

# Face Reality? After You!—A Call for Leadership on Climate Change

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In Joseph Heller's comic war novel, *Catch-22*, the catch-22 of the title refers to a supposed military regulation that allowed one to be relieved of military service if one was insane, but further provided that no one who realized he would be better off out of military service could possibly be insane. Humanity's so far leaderless approach to dealing with rapidly accelerating climate change embodies a similar, but profoundly tragic, catch-22 that has, among other twists and contradictions, transmuted justice into paralysis.

Many thought that the natural global leader of the effort to gain control of global climate change would be the United States, with its splendid cadre of scientists and its history of technological innovation. But our politicians have failed to be worthy of our scientists or of the trust we citizens have placed in them. Facing reality appears to be increasingly unpopular among those who pass as our national political leaders. Those who refuse to face reality often find that what they ignore may come back to bite them, and worse, it may hurt others who trust them with their well-being. It is unclear which members of the U.S. Senate have sold their souls to the fossil-fuel interests and which have simply closed their minds. But the effect is the same: the facts on the ground—and in the air, water, and ice of the planet—are racing further and further ahead of the faltering U.S. political efforts to respond to them. And the American failure of political leadership is one major factor that is crippling efforts to negotiate multilateral action at the international level.

The United States is not, however, the only laggard nation when it comes to the threat of increasingly rapid climate change. While the fact that many developing as well as developed countries, including the United States, were willing to make voluntary pledges of action in response to the Copenhagen Accord provides a small foothold for hope,<sup>1</sup> the pledges are not even remotely adequate for reaching their own stated goal.<sup>2</sup> Moreover, the fulfilment of many of those pledges has been

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made contingent on what others do: the European Union, New Zealand, and Norway, for example, promise to act more aggressively only after “the achievement of a global and comprehensive agreement.”<sup>3</sup> This is one example of catch-22 absurdity, given that it was the failure at Copenhagen to reach a global and comprehensive agreement that forced the world to settle for the weak Copenhagen Accord under which these highly conditional pledges are now being made. The Copenhagen Accord was supposed to be a substitute for the global agreement not reached, not to be dependent itself on some elusive agreement.

While our feckless leaders reason in circles, the problem itself deepens relentlessly, continuing to exceed the conservative estimates made by the Intergovernmental Panel on Climate Change (IPCC), burdened as it has always been with the need to reach political consensus on its reports. For example, the *New York Times* reports that surprisingly warm water around Greenland is forcing highly reputable scientists to confront the possibility that sea-level rise during this century may be three feet or more—far exceeding the eight inches of rise that occurred during the twentieth century.<sup>4</sup> Such a rise would have dramatic effects on New York, London, Shanghai, and other major cities, not to mention low-lying nations, such as Bangladesh and the Maldives. As the author of the report notes, we do not know the probabilities of various sea-level rises because we cannot be bothered even to fund the necessary scientific research; but the conditions for such a dramatic sea-level rise may be coming together in reality, with or without our knowledge. The climate-change deniers want us to keep burning coal and pumping oil until the prices rise so high because of scarcity of supply that we can no longer afford them. At that point the owners of the coal and oil will have made all the profit they can reasonably expect, and more. Meanwhile, our leaders are not worried because the extent and speed of climate change are uncertain; they are uncertain because we do not do the science; and we do not do the science because our leaders are not sufficiently worried.

But what we need is not only more research, however desperately important that is, but also action, even in the face of the remaining uncertainty, which science can meanwhile progressively reduce. “Uncertainty” is the ever-welcome battle cry of the well-financed professional deniers of climate realities.<sup>5</sup> Beyond what Steve Vanderheiden calls the “manufactured uncertainty,” which simply throws sand into our eyes, uncertainty comes in many forms and degrees. As I have noted elsewhere, the genuine uncertainty in the case of climate change takes a distinctive form with three features:

