Power/Knowledge in Discourses of Climate Justice

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Honours IV 2012
Discipline of Government and International Relations
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Word Count: 20,514
SID: 200417988

This work is substantially my own, and where any part of this work is not my own, I have indicated this by acknowledging the source of that part or those parts of the work.
**Abstract**

Rawlsian political philosophers and theorists approach climate justice using ideal theories of the fair distribution of climate change burdens, and the rights to be protected in the face of those burdens. Other theorists and activists embrace these ideal principles, but also identify structural causes of climate injustice, calling for the profound transformation of the global political, economic, and cultural order. Using a Foucaultian framework, this thesis argues that liberal and activist discourses of climate justice are specific configurations of power/knowledge with particular constraints and material effects. Distributive and rights-based climate justice discourses vitiate the voices of those most affected by climate change, overlook and conceal root causes of climate injustice, marginalise alternative political projects, and thereby reinforce existing power relations. By contrast, across critical, utopian, and spatial dimensions, activist climate justice discourse exposes and confronts these fundamental relations of oppression and domination.
Acknowledgements

Thanks to my supervisor David Schlosberg for his support throughout the year, his swift, comprehensive, and insightful comments, his generosity with time, and his extensive knowledge of environmental and climate justice movements.

Thanks to Charlotte Epstein for her influential role on my academic development in general, and this thesis in particular. Charlotte’s course in environmental politics and the Power and Identity honours seminar were two of the most valuable and enjoyable intellectual experiences I had at Sydney University.

Thanks to Simon Tormey for an extremely useful brainstorm which sparked this project at the beginning of the year.

Thanks to Dad, Daniel, Liam G., and Stefan, for constructive and astute feedback.

Thanks to Marty W. for the banter, laughs, and solidarity throughout the honours year.

And finally, thanks to my wonderful family. Daniel and Cameron, thank you for your examples of hard work and intelligence, and your love and support. Mum and Dad, I am very grateful for your help throughout my time at university. Your intelligence, humour, wisdom, patience, and love have nourished me during the highs and lows of the last few years.

I dedicate this thesis to Grandma Cull and Grandma and Grandpa Glockin’, whose beautiful, lasting, and loving legacies are an ongoing source of inspiration.
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Introduction

Discourses of climate justice have academic roots in political philosophy. Although some political theorists analysed the justice issues associated with climate change in the 1990s, debate about climate justice has only proliferated in academia in the last decade as climate change has moved up the global policy agenda. Liberal climate justice scholars are influenced by John Rawls and the publication of *A Theory of Justice*, a watershed moment in political philosophy instigating a shift from the dominant utilitarianism of the time to rights-oriented liberalism. Rawls’ ideal theory of two central principles of justice, consisting of equal rights and liberties and the difference principle, has profoundly shaped political philosophy today. This influence is seen clearly in the literature on climate justice, in which principles of the ideal distribution of climate change burdens and the rights to be protected in this context are debated.

Climate justice discourses have activist roots in the campaigning work of NGOs. Building on a history of campaigning for environmental justice, climate justice emerged on the global stage at the 2002 UN World Summit for Sustainable Development in Johannesburg. During that summit the International Climate Justice Network proposed *The Bali principles of climate justice*, which themselves were modelled on the *Principles of environmental justice* drafted at the First National People of Colour Environmental Leadership Summit, held in 1991 in Washington D.C. The Bali principles initiated a decade of politicised climate justice activism promulgated by national organisations such as Friends of the Earth Australia, spread by broad-based coalitions of NGOs such as Climate Justice Now! and Climate Justice Action, and punctuated by peak moments of activity around the Copenhagen Climate Conference in December 2009, and the World People’s Conference on Climate Change and the Rights of Mother Earth in April 2010. While climate justice activism does embrace the language of rights and distribution, it also offers a critique of
deeply ingrained institutional conditions of oppression and domination, and presents visions for the profound transformation of global political, economic and cultural systems.

In the following analysis both Rawlsian and activist discourses of climate justice will be examined through a Foucaultian lens. Foucault saw knowledge and power as mutually productive. Knowledge induces effects of power, and power relations generate knowledge. Power and knowledge converge in discourse, and shape the particular constraints of discourse. Power/knowledge limits the voices that speak, the theoretical norms used, and the phenomena examined within discourse. In addition, the particular constraints of discourse produce material effects. The material effects of these constraints are central to a Foucaultian study of discourses of climate justice.

In this thesis I will argue that Rawlsian discourses of climate justice exhibit common constraints of subject, approach and content. They empower political philosophers and theorists as the subjects of climate justice knowledge, endorse ideal theory as the right way to do climate justice theory, and define the fair distribution of climate change costs, and the rights violated by climate change, to be the primary field of objects for climate justice research. There are significant material effects which result from the Rawlsian configuration of power/knowledge. Distributive climate justice discourse excludes the voices of those most affected by climate change and neglects concrete climate injustice. In addition, this discourse conceals the root causes of climate injustice and marginalises alternative political projects, thereby reinforcing existing power relations. Rights-based climate justice similarly marginalises the voices of the subjugated, but also functions as a form of disciplinary power which produces individualised, isolated subjects in need of protection from climate-induced suffering by international legal and policy communities. Like distributive discourse, rights-based climate justice conceals the
structural causes of climate injustice and excludes alternative political possibilities, in the process bolstering contemporary institutional structures of oppression and domination.

