

## Review: Eric A. Posner and David Weisbach: Climate Change Justice

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each country were also a product of their domestic political system, which varied from the highly fractured state of affairs in Italy – where a multitude of parties regularly formed unstable coalitions – to the virtual one-party monopoly of power enjoyed by the Liberal Democratic Party of Japan between 1955 and 2009.

On the other hand, two further articles suggest that the power of the elderly voting bloc does have a significant amount of influence over government policies. The chapter by Markus Tepe and Pieter Vanhuyse looks at the timing of cutbacks in pension generosity across 18 OECD countries from 1981 to 1999 and comes to the conclusion that the more aged the electorate is, the likelier governments are to implement only modest reforms of the pension system, while postponing more radical changes until the future. Similarly, Juan F. Fernandez, in his chapter, looks at the generosity of pension benefits available in a number of developed countries between 1980 and 1991 and between 1992 and 2002, and makes the argument that the most important variable in determining the generosity of pension benefits is the size of the elderly share of the population.

Taken together, the papers in this book do not provide a definitive answer to the questions surrounding the generational balance of power in ageing societies. However, they present compelling evidence that some aspects of government policy are affected by the age of the electorate (particularly pension reform and generosity), while it seems that the interests of the elderly are not necessarily privileged during the design of labour market reforms (although this may be because governments realize they need more young workers to pay for the welfare state).

Two other papers in this book suggest mechanisms that may affect the generational distribution of power. Goerres and Tepe assess attitudes towards state-funded childcare provision across 21 post-industrial democracies, and found that older voters did not necessarily follow their rational self-interest by opposing it, even though it represents a form of government expenditure that is entirely beneficial to the younger sections of society (both children and their parents). Instead, their research indicated that in countries with a high degree of family solidarity, the needs of their children and grandchildren often mattered more to members of the older generation than pursuing their own rational self-interest. Interestingly, one of the other key determinants they identified was that respondents expected more from the state in this area if they lived under a government which already effectively delivered a large range of services; older people also had expectations of the state which were formed by their experiences while growing up. This provides a possible reason for why reforms to the old-age branches of the welfare state, such as pensions and healthcare, can be so difficult for governments to deliver, because voters form their expectations of what they should receive from the state while growing up, and then react negatively to these being tampered with.

The last paper in the book, by Robert Hudson, looks at the position of power enjoyed by older citizens within the American welfare state, and concludes that this was given to them because they are seen as an unequivocally deserving and needy group. This means that giving resources to them chimes with the Protestant work ethic which the author argues still shapes much of American social policy, and explains why major welfare programmes that give aid to the

elderly have been able to expand with very little controversy, compared to those aimed at ethnic minorities, immigrants and other groups who are considered to be less deserving. While the author's arguments are convincing, an alternative hypothesis could be that it is easier to persuade the electorate to support welfare programmes for the elderly not simply because they are seen as a morally deserving group, but because most younger people anticipate becoming members of the older age cohort themselves one day, and so are willing to pay into a welfare system which supports them as a way of ensuring they will receive the same support themselves in the future, and this gives them an intergenerational right to expect it to still be in place. In his conclusion, Robert Hudson argues that growing socio-cultural awareness of their strong position has emboldened the older generation in America to exercise their high degree of political power. Whether a similar awareness exists among the older generation in Europe is a question which this book, although forming an impressive contribution to the debate, does not convincingly answer.

*Pieter Vanhuyse and Achim Goerres (eds.) (2012): Ageing Populations in Post-industrial Democracies: Comparative studies of policies and politics. Routledge/ECPR Studies in European Political Science. Vol. 76. Abingdon: Routledge. 272 pages. ISBN: 978-0-415-60382-9. Price: £75.00*

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Davidson, S. (2005): Grey Power, School Gate Mums and the Youth Vote: Age as a Key Factor in Voter Segmentation and Engagement in the 2005 UK General Election. In: *Journal of Marketing Management*. Vol. 21 (9-10/2007), 1179-1192.

## Eric A. Posner and David Weisbach: Climate Change Justice

*Reviewed by Nicole Roy*

In *Climate Change Justice*, Eric A. Posner and David Weisbach pursue the goal of creating a feasible and realistic climate change treaty. Their methods are different to the most common ideas and

already-existing treaties on climate change, which they reject as too idealistic.

