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A Kantian Justification of Fair Shares: Climate Ethics and Imperfect Duties

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ABSTRACT

The debate surrounding individual climate duties is divided between collectivists and unilateralists. The fair shares argument is the most influential unilateralist position. In this paper, I demonstrate how a Kantian approach could solve three problems the fair share argument faces. Firstly, the Kantian focus on an agent's will avoids skepticism regarding the causal connections between individual actions and climate effects. Secondly, a Kantian argument for the imperfect duty to minimally restrict our emissions to an equal share justifies egalitarian fair shares. Thirdly, a Kantian ethical approach has direct political implications, taking away concerns about a distracting focus on individual efforts.

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1. Introduction

The debate surrounding the ethical obligations of individuals in light of global warming has largely moved from whether individuals have such duties at all to whether individuals have these duties *independently from political efforts*. Thus, there are two broad families to be distinguished. Firstly, collectivists believe ethical climate duties only derive their normative force from the existence of or the effort to bring about collective agreements (Johnson, 2011; Kingston & Sinnott-Armstrong, 2018). Secondly, unilateralists believe individuals have ethical duties to undertake climate action unilaterally, independently from the existence of political agreements or the behavior of other individuals (Baatz, 2014). Amongst the latter is a Kantian strand, prominently rejected by Johnson (2003). In this paper, I aim to show how the unilateralist view – and the 'fair shares argument' in particular – would benefit from a more comprehensive Kantian justification.

Collectivists do not deny that individuals have climate obligations. They argue that our ethical obligations to reduce emissions are derived from the existence of or the effort to bring about collective agreements. They believe we must bring about political agreements because only mutually coercive agreements can solve collective action problems. Making personal environmental sacrifices may be instrumental in attaining political goals for credibility reasons (Johnson, 2011, p. 155). Yet, collectivists emphasize that we ought

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to refrain from projecting our duties under a possible political agreement onto a situation wherein this agreement is merely hypothetical (Kingston & Sinnott-Armstrong, 2018, p. 182).

The idea that we are obligated to unilaterally reduce our pollution to a level sustainable with equal use by all others is rejected by Johnson (2003), an answer he deems to be 'widely believed' and 'a Kantian one' (p. 272). The rationale behind the answer is indeed Kantian in a broad sense: if a particular resource is a scarce good, I should not make an exception for myself by taking more than others but rather restrict my use so all others have an equal opportunity. That is, my behavior should be *universalizable*. Moreover, I have this duty irrespective of other people's behavior.

In this journal, the 'Kantian answer' has found its way into the debate under the banner of the 'fair share argument', which has become the most influential unilateralist position. Baatz attempts to specify the extent of one's duty to restrict emissions use. To do so, he takes on the Kantian language of 'imperfect duties'. He concludes that we can give some general considerations for the size of one's 'fair share' of emissions, but due to many interpersonal variations, the level of reduction is ultimately a problem to be solved by the individual. They must reduce their emissions 'as far as can *reasonably* be demanded of them' (Baatz, 2014, p. 15).

The fair shares approach provides an appropriate normative framework to look at the problem of global warming. Not only do nation-states and corporations have duties in light of climate change, but individuals should also unilaterally limit their impact on pollution. I choose to use the terminology of a 'restriction' of emissions rather than a 'reduction' of emissions because a duty to 'reduce' assumes that everyone already exceeds their fair share. The emissions in question concern all emissions that result from an individual's actions. Think of our modes of transportation, the food we consume, and the items we buy. Of course, calculating our exact greenhouse gas emissions production would require significant information. Although making estimates based on lifestyle patterns seems reasonable enough, such epistemological limitations, in any case, do not impact our moral reality.

My account differs on several points from existing fair share accounts. A crucial aspect concerns the egalitarian definition of fair shares and the nature of imperfect duties. I argue that our fair share of emissions should be of equal size. That is, we each must limit our emissions production to an equal share of total available emissions to maintain the rise of global temperatures to a liveable level. This egalitarian version of the fair share argument can be justified from a Kantian perspective. I will, thus, offer a defense of the 'Kantian answer' as defined (and rejected) by Johnson.[1]

I will develop my argument by discussing three problems the fair share argument faces and demonstrating how a Kantian approach may answer these objections. The first challenge concerns a form of causal skepticism: can we have a reason to restrict our emissions if our isolated efforts do not prevent any harm? The second challenge concerns the difficulty of establishing the size of a fair share: if individuals are obligated to restrict their emissions, to what extent are they obligated to do so? The third challenge concerns the idea that unilateral action distracts from efforts to pursue political solutions; thus, why would individuals have a unilateral obligation to restrict their emissions when only collective agreements can solve collective action problems? In response, I argue that the unilateral emission restriction duty is an *imperfect duty*, which (1) is grounded on the

impossibility of willing the destruction of liveable environments, and the necessity of willing the means required to safeguard liveable environments, (2) demonstrates how we have an array of choices to fulfill the duty within the strictly definable limits of an egalitarian fair share of emissions, and (3) directly implies both coercive and non-coercive forms of collective solutions aligned with individual efforts. I argue that the Kantian values of responsibility, equality, and freedom provide the proper normative foundation for a climate mitigation ethics of fair shares.

2. Causes and Consequences

The first collectivist challenge in establishing emission restriction duties is the objection that no direct causal link between an individual's emissions and the harm of global warming can be formulated. An action cannot be morally prohibited, the argument goes, if it does not have bad *consequences*.[2] This point is often formulated through whether 'joy guzzling', i.e. driving a fuel-intensive car for fun, is morally wrong (Sinnott-Armstrong, 2005). In isolation from other behavior, joy-guzzling does not lead to global warming. Moreover, even when temperatures are rising, the effects of one ride are negligible. Why would agents have a moral reason to refrain from these or similar actions?