As well as providing a framework for analysing power/knowledge, Foucault recognised the value of listening to the voices of the subjugated. Instead of dictating principles of justice to social movements, Foucault draws attention to the ways social struggle is articulated by the oppressed and dominated themselves. It is this perspective which drives the latter part of the thesis, in which I highlight the climate justice demands of activist networks. These networks represent those most affected by climate change, including the poor, women, indigenous communities, and other communities of colour. Discourses of climate justice activists are not exempt from setting in motion material effects like any power/knowledge formation. Nevertheless, I will demonstrate that whereas the effects of Rawlsian discourse are to conceal and strengthen relations of domination, the effects of activist discourse are to expose and challenge the underlying structures of oppression and domination tied to climate injustice.

Chapter One will review the climate justice literature. By way of introduction, John Rawls’ ideal theory of justice, comprising the equal rights and liberties and difference principles, will be discussed. The remainder of this chapter will trace the influence of the subjects, approach and content of Rawlsian theory on debates about climate justice. Distributive climate justice theorists debate ideal principles of distribution, based substantially on Rawls’ difference principle. Rights based climate justice theorists debate the set of ideal rights violated by climate change, grounded on the priority of Rawls’ first principle of rights and liberties.

Chapter Two will engage in a Foucaultian analysis of Rawlsian climate justice theory, arguing that Rawlsian climate justice discourses have material effects which conceal and reinforce
institutional structures of oppression and domination. The first stage of this argument lays out a Foucaultian framework for analysing discourses of power/knowledge, and applies it to Rawlsian climate justice theory as a whole. The material effects of distributive climate justice will be the focus of the second stage, and an analysis of the effects of rights-based climate justice will close the chapter.

Chapter Three will draw attention to the counter-discourse of climate justice activism. This section will study the critical, utopian and spatial dimensions of activist discourse through case studies of Friends of the Earth Australia, the *Bali principles of climate justice* and The World People’s Conference on Climate Change and the Rights of Mother Earth. The final section of this chapter will maintain that, though a low ranking and subjugated form of knowledge, activist discourse is nevertheless a form of power/knowledge with material effects. Yet these effects are vastly different from the effects of distributive and rights-based climate justice.
Chapter One

The Ideal Theory of Climate Justice

Introduction

Political theorists and philosophers have debated the justice issues associated with climate change for more than two decades. Most contemporary justice theorists are significantly influenced by the work of John Rawls. After an introduction to the importance of Rawls’ *A Theory of Justice* (1972) in shaping the subjects, approach, and content of contemporary justice discourse, this chapter will review the literature of both distributive and rights-based climate justice.

The Ideal Theory of John Rawls

The academic literature on climate justice is concentrated around two main themes: the fair distribution of climate change burdens, and rights violations associated with the climate crisis. This literature is dominated by scholars who operate in a frame highly influenced by John Rawls. Rawls’ publication of *A Theory of Justice* in the early 1970s represented a critical turning point in Anglo-American political philosophy. It generated an explosion of interest in justice issues. Rawls’ phrase that justice is “the first virtue of social institutions” (Rawls, 1972: 3) has become ubiquitous, and justice has become “the primary subject in political philosophy” (Young, 1990: 3). *A Theory of Justice* also marked the beginning of a paradigm shift for political philosophy, from utilitarianism to rights-oriented liberalism. Rawls objected to utilitarianism for allowing the sacrifice of individual for community interests, and set out to construct an “alternative systematic account of justice that is superior...to the dominant utilitarianism of the tradition” (Rawls, 1972: viii).
Rawls has shaped the subjects of justice theory. Rawls is widely recognised as one of the most influential moral and political philosophers of the 20th century. Like Rawls, prominent liberal scholars of justice are overwhelmingly white, male, political theorists or philosophers, working in elite academic institutions of the US or UK. These scholars are the main subjects who engage in justice theory because they are best equipped to engage in ideal theorising about the perfectly just society and to debate ideal principles of rights and resource distribution.

Rawls has a particular approach to justice theory, one which he terms ideal theory. He distinguishes two parts of a theory of justice: ideal theory and non-ideal theory. The former “assumes strict compliance and works out the principles that characterise a well ordered society under favourable circumstances” (Rawls, 1972: 245) and “develops the conception of a perfectly just basic structure and the corresponding duties and obligations of persons under the fixed constraints of human life” (Rawls, 1972: 145). The main question of ideal theory is “what would a perfectly just society look like” (Rawls 1972: 8). Rawls writes that “my main concern is with this part of the theory” (Rawls, 1972: 245). Non-ideal theory is secondary, and follows ideal theory. It concerns “how we are to deal with injustice” (Rawls, 1972: 1972: 8) and “consists of principles for governing adjustments to natural limitations and historical contingencies” (Rawls, 1972: 246). Though Rawls makes brief forays into non-ideal theory, the vast majority of A Theory of Justice is dedicated to ideal theory. This approach to justice theory has become enormously influential: “the characterisation of perfectly just institutions has become the central exercise in modern theories of justice” (Sen, 2009: 8).

