

**Benefiting from Unjust Acts and Benefiting from Injustice: Historical Emissions and the
Beneficiary Pays Principle**

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I. Introduction

If the worst potential effects of anthropogenic climate change are to be avoided, significant mitigation and adaptation efforts must be undertaken sooner rather than later. These efforts, if pursued, will be costly, and therefore one of the challenges that we face as philosophers interested in the normative implications of the threat that we face from climate change is attempting to determine the appropriate distribution of costs among those who are obligated to contribute. While most plausible views about which principles ought to determine the distribution of costs, and about which particular factors are relevant to the fair distribution of costs, tend to support the view that wealthy countries and individuals ought to shoulder the bulk of the burdens, there are important differences between the competing views that have been advocated, and focusing on these differences is essential in order to adjudicate between plausible but incompatible theoretical positions.

Because plausible but incompatible views tend to have rather similar implications regarding the appropriate distribution of the costs of mitigation and adaptation efforts in the actual world, it can be helpful to consider what these views imply about the appropriate distribution of costs in circumstances that are in important ways different from those in the actual world. If a principle that seems independently plausible, and has implications regarding the appropriate distribution of costs in the actual world that seem at least roughly correct, nonetheless has implications regarding the appropriate distribution of costs in certain non-actual circumstances that seem intuitively unacceptable, this can provide a reason to reject the

principle, and to seek an alternative that avoids the counterintuitive implications in the non-actual cases. It is important, however, to avoid placing too much argumentative weight on intuitions about cases, whether actual or not, and too little on the independent plausibility of moral principles (Berkey, 2014:160-63). So, while I will appeal to what seem to me to be counterintuitive implications of principles that have been defended by others in the course of arguing that we should reject those principles, I will also argue that there are important theoretical considerations that provide reasons to favor the type of view that I will defend over the alternatives that I reject.

An additional note about the method that I will employ in this paper is that I will attempt to shed light on which principles ought to guide the distribution of the costs of mitigation and adaptation, and which factors are relevant to the appropriate distribution of those costs, on the assumption that it is possible to distribute the costs in accordance with the correct fundamental principles. My inquiry will proceed, then, at the level of ideal theory (Rawls, 1999: 8). Whether the correct fundamental principles can be appealed to in a way that will promote policy improvements in the real world depends on a wide range of empirical contingencies, and I will not discuss these here. In reasonably favorable circumstances, we have reason to hope that policy discussions and policy making in the actual world can be informed, at least to some extent, by philosophical reflection on the correct fundamental principles of justice. Of course, it may be that we do not find ourselves in such favorable conditions, in which case the relation between the basic principles that, on reflection, we endorse, and the manner in which we might engage in public debate over policy matters must become somewhat more complex. Still, I believe that

even in rather unfavorable circumstances, our efforts to make the world less unjust ought to be informed by reflection regarding fundamental principles of justice (Simmons, 2010).¹

My central aim is to provide some reasons to favor a view according to which neither historical emissions themselves, nor any relation that present individuals stand in to historical emissions or their effects, bear directly on the extent of the obligations that present people have to contribute to mitigation and adaptation efforts. I will use the term ‘historical emissions’ to refer to emissions caused by or normatively attributable to people who are now dead. The view that I will defend does not imply, then, that currently living people who are responsible for substantial emissions that occurred earlier in their lifetimes do not have any special obligations, in virtue of their history of emitting behavior, to contribute to mitigation and adaptation efforts. Rather, I will argue that the fact that a person stands in some relation that others do not to the emissions of *other people*, and in particular of people who are now dead, whether it be in virtue of standing in some relation to the people responsible for historical emissions, to wealth produced via historical emissions, or any other similar relation that might be thought to be morally significant, does not, in itself, ground any special obligation to contribute to mitigation and adaptation efforts.

My argument, then, challenges the fairly widely held intuition that the history of behavior that has contributed to the threat of climate change that we currently face bears in a significant way on the obligations that current people have to contribute to mitigation and adaptation efforts (Baatz, 2013: 106; Caney, 2010: 214; Duus-Otterström, 2014: 448; Zellentin, 2014: 271). This intuition has led many to endorse versions of what have come to be known as the *Polluter Pays*

¹ For skepticism about this view, see Mills (2005); Farrelly (2007); Wiens (2012).

Principle (PPP) and/or the *Beneficiary Pays Principle* (BPP), respectively.² The PPP holds that those who have themselves caused emissions, or are responsible for emissions, ought to bear the costs of mitigation and adaptation (Caney, 2005: 752; Caney, 2010: 204). Proponents of the PPP typically hold that polluters ought to shoulder costs in proportion to their level of emissions, and that only *unjust* levels of emission give rise to obligations under the principle. The more an agent has exceeded her fair share of emissions historically, then, the greater her fair share of the costs of mitigation and adaptation will be, according to the PPP.

