

1-1-2004

## The Importance of Expressly Examining Global Warming Policy Issues through an Ethical Prism

Donald A. Brown

Follow this and additional works at: <https://elibrary.law.psu.edu/pselr>

---

### Recommended Citation

Donald A. Brown, *The Importance of Expressly Examining Global Warming Policy Issues through an Ethical Prism*, 12 *Penn St. Env'tl. L. Rev.* 147 (2004).

This Introduction is brought to you for free and open access by the Law Reviews and Journals at Penn State Law eLibrary. It has been accepted for inclusion in Penn State Environmental Law Review by an authorized editor of Penn State Law eLibrary. For more information, please contact [ram6023@psu.edu](mailto:ram6023@psu.edu).

# The Importance of Expressly Examining Global Warming Policy Issues Through an Ethical Prism

Donald A. Brown\*

## I. Reasons For An Ethical Framing of Global Warming Questions

This paper argues that it is practically important to expressly examine the ethical dimensions of many global warming issues that are now usually discussed exclusively in scientific and economic terms. There are several reasons why express ethical analysis of many global warming issues is a practical imperative.

The first reason is that despite the profound ethical questions raised by global warming there has been surprising little reflection on these weighty ethical matters. Although a vast body of literature on global warming has emerged in the last few decades, most of this literature examines scientific and economic climate change issues. Yet because human-induced climate change will most hurt the poorest on the planet, seriously reduce the quality of life for future generations, and threaten plants and animals around the world, global warming must be understood to raise very serious ethical issues. In fact, because global warming policy options will likely determine which people, plants and animals will live and die, human-induced climate change must be understood to raise the most momentous ethical dilemma. This is particularly the case because those who currently emit the most greenhouse gases are not likely those who will be most harmed by global warming.

Yet despite the profound ethical questions raised by global warming, most of the debate in the United States and many other nations has been concerned with issues such as scientific certainty about global warming impacts and economic cost of climate change programs, arguments that pretend to be ethically neutral but often hide dubious ethical positions. For instance, if a nation refuses to reduce its

---

\* Director, Pennsylvania Consortium For Interdisciplinary Environmental Policy.

greenhouse gas emissions until science can describe global warming impacts with high levels of confidence, such nation is implicitly asking the victim of global warming to bear the burden of risk in light of the fact that harm may be experienced before scientific uncertainties are resolved. For this reason, insisting on high levels of scientific proof before ceasing high-risk behavior is an ethical question often hidden in arguments about science.

Therefore, the first reason why express ethical analysis of global warming issues is practically important follows from the realization that unless ethical analysis is expressly considered in global warming decisions, ethically dubious decisions will be made.

A second reason why global warming policy issues need to be expressly examined through an ethical lens is an urgently needed global solution to human-induced climate change is not likely to be accepted by most nations unless they believe that they are being treated justly. In particular, express consideration of solutions to global warming in terms of justice and equity may be necessary to arrive at a globally acceptable solution to global warming.

The most urgent ethical questions raised by global warming are of two types. The first are ethical issues raised by various justifications that nations have proffered for failure to make serious reductions in greenhouse gas emissions. The second are ethical issues embedded in important policy issues that nations soon need to be face to prevent greenhouse gas emissions from creating a dangerous interference with the Earth's climate system.

## II. National Excuses

To submit the excuses on global warming used by the United States, a recent book, *American Heat; Ethical Problems with the United States Response to Global Warming*, examines positions the United States has taken for the last fifteen years in international climate change negotiations.<sup>1</sup> During this period, the United States has consistently used three excuses for its unwillingness to commit to binding greenhouse gas emissions targets. These excuses have been: (1) scientific uncertainty about global warming impacts, (2) unfairness to the United States of binding emissions reductions without developing world commitments, and (3) the cost to the U.S. economy of global warming programs.<sup>2</sup> *American Heat* explains why no ethical system would support these excuses given some undisputed facts about global warming.

---

1. DONALD BROWN, *AMERICAN HEAT: ETHICAL PROBLEMS WITH THE UNITED STATES RESPONSE TO GLOBAL WARMING* (2002).

2. *Id.* at 13-43.

For instance, although the United States has for over fifteen years continued to rely on scientific uncertainty about global warming impacts as its justification for refusing to commit to a binding greenhouse gas emission target, *American Heat* argues that such an excuse does not survive minimum ethical scrutiny given:

- The potential enormous adverse impacts on human health and the environment from climate change.
- The disproportionate effects on the world's poorest people.
- The potential for catastrophic climate surprises harsher than often quoted predicted impacts.
- The fact that much of the science of the climate change problem has never been or is no longer in dispute.
- The fact that global warming damage is already being experienced.
- The strong likelihood that serious irreversible damage will be experienced before the uncertainties can be eliminated.
- The fact that the longer nations wait to take action, the more difficult it will be to stabilize green house gases at safe levels.<sup>3</sup>

After subjecting the other U.S. excuses of cost to the U.S. economy and lack of developing world commitments to ethical analysis, *American Heat* concludes that no ethical system would condone these justifications for lack of serious U.S. action on global warming. Although *American Heat*, focuses on the United States' excuses for lack of serious action on global warming, other nations' justifications for lack of serious action could be examined through an ethical analyses.

### III .Other Important Ethical Questions

#### A. *The Question of the Atmospheric Target*

Another burning ethical issue entailed by global warming flows from the fact that nations of the world will need to soon decide what atmospheric level of greenhouse gases will be set as an atmospheric greenhouse gas stabilization target level. In fact in ratifying the 1992 United Nations Framework Convention on Climate Change, all nations agreed to reduce their emissions based upon equity to achieve "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous interference with the climate system."<sup>4</sup>

---

3. *Id.* at 141-42.