Rawls’ A Theory of Justice has also influenced the content of justice theory. He devised two core principles in his ideal theory of justice. First, that “each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of
liberty for all” (Rawls, 1972: 250). Second, that “social and economic inequalities are to be arranged so that they are both a) to the greatest benefit of the least advantaged and b) attached to offices and positions open to all under conditions of fair equality of opportunity” (Rawls, 1972: 83). This principle guides the ideal distribution of social and economic differences in a perfectly just society, and for this reason is often called the difference principle. It protects the worst off, ensuring that they benefit most from social and economic inequalities. Thus the two key principles of Rawls’ theory of justice are principles of rights and distribution. They are ranked in lexical order, meaning that the first principle concerning equal rights has priority over the difference principle. Rawls writes that “liberty can be restricted only for the sake of liberty” (Rawls, 1972: 250). Equal rights cannot be sacrificed for improvements in the distribution of social and economic inequalities. Together, these two core principles of justice provide “a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation” (Rawls, 1972: 4). The influence of John Rawls on the subjects, approach, and content of contemporary theories of climate justice will become clear as I review distributive and rights-based theories of climate justice.

**Distributive Climate Justice**

Distributive climate justice theory is Rawlsian. It is ideal theory, uses Rawls’ second difference principle concerning distribution, and is debated by political theorists and philosophers. According to liberal thinkers, climate change raises questions about the distribution of environmental burdens and benefits (Caney, 2006). In fact, most theoretical work on climate justice is about international allocation of climate change costs (Baer, 2011; Gardiner, 2004; Vanderheiden 2011). While most political philosophers debate the ideal principles that should
govern distribution of mitigation across nation states, others have expanded this distributive focus to adaptation costs, and used individuals as an important level of analysis.

In one of the most comprehensive surveys of climate justice literature to date, Stephen Gardiner (2004: 14) writes that “the core ethical issue concerning global warming is that of how to allocate the costs and benefits of greenhouse gas emissions and abatement”. While there is an “ethical consensus on the general tendency of allocation policy” (Gardiner, 2011: 316), there are vigorous academic debates on the specifics of fair distribution.

Henry Shue (1993) was one of the first theorists to analyse climate justice. He applied concerns about fair burden distribution to climate change and concluded that to allow for economic growth, the rich must reduce their emissions and the poor must be allowed to increase their emissions. Shue uses Rawls’ second principle, arguing that to help the least advantaged in developing countries, these countries should be allowed a basic minimum quantity of protected emissions, while rich nations should be forced to reduce emissions.

Shue (1999) also articulated ideal principles of equity which justified the need for rich countries to take the lead on emissions reduction. First, burdens should be placed on parties to the extent of advantage previously taken. Second, parties who have most resources should contribute most to the enterprise. Third, the poor should be guaranteed an adequate minimum supply of resources. Again using Rawls’ difference principle, Shue defended the second and third principles because they avoid making the worst off even worse off. Perhaps because of the Rawlsian platform, these last two principles have garnered widespread theoretical support. Dale Jamieson (1997) and Simon Caney (2010a) for example, have supported the ability to pay principle, praising it for delivering assistance even in the absence of causal responsibility. In
addition, there is broad consensus that developing countries are entitled to an adequate minimum of greenhouse emissions to encourage development (Baer et al, 2010). By contrast, the first principle of equity is implicated in vigorous academic debate between competing bases for emissions mitigation: historical responsibility and equal per capita emissions.

Shue’s (1999) first principle of equity implies that developed countries should take responsibility for emitting the vast proportion of historical emissions and suffer the vast majority of the costs of mitigation accordingly. Eric Neumayer (2000) agrees that historical responsibility is an important component of the just allocation of greenhouse gas emissions for three reasons. Science demonstrates that historical emissions have caused current warming, the polluter pays principle demands that those who caused environmental harms must compensate for those harms, and equal opportunity condemns ignoring historical responsibility for unfairly privileging those past inhabitants of developed countries and disadvantaging current or future inhabitants of developing countries. The Rawlsian influence is clear as Neumayer asserts that social and economic equalities should be to the benefit of the least well-off.

Peter Singer (2002) criticises the principle of historical responsibility for the heavy burden placed on developed countries, arguing that for most of industrial history rich nations have been unaware of the harm caused by their emissions. Jamieson (2001) also cites intentionality and views pre-1990 emissions as morally distinct from post-1990 emissions. Singer (2002) instead argues that because of its “simplicity, hence suitability as a political compromise”, the best distribution of emissions is based on “equal per capita future entitlements to a share of the capacity of the atmospheric sink” (Singer 2002: 194). Ignoring emissions prior to 1990, this principle relies on scientific agreement on the safe level of global emissions, an equal per capita division of those emissions, and an emissions trading scheme.
Though more politically pragmatic than historical responsibility, the equal per capita approach also faces objections. These objections are particularly strong perhaps because by citing political constraints, Singer departs from ideal theory. Ideal theory assumes full compliance, and does not heed existing political limitations. Along these lines Gardiner (2011) is highly critical of an ethical guide to action which is based on “political compromise” (Singer 2002: 194). According to Gardiner, it is wrong to absolve developed nations of responsibility for a history of high emissions. In addition, David Schlosberg (2011) points out that strict equity neglects place differences and differences in vulnerabilities. The same carbon allocation would provide different levels of basic needs across different climates. Whether emissions reduction is allocated on the basis of historical responsibility or equal per capita emissions, both sides implicitly agree that distributive justice in emissions mitigation by nation states is the most pressing issue of climate justice.