We can imagine several ways of establishing such a causal connection. Kingston and Sinnott-Armstrong survey a list of attempts. Schwenkenbecher uses Cripps' definition of 'putative groups'. She argues that individuals are morally responsible when individuals know their actions collectively would lead to harm, they can reasonably expect others to act in the same way, and if they cooperate, the harm could be avoided (Cripps, 2011, pp. 174–175; Schweckenbecher, 2014, p. 174). In an attempt to avoid the notion of causation, Rentmeester frames the problem in terms of contribution: an individual act of joy-guzzling may not in and of itself cause any part of global warming, but it does contribute to the overall problem of global warming as part of a set of actions (2014, p. 16). Authors also often cite Nolt's calculations that suggest the average American's emissions will eventually lead to 'the suffering and/or deaths of one or two future people' (2011, p. 3).

These efforts to spell out the relationship between individual actions and their harmful consequences rest on a consequentialist 'harm principle'. Sometimes, this normative foundation is made explicit. Thus, Sandberg (2011) says: 'I only inflict harm on others if I cause some harm to occur which would not have occurred had I not acted in this particular way' (p. 231). Other authors also refer to 'harm' as the basis for their normative claims (Fragnière, 2018; Rentmeester, 2014; Shue, 2014). Thus, the standard argument *for* unilateral restriction duties says that we should not (avoidably) harm others and that at least unnecessary 'luxurious' emissions-generating actions should be averted. But if we believe that a moral constraint is based on the expected harm, said harm can only constitute a constraint if we are in a position to *avoid the harm*. Thus, the weak spot of this normative approach is that we must be able to prove the harmful consequences of particular actions. In other words, if joy-guzzling is only wrong when it warms the globe, and no identifiable rise in temperature results from my ride, why would I not joy-guzzle?

Skeptical collectivists such as Kingston and Sinnott-Armstrong have utilized this weak spot in the normative foundation of the argument for unilateral mitigation duties. They argue that we cannot simply divide the total harm of global warming by the total emitting

actions because we cannot rely on general calculations of averages to understand how morally relevant the effects of our isolated actions are (Kingston & Sinnott-Armstrong, 2018, p. 173). Further, what matters in considering whether my action will be morally wrong is its marginal addition of harm, not the overall effects of similar actions (Kingston & Sinnott-Armstrong, 2018, p. 174). Lastly, the harms of global warming are 'emergent': just like the yellowness of oil cannot be traced back to any molecule, neither can the harm of global warming be traced back to any action of joy-guzzling (Kingston & Sinnott-Armstrong, 2018, p. 175). Thus, the 'harm argument' is too weak to furnish a requirement to refrain from actions of joy-guzzling due to the inconclusiveness of causal connections.

The main defendants of the fair share argument – Baatz and Voget-Kleschin – follow the need to establish these causal connections to harm through NESS (Necessary Element of a Sufficient Set) theory.[3] They explain that:

> . . .NESS does not determine contribution counterfactually ('"Would harm have occurred if I acted differently?"') but via potential rather than actual difference-making, i.e. whether an act could make a difference in a given situation. . . If an act is a necessary element of a sufficient set of conditions for a certain effect, it is a causally relevant factor, that is, it contributes to that effect. (Baatz & Voget-Kleschin, 2019, p. 577)

They thus (implicitly) base their argumentation on the harm principle and attempt to furnish a causal connection by different means. This final attempt may persuade Kingston and Sinnott-Armstrong. However, the debate has resulted in an ongoing back-and-forth between the defendants and skeptics of unilateral emission restriction duties. A more attractive route may be to cut off the causal skepticism at its roots and question the conception of harm in the normative foundation rather than trying to meet the increasingly skeptical demands.

Kingston and Sinnott-Armstrong's skepticism resembles Parfit's problem of imperceptible differences. His example of 'The Harmless Torturers' demonstrates the structure of this problem. Imagine a thousand torturers who individually control a switch that sends an imperceptibly weak current to a victim. However, the victim is in tremendous pain if a thousand currents are sent together (Parfit, 1984, p. 80). This situation troubles consequentialists. Suppose the moral value of an action is measured by its (expected) consequences. In that case, the fact that an action does not produce a perceptibly different state of affairs makes the moral value of the action neutral. Arguments resting on the harm principle face the same problem: the reality of harm supposes a perceptibly different state of affairs. If that harmful state of affairs cannot be demonstrated, no moral reason to refrain from causing harm follows.

An alternative normative foundation to the harm principle can be found in Kantianism. Kant argues that we should not measure the value of an action by its (expected) consequences. Instead, we should judge the morality of a maxim (G, 4:399-400).[4] The maxim is the 'subjective principle of action' that underlies the external act. In other words, the maxim expresses the motive or the policy on which one acts. Thus, certain types of actions are impermissible because they rest on inherently immoral maxims. Telling a lie is not wrong because someone else experiences the harm of being misled, but lying is wrong in principle: a lie is built upon contempt for another's autonomy and is parasitic upon the truth. Similarly, participating in a thousand-person-wide torturing scheme is wrong because torturing is based upon a maxim that is wrong in and of itself. The maxim

that expresses sending a shock to someone else for one's pleasure expresses disregard for the dignity and autonomy of human beings. Imperceptible differences, thus, do not have to pose a problem for Kantians: whether harm is noticeable or experienced does not matter for the moral evaluation of the maxim.

One would rightly object that the examples of the thousand torturers and climate change are asymmetric. The immorality of the maxim of torture can easily be identified: adopting a maxim of torturing for fun is never permitted because it treats the other merely as a means and not as an end-in-itself. But the case of climate change is vastly different. Typical actions that cause emissions – taking a plane to visit friends or family, eating fruit shipped from the other side of the world – are not based on an immoral intention. We do not aim to cause a climate catastrophe, even if we make an imperceptibly small contribution to it. The question is: are there inherently immoral maxims that underly emission-generating actions? And can these maxims be singled out without referring to complicated causal connections, making claims about which actions cause what amount of climate harm?

