, they should also accept the uncomfortable consequences of the unfolding of history. In my view, individuals should accept the burdens that come with the benefits belonging to a state in the same way as they enjoy the benefits of belonging to a state.¹⁵ My approach is more coherent with the moral importance of the debt because it acknowledges its value regardless of the remaining debt-tainted holdings.

To recapitulate, I started from the premise that compensatory duties could be allocated to states. In this context, the relevant question is how can we justify that individuals bear the burdens connected with the states’ compensatory duties. I provided

¹⁴ Duss-Otterström avoids relying on benefits because he believes such an account would face the NIP. He thinks so because he has a counterfactual notion of benefitting in mind. For that reason, he uses the notion of holdings. I use here the term ‘benefits’ with a similar connotation. That is, ‘benefits’ refer here, not to those things that make individuals being better than they would have otherwise been (counterfactual notion). Benefits shall be understood here as the set of institutions, holdings, social and political norms that have absolute positive value.

¹⁵ I would like to make two remarks here. First, one might wonder whether individuals that share very few or none of these historically acquired benefits should also bear those burdens. I do not deny that this might be a problem, but it is a problem that must be taken into consideration at the domestic level, that is, when distributing the relative burdens that each individual should bear. Those that enjoy more benefits coming from the past should contribute more to paying the state’s atmospheric debt. Second, my approach does not rule out that, as a matter of global justice (not climate justice), the debt of the state could be discontinued. This should be the case when paying the debt would make people fall under a minimum threshold of sufficiency. Unfortunately, giving a detailed explanation of this issue would exceed the extension of this paper.

a simple answer: individuals should bear these burdens because they also enjoy the benefits of belonging to that state. This holds for individuals living in historically high polluting states. They should bear the burdens of compensation because they enjoy the benefits of living in those states. To strengthen my case, I will compare it with other prevailing approaches, which are the ecological-citizenship approach, the benefits-approach and community-based approach.

Regarding the ecological citizenship approach, we can compare it with my state-based benefits approach rather quickly. Recall that the ecological citizenship approach affirmed that individuals have duties of compensation because of their current unfair levels of emissions. My approach avoids Dobson's postmodernist 'historical argument' and replaces it with a more detailed account of the connection of past wrongs with the duties of currently living individuals.

Regarding the benefits-based approach, it states that beneficiaries of historical emissions have compensatory duties because they voluntarily accept or, at least, do not give up the benefits of historical injustice. Although both this and my approach share the intuition that enjoying benefits generates certain kind of duties, they differ in the kind of benefits that are relevant to generate duties. The benefits-based approach is focused on the wrongful aspect of benefiting from a particular injustice, for instance, benefiting from the activities linked to climate change. This causal connection between the wrongful activities and the benefits that follow from them is relevant for the benefits-based approach. My state-based benefits approach differs from this approach because it has a wider perspective on the benefits that are morally relevant. In my approach, it is not relevant whether individuals benefit from the wrongful practices associated with climate change or not, but rather whether they benefit from *any* past enterprises of their state. What matters is that one benefits from belonging to a collective entity with a certain history and that the historical development of this entity comes with certain burdens. It is not relevant whether individuals benefitted voluntarily because what is at stake is whether it is coherent to make individuals bear the burdens of the debt, not whether they committed a wrongful action or not. My approach unfolds as follows. As a member of a collective entity with a certain history, one benefits from past deeds for which one is not responsible. Individuals did not participate in the activities that led, for instance, to the establishment of universal suffrage; nor did they participate in the collective efforts to build infrastructure they enjoy nowadays, etc. If we think that enjoying certain benefits associated with the historical development of a collectivity is fair, then individuals should also accept the burdens coming from that same development. This rationale supports the payment of the state's debt regardless of whether individuals benefit voluntarily or not.