The aim is to show that a treaty can be feasible whilst also promoting the welfare of people all over the world. For them, it is all

about balancing feasibility, fairness and justice. But although they favour an agreement which would help the poor, they reject the role of justice in the design of it. Furthermore, it is explained in the book that a

climate change agreement is not a panacea for all problems of international and inter-generational justice. The idea that it has to be consistent with corrective and distributive justice is rejected because that would not be viable.

Their preferred approach is welfarism; they believe that the welfare of all individuals, present and future, should be given equal weighting. But they emphasise the practical limits of what states and ordinary people would sacrifice for the welfare of others. Therefore the conclusion of the book is that a meaningful treaty has to be based upon the principle of International Paretanism. International Paretanism emphasises that a treaty must be feasible for all states that are part of the bargaining process for that agreement.

The book is structured in eight chapters. The first three provide background information for the arguments which are made in chapters four to seven. Chapter eight summarises the main points and proposes a conclusion. It is a clear and understandable structure. The background information about scientific and economic facts, about various policy instruments and about local, national, and international efforts, which have been mainly symbolic until now, are the groundwork of the argument.

Chapters one and two provide a background for the later content. In chapter one, facts are provided to show why a genuinely global climate treaty is indispensable. Firstly, they argue that the efforts of governments are restricted because of uncertainty about the scale of the effects of climate change. Nonetheless, it is clear that climate change will affect everyone in the world and especially future generations. The complexity of climate change makes it difficult to negotiate about it, and the authors argue that, for this reason, it cannot be used to solve other problems like distribution and fairness through corrective justice.

Before Posner and Weisbach begin their argument, they show in chapter two the different opportunities afforded by various policy instruments. The core thought is that costs and benefits must be balanced and that it is important that an "optimal" climate treaty does so, although the calculation of marginal benefits is extremely difficult. For example, they argue that it may seem unethical to have a cap-and-trade system because people pay to pollute, but the point is that emitting carbon belongs to our world, albeit that it must be controlled. If it works this



way it is not unethical because some harmful emissions can be prevented.

Chapter three demonstrates an important point which is criticised throughout the book. The authors claim that the Kyoto Protocol and other international agreements are merely symbolic and lack real substance. The lesson they wish to derive from the Kyoto Protocol is that the goals of distributive or corrective justice essentially handicap an effective climate change agreement. It is not feasible to put the full burden on the United States and to let states like China and India off the hook. The conduct of states is to a large extent not guided by ideas of justice (72). It is a solid argument for a different way to create a climate treaty, while pointing to the failure of former negotiations and agreements.

The authors reject distributive and corrective justice as a tool for a climate treaty. Furthermore, they do not agree with the idea of giving permits to pollute to countries on a per capita basis. All of this is different to the usual ideas about how to create a climate change agreement, and it may seem unethical at first. But Posner and Weisbach's argument is clearly understandable and shows that a different way of looking at this issue is not unethical at all.

They support the idea of distribution between rich and poor, but both this aim and the aim of climate protection are just too important to be tied together. They claim that there is probably a better means of achieving both, independently of each other. Empirically it is most unlikely that it is effective to treat both in one treaty toget-

her. They find different arguments to substantiate the thesis. For example, a climate change agreement is much more likely to spend resources for future generations and therefore does not help today's poor as much as the poor in the future. Furthermore it probably would help the poor more if they could decide for themselves how foreign aid is distributed, although that raises the problem of corrupt governments. The point they make is that foreign aid should not be just a part of a climate treaty, and not the other way around either, because both of them are too important to be put together in just one treaty.

Moreover, the states which are less harmed by climate change are probably unlikely to put as much effort into agreeing a treaty as the states that will suffer more. Therefore, they argue that a globally optimal abatement is probably a fair compromise between the contrasting interests of the states involved. The reason for this is again feasibility.

Corrective justice may seem fair, but there are many arguments against it. Countries like the United States that have a long history of industrialisation and high output of CO<sub>2</sub> emissions should not be blamed for that. First of all, the negative effects of CO<sub>2</sub> emissions on our atmosphere were unknown for a long time and therefore the harm was created without intention. Other scholars, for instance Christoph Lumer, also reject the principle of historical guilt because technical development has provided benefits to all people. Moreover, Posner and Weisbach think that collective responsibility between states has negative outcomes. They illustrate this in a good way with the example of the *Treaty of Versailles* which blamed Germany for World War I and exacted massive reparation payments. That was probably one of the reasons why Nazism took off so quickly. The strategy after the Second World War was totally different and was much more effective (115). There are other examples like this in the book, which help to clarify the authors' argument.