Albertzart distinguishes between the two cases with the concepts of intrinsically morally problematic actions (torturing) and extrinsically morally problematic actions (climate change) (Albertzart, 2019, p. 840).[5] The latter type does not rest on *intrinsically* or essentially wrong maxims but depends on *extrinsic factors*, namely one's broader action pattern. Can we draw a line there without getting immersed in messy discussions about causation and consequences? After rejecting Parfit's Kantian-inspired solutions, Albertzart opts for a strategy based on Kant's imperfect duties. In the *Metaphysics of Morals* (1797), Kant introduces two obligatory ends that generate imperfect duties: the perfection of ourselves and the happiness of others (MM, 6:386). Adopting these ends means making it our policy to act accordingly and to promote the values. These imperfect duties allow for latitude: *how* we give substance to the duty is up to us.

Albertzart argues that with extrinsically morally problematic actions, such as overly high emitting actions, we fail to adopt the required means for the obligatory end (Albertzart, 2019, p. 843). Concretely, the obligatory end to promote the happiness of others *necessarily* requires us to take the 'higher-level means' to safeguard a liveable environment, which, in turn, requires choosing particular and *contingent* 'lower-level means' of reducing our emissions (Albertzart, 2019, p. 844). This is an innovative Kantian approach because traditionally, it is entirely left open how to achieve the obligatory end of the happiness of others – whether by safeguarding their environment, combatting poverty, or reducing loneliness in one's neighborhood, for instance. Albertzart points out that we have to will some means to genuinely will an obligatory end. Thus, promoting the happiness of others minimally requires us to will the protection of their environments. We cannot will the happiness of others while willing to make their place of living uninhabitable.

One may object that the 'willing of the necessary means to safeguard the environment' concerns one's whole pattern of action, and that individual actions or maxims ('taking the plane to visit friends abroad') cannot be evaluated in isolation. But I think it makes sense for Kantians to consider one's broader action pattern in evaluation. Maxims are often defined as the 'motive upon which one acts', but these are the *principles* underlying our actions. It would be strange if these principles of action were not the fundamental, recurring grounds of our action pattern. We might also say that this is the (explicit or

implicit) 'policy' of our actions: the why and how of acting. To judge whether someone has appropriately adopted an obligatory end, we must look at their entire policy of acting.[6]

The fundamental difference between the consequentialist no-harm approach and the Kantian approach is this: in their maxim formulation, Kantians reference specific goals and aims, but the moral worth of an action is not derived from its realization. An action's moral worth is derived from the moral worth of its maxim, as the subjective principle of the will. The immorality of emitting actions beyond an acceptable burden stems from the failure to adopt the obligatory end of the happiness of others. In not adopting the necessary means for the adoption of the end of happiness, I have not truly made this end my own. Thus, there is a problem with my willing itself. The fair share argument would benefit from such a Kantian normative foundation because it circumvents scepticist objections to the alleged harm of actions while simultaneously spelling out why our actions are immoral: the policy underlying our pattern of action fails to satisfy what we ought to will. We are naturally led to the question, then, of when one has and has not truly adopted the end of the happiness of others in light of emission-generating actions. Or, in other words, at what *threshold* do our emissions become morally unjustifiable?

3. Fair Shares

We must will the necessary means to protect a liveable environment to genuinely will the obligatory end of the happiness of others. But how should we define these means that must be willed? Johnson characterized the Kantian 'standard answer' as the duty to unilaterally reduce emissions up to the level that would be sustainable with equal use by all others. But this is different from how the fair share argument has been defined. There is a consensus in the literature that the fair shares of emissions cannot be defined in an egalitarian way (Baatz, 2014; Bell, 2008; Caney, 2009). That is, not everyone's fair share of emissions is the same size. However, the literature offers little concrete guidance on how such (unequal) fair shares should be defined. Thus, the fair share argument faces the challenge of defining the sizes of fair shares. Here, I will defend an egalitarian definition of fair shares and will show that a proper understanding of this imperfect duty can do justice to the concerns that have led others to reject the egalitarian approach.

Baatz argues that an egalitarian distribution is prima facie justified (Baatz, 2014, p. 5). The contrasting position would have to show why fair shares should *not* be equal. There are several seemingly insurmountable reasons. Firstly, there is the *subsistence objection*: if fair shares are defined equally, some people will not be able to meet the duty to stick to this fair share because they would drop below the so-called standard of 'subsistence emissions' (Shue, 1993; Vanderheiden, 2008). Formulating a duty to do so would be unjust. Secondly, the *historical objection*: individuals living in high-emission countries are reaping the economic benefits of historical emissions, creating environmental harm for the entire world, while people in low-emission countries will have to stick to an equal level of emissions from now on (Baatz, 2014, p. 6; Caney, 2009, p. 133). Thirdly, the *infrastructure objection*: individuals in high-emission countries depend on carbon-intensive infrastructure, making drastic emission reductions nearly impossible (Baatz, 2014, p. 9). These various considerations have led some to push for an 'integrationist' approach: if emissions are seen as a good, their distribution depends on an overall bundle

of primary goods and the capacity of individuals to fulfill their ends (Baatz, 2014, p. 7; Bell, 2008, p. 249; Caney, 2009, p. 131).

As a result of these various amendments, it becomes unclear how far an individual's emission restriction duty truly reaches. Thus, the duty has been typically formulated as imperfect: 'Meaning that the amount of reduction cannot be specified and is left to the judgment of the individual' (Johnson, 2011, p. 151). Baatz attempts to fill in these imperfect duties more, but due to the many interpersonal variables, it becomes hard to say what one's duty is:

> That is to say, with sufficient information a third party can determine how much each group roughly owes. A third party cannot, however, specify the exact amount that is owed due to insurmountable epistemic obstacles. As explained at the end of part 2, this is left to the judgment (not to the convenience) of the individual that possesses the relevant information to do so. (Baatz, 2014, p. 12)

Baatz's contention that individuals have the relevant information to specify their fair share is puzzling. He argues that these fair shares differ based on geographical location, historical period, dependence on carbon-intensive infrastructures, possibly the availability of other goods, and, supposedly, the fair shares of others. I am unsure how an individual is in a position to make these calculations. The account suffers from the problem that the duty is established first, and the terminology of imperfect and perfect duties is used after the fact as a characterization. Thus, Baatz (2014) claims that ethics cannot 'specify when the duty is fulfilled' (p. 13). He later modifies his view and argues: '. . . duties '"not to exceed one's fair share of emissions entitlements"' . . . might be perfect duties *sensu* Kant' (Baatz, 2016, p. 7). My method will be to first establish the duty on Kantian grounds, to then characterize its extent.