The BPP holds that those who have benefited from emitting activity have a special obligation to bear costs of mitigation and adaptation, typically in proportion to the amount of benefit that they have received (Page, 2011: 420-21; Page, 2012: 306). Standard versions of the BPP hold that beneficiaries can be required, under that principle, to contribute up to the point that they are no better off than they would have been had they not benefited, but cannot be required to contribute more than that.³ Like most proponents of the PPP, proponents of the BPP also typically hold that only benefits deriving from *unjust* historical emissions give rise to special obligations to contribute to mitigation and adaptation. Since it seems plausible that wealthy countries and wealthy individuals have benefitted substantially more than others from unjust historical emissions, the BPP appears to provide a basis for assigning the bulk of the costs of mitigation and adaptation to the wealthy, on grounds that are independent of the mere fact that they are wealthy.⁴

² Some, like Edward Page (2011), endorse both principles. Simon Caney, however, has argued that it is difficult to combine them in a plausible way (2006, pp. 472-4).

³ Proponents of the BPP generally allow that beneficiaries might be obligated to contribute more than the amount by which they have benefited to mitigation and adaptation efforts, but insist that any contributions that are required beyond the amount by which they have benefited must be required under a separate principle, such as the PPP or an Ability to Pay Principle (APP).

⁴ This appearance is more difficult to defend than it might initially appear due to complexities raised by the non-identity problem (Parfit, 1984: ch. 16). For helpful discussion, see Caney (2006: 474-6).

Despite the apparent appeal of both the PPP and the BPP, I will argue that neither provides acceptable grounds for assigning costs to present people on the basis of a relation in which they stand to historical emissions. I will discuss the PPP rather briefly in section II. The bulk of my discussion, which will occur in section III, will focus on the BPP, since it seems to me the more plausible principle for assigning costs to present people on the basis of a connection to historical emissions. I will argue, however, that versions of the BPP that have been defended by others appear to share a common problematic feature. Specifically, they seem to limit the benefits that ground obligations under the principle to those that derive from *unjust acts*, and thereby implicitly deny that other ways in which individuals might benefit from injustice can ground similar duties to contribute to promoting justice. The versions of the BPP that I will criticize, for example, seem incompatible with the view that benefitting from *systemic institutional injustice* can ground special obligations to contribute to promoting justice, and with the view that benefitting from an *unjust state of affairs* that is not the result of unjust acts, in the sense of possessing more resources than one would possess in a just state of affairs, can ground such obligations.

The distinction between benefitting from unjust acts, on the one hand, and benefitting from systemic injustice or an unjust state of affairs, on the other, can be illuminated by looking at some key features of typical examples used by proponents to provide support for the BPP. These examples include the following:

- D attempts to unjustly divert water from B and C's land onto her own so that she can increase her crop yield, but inadvertently diverts the water onto B's land instead. As a result, B's crop yield doubles (B benefits from D's unjust act), C and D wind up with no crops, and D kills herself as a result (Butt, 2007: 132-3).
- At age 50, you discover that you were admitted to Harvard only because of a bribe paid by your father, and learn the identity of the person who would have been admitted instead of you had the bribe not been paid. You are better off than you

would have been had you not gone to Harvard, while he is worse off than he would have been had he been accepted (Barry and Goodin, 2014: 365).

- An enemy of my neighbor replaces a note that she left for her landscaper, whom she has pre-paid, with a note instructing the landscaper to perform work on my yard that I wanted done but had not yet paid for. The landscaper performs this work, with the result that I have received free landscaping services while my neighbor has paid for services not performed (Butt, 2014: 338).

In all of these cases, the beneficiary of injustice innocently benefits from particular wrongful acts performed by others *within an institutional context*, rather than from the ordinary functioning of society's major institutions, or from an unjust state of affairs that results from the ordinary functioning of those institutions. Whether the relevant wrongful acts are performed within a just background institutional context, and whether the initial overall distribution of justice-relevant goods is just, is not specified. This suggests that those defending the BPP using these examples are operating on the assumption that the fact that one has innocently benefitted from a wrongful or unjust act can generate reasons, and in some cases obligations, to redirect the relevant benefits to the victims(s) of the wrongful act, regardless of whether the background social and institutional conditions are just or unjust, and regardless of whether the beneficiary of the unjust act is herself a victim of systemic institutional injustice or an unjust state of affairs. Daniel Butt is explicit that his argument is focused on the question of "what a specified agent, who has benefited from *an instance of wrongdoing* which has caused a setback to the interests of another, should do" (2014: 337, italics added), and that he "put[s] to one side a range of problems about the extent to which one's actions should seek to bring society closer to one's preferred scheme of distributive justice" (2014, p. 337). The version of the BPP defended by Butt, then, like those defended by others, holds that one can be obligated to relinquish benefits acquired as a result of unjust acts performed within either a just or unjust system, but takes no position on whether

those who benefit from the operation of an unjust system can be obligated to relinquish the benefits that they enjoy as a result of its injustice.

It is unclear, however, what the theoretical basis might be for thinking that benefitting from unjust acts can generate potentially demanding obligations to sacrifice the relevant benefits in order to promote justice, while other possible ways of benefitting from injustice, such as benefitting from the operation of unjust institutions, do not generate similar obligations; and proponents of the BPP have not offered any argument in defense of this asymmetry.

