

Summary

“Corrective Justice, Just Savings and Climate Change”

by Catriona McKinnon

McKinnon’s article focuses on compensation for the invasion of the rights of others – in particular, future others -- on the basis of our current preferences and choices, taking the case of climate change. While most discussion in the climate change ethics literature has focused on distributive justice, McKinnon explores the potential of corrective justice – and in particular the model of torts – for addressing the wrongs to future generations constituted by the harmful emissions generated by those alive today. McKinnon does not make the state central to her ethical analysis, which rather models itself on tort law concern with one agent harming another in a normatively significant way which deserves rectification. Like Bou-Habib, McKinnon adapts elements of a Rawlsian framework, in her case implicitly referring to the hypothetical contractarian standpoint and focusing on the Just Savings principle which would be arguably generated within it. Violation of this Just Savings principle generates a duty of corrective justice and so of compensation. Violation is constituted, she argues, not only by actions which immediately or proximately cause harm, but also by actions creating a risk that may eventuate in harm. Here she follows revisionist arguments in tort theory for an ex ante conception of responsibility, on which all those negligently or otherwise unacceptably causing risk of harm to others are liable for the harm which eventuates, not only those whose behaviour may by chance or other cause actually eventuate in the harm. McKinnon is alert to the possible objection that one should be seeking to outlaw risky harmful behaviour rather than to institute compensation schemes for it, an objection which resonates with Moses and Bou-Habib on the danger of conceiving compensation as a price for harm. But she argues that compensation must play a role in non-ideal theory, and that where harms are expected, it is better to claim compensation from the offenders now rather than waiting to see whether the harms can be wholly eliminated in the future.