

Climate Change Justice

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We talk a lot about “justice,” but what do we mean by it? Perhaps the best way to think about “justice” is as the proper ordering of things and persons within a society. We often assume that means essential fairness. But what is “fair”? There are several different ways of looking at fairness, including egalitarianism, meaning that everything and everyone is equal. There is also a meritocratic approach, where merit (such as hard work and ability) determines the basic ordering. And there are other theories, including the distributive justice theories of John Rawls and others.

Among the approaches to justice have been retributive justice, which requires looking back and demanding reciprocity for wrong-doing. That has been the general approach of our criminal justice system.

Restorative justice is an approach we took in Salt Lake City when I was Mayor. Under a restorative justice system, we seek to make victims whole and restore offenders to society. We focus on the underlying problems that led to the offenses and on solving them.

Another approach to justice has been utilitarianism, which was advocated by John Steward Mills. The right approach to justice under utilitarianism is that which brings about the best consequences for the greatest number of people.

When considering wrongs done by a current generation that will have cataclysmic impacts on future generations, approaches like retributive and some aspects of restorative justice are unavailing. The offenders will be gone by the time the future harms are done.

However, under any notion of justice that can be applied to the situation, I submit we have a compelling duty, as just and moral actors, to take radical,

even costly, measures to effectively combat climate change to prevent the worst impacts from being suffered by our children and later generations.

When considering the prospect of irreversible, catastrophic global climate change, we should think in terms of both intra-generational and inter-generational justice – that is how we should allocate resources (including our atmosphere, our burning of fossil fuels, and the destruction of forests) and how we should conduct ourselves in light of the impacts on people who are living now – and in light of the impacts on people who will live later – even after we are dead.

Keep the question in your mind: Are we acting in unjust, immoral ways when we act in ways that contribute to climate change and when we fail to act to prevent climate change?

A secondary question, but not less important: Are we acting in unjust, immoral ways when we fail to acquire the knowledge (or pretend not to have the knowledge) – as in the case with many notable Utah politicians – about the disastrous impacts on others from our actions and failures to act?

Think about those questions when you ponder the following ten points – ten points I urge you to remember when you think about and discuss climate change:

1. The atmosphere is extremely thin and very vulnerable to what humankind puts into it. If you paint a schoolroom globe with a coat of varnish, the thickness of that varnish is to that globe what the thickness of our atmosphere is to Earth.
2. If it weren't for greenhouse gases like carbon dioxide in the atmosphere, heat radiated from the earth would continue past the atmosphere, into space.
3. The more carbon dioxide in the atmosphere, the more heat that is retained and sent back to earth. Carbon dioxide in the atmosphere retains some of the heat radiated from the earth, keeping it from going into space. That heat warms up the

lower part of the atmosphere and the surface of the Earth, more at some latitudes than at others. For instance, the Arctic is warming almost twice as fast as the rest of the planet, with areas now 4-7 degrees warmer during the winter than 50 years ago.

4. Before the industrial age, the carbon dioxide concentration in the atmosphere held quite steady for at least 800,000 years, never exceeding 300 parts per million.
5. That changed dramatically with the coming of the industrial age, which began around 1750, during which humans have burned increasingly massive amounts of coal, oil, and gas. Carbon dioxide stays in the atmosphere for 100 years or longer. This cumulative effect is an important consideration in any analysis of intergenerational ethical duties. Now, with carbon dioxide being poured into the atmosphere at the rate of about 8.4 billion tons per year from the burning of fossil fuels, and over 2 billion tons from deforestation, the ever-dense carbon dioxide blanket in the atmosphere has thickened almost 41%, from 277 parts per million at the beginning of the industrial age to 390 ppm now, and increases more rapidly each year. The current increase in carbon dioxide in the atmosphere is about four times what it was in the 1950s, primarily because of increased emissions from burning fossil fuels.
6. More carbon dioxide in the atmosphere results in higher surface temperatures on Earth, just as certainly as one's skin heats up from ratcheting up the voltage on a sun lamp held above the skin. Scientists have known for almost about 150 years that greenhouse gases like carbon dioxide and methane retain radiated heat and reflect it back.
7. The scientific consensus that our planet is rapidly warming and that human actions, primarily deforestation and the burning of fossil fuels, are the cause, is overwhelming. That is the unequivocal finding of the International Panel on Climate change, in which thousands of scientists from over 100 countries have participated. The national scientific

academies of at least 20 nations, as well as all major scientific bodies in the United States whose members' expertise bears directly on the issue, all agree that human activities are causing a dramatic increase in atmospheric greenhouse gases, leading to significantly higher global temperatures.

8. The consequences experienced already from human-caused global warming are the severe melting glaciers around the world, the Arctic Ice Cap, parts of Greenland, and the Antarctic; rising oceans; desertification of millions of acres of previously productive lands; the killing of major coral reefs; the destruction of major forests by bark beetles that now survive warmer winters; major droughts; significantly reduced snowpack in areas that depend upon snowpack for water supplies; and the destruction of the Inuit culture, which depends on ice cover and hunting.
9. Business-as-usual spells disaster for our Earth and for many, if not most, of its inhabitants. The rise in atmospheric carbon concentration and corresponding increases in the earth's temperature is likely to jump as a result of frightening "tipping points", leading to what NASA scientist James Hansen has described as "a planetary emergency." Hundreds of millions of people will be driven by rising oceans from their coastal-area homes; water will be unavailable to farmers and others depending on major glacial systems, including the Himalayas and the Tibet-Qinghai Plateau, which feed all the major rivers of Asia; forests will be killed off at a rapidly-increasing rate; deserts will expand; fisheries will collapse; many species will become extinct; and heat waves will kill more and more people. Planet Earth will be a very different, far less inhabitable place for our children and their children.
10. The solutions are at hand, if we act aggressively, treating the situation as the emergency it is – an emergency that far surpasses the bombing of Pearl Harbor or the threat of terrorism. The challenge facing us is of the greatest significance humankind has ever experienced – and it

presents us with tremendous positive opportunities if we will only embrace them.