The asymmetry might be defended by appealing to an account of justice, and in particular of distributive justice, that is at least primarily historical, in the sense that whether one is entitled to particular resources depends primarily on whether one acquired them in accordance with principles of justice for the acquisition and transfer of resources that apply to individual actions. This approach, however, is unlikely to appeal to most proponents of the BPP, since it would require endorsing an account of distributive justice that is at least much closer to right-libertarian views (e.g. Nozick, 1974) than they are typically inclined to accept. If, on the other hand, proponents of the BPP reject the asymmetry, and hold that benefitting from injustice *of any kind* grounds obligations to give up the relevant benefits in order to promote justice, then on a wide variety of plausible views about distributive justice, historical emissions, and historical injustice more generally, will not bear on the obligations of present people, since whether one is a beneficiary of injustice on the whole will not depend in any way on the relation that one's present holdings stand in to unjust historical emissions. Contrary to what its proponents have claimed, then, the most plausible versions of the BPP will not imply any significant role for historical emissions in the determination of the obligations of present people.

II. The PPP and Historical Emissions

Proponents of the PPP believe that the *history* of greenhouse gas emitting activity, including emissions caused by people who are now dead, either directly or indirectly affects the extent of the burdens that ought to be assigned to current bearers of obligations to contribute to mitigation and adaptation efforts. One approach to defending this claim is to argue that we ought to treat countries, or nation-states, as the relevant bearers of obligations to contribute to addressing climate change (Miller, 2009: 121; Neumeyer, 2000: 186-9; Pickering and Barry, 2012: 670; Shue, 1999: 534, 545; Zellentin, 2014: 260, 265-8). This view, combined with the PPP, implies that the fact that some countries or nation-states have emitted more than their fair share historically provides a strong reason to allocate greater burdens to them than to those that have not emitted more than their fair share historically.⁵ Since at least most wealthy industrialized countries have emitted more than their fair share historically, and at least most other countries have not, a version of the PPP that treats collectives such as countries or nation-states as the relevant agents for whom the principle generates obligations implies that, in the actual world, wealthy industrialized countries ought to shoulder the bulk of the costs of mitigation and adaptation. This seems like the right result, and the explanation that the PPP offers, namely that those who have caused a problem have a special responsibility to pay the

⁵ Neumayer refers to “countries” as the entities to be held responsible for historical emissions (2000: 186-7), as do Pickering and Barry (2012: 670). Zellentin claims that it is “states” that have obligations of rectificatory justice in virtue of being responsible for historical emissions (2014: 260, 265-8). Shue refers to both “countries” (1999: 534) and “states” (1999: 545). Miller rejects the view that rectificatory responsibility for historical emissions is most plausibly assigned to states, and claims that, instead, those who wish to assign to present members of a group responsibility for what previous members did should focus on “nations” (2009: 128). He suggests that while it may be unfair to insist that individuals shoulder burdens (for example, tax burdens) because of what their states did in the past, it is not necessarily unfair to ask them to shoulder burdens on behalf of the national group with which they identify. This is because people with a shared national identity “think of themselves as belonging to the same cultural group as their forebears, and take pride in the historic achievements of their country” (2009: 128). He adds that, “if you inherit the benefits of economic development, and claim the right to enjoy these benefits, by virtue of membership then you should also be held responsible for the associated costs” (2009: 128).

costs of addressing it, is familiar and, at least when applied at the level of individuals, quite compelling.

When we think about other cases, however, versions of the PPP that treat collectives as the relevant agents have implications that there are reasons to find troubling. Consider, for example, the following case, which I will call *Lost Wealth*:

Lost Wealth: Country A industrialized and emitted at very high levels beginning 200 years ago, and as a result was quite wealthy. Beginning 100 years ago, however, a combination of natural disasters, political mismanagement, and diminishing stocks of natural resources led to a sharp decline in economic productivity, and therefore a sharp decline in emissions. This trend has continued up to the present day. For the last 100 years the country's emissions have been a bit below its annual fair share, although its total historical emissions remain well above its fair share. Although the political situation in the country has improved a great deal in recent years, its economy remains weak for a variety of reasons, including a commitment on the part of both the citizenry and the country's political officials to limit greenhouse gas emissions out of concern regarding the threat of climate change. As a result, current citizens of country A are, on average, significantly less well off economically than the citizens of most other countries that have emitted more than their fair share historically, and are also less well off than the citizens of many countries that have not emitted more than their fair share historically.

The PPP, applied to countries, implies at least that country A ought to bear a share of the costs of mitigation and adaptation that is a fair bit greater than what its share would be if it were

determined by present levels of wealth alone (that is, if it were determined in accordance with an Ability to Pay Principle). In fact, the PPP, as it is often understood by proponents of applying it to collective entities, has even stronger implications regarding the obligations of country A. It is possible to combine the PPP with other principles, such as an Ability to Pay Principle (APP), so that a country's appropriate share of the costs of mitigation and adaptation is determined by giving a certain amount of weight to its share of unjust historical emissions, and a certain amount to its present wealth. Many proponents of the PPP, however, view it as an alternative to the APP, rather than as a complementary principle (Neumayer, 2000; Zellentin, 2014), and others seem to believe that even if both historical emissions and present wealth should be taken into account, historical emissions should be weighted quite a bit more heavily (Page, 2011: 418-20). On these views, country A ought to bear a significantly greater share of the costs of mitigation and adaptation than other, much richer countries with lower historical emissions, and ought to bear a share of the costs that is not significantly lower than much richer countries with similar historical emissions.