The difference between the approaches has also consequences in terms of the kind of duties that can be allocated to individuals. As we saw in the second section, the benefits-based approach attributes compensatory duties to individuals because of the benefits they receive from past wrongful activities. The underlying rationale is that not returning those benefits is a wrongful activity itself. This last claim can be justified just for those who have the opportunity to give up their benefits, namely, for sufficiently affluent beneficiaries. However, we encountered the problem in section three of how to calculate the amount of

benefits that specifically belong to emission generating activities. Solving that problem requires turning the benefits argument into an ‘ability to pay’ argument, thereby leaving out important aspects of compensatory justice concerning symbolic compensation and possible financial compensation for wrongdoing. My state-based benefits approach can incorporate those aspects because it attributes duties of compensatory justice directly to states. Because states are the relevant wrongdoers, they are the ones that owe compensatory justice to victims of climate change. There is no problem in attributing duties of extra financial compensation, acknowledgement or apologies to them. I also avoid the problem of calculating the exact amount of the benefits that come from emission generating activities because I refer to overall benefits, without any special connection to specific activities.

Notice that I make a distinction here between states and individuals concerning the kind of duties that can be allocated to them. According to the understanding of compensatory justice that I embrace here, individuals do not have duties of compensatory justice connected to past emissions because they have not committed any wrong. However, if the assumptions made in this paper are correct, those standards could be applied to states. In my view, making individuals pay in these circumstances for the debts of their states does not mean that they have duties of compensatory justice, in the strict sense I have used in this paper. Duties to pay for the compensatory duties of the state could be simply counted among the duties they have as citizens of that state.

Let us now turn to the community-based approach. My approach shares with the community-based approach that both rely on individual membership in a collective entity that persists over time. As a member of this entity, individuals should correct its past wrongdoings. However, my state-based benefits approach strengthens this case by providing something more objective than individuals’ commitment to the just practices of their states. In my account, what matters is that individuals are *de facto* members of that entity who receive historically inherited benefits. Membership can be acquired in different ways—for example, individuals might be part of the state as a citizen or as a resident. Some might feel they share a certain identity with past generations, while others may not feel that way. However, their duties should not depend on this attachment, though the case for reparations might feel stronger for those who have such sympathies. The key point is that they are part to the collective entity and that gives them have certain advantages and disadvantages, as I pointed out before. This feature makes my approach better suited when it comes to justifying why individuals should bear the burdens of historical emissions, even if they do not identify themselves with the past deeds of the national community. Even if *de facto* members of the collective entity claim that they do not identify with certain past deeds of the collective, this does not exempt them from bearing the burdens inherited from past generations.

Conclusions

To conclude, let me reiterate the conditional structure of this paper. In focusing on the DPO, I isolated it from other problems affecting compensatory justice claims, namely the NIP and the EIO. I did that by presupposing a solution to these two objections so that we can grant duties of compensatory justice for historical emissions to states. This conditional structure frames the role of my conclusions in a broader compensatory account of climate justice that takes states as the relevant agents in climate policy.

In light of this conditional structure, I have explored two strategies to answer the DPO. First, the *straightforward strategy* assigns compensatory duties to individuals for climate injustices because they commit a wrongdoing that is significantly connected to the wrongdoing associated with historical emissions. The alternatives explored here were the ecological-citizenship approach and the benefits-based approach. I argued that neither of these approaches succeed in explaining how the wrongdoing committed by individuals today can be connected to past wrongdoings (ecological-citizenship approach) or in attributing a wrongful character to the fact that individuals enjoy certain benefits in the present (benefits-based approach).

Second, I have examined an *alternative strategy* to the DPO. This second strategy consists in arguing that individual duties do not fall in the realm of compensation. Nonetheless, there are good reasons to make individuals bear the burdens associated with compensatory duties of their states. One way of doing this is by highlighting individuals' shared identities with the members of their transgenerational communities. I considered this option limited, possibly weak and easy to escape. My states-based benefit approach follows the *alternative strategy* but gives a different solution to the question of how to justify that individuals should bear the compensatory burdens of their states. I have proposed a simple idea: individuals should bear the burdens of the atmospheric debt of their states because they also enjoy the benefits of belonging to that state. This approach can solve the problems of the other approaches. This strategy does not weaken the demands of a compensatory justice framework because we do not necessarily need the same grounding to justify states' duties and the duties of those living within their borders. It is perfectly compatible to say that states should pay their atmospheric debt as a matter of compensatory justice, although this burden will fall on individuals who are not responsible for that debt. Making them pay the debt is still justified because they enjoy benefits coming from past actions for which they are also not responsible.

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