(1) *massive loss*: the magnitude of the possible losses is massive; (2) *threshold likelihood*: the likelihood of the losses is significant, even if no precise probability can be specified, because (a) the mechanism by which the losses would occur is well-understood, and (b) the conditions for the functioning of the mechanism are accumulating; and (3) *non-excessive costs*: the costs of prevention are not excessive (a) in light of the magnitude of the possible losses, and (b) even considering the other important demands on our resources. Where these three features are all present, one ought to try urgently to make the outcome progressively more unlikely until the marginal costs of further efforts become excessive, irrespective of the outcome's precise prior probability, which may not be known in any case. We know that our actions now are opening the doors to some terrible outcomes; we ought to re-close as many of these doors as we can. The suggestion, then, is that these three features jointly constitute a sufficient set [of reasons] for requiring prompt and robust action.<sup>6</sup>

Why should action to mitigate climate change be so urgent and vigorous? Beyond the arguments just mentioned, it is helpful to separate analytically the question of why action is urgent now from the question of why we ought to be the ones to act.<sup>7</sup> One of the “inconvenient truths” that the professional deniers of climate change rarely mention is the recently revised understanding of what the scientists call the “atmospheric residence time” of carbon dioxide, which is of course the main greenhouse gas produced by the burning of fossil fuels. The atmospheric residence time of a greenhouse gas is the length of time an average molecule remains in the atmosphere once it reaches it. As recently as twenty years ago, we all believed that the atmospheric residence time of carbon dioxide was about a century, which already seemed a very long time for the effects of a seemingly transient emission to last. Now climate scientists realize that the atmospheric residence time of carbon dioxide in particular (different greenhouse gases have different “lives”) is more like a millennium.<sup>8</sup>

From an ethical perspective, this means that even if we, the current generations, were in no way at all responsible or accountable for the acceleration in the speed of climate change, there would be what might be thought of as a Good Samaritan reason why we ought to be the ones to perform urgent action now. This first reason is simply that we are the ones who are here. The Good Samaritan had no “prior history” with the man in the ditch, and certainly no responsibility for his fate. But the man would remain in the ditch unless someone helped him out—there and then. The accumulation of carbon dioxide in the Earth's atmosphere will continue to increase unless those of us in the here and now cut back our emissions of it. There is no one else to do it: it is our fate to be alive when the problem of climate

change has first been understood. Since carbon dioxide remains in the atmosphere for so very long, any addition to the atmospheric accumulation is mostly a net addition: that is, the cumulative total keeps ballooning because the natural removal occurs vastly more slowly than the anthropogenic injection. The best validated climate models all agree that the peak atmospheric concentration of greenhouse gases will determine the extent of the surface disturbances: the larger the maximum concentration, the higher the surface temperature, the more extreme the surface storms, and so on. We could be the ones to set the globe onto a path to a maximum concentration that is lower than it would otherwise be with business as usual—because now we understand the problem, and we are here now. This is a golden opportunity to leave a positive legacy—to be historic global Good Samaritans.

So, as I say, we would have reason to act even if we bore no prior responsibility. But of course, unlike the Good Samaritan, we are not confronting an opportunity to help with a problem that is not of our own making. The evidence that the current climate change is anthropogenic is solid and growing. And it is not merely anthropogenic: much of it originates in the United States in particular. There are two reasons for this, one concerning the past and one concerning the present.

First, it is estimated that during the entire twentieth century the United States produced 30.3 percent of the entire world's total carbon dioxide emissions from the burning of fossil fuels, closely followed by Europe's 27.7 percent. These two centers of wealth together contributed over half the global total of greenhouse gases, while, for example, China, India, and the rest of developing Asia, despite being home to far more people, contributed only 12.2 percent over the same period.<sup>9</sup> Two reasons are often offered to support the standard defense that the West's awesome causal responsibility generates no moral responsibility: (a) we did not know that we were interfering with the dynamics of the planet and so did not intend the damage; and (b) now everyone else, most notably China, is doing it, too.