Once we note that the costs assigned to a country will in fact be borne by its present citizens (Caney, 2006: 469), these implications seem quite troubling. The current citizens of country A had no control over the emitting behavior of those who lived in A 200 to 100 years ago (assume that no one in A is now over 100 years old, or that those who are older are no more than 105 years old, so that they were very young children when the country last emitted more than its fair share in a given year), so it appears problematic to claim that they ought to shoulder the costs of what previous (and long dead) citizens did.⁶ The PPP, applied to countries, can, then,

⁶ Rudolf Schüssler presents a small-scale case that is roughly analogous, and that seems to me to effectively highlight the problematic feature of applying the PPP to collectives in the way that some of its advocates suggest. In his case, three children would, all else equal, be entitled to an equal share of a cake. The grandfather of one of the children, however, has wrongfully (but excusably, since he did not know that he was not entitled to any of the cake)

unfairly burden those living in countries with high levels of historical emissions who are themselves not particularly well off. In addition, even where the PPP has implications that seem acceptable, it distributes burdens to people for the wrong reasons. If the fact that previous citizens of their country emitted heavily does not justify assigning substantial burdens to people who are relatively badly off, then that same fact cannot justify assigning substantial burdens to people who are well off either. In other words, if it is unfair to burden those who are not wealthy on the grounds that previous citizens of their country emitted more than their fair share, then it is unfair to burden those who are wealthy on the basis of *what previous citizens of their country did*. If the wealthy ought to bear substantial burdens, then, it must be for a different reason.⁷

The primary theoretical reason to reject the PPP, applied to collectives, then, is that it stands in tension with the highly plausible claim that individuals should not be obligated to bear greater burdens than others in virtue of nothing more than the behavior of other people over which they had no control. The intuition that the citizens of country A should not have to bear substantial burdens in virtue of what previous citizens of A did can be thought to support this general claim, but in fact the claim seems independently plausible enough that we might just as easily take the argumentative force of Lost Wealth to consist in simply highlighting the fact that the PPP, applied to collectives, can have implications that conflict with a theoretical claim that is quite independently plausible.

There is much more that can be said against versions of the PPP that take collectives to be the bearers of the relevant obligations, and I do not take myself to have provided an entirely

eaten a slice. It seems unacceptable to hold that his grandchild should now receive a smaller piece of cake than the other children (Schüssler, 2011: 273).

⁷ It can be a bit difficult to see this, since in the actual world there is such a strong correlation between a country's historical emissions and its present level of wealth. This correlation is, however, not perfect, even in the actual world (Caney, 2010: 212), and non-actual cases such as Lost Wealth help to make it clear that where this correlation exists, it is contingent, so that we must consider whether historical emissions have moral significance independent of present wealth, and if so, how much.

decisive case against that view here.⁸ I hope, however, to have provided sufficient grounds for doubting that it is acceptable to motivate those who are inclined to believe that historical emissions bear on present obligations to take themselves to have reason to consider alternative approaches to justifying that belief. The BPP represents one such approach, and it will be my focus in the following section.

III. The BPP and Historical Emissions

Any version of the PPP that aims to allocate obligations to present people on the basis of historical emissions must take collectives to be the agents that bear the relevant obligations.⁹ The BPP, on the other hand, can assign obligations to either present collectives or present individuals on the basis of benefits received from historical emissions. Assigning obligations under the BPP to collectives, however, generates problems similar to those that I have argued make the PPP an unacceptable basis on which to assign obligations to present people.

Consider the version of the BPP endorsed by Edward Page, according to which “the burdens [generated by the BPP] should be distributed *amongst states* according to the amount of benefit that each state has derived from past and present activities that contribute to climate change” (2012: 302-3, italics added; see also Page, 2008: 563). Recall that in *Lost Wealth*, country A became quite wealthy as a result of its industrialization and high levels of emission between 200 and 100 years ago. Imagine that, in addition, the current citizens of A are no better off than (very likely different) citizens of A would have been had the country emitted only its

⁸ Further discussion can be found in Caney (2006: 467-71).

⁹ Recall that I use the term ‘historical emissions’ to refer to emissions caused by or normatively attributable to people who are now dead. A version of the PPP that takes individuals to be agents of the relevant emissions, and therefore the bearers of obligations under the principle, would not, then, assign obligations to any present people on the basis of historical emissions (Caney, 2010: 210-11).

fair share historically.¹⁰ On at least most plausible accounts of what it is to benefit from unjust historical emissions, then, current citizens of A have not benefitted from their country's unjust historical emissions. Imagine that they are also no better off than citizens of A would have been had *all countries* emitted only their fair share historically,¹¹ so that on at least most plausible views they have not benefitted from *any* unjust historical emissions, whether those of their own country or those of others. Lastly, imagine that they are, on average, significantly less well off than the citizens of other historically high emitting countries (whose current citizens enjoy at least a significant portion of the benefits that their countries have gained from historical emissions, whether those of their own country or those of others), and also less well off than the citizens of many countries that have neither emitted more than their fair share historically nor benefitted from the historical emissions of others. Page's version of the BPP appears to imply that despite the fact that country A is currently not particularly well off, and despite the fact that none of its current citizens is responsible for any of A's unjust historical emissions, A, and therefore its current citizens, should be assigned a share of the costs of mitigation and adaptation that is at least a fair bit higher than the shares of similarly wealthy (and even wealthier) countries that have not benefitted from historical emissions (either their own or those of other countries), and also not significantly lower than the shares of countries that have benefitted from historical

¹⁰ Imagining how well off citizens of A would have been had the country emitted only its fair share historically entails imagining a (likely entirely) different set of current citizens of A. This is because a significant difference in A's level of historical emissions would affect who has children with whom, when people conceive, and so on, to such an extent that it seems at least fairly likely that none of the citizens of A that would exist in the circumstances described in *Lost Wealth* would also exist in the alternative circumstances in which A had emitted only its fair share historically (Parfit, 1984: 360-61).