In the previous section, we derived the duty to restrict one's emissions from the general obligatory end to promote the happiness of others, as the former is a necessary means for the latter. If this is right, Kant's various formulations of the Categorical Imperative should provide an equal result. The Formula of Humanity tells us to take humanity as an end in itself, seemingly requiring us to adopt the necessary means for future humanity to prosper in a liveable environment (G, 4:429).[7] The Formula of the Law of Nature requires that our maxim could become a universal law of nature (G, 4:421). Again, a maxim that expresses restricting one's emissions to protect a liveable environment can easily be willed as a law of nature, while the opposite (not restricting one's emissions, leading to a partially unlivable environment) could not be willed as a law of nature, as a law of nature should not destroy what it aims to advance (G, 4:422).

Finally, the Formula of Universal Law is the most tricky in its application because the universalizability is quite sensitive to how the maxim is formulated. Rentmeester attempts to universalize specific emission-generating actions, such as driving to work (Rentmeester, 2010, p. 80). This is one strategy, but I think we have good reason to take a higher level of generality and try to universalize the maxim 'I use more than an equal share of emissions available to maintain a liveable environment for my own enjoyment'. Again, we can think of this maxim as a broader policy that underlies our action pattern rather than as the explicit motive of one particular action. I do not believe this maxim can successfully be universalized. If it were a universal law that everyone would produce more emissions than an equal share, I could still *successfully*

produce more emissions than my equal share. There is, thus, no contradiction in conception. Nevertheless, there is a contradiction in the will, as I cannot simultaneously will my maxim and will this maxim as universal legislation. That is, I *must* will that 'as by law' everyone emits no more than an equal share of available emissions, as only this guarantees a liveable world in which people – including myself – can realize their personal ends. I cannot *simultaneously* will a law that everyone emits no more than an equal share of available emissions and will to personally emit more than an equal share of available emissions, as this combination leads to a straight contradiction. Just as I, as a rational being, cannot will the law not to develop my talents because my ends require the development of capacities, and I cannot will the law not to help others because I must will the assistance of others, I cannot will the law to destroy a liveable environment because a liveable environment is required for all rational beings to fulfill their ends.

Thus, crucial to this argument is that I cannot will a world in which people cannot pursue their ends autonomously and dignifiedly. This implies that I cannot will a partially unlivable world. At what level of global warming the world becomes unlivable in this sense is a matter up for debate, but a maximum global rise in temperature of 2°C has been set precisely because beyond this level of warming, disastrous effects would materialize that threaten life in various parts of the world.[8] This is not to deny that *any* level of global warming would be harmful, but here, the existential possibility of living a dignified and autonomous life is at stake for large areas. This is something a rational individual *cannot* will, a Kantian would argue, and which, therefore, provides a strict limit to our principles of action. With climate change already rapidly developing, the pool of available emissions also rapidly declines, posing increasingly strict duties for individuals.[9] This development underlines the need for a fair distribution.

Thus, the equal opportunity of action central to Kantian reasoning is expressed here in the equal division of emissions as a means to reach personal ends. If it were a law to use more than an equal share of emissions, it would become impossible for future agents to live a dignified, autonomous, and prosperous life. If I make an exception to this law for myself, others around me could produce fewer emissions, or they would live in unlivable areas. Thus, on Kantian grounds, there are strong normative reasons that count in favor of equality and taking responsibility, which go beyond a prima facie egalitarian justification.

This analysis suggests, however, that the emission restriction duty follows from a contradiction in the will and, therefore, forms an *imperfect duty*. Even though I have argued that it is strictly impermissible to exceed one's fair share, the dominant interpretation of imperfect duties suggests that we can give no concrete guidance on when an imperfect duty is fulfilled. The standard view on latitude is formulated by Thomas Hill, who says that imperfect duties:

> Allow latitude in the senses: (a) room for judgment in deciding whether or not a given principle is relevant to a particular situation, and (b) freedom to choose various ways of satisfying a principle in a particular situation once we decide that the principle applies. The principles of respect, however, are unlike the principles of beneficence and self-improvement in that they do not allow latituted [sic] in the sense (c) freedom to choose to do x or not on a given occasion, as one pleases, even though one knows that x is the sort of act that falls under the principle, provided that one is ready to perform acts of that sort on some other occasions. (Hill, 1971, p. 61)

The primary debate among Kantians concerns the latitude of kind (c). Liberal interpretations, like Hill's, suggest that we can forego acting on an imperfect duty in a given situation simply 'as one pleases'. In contrast, rigorous interpretations suggest that we can only forego acting on an imperfect duty when it is limited by another duty (Baron, 1995, p. 89).

My suggestion here mediates between these two extremes. I propose that at least *this* imperfect duty has definite requirements that spell out what we must minimally do to fulfill the duty (or more precisely, that spell out when we have *not* fulfilled the duty). We can define the minimal requirements of an imperfect duty by testing when a maxim becomes *impermissible*. This proposal mediates between the liberal and rigorous interpretations of the latitude of kind (c) because we can sometimes emit 'as one pleases' as long as we meet the minimal requirements.

The question is, of course, how to obtain these minimal requirements. To answer this question, it is instructive to look at Kleingeld's recent solution to the latitude problem of 'convenience killing' (2019). Herman originated this problem: universalizing the maxim of 'sometimes killing someone for convenience to get what you want' only leads to a contradiction in the will and not a contradiction in conception, as a world where people occasionally kill one another for convenience and in which I successfully kill someone for convenience is not inconceivable (1993, p. 117). As a result, should we conclude that we have some latitude in deciding when to apply the imperfect duty of not killing others for convenience, similar to the latitude we have in deciding when and when not to help others?