As to the first point, it is true that until about a quarter century ago we did not fully appreciate the damage we were doing to the earth's delicate balance by so radically modifying the composition of the planet's atmosphere. Perhaps life is generally unfair. Perhaps it was a dirty trick that the planet should have had so much coal and oil when burning the stuff wrecks the planet's atmosphere, and the arrangements are unfair to everyone. But here we are, and the question we now must face is: Given that fossil-fuel emissions must be rapidly and radically reduced if global temperatures are not to soar from carbon emissions, and that the prompt transition to alternative fuels will involve burdens on humanity, what is the fairest way to

distribute these burdens—the issue of cosmic unfairness aside? Who should more reasonably bear the heaviest burdens: those nations whose Industrial Revolution contributed (unknown to them, admittedly) the greatest percentage of the carbon dioxide emissions and who became wealthy and powerful in the process, or those nations that produced very few emissions (equally not knowing that it mattered) and are only now developing and becoming wealthy and possibly powerful?<sup>10</sup>

As to the second point, the fact that everyone—or, at least, increasingly many nations—is now “doing it” is simply irrelevant to responsibility for destructive activity in the past. This cannot be a reason for the United States to continue to do nothing now, in the present, at the national level. It is a reason, however, why everyone now ought to contribute appropriately to a solution to the problem. (This, by the way, includes India and, in particular, China—to whom the United States, as well as Australia and others, certainly ought not to be increasing exports of coal that are self-righteously not burned domestically.<sup>11</sup>) I shall say more shortly on the implications of what I mean by “appropriately.”

Most flagrantly, the United States still has no comprehensive national policy to limit either greenhouse gas emissions in general or carbon dioxide emissions in particular, despite all we now know about climate change and its current and likely future human effects. That we persist in emissions without limits is an appalling political failure. U.S. emissions have continued to increase decade after decade in spite of our progressively clearer understanding of their destructive effects on the global climate. This complete failure to act at the national level has moved beyond fecklessness to recklessness.

The absence of a national U.S. policy on greenhouse gas emissions is thus not a failure to volunteer to help with a problem not of our own making, but an increasingly egregious exacerbation of a problem that we have been a major factor in creating and continue to be a major factor in worsening. The fact that we are not merely declining to be benevolent or charitable, or even simply failing to fulfill a general duty that falls on everyone, but are persistently and increasingly engaging in environmentally destructive behavior has a fundamental implication for the central catch-22 that I would like to sketch here.

## PERVERTING JUSTICE INTO PARALYSIS

Why is the United States doing nothing to slow, or even to stop accelerating, a damaging practice that is likely to impoverish our own offspring and all the people

who live after us? Reasons abound. For example, the January 2010 decision of the U.S. Supreme Court in *Citizens United v. Federal Election Commission* flung open the floodgates for secret corporate contributions to the campaigns of congressional candidates who favor fossil fuel interests and who oppose climate change legislation, as well as to groups who lobby against action on climate change.<sup>12</sup> And the teaching of science in many U.S. secondary schools leaves students ill-prepared to understand climate science and to evaluate critically the sugar-coated arguments of the professional deniers. The combination of these two factors—inadequate understanding of the science and well-financed campaigns to undermine the science—produces a public discourse that often does not even focus on the real issues.<sup>13</sup>

The explanation for the U.S. policy failure involves many more factors,<sup>14</sup> but there is a single crucial factor, a bad moral argument, that I think plays a significant role in salving political consciences. This is the central catch-22 that perverts a concern with justice into paralysis. What I have above called the “appropriate” sharing of the burden has been at the heart of international negotiations on climate change from the very beginning. “Common but differentiated responsibilities” is the famous phrase from Article 4.1 of the 1992 United Nations Framework Convention on Climate Change.<sup>15</sup> The idea behind the phrase is that all parties have responsibilities, but parties in different situations have different responsibilities. This is fine in the abstract, but it obviously cries out for specification. The political battles have concerned the precise sharing of responsibilities, and those battles, as seen in Copenhagen, for instance, seem to have degenerated into the following impasse: The less wealthy countries say to the more wealthy ones, We will take action only if you provide assistance. And the more wealthy countries say, We will provide assistance only if you take action. “After you!” repeats each side. Such posturing is generally understandable bargaining behavior. But if these postures remain frozen, they create the catch-22: the wealthier will not act until the poorer act, and the poorer will not act until the wealthier act.