¹¹ I use the notion of a country's "fair share" of emissions to refer to the amount X, whatever it might be, such that a country's emitting more than X (within the relevant time period) constitutes an injustice. This is clearly the type of account of unjust historical emissions that defenders of the BPP typically have in mind when they claim that present people have benefitted from unjust emissions and therefore have obligations under that principle to contribute to mitigation and adaptation. The basic idea is that past emitters unjustly (but perhaps non-culpably) appropriated an unfairly large share of the atmosphere's greenhouse gas absorption capacity for themselves or for their country, either because each person or country is entitled to a particular share of that capacity and no more, or because such appropriation violated a Lockean proviso requiring that appropriators leave enough and as good for others (Nozick, 1974: 178-82).

emissions roughly the same amount overall over the past 200 years, but whose current citizens (unlike the current citizens of A) enjoy a substantial portion of the total benefits received by their country.¹² This seems unfair to the current citizens of A for roughly the same reason that holding them responsible for costs under the PPP applied to countries is: they are held to be obligated to bear significant costs despite the fact that they themselves, as individuals, neither caused nor benefitted from any unjust historical emissions. Since this seems unacceptable, we have reason to conclude that a plausible version of the BPP must take *individuals* to the relevant beneficiaries for whom the principle generates obligations.¹³

Versions of the BPP according to which individuals are the relevant beneficiaries and bearers of obligations hold that insofar as an individual is a beneficiary of a relevant injustice, for example unjust historical emissions, she can be subject to obligations under the principle. Once again, the most commonly accepted versions hold that individuals cannot be obligated under the BPP to sacrifice an amount greater than the amount by which they have benefitted. The particular implications of any version of the BPP will depend on what it counts as a relevant

¹² Page's overall view about the appropriate distribution of the costs of mitigation and adaptation would exempt country A from bearing significant costs if it were below a certain threshold of current wealth (2011: 428). But so long as it is above that threshold, it appears that he is committed to allowing that it (and therefore its current citizens) can be required to bear costs that would bring it down to the threshold, while other similarly well off countries are obligated to bear only much lower burdens. This implication is troubling for the same reason that the implications of the PPP applied to countries is, namely that it, at least indirectly, assigns substantial obligations to individuals on the basis of behavior of others over which they had no control, while assigning no obligations to currently similarly situated individuals.

¹³ It might be suggested that a version of the BPP that takes countries to be the bearers of the relevant obligations could determine the extent of A's current obligations on the basis of the amount of benefit from unjust historical emissions that it *presently* enjoys. This would avoid unacceptably burdening A's current citizens, since A does not currently enjoy any benefits from historical emissions. But this view would not really treat countries themselves as beneficiaries and agents of obligations in a way that is morally consistent and analogous to how a plausible version of the principle would treat individuals. We would not allow a version that applies to individuals to, for example, exempt from obligations those who enjoyed benefits as a result of injustice in the past, but now no longer possess any of those benefits. If, for example, I non-culpably acquire a valuable item that turns out to be stolen, enjoy and benefit from its use for several years, at which point the item is damaged beyond repair, no plausible version of the BPP would assign me *no obligations* if the fact that the item was stolen is discovered only after it ceases to be a source of ongoing benefits to me. A version of the BPP that takes countries to be the relevant beneficiaries and agents of obligations, then, must take the fact that a country enjoyed benefits deriving from injustice *in the past* to bear on the extent of its present obligations under the principle. And, as I have argued, any view that does this will unfairly burden the present citizens of A.

injustice – that is, what it counts as an X such that one’s benefitting from X can give rise to obligations under the principle. The most common versions of the BPP include relatively narrow accounts of what can count as an X, according to which only unjust *acts* of various kinds can count. In principle, however, one might accept a version of the BPP according to which a wide range of types of injustice can be such that benefitting from any of them can generate obligations under the principle.

There is a powerful intuition that can be appealed to in support of the BPP, as applied to individuals. The intuition is that recognizing something as unjust commits one to recognizing reasons to remedy the injustice, if possible. If one has benefitted from what one recognizes as an injustice, and can redirect the benefits that one has received to victims of the injustice, there does not seem to be any justification, all else being equal, for refusing to do so. This seems to be the case even if one had no way of avoiding receipt of the benefits in the first place.¹⁴