Kleingeld's solution is straightforward: it is impermissible to adopt any maxim that contradicts the moral law (2019, p. 72). Kant makes clear that acting on a maxim leading to any contradiction results in 'conflicts with duty' and is a 'violation' of duty (G, 4:424; MM, 6:390). Convenience killing contradicts the moral law as a contradiction in the will and is therefore always impermissible. Kleingeld argues that other contradictions in conception follow the same structure. The maxim of beneficence is a positive imperfect duty and must thus be adopted and expressed as judged by the agent. However, the maxim of non-beneficence strictly contradicts the moral law: it is thus not permitted to adopt the end of *non-beneficence* (Kleingeld, 2019, p. 79). Latitude, thus, is restricted to the positive adoption of an end: 'Any latitude for the agent is on the side of the maxims of wide duty, not on the side of maxims that fail the test' (Kleingeld, 2019, p. 80).

Because of the asymmetry between the absolute impermissibility of acting on the negative adoption of an end and the positive obligation to adopt an end, we can minimally spell out what one must do in the adoption of an end by spelling what they surely cannot do. Kleingeld does not connect the positive and negative counterparts in this way. She argues that there is latitude in following the imperfect duty of beneficence, but that principled non-beneficence is strictly impermissible (Kleingeld, 2019, p. 78). We can identify at least a minimal requirement of what it means to be beneficent: one can decide how and when to be beneficent, but one should in any case be *more* beneficent than principally non-beneficent. I am unsure how to define the minimal requirement for this imperfect duty precisely – and I am not sure whether this can be done for all imperfect duties – but we *can* define this requirement for the duty to restrict emissions.

Emission restriction duties are imperfect. We are obligated to positively promote humanity, which necessarily requires us to restrict the use of our emissions. This

restriction of emissions can be executed through a wide array of external actions. Thus, we can stick to our equal share of emissions by foregoing plane travel, adopting a vegan diet, taking the train or bike to work, or lowering the thermostat during the winter. An imperfect duty does not commit us to particular actions, only the adoption of an end and the formulation of a morally worthy maxim as the policy of action. We do not have to take all of these actions. Sometimes, we emit 'as we please' and not just to fulfill another duty, which is justified. However, it is strictly unjustified to act on a maxim that contradicts the moral law, which a maxim of emitting more than one's equal share of emissions does. Sticking to an equal share of emissions is, thus, the minimal requirement to fulfill the duty of unilateral climate mitigation.[10]

We can now solve the question at the end of the last section. There, I suggested that there is a problem in the will when one does not will the sufficient means for an obligatory end, yet we had no way of defining *when* one does not will the sufficient means. We now know how to draw this boundary, namely, by drawing a minimal requirement for an imperfect duty where the inverse would be the absolute impermissible. Thus, other than Baatz's defense of the current fair share argument, my Kantian version defines fair shares in an egalitarian way while maintaining that emission restriction is an imperfect duty. We are, thereby, able to define fair shares precisely and offer concrete action guidance. We are also positioned to answer the three seemingly insurmountable objections to the egalitarian definition of fair shares presented earlier.

Firstly, let us look at the *subsistence objection*: individuals differ in important respects, such as geographical location, leading to higher energy consumption, and socioeconomic position, making it more challenging to afford emission reduction measures. There is a strong consensus in the literature that we should maintain a distinction between what Shue calls 'luxury emissions' and 'subsistence emissions': we cannot expect people to reduce their emissions below a basic level needed to sustain our lives (Shue, 1993; Vanderheiden, 2008). The thought is that an equal duty to reduce emissions cannot be stated if it leads to unjust demands on some. The character of an imperfect duty can account for these situations, however, because Kantian ethics is adamant that a perfect duty always overrides an imperfect one. The perfect duty toward ourselves to protect our own life or the people who depend upon us, for example, cannot be sacrificed in favor of the imperfect duty to reduce our emissions. The agent would then look for other means to fulfill the imperfect duty, though we should also recognize that imperfect duties can be unfulfillable in some tragic situations where duties conflict. Thus, even though my argument states that *everyone* has the moral obligation to restrict their emissions to their equal fair share, we must recognize that this may be impossible for some with more urgent duties such as self-protection.

Secondly, the *historical objection*: we know that historically, the wealthiest nations in the world can be held accountable for most past emissions. Why should fair shares not be amended because some people reap the benefits of these past emissions? I suggest we distinguish between forward-looking and backward-looking duties here. An egalitarian fair share approach is more fair than competing distribution proposals in a *forward-looking* sense. A 'grandfathering' policy, for example, takes current emission levels as a starting point and requires all actors to make equal relative reductions, i.e. countries A and B must reduce their emissions by X % in year Y (Caney, 2009, p. 128).[11] This approach would, thus, grant country A more emission rights in upcoming years than country B. My approach does not assume the current distribution of emissions just in this

sense. Instead, everyone has an equal share of emissions to produce. As the poorest 50% of the world currently do not produce an equal share of available emissions, there is no obligation to reduce emissions (Institute for European Environmental Policy IEEP and Stockholm Environmental Institute SEI, 2021). Most individuals in the West have to make steep reductions and have failed to fulfill their emissions restriction duties in the past. Moreover, my argument is fully compatible with any further claims about *backward-looking* duties to account for the climate harm that has impacted the global south. For example, Caney argues that, in addition to climate mitigation responsibilities, there are adaptation responsibilities, so people faced with the results of global warming can cope with the dangers, and compensation responsibilities, the responsibility to compensate those whose rights have been violated (2009, p. 126). I am sympathetic to such arguments, but I believe they must be treated separately.