Both sides tend to defend their bargaining positions as representing nothing worse than an insistence on not doing more than one’s fair share until others have done their fair share. In short, it is said to be simply a concern for justice. But this is an inaccurate characterization of the situation for the United States, as well as for a number of other parties. It is one thing to refuse to do *more* than one’s own share until others have done, or have agreed to do, at least their fair shares. However, it is an entirely different matter to refuse to do *even*

one's own share—that is, to refuse to do anything at all—until others have done or have agreed to do so as well. Ethically, one's minimum obligation is to do at least one's own fair share, irrespective of whether one should ever do more than one's fair share to compensate for the noncompliance of others. This minimum obligation is especially compelling when, as in the instance of climate change, one's share includes ceasing destructive activity that creates a danger for vulnerable others now and in the future.

Sometimes it can be a clever bargaining tactic to threaten to refuse to do *A* unless someone else does *B*. If the tactic works, both *A* and *B* get done, partly thanks to one's willingness to threaten not to do *A*. Whether this tactic is acceptable, however, depends on the concrete features of these abstract *As* and *Bs*, and the concrete situation generally. Let us suppose several people are bleeding to death, that it takes one rescuer per victim to stanch the flow of blood, and that each available rescuer is obligated to rescue one victim. If I am willing to fulfill my duty by rescuing one victim but am worried that no one else will rescue any other victims, I suppose I might threaten to let “my” victim bleed to death unless other rescuers assist other victims, hoping thereby to be helpful to the other victims by provoking their rescues. But this does not seem a very clever tactic for this situation, and surely I should not carry out my threat to do nothing and allow the victim I could save to die if the others do not respond to my threat and assist “their” victims.

The situation concerning climate is similar. The national economies of the world are hemorrhaging greenhouse gases, and the flows need to be stanching. Some flows are larger and have been going on for longer than other flows. It would be helpful to have a comprehensive agreement about who is going to do what. But it is not a clever strategy for solving the problem to stubbornly refuse to do anything at all until a comprehensive agreement is reached, especially if it is blindingly obvious that many others are attempting to employ this same strategy, producing paralysis.

What is needed to break the current stalemate is leadership.<sup>16</sup> We need one state to break the paralysis by unilaterally (if necessary) taking action in the hope that the others will respond to its example—and to their own comprehension of the inherent importance of the problem. In this way, one can then say not “after you,” lest I be treated unfairly, but “I went first, so now you,” lest you treat me unfairly—still appealing to fairness. This is obviously not a universally effective tactic, either, but it is particularly appropriate when one already has a moral

duty to act and it is abundantly clear that one's fair share of the burden is well in excess of anything one has yet contributed.

This is precisely the situation regarding the United States and climate change. The dangers to the planetary environment are now well-documented and exceptionally urgent.<sup>17</sup> Every nation has an obligation to do (at least) its own fair share in limiting emissions. The fair share of the United States is patently greater than the effective nothing that it is currently doing at the national level. So the United States should clearly be doing something; and if it acted boldly and decisively, its positive example seems much more likely to be effective than its failed defensive strategy of refusing to act until others do. In fact, some others, notably the European Union, are already doing a little, and many seem ready to act more vigorously if they see some leadership being exercised by one or more major powers.

The need for global leadership is so desperate that the duty to provide it falls on anyone who has the capacity to lead.<sup>18</sup> The Good Samaritan did not perform what philosophers now call a supererogatory act—an act above and beyond the call of duty. Rather, the duty to deal with the man in the ditch fell to whomever came along and was able to help. *Ex ante*, the Good Samaritan was no different from any other passerby. He was distinguished in the end only by the fact that he chose to act on a duty that others had chosen to ignore. Whichever nation is capable of leading a change in direction away from fossil fuels has a duty to do so before our carbon emissions send us into our own climatic ditch, and this certainly includes the United States.