¹⁴ The intuition is nicely explained by Daniel Butt: “Moral agents can have obligations to compensate victims of injustice if they are benefitting and the victims are suffering from the automatic effects of the act of injustice in question... The individual’s duty not to benefit from another’s suffering when that suffering is a result of injustice stems from one’s moral condemnation of the unjust act itself. In consequence, a duty to disgorge... the benefits one gains as a result of injustice follows from one’s duty not to so benefit... taking our nature as moral agents seriously requires not only that we be willing not to commit acts of injustice ourselves, but that we hold a genuine aversion to injustice and its lasting effects. We make a conceptual error if we condemn a given action as unjust, but are not willing to reverse or mitigate its effects on the grounds that it has benefitted us. The refusal undermines the condemnation... Losses which others suffer as a result of the unjust actions of other persons cannot be dismissed as arbitrary or simply unfortunate: they create distortions within the scheme of fair distribution... If our moral condemnation of injustice... is to be taken seriously, it must be matched by action to remedy the effects of injustice” (2007: 143-4; see also 2014: 340). It is unclear, however, what Butt thinks the *conceptual error* one makes is supposed to be if she acknowledges that an action is unjust, but is not willing to give up benefits that she acquired as a result of that action. It seems quite plausible that refusing to give up the benefits amounts to a *moral* error, but it is difficult to see why we might think that it is also a conceptual error (Moellendorf, 2014: 170-71). Indeed, acknowledging that one has benefited from an injustice, while at the same time asserting that one is nonetheless not obligated to give up the benefits that she has received in order to aid the victims of the injustice, seems not only conceptually possible, but is in fact a widely endorsed view at least with respect to benefitting from systemic injustice. Most moral and political philosophers believe, for example, that those who benefit from unjustly low tax rates are not obligated to give up the additional amount that they should have been taxed in order to benefit those (for example, the worst off members of their society) who are the victims of the unjustly low tax rates and related failure of the state to provide income supplements or other benefits to them (for critical discussion of this view, see Cohen (2000: ch. 10)).

Despite the fact that a plausible way of explaining this intuition does not differentiate between different types of injustice from which individuals might benefit, many proponents of the BPP have focused exclusively on benefits that individuals might acquire as a result of unjust acts, or, in some cases, patterns of acts (Baatz, 2013: 99; Butt, 2007: 143-4; 2014: 338-40; Gosseries, 2004: 50; Goodin and Barry, 2014; Haydar and Øverland, 2014).¹⁵ On these views, the BPP gives rise to obligations that apply to those who have benefitted from unjust historical emitting acts or patterns of such acts. The obligations that are generated by any particular version of a principle of this kind will depend on what counts as benefitting from unjust historical emitting acts. A range of plausible views about what counts as benefitting from unjust historical emitting acts, however, are such that combining them with a version of the BPP that takes individuals to be the relevant beneficiaries and bearers of obligations would have implications that there are reasons to find troubling.

Consider, for example, the view that what it is to benefit from unjust historical emitting acts is to be better off as a result of such acts than one would have been in their absence, holding everything else equal.¹⁶ A version of the BPP that employs this account of what it is to benefit from unjust historical emitting acts would have either at least somewhat limited applicability to current individuals, or else would have implications that are much too sweeping. This is because of the non-identity effect (Parfit, 1984: 360-61). At least some unjust historical emitting acts, and

¹⁵ Robert Huseby's (2015) criticism of the BPP also focuses exclusively on unjust acts. Two exceptions to this narrow focus are Holly Lawford-Smith's (2014) and Christian Barry and David Wiens's (2014) discussions. Despite endorsing a principle that clearly implies that the beneficiaries of various types of injustice, including systemic injustice, have obligations under the principle, however, the main example that Lawford-Smith uses in her defense of the principle is one in which a person benefits from normative failures constituted by particular acts or omissions (2014: 400-01). Barry and Wiens discuss both cases in which individuals benefit from unjust acts and cases in which they benefit from systemic injustice within companies, but they do not discuss the obligations of the beneficiaries of unjust political institutions directly. Nevertheless, the conditions under which they claim that individuals owe benefiting-related duties to victims of injustice appear to include benefiting from, for example, unjust tax policies that leave them richer than they would have been under a just policy and others poorer than they would have been (2014: 14).

¹⁶ This seems to be the view that Axel Gosseries operates with (2004: 49-53).

certainly patterns of such acts, affected which people came into existence, so that many people who we might initially think are better off than they would have been in the absence of certain unjust historical emitting acts, in fact would not have existed at all had those acts not been performed. It would appear, then, that an individual cannot be said to have benefitted from any unjust historical emitting acts that were necessary conditions of her coming into existence (Caney, 2006: 474-6). And since it is plausible that many individuals would not have existed if the unjust historical emitting acts from which we might have initially thought they benefitted had not been performed, it seems that a version of the BPP according to which what it is to benefit from unjust historical emitting acts is to be better off than one would have been in the absence of such acts would not in fact generate obligations that are nearly as extensive as proponents may have thought it would.

Alternatively, it might be suggested that if certain unjust historical emitting acts were necessary conditions of one's coming into existence, then as long as one has a life that is worth living, one has benefitted from those acts. But on this view individuals whose lives are barely worth living, and who possess none of the material goods or other advantages produced in unjustly emitting ways, would count as beneficiaries of unjust historical emitting acts, and so there would be reasons generated by the BPP for them to contribute to mitigation and adaptation efforts. These reasons might always be outweighed once other relevant considerations are taken into account, so that such people would not actually be obligated to contribute. But it is nonetheless implausible to hold that such people are beneficiaries of unjust historical emitting acts in a way that provides any grounds at all (even if outweighed) for holding them responsible for bearing costs of mitigation and adaptation. These are certainly not people whom advocates of the BPP typically consider among the beneficiaries of unjust historical emitting acts.