However, there has been a recent shift in distributive focus from mitigation to adaptation. This conceptual distinction has been present in the policy sphere for more than two decades (Jamieson 2005), and is present in United Nations Framework Convention on Climate Change (UNFCCC, 1992; Schipper, 2006). Whereas mitigation prevents the worst effects of climate change, adaptation helps people live with its consequences (Armstrong, 2012). As global negotiations for climate change mitigation have faltered in recent years, most notably in Copenhagen, political theorists have been paying increased attention to adaptation. While this pragmatism is in one sense a departure from ideal theory, the discussion of adaptation itself is governed by the Rawlsian framework of ideal distributive justice. Steve Vanderheiden’s (2011) article on globalising responsibility for climate change is emblematic of this shift to adaptation. Vanderheiden maintains that mitigation and adaptation are intimately connected because adaptation costs depend on mitigation efforts. As mitigation is underfunded, adaptation costs
increase. Thus Vanderheiden argues that mitigation and adaptation should be analysed under a single conception of justice.

There is also a rising interest in ideal principles of distributive justice applied to individuals, not just to nation states. Two recent monographs on climate justice have presented cosmopolitan theories of climate justice. For both Harris (2010) and Vanderheiden (2008) individuals are the most important units of analysis. For Harris (2010: 100) in particular, although “national borders have practical importance” they are the wrong basis for decisions about justice. Responsibility for climate change mitigation and adaptation rests primarily with individuals. Harris aims to overcome the rich North/poor South binary and highlight the obligations of affluent individuals everywhere. The Rawlsian basis for this position is evident in Harris’ argument that the unequal divide of rich and poor must advantage the least well-off. Rich individuals in wealthy and poor nations should contribute to climate change costs to help the least advantaged.

Paul Baer and his colleagues (2009) at Ecoequity have proposed the Greenhouse Development Rights (GDRs) framework which integrates Shue’s three principles of equity with the shift to adaptation and individuals. This approach distributes costs of mitigation and adaptation on the basis of responsibility (first principle) and capacity (second principle – ability to pay), while protecting the right to development (third principle – guaranteed minimum). Individuals have the right to unrestrained development below a nominated income threshold ($7500). Above this limit individuals begin to share mitigation and adaptation costs based on responsibility (cumulative emissions since 1990) and capacity (disposable income). The idea is that because development rights are accorded to individuals based on their income, “even poor countries have obligations proportional to the size and wealth of their middle and upper classes” (Baer et al, 2009: 267). As in Harris’s case, the move to make relatively wealthy individuals everywhere
responsible for climate change costs has a strong foundation in Rawls’ difference principle. It tries to configure economic differences between rich and poor to best help the least well-off. While the GDRs framework has been criticised for reducing the right to development to a particular income threshold (Schlosberg 2009), it has gained influence in policy circles by encompassing a broad array of key principles of climate justice.

Distributive climate justice theory is thoroughly Rawlsian. Its subjects are predominantly political philosophers and theorists, its approach is ideal theory, and its content is based substantially on Rawls’ difference principle.

**Rights-based Climate Justice**

The subjects, approach and content of rights-based climate justice discourse are also shaped by John Rawls. It is ideal theory, based substantially on the first principle of equal rights and liberties, debated by intellectuals. While concerns about distributive justice have dominated analysis of climate justice, rights based discussions of climate change have become increasingly popular in recent years.

Simon Caney (2005) argues that climate change violates well established human rights. Humans have fundamental interests not to suffer from drought, infectious diseases, flooding and enforced relocation, and because climate change causes such effects, “persons have the human right not to suffer from the disadvantages generated by global climate change” (Caney, 2005: 768). Caney defends this as a strong moral frame because, unlike the historical responsibility principle, it does not rely on causal responsibility. Whether or not climate change is anthropogenic, it still
violates basic human rights. Caney’s focus on rights as the key issue of climate justice mirrors Rawls’ priority of equal rights and liberties as the first principle of his theory of justice.

Caney (2010b) specifies three basic human rights violated by climate change: life, health and subsistence. He (2010b: 76-80) frames the rights violated by climate change minimally to garner widespread support. Climate change violates existing human rights laws “not to be arbitrarily deprived of life”, the right that “others do not act so as to create serious threats to their health” and the right that “other people do not act so as to deprive them of the means of subsistence”. These are negative rights, providing no guarantee of positive rights to food or to be maximally healthy. Caney (2006) argues that because humans do cause climate change, emitters of greenhouse gases are guilty of human rights violations and must be condemned.

It seems that Caney is departing from ideal theory here. Where the Rawlsian approach abstracts from existing reality, Caney makes pragmatic appeals to the enforcement of existing international human rights law. Yet fundamentally he is still in the domain of ideal theory. He is not primarily concerned with “how we are to deal with injustice” (Rawls, 1972: 8), but with a case for a rights-based approach to climate justice rooted in Rawls’ first ideal principle of equal rights and liberties.