Like other nations with high cumulative carbon emissions, the United States already has a historical responsibility to act in order to undo the damage done. In addition, like any nation capable of leading the move away from a reliance on fossil fuel, the United States has a duty to provide vital leadership completely independent from its historical responsibility. It has, then, a double duty regarding the threat to the planet's climate: an underlying specific historical responsibility based on previous and ongoing contributions to the threat, enhanced by an additional responsibility based on its scientific knowledge and financial power to provide desperately needed leadership.

What can individual citizens do to bring about U.S. leadership on climate change? First, work unrelentingly to replace climate reality-denying senators with people who understand the problem. This may require legislatively undoing the effects of *Citizens United v. Federal Election Commission* (another political catch-22?). Climate change is the overriding issue for the twenty-first century,



and the country and the world need a U.S. Senate capable of ratifying a reality-based treaty on climate change when one can be negotiated. Second, while the U.S. government (except for the Environmental Protection Agency) has so far evaded action at the national level, action has been and is being taken at other levels, including such regional action as New England's Regional Greenhouse Gas Initiative (RGGI) and the West Coast's Western Climate Initiative, led by well-informed governors and Canadian provincial leaders;<sup>19</sup> and urban initiatives, especially international collaborations, such as the International Carbon Action Partnership, Cities for Climate Protection, and the Clinton Climate Initiative.<sup>20</sup> Time is not on our side: "In the 10 years from 1995 to 2005 atmospheric CO<sub>2</sub> increased by 19 ppm [parts per million]; the highest average growth rate recorded for any decade since direct atmospheric CO<sub>2</sub> measurements began in the 1950s."<sup>21</sup>

We cannot wait on ignorant, inattentive, or indifferent leaders, and we cannot afford to fall into poisonous pessimism. We must act where action is possible: and for now this is at the regional, state, and local level. The good news is that these subnational actors can reach out internationally to others who are rising to the challenge; for example, the RGGI might be able to engage in emissions trading with the EU and do an end run around Washington. If enough action is taken at all levels of U.S. governance other than the national level, corporate interests may then perhaps lobby to eliminate the resulting "patchwork" of regulations and be willing to accept a reasonable uniform national initiative. Finally, we must intently face reality, which means that we must listen to those who honestly and assiduously study the problems, not to those who are paid to preserve the carbon energy regime that so greatly contributes to them.<sup>22</sup>

#### NOTES

<sup>1</sup> Daniel Bodansky, "The Copenhagen Climate Change Conference: A Postmortem," *American Journal of International Law* 104 (2010), pp. 230–40.

<sup>2</sup> Joeri Rogelj, Claudine Chen, Julia Nabel, et al., "Analysis of the Copenhagen Accord Pledges and Its Global Climatic Impacts—A Snapshot of Dissonant Ambitions," *Environmental Research Letters* 5 (2010), pp. 1–9. See also note 16.

<sup>3</sup> Lavanya Rajamani, "The Making and Unmaking of the Copenhagen Accord," *International and Comparative Law Quarterly* 59 (July 2010), p. 837.

<sup>4</sup> Justin Gillis, "As Glaciers Melt, Science Seeks Data on Rising Seas," *New York Times*, November 13, 2010. See also Leslie Kaufman, "Front-Line City in Virginia Starts Tackling Rise in Sea," *New York Times*, November 26, 2010.

<sup>5</sup> See Naomi Oreskes and Erik M. Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming* (New York: Bloomsbury Press, 2010); and Steve Vanderheiden, *Atmospheric Justice: A Political Theory of Climate Change* (New York: Oxford University Press, 2008), pp. 38–44.

<sup>6</sup> Henry Shue, "Deadly Delays, Saving Opportunities: Creating a More Dangerous World?" in Stephen M. Gardiner, Simon Caney, Dale Jamieson, and Henry Shue, eds., *Climate Ethics: Essential Readings*