Thirdly, the *infrastructure objection*: individuals in high-emission countries depend on carbon-intensive infrastructures. Baatz argues that 'subsistence emissions' can be very high in the West, for instance, for an academic who has to fly to conferences abroad (2014, p. 10). He adopts the Kantian principle of 'ought implies can', and argues that there is no moral obligation if one cannot 'reasonably' fulfil a duty (Baatz, 2014, p. 9). Frierson has shown why this Kantian principle would lead to the opposite conclusion (2014). Namely, Kant argues that our moral obligation reveals our freedom of choice: we realize that we *ought* to fulfill our duty, which shows us that we *can* fulfill our duty. In his example, a man is demanded by his prince to provide false testimony against an innocent citizen, and he will be executed if he refuses. From the realization that he must not provide false testimony, against his own interest, he infers the possibility in his will to choose (CPrR, 5:30). Ought, thus, implies can. Baatz could be right that in some extreme situations, a well-off individual in a Western country would fall below the threshold of subsistence emissions; in that case, the perfect duty of self-protection overrides the imperfect duty of emission restriction. However, in most cases, Kantian ethics would require us to take a hard look at our lives and realize that we can fulfill our duty, even if it strongly goes against our interests. This is simply what morality demands of us, and with the urgency of climate change in mind, high demands are fitting.

The objections above have led some – including Baatz (2014, p. 7), who also mentions Bell (2008) and Caney (2009) - to consider an 'integrationist' approach to 'primary goods', including the good of emissions. They argue that emissions should not be singled out in the distribution of goods, but that what matters is whether individuals have overall equal access to realizing their ends of *the good*. But as we saw in Baatz's approach, this line of argumentation leads to undefinable duties, as his fair shares account is unable to define the limits of fair shares. While, on my account, there are still epistemological challenges for individuals in finding out whether they have exceeded their fair share, the larger epistemological problem of finding out what one's fair share *is*, in relation to your and everyone else's bundles of primary goods, is avoided here. My account, thus, can guide action better. But I believe it can also do justice to the considerations that have led authors to endorse an integrationist account. By answering the three objections above, I hope to have shown that the Kantian fair share account recognizes, first of all, that individuals require access to a share of emissions for a realization of their ends and are entitled to this share, but that, second of all, there can be morally good reasons to emit more when a perfect duty (toward oneself) is overriding. We *need* emissions for our well-being. On the other hand, I want to press that imperfect duties remain open-ended. One must

minimally reduce their emissions to an equal fair share, but the duty is never definitively fulfilled. Individuals who are well off overall may have good reasons to emit *less* than their fair share.

4. Ethics and Politics

So far, I have defended the unilateralist position of 'fair shares' from a Kantian perspective, by explicating what can be willed morally in relation to emissions use. However, the Kantian emphasis on the good will has often been viewed as a weakness in climate ethics. A theory on climate action that is ''obsessed' with the purity of the will', as Jamieson describes Kantianism, 'is disabled when it comes to thinking about how to respond to global environmental change' (Jamieson, 2007, p. 161). Jamieson attributes to Kantianism two features leading to this weakness: 'its individualism, and its emphasis on the interior' (Jamieson, 2007, p. 161). We have seen that the focus on the interior proves beneficial: the explication of the good will normatively grounds unilateral duties, and defines the parameters of these duties.[12] We have not yet addressed the second feature: its supposed individualism.

The opposition toward unilateral emission reduction duties is ultimately based on skepticism toward individual efforts. Thus, collectivists believe in a contractarian fashion that only forms of mutual coercion will effectively combat collective action problems. Thus, Johnson first argues that:

> 'The right thing' is not, however, a fruitless, unilateral reduction in one's use of the commons, but an attempt to promote an effective collective agreement that will coordinate reductions in commons use and therefore avert the aggregate harm. (Johnson, 2003, p. 284)

Later, Johnson does accept emission restriction duties, but only as instrumental to the formation of collective agreements:

> I, by contrast, believe that they [unilateral reductions] gain their value from their usefulness, in a variety of ways, to promotion of the collective schemes that are the *sine qua non* of addressing climate change. So long as they do not become a distraction from the obligation to embrace and promote collective action, they are not harmful. (Johnson, 2011, p. 155)[13]

Johnson's starting point is that unilateral action for collective action problems is ineffective in and of itself, which makes ethics at best serviceable to politics and at worst an impediment. Kingston and Sinnott-Armstrong take a similar position when they argue that fair share arguments suffer from the mistake of projecting duties under the regulation of political institutions onto a situation where such a distributive regulation is merely hypothetical (Kingston & Sinnott-Armstrong, 2018, p. 182). I interpret their objections as the idea that unilateral action is both *ineffective* and, possibly, *distracting* when dealing with a collective action problem like global warming. The fair share argument, thus, must justify why it posits individual moral duties independently from collective action. I am not advocating *against* the individual duty to form collective agreements. I am only arguing against the claims that these duties take primacy over unilateral duties and that Kantianism is too individualistic to incorporate collective and political efforts.

One way of answering this objection would be to question the assumption that unilateral action is less effective than political action. Thus, Baatz and Voget-Kleschin

point out that the *unilateral duty to push for collective agreements* may suffer the same fate as the *unilateral duty to reduce emissions directly* (2019, p. 574). Unilateral reductions of emissions, such as biking to work instead of driving, lead to (little to) no determinate change in the climate.[14] But the decision of one person to protest political apathy toward global warming to fulfill their political duty (probably) will not lead to a determinate change in the *political climate* either. Furthermore, they argue that individual efforts to tackle global warming might enjoy an advantage compared to other collective action problems, as direct change is, in a qualified way, possible (Baatz & Voget-Kleschin, 2019, p. 585). That is, one can instantly emit less. Kingston and Sinnott-Armstrong take the organization of healthcare as an example of a collective action problem, but unlike in that example, mediating institutions are unnecessary for emission reductions to reduce the effect of greenhouse gasses (2018, p. 183). Thus, one can instantly prevent emissions.