A further reason against corrective justice is again feasibility. It is unlikely that early industrialising countries would sacrifice a lot for a treaty if they knew that other countries would not be sacrificing anything. It would not be very effective if industry just migrated to another part of the world, because the governments there do not put restrictions on industry. It would harm people in the industrialised world, because unregu-

lated industry would profit economically at Europe's cost. Furthermore, it would harm the poorest countries, because if industry just migrates the effect on the climate is not restricted.

Furthermore they doubt the popular idea of fairness, which states that global resources should be divided equally among the world's inhabitants. Why should, for instance, the United States agree to lose much more than everyone else? That is not how international bargaining works. Furthermore, the per capita approach would not be good in the long run, because states with a high population would be rewarded. This could lead to fertility policies that try to maximise the size of the population. In the end their argument remains the same: International Paretanism is the only thing which is feasible because every state thinks it is better off with a treaty, and therefore is willing to negotiate.

The chapter on future generations and the defence of discounting is more complicated than the others, and lacks some of their coherence. Posner and Weisbach use numerous calculations and complicate an issue which – for their purpose – could be explained more easily. Between these calculations they make a point that is clear and well argued. They come to the conclusion that the discounting of today's costs and future benefits at the market rate of return is

the best way to evaluate a climate treaty. Low rates of return would mean that we lose today as much as others will lose in the future. They make clear that this does not mean that it is unethical, because discounting is just a way to choose projects; it is not a way to discount the value of future lives.

Although a total equal weighting of people today and in the future is not possible, discounting to find effective projects is probably the best way to come near to it. The scholar Dieter Birnbacher sees discounting also as a problem if the harms and benefits of the contemporary era are discounted for the future but not if monetary resources are. For example, it would be unethical to say that future suffering is not as important as the suffering today, but it is not unethical to say that a billion dollars will be less valuable in hundred years than today.

Posner and Weisbach sketch the arguments for the optimal design of a treaty in the last chapter and the development of the argument brings clarity to the whole subject. The omnipresent issue of climate change can be seen in a different perspective after reading this provocative book, and in the end it is clear that their ideas on a climate change treaty are not at all unethical. Posner and Weisbach are separating a climate treaty from other important issues and do not

make idealistic proposals. Justice is not left out of it, but it does not help anyone if justice is the reason why an effective treaty is not possible. For the authors it is important that something happens because former negotiations and agreements have failed dramatically. The self-interest of states cannot be ignored in the creation of an effective treaty, so everyone must think that they are better off with a treaty. The book's ideas should be taken into account during future international negotiations.

*Eric A. Posner and David Weisbach (2010): Climate Change Justice. Princeton: Princeton University Press. 220 pages. ISBN: 978-0-691-13775-9. Price \$27.95.*

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## Janna Thompson: Intergenerational Justice

*Reviewed by James Wilhelm*

Janna Thompson's extensive work enters the literature at a significant juncture in intergenerational terms. Notably, the process of ageing in many European countries is causing the sustainability of pension systems to be called into question, and many political commentators are beginning to contemplate whether many of them will – or have already – become “gerontocracies” (hegemony of the old). These changes have begun, in both academia and beyond, to generate a debate about whether the so-called “generational contract”, an implicit compact which governs the relationship between old and young, is still tenable in modern times. Given this increasing uncertainty about how the generations should relate to each other,

Thompson's wide-ranging contemporary account of intergenerational rights and responsibilities could prove to be an important reference text for today's world.

The book is intended for both academics and students with previous experience in the field of intergenerational justice, but can also be read with relative ease by readers with little prior knowledge of the subject. This is made possible by Thompson's ability to articulate the complex ideas she espouses in cogent, comprehensible prose. In a nutshell, it is a multi-disciplinary study on the nature of intergenerational justice between past, present and future generations which draws on, and has implications for, environmental studies, legal studies, political science and philosophy.

The content of the book is predominantly devoted to Thompson's main aim: to propound a theory of intergenerational justice capable of generating rights and responsibilities – a moral compass for generational relations. For those with a keen interest in the theoretical dimension of intergenerational studies, Thompson's theory will be of great interest due to its uniqueness; Thompson diverges from conventional contract, which broadly focuses on agreements rational citizens would make with each other, often in a “state of nature” (e.g. Hobbes). In the intergenerational justice literature, this method of reasoning has been adopted by many authors, sometimes leading to an expansion of the contractors to include not only the