A further problem with employing an account of what it is to benefit from unjust historical emitting acts according to which one has benefitted if one is better off than she would have been in the absence of such acts can be seen by considering a variant of a case offered by Axel Gosseries (2004: 43-5) in his defense of a version of the BPP. In Gosseries's original case, the world consists of three countries, which I will call E, F, and G, respectively.¹⁷ E emits at unjustly high levels, and F, while not itself emitting any greenhouse gases, benefits from the unjust emissions of E via extensive trade. G, meanwhile, is harmed by the unjust emissions of E because of the climate change caused by those emissions, and does not trade with either E or F (so it does not benefit from E's emissions in any way). Gosseries then imagines that E's population is completely wiped out by a natural disaster, so that it can no longer provide compensation to G for the effects of its unjust emissions. He claims that the citizens of F (strictly speaking, those individuals who have benefitted from the unjust emissions of E) can be held responsible for providing compensation to the people of G, and that it is the fact that they have benefitted from the unjust emissions of E that explains why they are obligated to provide this compensation.

Despite the fact that it might seem intuitively plausible that the citizens of F ought to provide aid to G in the circumstances described by Gosseries, it is not clear that the BPP provides the best explanation of this.¹⁸ The fact that G does not trade with either E or F may, for example, lead us to assume that G is significantly poorer than F, so that the harm that it endures

¹⁷ Gosseries uses the names of actual countries, specifically the U.S., the E.U., and Bangladesh. Because the use of actual country names may distort intuitive responses to the case, I have substituted generic names.

¹⁸ As Robert Huseby (2015: 215) points out, the names of the countries used in Gosseries's original version of the example, along with the fact that G (Bangladesh) does not trade with either E (the U.S.) or F (the E.U.), will lead readers to assume that citizens of F (the E.U.) are at least mostly well off, while citizens of G (Bangladesh) are at least mostly poor. Since, as Huseby notes, "[a]lmost any plausible theory of distributive justice would demand assistance" from F (the E.U.) to G (Bangladesh), it is difficult to see whether the fact that citizens of F (the E.U.) have benefited from the unjust emissions of E (the U.S.) has any independent effect on the intuition that F (the E.U.) should provide aid to G (Bangladesh) (2015: 215).

as a result of E's emissions exacerbates pre-existing distributive injustice. In the absence of a presumption of this kind, or at least a presumption that the overall distribution of justice-relevant goods prior to G sustaining harm and F acquiring benefits as a result of E's unjust emissions did not unjustly favor G, the case seems under-described in ways that undermine the possibility of generating reliable intuitions about whether F owes aid to G in virtue of benefiting from E's unjust emissions.

There are, in addition, reasons to doubt that the fact that citizens of F have benefitted from the unjust emissions of E has any independent reason-providing force in Gosseries's case. Consider a variant of the case in which citizens of F are wealthy, F does not trade with E, and F is mildly negatively affected by climate change caused by E's unjust emissions. In this case, citizens of G, though very poor, benefit somewhat from the unjust emissions of E via trade, and G is not negatively affected by the climate change caused by those emissions. It seems implausible that the fact that G has benefitted from the unjust emissions of E, while F has been harmed by those emissions, gives us reason to think that G should compensate F for the harms that it has suffered as a result of the unjust acts of citizens of E, once all of E's citizens have been wiped out by the natural disaster. The reason that this is the case seems clear. All things considered, citizens of G are victims of injustice, while citizens of F are plausibly beneficiaries of injustice. The fact that citizens of G have benefitted from *particular unjust acts*, then, seems beside the point, even if citizens of F have not benefitted from any unjust acts. Citizens of F are beneficiaries of systemic institutional injustice, since the global economic order unjustly favors their interests over those of citizens of G; and/or they are beneficiaries of an unjust state of affairs, in which they have more justice-relevant goods than they would have in a just state of affairs, while citizens of G have fewer. If one accepts that the global economic order is unjust in

a way that benefits citizens of F, or that the state of affairs in which citizens of F are wealthy while citizens of G are very poor is unjust, then there do not seem to be any grounds upon which a proponent of the BPP could hold that the fact that citizens of G have benefited from the unjust acts of citizens of E generates compensatory duties owed to the citizens of the F, while the fact that citizens of F benefit from other forms of injustice does not generate duties owed by citizens of F to citizens of G. Of course one might deny that the global economic order is unjust, and that the state of affairs in which citizens of G are very poor while citizens of F are wealthy is unjust, and therefore claim that there is no injustice in the case that I have described apart from the unjust emitting acts of citizens of E. But I suspect that few proponents of the BPP would endorse this view, and it seems to me clearly unacceptable.