4. United Nations Framework Convention on Climate Change, U.N. Doc. A:AC.237/18 at Art. 2 (1992) [hereinafter UNFCCC]. For a discussion of what is meant by "dangerous interference with the climate system" see *Summary for Policy Makers*, in

Nations have already agreed to reduce their emissions to achieve stabilization of greenhouse gases in the atmosphere at safe levels, although the precise target for atmospheric stabilization has not yet been agreed to in negotiations. Yet, according to the most recent report of the Intergovernmental Panel on Climate Change (IPCC), carbon dioxide levels will likely rise to very dangerous levels in this century unless meaningful action is taken.<sup>5</sup> In fact, according to IPCC it is already probably already too late to prevent CO<sub>2</sub> from rising to as much as 560 ppm, a level although at the lower end of what is expected by the end of this century under business as usual, will likely harm many people, plants and animals around the world.<sup>6</sup> To stabilize atmospheric levels of greenhouse gases at safe levels, the international community will need to agree on an atmospheric greenhouse gas target. Because this target will determine which people, plants, and animals will survive rising temperatures, increased disease, rising oceans, more intense storms, and increased droughts and floods, the greenhouse gas atmospheric target level issue raises profound ethical questions.

*B. Each Nation's Equitable Share of Total Permissible Emissions*

The second urgent ethical issue entailed by the need to stabilize atmospheric concentrations of greenhouse gases at safe levels is the question of what is each nation's fair share of total permissible global greenhouse gas emissions. This question takes on a particular urgency because global emissions may need to be reduced as much as fifty to eighty percent from current emissions levels to stabilize atmosphere at safe levels. Some nations emit a disproportionate share of total global emissions; some poor nations may need to increase current emissions to escape grinding poverty. Global greenhouse gas emissions are now expected to increase dramatically in the absence of dramatic global policy intervention. In becoming parties to the United Nations Framework Convention on Climate Change, the nations of the world agreed to reduce their emissions to safe levels based upon *equity*.<sup>7</sup> Therefore, another way to frame this ethical question is what does equity require of nations in regard to their obligation to reduce their emissions

---

INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, CLIMATE CHANGE 2001: SYNTHESIS REPORT [hereinafter 2001 IPCC SYNTHESIS], *available at* [http://www.grida.no/climate/ipcc\\_tar/syr/pdf/fourthvolume.pdf](http://www.grida.no/climate/ipcc_tar/syr/pdf/fourthvolume.pdf) (visited on November 5, 2001). For a discussion of what is meant by "dangerous interference with the climate system" *see id.*

5. *Id.*; see also William Stevens, *Experts Doubt A Greenhouse Gas Can Be Curbed*, N.Y. TIMES, Nov. 3, 1997, at A1.

6. *Id.*

7. UNFCCC, *supra* note 4.

so that total emissions do not exceed a safe level. This is a critically important ethical question that needs to be examined in public policy debates about global warming.

#### IV. Practical Reasons for An Ethical Framing of Global Warming Issues

Another reason why the international community should expressly examine the ethical questions entailed by global warming is that the nations of the world are only likely to agree on equitable sharing of the burdens and benefits of protecting the global environment if they feel they are being treated fairly. That is, an ethical focus on global warming is likely to be a key to achieving a globally acceptable solution. For instance, only formulae for assigning each nation's target that are consistent with the norms of distributive justice are likely to be acceptable as the basis for distributing national emissions targets needed to achieve an atmospheric greenhouse gas stabilization level. That is, the developing world is not likely to agree to participate in a comprehensive global warming treaty unless they feel that they are being treated fairly. In addition, it has been demonstrated that in order to achieve multilateral agreements on environmental issues it is necessary for nations to believe that they have been treated fairly and that their core demands have been addressed.<sup>8</sup> For this reason, equity is an indispensable element to a global solution to climate change. As one observer of the global warming negotiations has noted: "effective measures to address global environmental change require nearly universal participation. That participation is largely a function of international justice because developing countries are unlikely to join international cooperative efforts to protect the global environment if they view those arrangements as being unjust."<sup>9</sup> The Center for Science and the Environment, an institution in New Delhi, India and a close observer of the climate negotiations, has said:

Equity is a prerequisite for global agreement, and environmental cooperation can only be possible through solutions that are both equitable and ecologically effective. Without equity or a sense of fair play it is quite unlikely that there will be a long-lasting partnership to solve the global problems. Global equity is particularly important in global negotiations which deal with the pollution or degradation of

---

8. For a good summary of the role that equity has played in International Environmental Treaties see Paul G. Harris, *Considerations of Equity and International Institutions*, 5 ENVTL. POL. 185, 274-301 (1996).

9. Paul G. Harris, *Defining International Distributive Justice: Environmental Considerations*, 15 INT'L RELATIONS 55-66 (2000).

global common property, such as the stratospheric ozone layer, the atmosphere, or oceans.<sup>10</sup>

That is, most nations are not likely to agree to a domestic limitation on greenhouse gas emissions unless they believe it is fair, yet a global solution to climate change is needed. For this reason, nations should encourage express discussion of what principles of equity and justice require in distributing national greenhouse gas emissions limitations.

For these and other reasons, the international community should strongly encourage express ethical analyses of global warming issues.

---

10. Anil Agarwal, et al., *Green Politics, Global Environmental Negotiations* 2 (1999).