Confronted with the skepticism toward unilateral efforts, a Kantian would, firstly, note that unilateral action is only ineffective under the assumption that other agents do not also reduce their emissions. But the assumption of whether (other) agents will fulfill their duties does not affect the reality of *our duties*. What would be right for us to do remains the same. On this point, Kantians and collectivists may find themselves in a stalemate regarding the order of explanation. Collectivists such as Johnson take psychological facts about human beings to settle some normative debates. Because individuals will not all independently make unilateral reductions, one *does not have the duty* to do so either. Because individuals will 'feel' discharged from their climate duties if they only make unilateral reductions, *political duties should be primary*. On the contrary, Kantians take normative facts to be primary and would argue that individuals have the duties they have, regardless of how their psychology sometimes stands in the way.

But a second line of response may persuade collectivists. Although Kantianism is described as overly individualistic, in a Kantian framework, ethics and politics are fundamentally aligned: our reflection on what is *morally right* has direct implications for what is *politically right*. The idea that climate ethics is a distraction from effective climate politics is, thus, mistaken, because a Kantian ethics of fair shares directly implies collective and political measures.

While Johnson (at least in his earlier work) describes 'the right thing' for collective action problems as purely political, from a Kantian perspective, ethics and politics are based on a common underlying principle of the 'right', yet articulated from different perspectives. The starting point for ethics is our moral *duty* (G, 421). But the starting point for politics is our legal right, articulated through what Kant calls the innate *right* (MM, 6:237). Ethics and politics, in essence, formulate the same requirements of responsibility, morality, and equality through their highest principles. Ethics formulates these requirements for how I ought to act, while politics formulates the principles of respecting one another. As a result, there is a continuity between ethics and politics and their normative prescriptions, including prescriptions around collective action problems.

In translating ethical norms into political norms, the former must be 'limited' to formulate norms that do not govern 'inner' moral worth, but governable and coercible 'outer' actions. Thus, on Habermas' reading of Kant, we first test which actions are morally permissible, impermissible, or obligatory. We then limit those moral prescriptions on three aspects: (1) an action must have been the free choice of the agent, (2) the action must pertain to an external relation toward others, and (3) the action can be juridically

regulated with an effective type of enforcement (Habermas, 1996, pp. 105–106). For example, a contract is a juridical form of protecting people against the morally impermissible act of deception.

But this procedure of translation is more complicated for our purposes because juridical norms can only directly govern those actions that *necessarily* rest on immoral maxims and thereby threaten the freedom of others. Because imperfect duties require the adoption of an end that can be expressed through a wide variety of actions, one cannot be coerced into performing any one of these various actions. Thus, we are typically not under any political obligation to adopt an end of beneficence or to perform 'some' beneficent actions. The question of whether the imperfect duty to restrict emissions has any political implications remains. I believe there are a few valuable directions of thought.

The most straightforward strategy for deriving political conclusions from the imperfect duty takes the minimal requirement described as a hard, governable limit. Political norms could pick up on the strict duty to not emit more than one's fair share, as going beyond one's fair share is a strict violation of duty. Remember: politics is concerned with freedom as it can coexist with the freedom of all others. Coercion is justified if it promotes equal freedom. The overuse of emissions from others hinders *my* freedom to produce equal emissions while living in a liveable environment. Coercion could, thus, start from the idea that emitting more than one's fair share is impermissible through a so-called 'carbon budget'. Such a carbon budget would grant individuals an equal share of annually available emission rights, which they can use for various carbon-emitting actions, similar to the Emissions Trading System for specific sectors of corporations in the European Union. One can also think of other measures that would minimally incentivize agents to restrict their emissions, such as taxes on plane travel and animal products. Aside from the solution's particulars, it should be clear that the need for collective solutions logically follows from moral duties within a Kantian framework.

A second response to the objection that ethics revolves around ineffective unilateral action and therefore impedes collective political solutions would be to challenge the idea that ethics is, by definition, an individual affair. In *Religion within the Boundaries of Mere Reason* (1993), Kant describes how individuals can leave the political state of nature and enter into a political community, but from thereon also leave the ethical state of nature to enter an ethical community. An ethical community is not concerned with the coercion of individuals but with mutually encouraging virtue. Kant argues that human beings have the power to mutually 'corrupt' one another. 'If everyone else keeps flying by plane, why wouldn't I do the same?' is probably a recognizable thought for many. But we can also mutually improve one another if we rally around a common goal (REL, 6:97). Nowadays, such an ethical community does not have to be based around religion, as Kant had imagined. We can alternatively think of the political state performing this task non-coercively by rallying around a particular moral goal and urging citizens to restrict their emissions. Examples of non-coercive measures would include giving citizens insight into the carbon footprints of their activities, while showing what a lifestyle of a 'fair share' of emissions looks like.

Such an ethical community should not be restricted to the boundaries of the nation-state either. Forming a moral community is a duty 'of the human race toward itself' (REL, 6:97). Kant frequently urges us to think not simply in terms of citizens of a particular state, but as human beings, we are automatically 'citizens of the earth' (MM, 6:353). This earth-

citizenship comes with particular rights (such as the right to go to a foreign land and not be violently removed), but perhaps we also bear cosmopolitan duties. Kantian ethics urges to focus on the 'good of the world', precisely what a fair share approach attempts to do with moral consideration to other human beings geographically and temporally far away. The league of nations forms Kant's proposal on institutionalizing this world citizenship. The league of nations would be a cooperative pact between nation-states to preserve their freedom and avoid war but, notably, without coercive power (TPP, 8:354-356). In my view, a league of nations should form a body that coordinates climate action and attempts to translate political norms on the level of the nation-state to political norms between nation-states. Nation-states find themselves in the same dilemma as individuals ('Why reduce emissions if another state will not?'), and I believe a Kantian approach could formulate a duty to coordinate climate action internationally. Ethics, thus, must lead to political action not only on the nation-state level but also beyond it.