Derek Bell (2011) agrees that climate change violates basic human rights. He maintains that climate change threatens “human rights to life, physical security, subsistence and health” (Bell, 2011: 100) and is adamant that human rights “provide the strongest moral protection we can offer” (Bell, 2011: 103). Bell develops the human rights framing of climate justice by elaborating the duties connected with the rights threatened by climate change. We each have a general duty to support effective institutions that protect the rights of current and future persons
threatened by climate change. We also have a specific duty “not to accept benefits that result from human rights violations” (Bell, 2011: 120), entailing an entitlement to no more emissions than the level that would be allowed by effective institutions. Bell thus fleshes out the obligations implied by a human rights framing of climate justice. His discussion of rights and duties reflects Rawls’ discussion of the “basic rights and duties in the basic institutions of society” (Rawls, 1972: 4).

Other theorists use a more expansive rights-based approach which explores the environmental or development rights violated by climate change. Henry Shue’s 1980 work *Basic Rights* has influenced more recent discussions of environmental rights violated by climate change. In that work he identifies “unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter and minimal preventative health care” (Shue, 1980: 23) as basic rights of subsistence. Vanderheiden (2008) builds on the environmental theme in Shue’s account of basic subsistence rights and Tim Hayward’s (2005) ideas about environmental rights. Vanderheiden (2008: 252) argues that because of the necessity of a stable climate for human welfare, there exists “a right to an adequate environment with the corollary that the right includes a claim to climatic stability”. Extending rights to the environmental sphere, Shue, Hayward and Vanderheiden are all faithful to the Rawlsian priority of equal rights and liberties.

Similarly, Shue’s early work on the right to development has influenced later development rights theorists. Shue (1993) argued that emissions of the poor should be allowed to rise to provide a minimally decent standard of living, and distinguished such emissions from the luxury emissions of rich countries. As discussed previously, Shue’s (1999) third principle of equity defends the guarantee of an adequate minimum quantity of resources. These arguments are effectively arguments for the right to development for poor nations. Hayward (2007: 432) connected this
position to the difference principle with his statement that “those who are concerned particularly about the position of the worst off globally invoke a human right to...sufficient emissions for subsistence.” Hayward problematises this stance, arguing that this equates to a human right to pollute which would “only further exacerbate the threats of global climate change” (2007: 448). Instead he proposes a framework broader than emissions rights, encompassing equal rights to ecological space. He claims that this would protect the rights of the worst off without recognising the right to pollute.

Baer et al (2009) also discuss development rights through the GDRs framework. GDRs embody the two principles of justice according to Rawls. They emphasise that everyone has the equal right to develop unconstrained by mitigation and adaptation responsibilities below individual income of $7500. This equal right to develop has the twin function of serving the difference principle, because it aids the worst off. Relatively wealthy individuals are required to contribute to mitigation and adaptation costs to help the last advantaged.

The rights-based approach to climate justice thus has two main currents. Theorists such as Caney and Bell present compelling cases that climate change violates existing basic human rights, while Vanderheiden, and Baer et al extend this framework to include the environmental and development rights violations that are a product of anthropogenic climate change. Both strains of rights-based climate justice theory are grounded in the primacy of equal rights and liberties in Rawls’ theory of justice. Rights-based climate justice is advocated by intellectuals of the Global North, approaches justice using ideal theory, and has roots in the Rawlsian priority of equal rights and liberties over the difference principle.
Conclusion

Political theorists and philosophers frame climate change as a justice issue. The subjects, approach and content of this theory are significantly influenced by *A Theory of Justice*. In the two dominant approaches of climate justice theory, Rawls’ two ideal principles of a perfectly just society are invoked. Distributive climate justice scholars ground their arguments in Rawls’ difference principle. Rights-based climate justice theorists echo the priority of Rawls’ first principle of equal rights and liberties in their arguments that climate change violates a suite of human, environmental and development rights. Thus climate justice theorists mobilise Rawlsian principles of justice to protect the vulnerable from the worst impacts of climate change.
Chapter Two

Power/Knowledge in Rawlsian Climate Justice Discourse

Introduction

Rawlsian climate justice discourse comprises ideal principles of distribution and rights. From a Foucaultian perspective, this discourse is a particular formation of power/knowledge exhibiting specific constraints, with material effects. This chapter will argue that the effects of ideal climate justice theory are to conceal and reinforce existing institutional structures of oppression and domination. The first section will apply the Foucaultian framework to Rawlsian climate justice discourse in general. I will then examine the material effects of distributive climate justice, and close the chapter with a discussion of the effects of rights-based climate justice.

Power/Knowledge in Ideal Climate Justice Theory

Michel Foucault conceptualised the relationship between power and knowledge as mutually constitutive. Power and knowledge combine in discourse and constrain its subjects, approach, and content. Through this lens the discursive practices of Rawlsian climate justice theory limit the discourse to intellectuals who construct ideal theories of distribution and rights. Foucault also dissolved the theory/practice divide, emphasising that discourses have material effects. Discourses define and enable, but also silence and marginalise. This section will lay out the relevant tools of power/knowledge analysis, and offer two caveats to this Foucaultian analysis of discourses of climate justice.