Proponents of the BPP might claim that the fact that citizens of G benefit from the unjust emitting acts of citizens of E provides some reason for them to compensate citizens of F for the harms that they suffer as a result of those acts, but that this reason is outweighed by the reasons provided by the fact that citizens of F benefit from other forms of injustice, so that on the whole citizens of F ought to provide aid to citizens of G in virtue of being overall beneficiaries of injustice while citizens of G are overall victims. This view, however, either does not actually give any independent weight to the fact that citizens of G have benefited from unjust acts, or else has implausible implications. To see this, suppose that the correct account of global economic justice is a sufficientarian account, and that the sufficiency level is set at \$20 per person per day. Initially, citizens of G earn \$15 per person per day on average, so that E and F are jointly obligated to provide the equivalent of \$5 per person per day in aid. Citizens of G then benefit from the unjust emitting acts of E, so that they now earn \$16 per person per day on average. The population of E is then wiped out by a natural disaster. It is true that, had citizens of G not

benefited from the unjust emitting acts of E, the citizens of F would have had to provide the equivalent of \$5 per person per day in aid, while they now, it seems, have to provide only the equivalent of \$4 per person per day. But this would be true regardless of how it came about that citizens of G are now better off than they had been. The fact that it was benefits resulting from unjust acts, rather than economic growth unrelated to any unjust acts, or any other cause, appears to make no difference to the extent of the obligations of the citizens of F. The fact that one party has benefitted from unjust historical acts, then, appears to have no reason-providing force that is independent of the general requirements of justice.¹⁹

In order to hold that the fact that citizens of G have benefitted from unjust historical acts has independent reason-providing force, proponents of the BPP would have to hold that because they have so benefitted, citizens of F are obligated to provide less in aid to G than they would have been obligated to provide had citizens of G become better off in a way that was unrelated to any unjust historical acts. They might claim, for example, that in the case that I have described F is only obligated to provide \$3 per person per day in aid, rather than \$4, so that citizens of G then have \$19 per person per day on average. It is, however, implausible that a person's overall entitlements within a theory of justice that is not primarily historical could be reduced by the fact that she has become better off than she otherwise would have been (in an unjust system or unjust state of affairs) as a result of unjust historical acts. Rather, if there are independent facts about what constitutes a just outcome, or about what a just system and the results of its operation would be, then it is these facts that determine each person's overall entitlements. The relation

¹⁹ The success of this argument does not depend on assuming that the correct account of global economic justice is sufficientarian. A similar argument could be made on the assumption that the correct account is, say, prioritarian or egalitarian. The relevant point is simply that for the fact that citizens of a country have benefited from unjust acts to have weight that is independent of the extent to which they are overall beneficiaries or victims of injustice, their having benefited from unjust acts would have to make a difference to their overall entitlements.

between one's current holdings and the actions of others over which one had no control (such as unjust historical acts), then, will not affect one's overall entitlements in any way.²⁰

IV. Conclusion

This line of reasoning suggests that we should take seriously a different type of principle that can be plausibly called a Beneficiary Pays Principle. Rather than holding that the beneficiaries of unjust acts have obligations under the principle, such a principle will hold that those who benefit from injustice in the sense that they possess more justice-relevant goods than they would within a just system or in a just state of affairs are obligated to transfer the justice-relevant goods that they would not possess in a just system or state of affairs to those who have fewer such goods than they would in a just system or state of affairs. Such a view would give no independent weight to the fact that one has benefitted from unjust acts in the sense in which proponents of the BPP have typically understood what it is to benefit from such acts. It would also be, in important ways, more radical than the BPP as it has typically been understood. It would imply, for example, that beneficiaries of unjustly low tax rates have direct obligations to those who are the victims of unjust tax policy. And it would imply that if an unjustly poor person non-culpably receives money stolen from an unjustly wealthy person, the fact that the money was unjustly stolen has no independent reason-providing force that could generate an obligation

²⁰ If my argument here is correct, then it undermines not only the views of those who endorse versions of what they themselves refer to as a Beneficiary Pays Principle that focuses exclusively on unjust acts, but also the views of those like Simon Caney, who rejects what he understands as the Beneficiary Pays Principle for several reasons, including issues having to do with the non-identity effect (2006: 471-6), but claims that in distributing the burdens of mitigation and adaptation, those whose wealth came about in unjust ways should, all else equal, be allocated a greater share than those whose wealth did not come about in unjust ways (2010: 217-18). On this view, two people with an equivalent amount of wealth should be allocated (perhaps highly) unequal shares of the costs of mitigation and adaptation if one inherited wealth created by a high-emitting company that his grandfather worked for, while the other inherited wealth created by a company that did not engage in any unjust behavior. For reasons that I have already described, this seems to me to be an implausible implication, and it is one that is difficult to reconcile with an account of distributive justice that is not primarily historical in the way that libertarian views are historical.

applying to the poor person to return the money to the rich person.²¹ Though many will find these implications counterintuitive, they seem to me correct, and I believe that a version of a Beneficiary Pays Principle that embraces them can be defended. Providing a thorough defense, however, is a task that must be left for another occasion.²²

²¹ There may be other reasons that generate an obligation for the poor person to return the money to the rich person. But because the poor person is, by hypothesis, on the whole a victim rather than a beneficiary of injustice, despite being better off than she would have been as a result of a particular unjust act, she cannot, on the version of a BPP that I have suggested, be obligated *under that principle* to return the money.

²² I am grateful to audience members at the George Washington University Department of Strategic Management and Public Policy, as well as to Vince Buccola, Peter Conti-Brown, Nico Cornell, Gwen Gordon, Rob Hughes, Sarah Light, Eric Orts, Amy Sepinwall, and David Zaring for helpful discussion. I thank two anonymous referees, as well as Lukas Meyer and Pranay Sanklecha, for helpful comments.

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