In conclusion, collectivists sketch a dichotomy between ethics and politics: ethics is ineffective in and of itself and could even impede political action by distracting us from effective solutions. However, ethics and politics are fundamentally aligned on the Kantian fair share approach. The minimum requirement of the imperfect duty to at least restrict one's use of emissions to an equal share makes it possible to translate this moral duty into politically coercive norms. Moreover, ethics itself is not a purely individualistic affair. Thus, we do not have to deny that a tragedy of the commons could occur. Nevertheless, the actions of others do not affect the bindingness of our duties. Moreover, Kantians do not have to deny that this reality gives rise to political action. This is a very natural stance for Kantians: since morality and politics both fundamentally concern the 'right', moral demands naturally give rise to political norms. These norms can take coercive and non-coercive forms within and between nation-states. However, regardless of the form, the worry that unilateral climate action would be a private endeavor distracting us from real solutions can be put to rest.

5. Conclusion

Climate ethics focused on justifying unilateral emission restriction duties, particularly the fair shares approach, would benefit from a comprehensive Kantian foundation. Kantian ethics ultimately springs from the thought that all individuals deserve equal standing and opportunities regardless of location, period, and preferences. This thought lies at the basis of the fair shares approach, and was already described as the Kantian standard answer by Johnson before the approach was formulated as such. Kantianism can provide a thorough justification of fair shares and has the tools to deal with some of the main problems associated with the fair shares approach. Firstly, locating the moral worth in the maxim of an action instead of its harmful effects avoids the collectivist challenge to the causal connection between action and effect. Moral worth lies in the principle of the will underlying an action. In this case, the immorality of the action lies in the failure to adopt the end of the happiness of others, which necessarily requires the protection of a liveable environment, which in turn requires us to adopt some further contingent means. Secondly, rethinking the imperfect duty as a duty that allows latitude in the choice of actions but with a definite minimal requirement allows us to define the fair shares in an egalitarian way, while

meeting the objections to the egalitarian approach. Crucially, it is not morally permitted to exceed one's fair share of emissions, unless one has an overriding duty. Thirdly, a fundamental continuity between ethics and politics allows us to overcome the sketched dichotomy in the literature, resulting in skepticism toward unilateral moral duties. Instead, moral demands give rise to political norms in coercive and non-coercive forms within and between nation-states.

Notes

1. I use the term 'Kantian' here in a broad sense. Whether Kant would endorse this argumentation is an exegetical question that I cannot answer here.
2. This objection is also known as the problem of inefficacy.
3. NESS theory was originated by Braham and van Hees (2009).
4. All references to the works of Immanuel Kant follow the standard of referencing according to the Academy Edition, showing volume and page number. Translations are from the Cambridge editions of these works (Kant, 1996, 1998). Abbreviations go as follows: G: *Groundwork of The Metaphysics of Morals*, CPrR: *Critique of Practical Reason*, REL: *Religion within the Boundaries of Mere Reason*, TPP: *Towards Perpetual Peace*, MM: *The Metaphysics of Morals*.
5. Wieland (2024) offers an alternative solution to these cases on Kantian grounds, using Korsgaard's analysis of the formula of universal law.
6. Chignell (2023) considers the psychological dimension of the problem of inefficacy. Even if we take ourselves to have normative solid reasons for an action, the realization that this action will not make a difference can threaten our moral commitment. In response, Chignell offers a secular version of Kant's argument for moral hope.
7. One may wonder whether Kant's considerations extend to future human beings. I think it makes sense to think of the principle this way, as rational nature is the end in itself, which is instantiated in rational human beings, but this may be up for debate.
8. The IPCC states that: 'At 2°C or higher global warming level in the mid-term, food security risks due to climate change will be more severe, leading to malnutrition and micro-nutrient deficiencies', in ocean and coastal ecosystems, risk of biodiversity loss . . . is moderate to very high by 2°C but with more ecosystems at high and very high risk', and 'cascading impacts . . . will result in irreversible and severe losses of ecosystem services and biodiversity at 2°C global warming level and beyond' (The Intergovernmental Panel on Climate Change [IPCC], 2022, 19–20). Therefore, in this paper, I adopt the 2°C limit, but I principally defend the normative criterion behind it: the impossibility of willing unliveability in various regions.
9. The IPCC states in their most recent report that 'in the near term, global warming is more likely than not to reach 1.5°C even under the very low GHG emission scenario . . . and likely or very likely to exceed 1.5°C under higher emissions scenarios' (The Intergovernmental Panel on Climate Change [IPCC], 2023, p. 12). Currently, there are still emissions available to be generated to stay below a 2°C rise. These scarce emissions require a fair distribution. If there are no emissions to distribute fairly anymore, I do believe that the fair share account is still insightful for its treatment of ethical and political duties, the weighing of various duties, and the insistence on subsistence emissions. Alternatively, technologies such as carbon removal may make more emissions available again in the future, in which case fair shares may increase (again).
10. An anonymous reviewer wondered whether a 'jet-setting activist' would meet the imperfect duty by self-chosen means, promoting climate action but in the process emitting more than a fair share. I believe that on a Kantian account, the means do not justify the ends. That is, one cannot in a morally worthy way will to take the means that as universal legislation would lead to unlivable environments, because it contradicts the moral law. Of course, climate activism could be morally worthy, if one does not transgress their fair share in the process

11. This 'grandfathering' approach forms the basis of the Kyoto Protocol and the initial EU Emission Trade System for instance.
12. Jamieson does not further motivate this diagnosis of Kantian, environmental ethics. I believe my account here sufficiently shows that the contrary is true. One may even argue that Kantianism is best suited to address climate change, as consequentialism has trouble grounding unilateral duties, while virtue ethics seemingly struggles to define the parameters of duties. This paper is not the place to defend this claim, however.
13. See also Cripps (2013) for this line of thought. She defends 'mimicking duties' to a limited extent, but argues that 'promotional duties' are primary (Cripps, 2013, p. 116).
14. On a Kantian account, this requirement of effective consequences is not sustained. But *if* one accepts it, the collectivist position runs into similar objections.

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