Foucault tied power relations to the production of knowledge. He maintained that “power and knowledge directly imply one another...there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute
at the same time power relations” (Foucault, 1977a: 27). Foucault denied that systems of knowledge and truth could be produced independent of power relations: “it is not the activity of the subject of knowledge that produces a corpus of knowledge, useful or resistant to power, but power/knowledge, the processes and struggles that traverse it and of which it is made up, that determines the forms and possible domains of knowledge” (Foucault, 1977a: 28). Knowledge is ineluctably shaped by, and productive of, power relations.

This positive dimension of power is crucial for Foucault. He writes:

_We must cease once and for all to describe the effects of power in negative terms: it ‘excludes’, it ‘represses’, it ‘censors’, it ‘abstracts’, it ‘masks’, it ‘conceals’. In fact, power produces; it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production_ (Foucault, 1977a: 214).

This productive process of delimiting domains of objects and rituals of truth occurs within discourse. For Foucault (1979: 100), “it is in discourse that power and knowledge are joined together”. Power and knowledge are connected through a series of discursive practices which “are characterised by the demarcation of a field of objects, by the definition of a legitimate perspective for a subject of knowledge, by the setting of norms for elaborating concepts and theories” (Foucault, 1971: 11). In his interview _Truth and power_, Foucault refers to the subjects of discursive practices as “those who are charged with saying what counts as true” (Foucault, 1977b: 131). Thus a study of discursive practices entails examination of three crucial elements: the legitimate subjects of knowledge, the norms according to which theories are made (theoretical approach), and the field of objects examined by the discourse (content).
Applying this Foucaultian framework, it is clear that the discursive practices of liberal climate justice theory produce particular “domains of objects and rituals of truth” (Foucault, 1977a: 214). As discussed in Chapter One, the legitimate subjects, theoretical approach, and content of climate justice theory emerge from the shadow of Rawls. Like Rawls, political philosophers and theorists such as Henry Shue, Peter Singer and Simon Caney are the subjects charged with constructing theories of climate justice. As for Rawls’ general theory of justice, the legitimate theoretical approach to climate justice is ideal theory, which analyses the perfectly just society under conditions of climate change. In addition, the field of objects for liberal climate justice discourse consists of distribution and rights, based on Rawls’ two principles of justice. Climate justice is firstly about the ideal principles of distribution of greenhouse gas emissions and the financial burdens of mitigation and adaptation, to nation states, or to individuals. Climate justice is also about the ways in which climate change threatens universal basic rights to life, health and subsistence, and the duties these threats generate for nation states or individuals.

This is not to claim that climate justice theory is monolithic. We should heed the warning of development theorist Rita Abrahamsen that: “almost any analysis of this nature runs the risk of representing discourse as monolithic, unchanging and unchallenged, of constructing consensus where diversity, discourse and flexibility exist” (Abrahamsen, 2000: x). There is indeed diversity and disagreement in climate justice theory. Neumayer (2000) and Singer (2002) debate whether historical responsibility or equal per capita emissions are better principles for distribution of emissions. While Shue (1993; 1999) and Gardiner (2004) focus on the ideal distribution of the costs of mitigation, Vanderheiden (2011) and Harris (2010) broaden the discussion to the costs of adaptation. As Singer (2002) and Gardiner (2004) concentrate on distribution of burdens across nation states, Harris (2010) and Baer et al (2009; 2010) consider individuals. Whereas Caney (2005; 2006; 2010b) and Bell (2011) restrict their analyses to
existing rights, Vanderheiden (2008) and Baer et al (2009; 2010) extend their theories to new rights such as the right to an adequate environment and the right to development.

Nevertheless, these debates still occur within common discursive practices. Neumayer (2000), Singer (2002), and Gardiner (2010) all use the ideal theory of distribution as the key touchstone for their analysis. Caney (2005; 2006; 2010b), Bell (2011), and Hayward (2005; 2007) use rights as the central concept of their analysis. Some Rawlsian theorists such as Shue (1993; 1999), Vanderheiden (2008; 2011) and Baer et al (2009; 2010) have debated both distribution and rights. While there are strong disagreements within the field of climate justice theory, these scholars all participate in discursive practices of power/knowledge in which the subjects of knowledge, theoretical norms, and domains of objects are similarly constrained.

A Foucaultian framework also highlights the material effects of these constraints. For David Howarth (2000: 81), Foucault “emphasises the materiality and positivity of discourse.” He rejects the idea of a clear divide between theory and practice. For Clare O’Farrell (2005: 71), Foucault “is opposed to the idea of ‘thought’ as something divorced from action and from real experience”. Theory is practice generated in a particular time and place, by specific individuals, and with concrete effects in the material world. Foucault dissolves the theory/practice divide and emphasises the material effects of power/knowledge configurations:

*Has not the practice of revolutionary discourse and scientific discourse in Europe over the past two hundred years freed you from this idea that words are wind, an external whisper, a beating of wings that one has difficulty in hearing in the serious matter of history? (Foucault, 1969: 209)*
Discursive practices, where power and knowledge combine, have material effects. For example, Charlotte Epstein (2008: 5) draws out the implications of Foucault’s insight that discursive and material practices are mutually constitutive in the context of whaling: “when one starts from concrete, real-life practices, the separation between the ideational or the discursive and the material collapses insofar as what is said about whales is tied to what is done about them.” Discourses of whaling “delimit the possibilities for action” (Epstein, 2008: 2) on whaling.