When considering the issue of justice, we must also keep in mind that the earliest and most severe effects of catastrophic climate change will be sustained mostly by particularly vulnerable people in many parts of the world. Also when considering the issue of justice, we must take note of the fact that emissions of CO₂ in the US are 19.78 metric tons per person, compared with 4.58 in China, 1.16 in India, and 4.05 in Mexico.

Consider the plight of a farmer in Peru who depends upon water from glaciers that melt during the growing season. He will be without water when those glaciers, which are disappearing, are entirely gone. That means scarcity of food for those who depend on obtaining food from the farmer.

What is happening in Glacier National Park is happening around the world: Last century, there were over 150 glaciers in Glacier National Park. Hence its name. Now, there are about 20 glaciers, and they are receding rapidly. From 1850 to 1979, there was a 92% loss of glacial ice in Glacier National Park. By 2030, there will be no glaciers in Glacier National Park if current warming trends continue.

In his book, *Plan B 3.0* Lester Brown demonstrates that the violations of the right to water, which is considered a fundamental international human right, are occurring at rapidly increasing rates. I offer here only a few examples provided in Brown's *Plan B 3.0*:

[T]he Gangotri glacier, the principal glacier that feeds the Ganges River, is melting at an accelerating rate and could disappear entirely in a matter of decades. The Ganges would become a seasonal river, flowing only during the monsoon season.

Glaciers on the Tibet-Qinghai Plateau that feed the Yellow and Yangtze rivers are melting at 7 percent a year. . . . [T]wo thirds of these glaciers could disappear by 2060.

These glaciers in the Himalayas and on the Tibet-Qinghai Plateau feed all the major rivers of Asia, including the Indus, Ganges,

Mekong, Yangtze, and Yellow Rivers. It is the water from these rivers that irrigates the rice and wheat fields in the region.¹

According to Brown, water tables are now falling in countries that contain more than half the world's people, including the big three grain producers – China, India, and the United States.² Compounding the problem is the inundation of salty sea water from rising oceans, threatening the drinking water supplies of coastal regions.

What is fair and just and moral? If we were to profit from pouring toxins into a lake that we knew would poison people in a generation or two, would that be fair and just and moral? If, as I think is indisputable, it would not be – that it would be outrageously unfair, unjust, and immoral, then so too is our current burning of fossil fuels and destruction of carbon dioxide-sequestering forests – and our inaction in bringing about radical changes in the ways in which we use and produce energy.

The ultimate responsibility is ours. If we do not become “upstanders”, if we do not stand up and provide leadership, we are to blame.

“All that is necessary for the triumph of evil is that good men do nothing.” That statement, often wrongly attributed to Edmund Burke, is a strong reminder of our responsibility to act and the consequences if we do not.

Recall also the misquote by John F. Kennedy, wrongly crediting Dante: “The hottest places in hell are reserved for those who in a period of moral crisis maintain their neutrality.”

Although these statements are frequently misattributed, they have likely endured because they are so compelling. The point is that we may have good intentions and good values – but if we are not “upstanders” – if we do not stand up and challenge wrongdoing where and when we can – we too are culpable.

Consider two observations of Martin Luther King, Jr.:

¹ Lester R. Brown, *Plan B 3.0 – Mobilizing to Save Civilization*, (New York and London: W.W. Norton & Company, 2008), at 4.

² *Id.* at 68.

“In the end, we will remember not the words of our enemies, but the silence of our friends.”

And: “Our lives begin to end the day we become silent about things that matter.”

Although we are facing tremendous challenges – including an outrageously unjust health care system, an economy in shambles, and a corrupt campaign finance system that sustains most of our nation’s inequities – nothing compares with the devastating consequences of the warming of our planet – the transformation of Earth to a largely uninhabitable place – due to deforestation and the burning of coal, oil, and gas.

In the face of this growing catastrophe, we are faced with an absence of competent, principled, far-sighted leadership, with the fate of hundreds of millions of people and entire species of plants and animals at risk.

We have been lied to, with campaigns of misinformation, in which much of the federal government has conspired and in which the mainstream media has been complicit, telling us the virtues of “clean coal” – when no such thing exists, and won’t exist in time to stop irreversible, catastrophic climate disruption – telling us that nuclear power is going to save us from climate change – when it is impossible to build safe nuclear power plants in time to stop catastrophic climate disruption – and parroting the fiction that combating climate change will be economically devastating, when it is abundantly clear that the real economic devastation will result from the failure to take aggressive action to radically reduce the emission of greenhouse gas emissions.

It is all up to us. We can’t sit back, thinking that we’ve elected the right people and leaving it up to them. The fact is, President Obama has himself touted the virtues of clean coal. He is refusing to identify those from the coal, oil, and gas industry who have met in the White House to discuss energy proposals. The Democratic-majority Congress is caving on climate change, endorsing half-measures that, if enacted into law, are as useless in solving the problem of long-term climate change as doing nothing.

To do justice and to act in a moral way, we must be informed, we must be diligent, and we must not let down in our efforts to bring about

urgent, radical changes. We must act as if this is a matter of life and death, because, indeed, it is. What each of us, individually and collectively, does or refrains from doing, will make a difference.

And we cannot escape our role. There is no sitting this one out. Either we will be just or unjust; and we will be moral or immoral, as we choose to act in ways that will harm or help others, now and into the future.