- (New York: Oxford University Press, 2010), p. 148. See also Neil A. Manson, “Formulating the Precautionary Principle,” *Environmental Ethics* 24 (2002), pp. 263–74.
- <sup>7</sup> I am grateful to Simon Caney for pointing this out.
- <sup>8</sup> G. A. Meehl, T. F. Stocker, W. D. Collins et al., “Global Climate Projections,” in S. Solomon, D. Qin, M. Manning et al., eds., *Climate Change 2007: The Physical Science Basis*, Working Group I Contribution to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (Cambridge: Cambridge University Press, 2007), p. 824.
- <sup>9</sup> World Resources Institute, “Earth Trends, Environmental Information: Contributions to Global Warming: Historic Carbon Dioxide Emissions from Fossil Fuel Combustion, 1900–1999”; available at [earthtrends.wri.org/maps\\_spatial/maps\\_detail\\_static.php?map\\_select=488&theme=3](http://earthtrends.wri.org/maps_spatial/maps_detail_static.php?map_select=488&theme=3).
- <sup>10</sup> This is argued more fully in Henry Shue, “Historical Responsibility,” Technical Briefing for Ad Hoc Working Group on Long-Term Cooperative Action under the Convention [AWG-LCA], SBSTA, UNFCCC, Bonn, June 4, 2009; available at [unfccc.int/files/meetings/ad\\_hoc\\_working\\_groups/lca/application/pdf/1\\_shue\\_rev.pdf](http://unfccc.int/files/meetings/ad_hoc_working_groups/lca/application/pdf/1_shue_rev.pdf).
- <sup>11</sup> Elisabeth Rosenthal, “Nations That Debate Coal Use Export It to Feed China’s Need,” *New York Times*, November 21, 2010. See also Karl Gerth, *As China Goes, So Goes the World* (New York: Hill and Wang, 2010), esp. chap. 8.
- <sup>12</sup> *Citizens United v. Federal Election Commission*, 558 U.S. [2010].
- <sup>13</sup> Journalistic coverage of the science is also poor—see James Painter, *Summoned by Science: Reporting Climate Change at Copenhagen and Beyond* (Oxford: Reuters Institute for the Study of Journalism, 2010).
- <sup>14</sup> See Stephen M. Gardiner, *A Perfect Moral Storm: The Ethical Tragedy of Climate Change* (New York: Oxford University Press, 2011).
- <sup>15</sup> “United Nations Framework Convention on Climate Change”; available at [unfccc.int/essential\\_background/convention/background/items/1349.php](http://unfccc.int/essential_background/convention/background/items/1349.php). For thorough legal analysis, see Lavanya Rajamani, *Differential Treatment in International Environmental Law* (Oxford: Oxford University Press, 2006).
- <sup>16</sup> See, e.g., the central plea for leadership in United Nations Environment Programme, “The Emissions Gap Report: Are the Copenhagen Accord Pledges Sufficient to Limit Global Warming to 2°C or 1.5°C?” November 2010. I am grateful to Anja Karnein for this source.
- <sup>17</sup> I attempt to explain more fully why they are urgent in Henry Shue, “Human Rights, Climate Change, and the Trillionth Ton,” in Denis G. Arnold, ed., *The Ethics of Global Climate Change* (Cambridge: Cambridge University Press, forthcoming).
- <sup>18</sup> I was provoked to think about the ethical status of this duty to lead by Anja Karnein.
- <sup>19</sup> See Leigh Raymond, “The Emerging Revolution in Emissions Trading Policy,” in Barry G. Rabe, ed., *Greenhouse Governance: Addressing Climate Change in America* (Washington, D.C.: Brookings Institution Press, 2010), pp. 101–25.
- <sup>20</sup> See Henrik Selin and Stacy D. Vandever, “Multilevel Governance and Transatlantic Climate Change Politics,” in Rabe, ed., *Greenhouse Governance*, pp. 353–65.
- <sup>21</sup> P. Forster, V. Ramaswamy, P. Artaxo, et al., “Changes in Atmospheric Constituents and in Radiative Forcing,” in Solomon, Qin, Manning, et al., eds., *Climate Change 2007: The Physical Science* (Cambridge: Cambridge University Press, 2007), p. 137.
- <sup>22</sup> The Cancún Agreements, negotiated in December 2010, are pitifully weak, and the U.S. has once again settled for a lowest common denominator that is shamefully far below the minimum urgently needed now.