Discourses demarcate possibilities for action through subject, approach and content constraints which represent a series of “exclusions and selections” (Foucault, 1971: 11). Jennifer Milliken (1999: 229) explains these exclusions and selections. Discourses:

work to define and to enable, and also to silence and exclude, for example, by limiting and restricting authorities and experts to some groups, but not others, endorsing a certain common sense, but making other modes of categorizing and judging meaningless, impracticable, inadequate or otherwise disqualified.

Foucault terms the forms of knowledge silenced by a dominant discourse “subjugated knowledges” (Foucault, 1976a: 82). These kinds of knowledge are seen as “low-ranking” and “disqualified as inadequate” (Foucault, 1976a: 82) by the dominant discourse. Foucault observes that dominant discourses are often “global, totalitarian theories” (Foucault, 1976a: 80), whereas subjugated knowledge, particularly popular knowledge, is “local”, “regional”, “differential” and “owes its force only to the harshness with which it is opposed by everything surrounding it” (Foucault, 1977b: 82). Applying this distinction to discourses of climate justice, Rawlsian discourses are dominant global theories, and popular climate justice knowledge encompasses the
discourses of a myriad of climate justice activists operating in local groups as well as those joined in internationally connected networks.

As products and producers of power relations, neither types of discourse are exempt from the constraints and effects of the power/knowledge connection. Thus a Foucaultian study of climate justice discourses examines the material effects of both Rawlsian and activist power/knowledge, and draws attention to the silences, exclusions, and voices marginalised by the constraints of both.

Two clarifications of this Foucaultian framework are important. First, focusing on the material effects of discourse de-emphasises intentionality. Foucault stated that “my goal was not to analyse power at the level of intentions or decisions” (Foucault, 1976b: 28). Foucault is not asking “who has power? What is going on in his head? And what is he trying to do, this man who has power” (Foucault, 1976b: 28). Instead he sought “to study power at the point where his intentions...are completely invested in real and effective practices” (Foucault, 1976b: 28). Foucault studies power not as wielded by individuals but located in “places where it implants itself and produces real effects” (Foucault, 1976b: 28). In climate justice theory, power implants itself in Rawlsian discourse, and it is this discourse that is important, not the intentions of the theorists themselves: “the main objective of these struggles is to attack not so much “such and such” an institution of power, or group, or elite, class, but rather a technique, a form of power” (Foucault, 1983a: 212).

Second, a Foucaultian study of the material effects of climate justice discourses suspends the question of whether one discourse is truer than another. The Foucaultian approach contrasts with a debate in political philosophy in recent years about the comparative worth of ideal and non-
ideal theories of justice. Amartya Sen made a significant contribution to this debate with *The Idea of Justice*, published in 2009. Sen (2009) argues that ideal theory is neither necessary nor sufficient for guiding policies and institutions to advance justice. Instead he proposes a comparative theory which instead of postulating ideal principles of a perfectly just society would provide a framework for making reasoned comparison amongst feasible policy alternatives. Subsequently, many theorists such as Simmons (2010), Valentini (2011; 2012), and Gilabert (2012) have discussed Sen’s critique and assessed the relative worth of ideal and non-ideal theory. Similar ideas were debated by Noam Chomsky and Foucault in 1979. Chomsky expressed the view that although ideal theory may be fruitless, it is important to imagine and create “a better system of justice”. He insisted that “one has to estimate relative injustices” (Chomsky and Foucault, 1974: 183).

A Foucaultian framework brackets this debate about the relative worth of different systems of knowledge of justice. For Nancy Fraser (1981), Foucault is not interested in the truth or falsity of different systems of knowledge. He is concerned with the procedures and apparatuses whereby truth is produced and with the “multiple forms of constraint” at work in discursive practices (Foucault, 1977b: 131). The main problem is not drawing a line between true and false discourses, but “how effects of truth are produced within discourses which in themselves are neither true nor false” (Foucault, 1977b: 118). Thus Foucault’s response to Chomsky was not to engage in a debate about relative or ideal justice. His response was to highlight how discourses of justice are themselves products and instruments of power relations:

> the idea of justice is itself an idea which has been invented to put to work in different types of societies as an instrument of a certain political and economic power or as a weapon against that power...the notion of justice itself functions within a society of
classes as a claim made by the oppressed class and as justification for it (Chomsky and Foucault, 1974: 184-185).

Approaching climate justice through a Foucaultian lens leaves aside the question of the “truest” climate justice discourse. Instead it explores how justice claims are used by power, or used as a weapon against power.

The Effects of Distributive Climate Justice Discourse

The discursive practices of distributive climate justice have a series of concrete effects. First, while the discourse enables intellectuals to debate universal principles of climate justice and speak on behalf of the victims of climate injustice, it denies these people the chance to speak for themselves. Second, by defining ideal theory as the legitimate approach to climate justice, Rawlsian discourse overlooks concrete climate injustice. Finally, the restriction of climate justice to distribution conceals decision-making structures of political and economic domination, as well as cultural conditions of misrecognition, which fundamentally shape distributive climate injustice. Without a critique of these institutional processes, and by sidelining alternative political projects which offer such an analysis, Rawlsian climate justice effectively reinforces existing relations of oppression and domination.

The subjects of distributive climate justice knowledge are intellectuals. Henry Shue, Stephen Gardiner, and Dale Jamieson are all philosophers or political theorists working in elite US and UK universities. They speak for victims of climate justice, debating the nuances of ideal principles of distribution which seek to protect those most affected by climate change. This is indeed a worthy goal, but the corollary is the disempowerment of other voices which are excluded from this conversation. It has been widely recognised that poor communities,
communities of colour, and communities of small island nations, will be those most affected by climate change (Davissen and Long, 2003; Dawson, 2010; Evans, 2011; Global Justice Ecology Project, 2012). Yet these communities have no way of engaging in an academic debate about ideal theory and lack the necessary language skills, academic training and institutional backing that allows distributive climate justice theorists to debate ideal climate justice. It is these communities that are represented by climate justice activists. Rawlsian power/knowledge marginalises these “low-ranking” (Foucault, 1977b: 82) voices. They are essentially irrelevant to the main job of climate justice theory, to determine ideal principles of distributing the costs of climate change.

The work of Iris Marion Young and David Schlosberg provides a counterpoint to the exclusivity of Rawlsian climate justice discourse. Young expands “those who are charged with saying what counts as true” (Foucault, 1977b: 131) to social movements. She begins her book *Justice and the politics of difference* (1990) by posing the key questions of her project:

> What are the implications for political philosophers of the claims of new group-based social movements associate with left politics – such movements as feminism, Black liberation, American Indian movements, and gay and lesbian liberation...what conceptions of social justice do these new social movements implicitly appeal to, and how do they confront or modify traditional conceptions of justice? (Young, 1990: 3)

Whereas the subjects of distributive climate justice knowledge are academics, Young democratises justice theory. For example, Young shows how new social movements “focus on issues of oppression and domination” rather than distribution (Young, 1990: 83). She studies justice claims of environmental movements, urban social movements, the women’s movement
and others which spotlight “broad issues of decision-making power and political participation” (Young, 1990: 83), and attends to their campaigns against oppression and domination. Young sees ordinary citizens, social groups, and movements as relevant subjects of justice, with their own voice and their own justice claims.

Similarly, Schlosberg has placed movements at the centre of his theory of justice. In a 2004 article titled “Reconceiving environmental justice: global movements and political theories”, Schlosberg argues that the demands of global environmental justice movements can help develop a definition of environmental justice. He observes that environmental justice groups “consistently demand ‘a place at the table’ and the right to ‘speak for ourselves’” (Schlosberg, 2004: 522-523). In a series of works (2004; 2007; 2010; 2012a; 2012b) Schlosberg uses the primary source material of movements to show the limitations of ideal justice theory. What drives Schlosberg’s work is the fundamental insight that theories of justice can be enriched by listening to the voices and observing the practices of justice movements. Distributive climate justice discourse limits the legitimate subjects of knowledge to intellectuals, whereas the discourses of theorists like Young and Schlosberg empower the subjugated to speak for themselves.

The legitimate approach of distributive climate justice theory is ideal theory. Theorists such as Shue (1993; 1999), Singer (2002), and Gardiner (2010) debate the merits of abstracted, idealised, universal principles such as historical responsibility, capacity, and equity. These principles, based on Rawls’ difference principle, set out the conditions for a perfectly just climate-changed society. For such theorists, the key to climate justice is determining the fair allocation of climate change costs across nation states or individuals. These theoretical norms fail to thoroughly engage with empirical aspects of climate injustice. The complex mechanisms by which climate
change is tied to social injustice remain unexamined in ideal theory. As a consequence, distributive discourse represents the neglect of concrete climate injustice.

Again, the effects of this approach become clearer when contrasted with the work of Young and Schlosberg. Young is most concerned with existing injustice: either oppression, the “institutional constraint on self-development”, or domination, the “institutional constraint on self-determination” (Young, 1990: 37). Oppression involves systematic institutional processes which either prevent people using their capacities or expressing their experience. Young analyses existing material processes of oppression such as exploitation, marginalisation, powerlessness, cultural imperialism, and violence. Domination consists of institutional conditions which hinder people “participating in determining their actions or the conditions of their actions” (Young, 1990: 38). Young’s critique of existing material procedures of oppression and domination contrasts with the idealised projections of a perfectly just society in theories of distributive climate justice.

Schlosberg’s work also highlights the limits of ideal justice theory by drawing attention to existing injustice. He illustrates that environmental and climate justice movements have a plural but integrated understanding of concrete injustice, including inequity, cultural misrecognition, and a lack of political participation. Climate justice movements “move from ideal notions of justice and equity to how the reality of climate change makes human lives more vulnerable in specific ways” (Schlosberg, 2012b). Schlosberg (2012b) argues that “it is time to turn our attention to the injustices of the actual experiences of climate change.” For example, misrecognition and disrespect of some communities is an important contributing factor to climate injustice. Schlosberg (2012b) gives the example of The Alliance of Small Island States (AOSIS), which is consistently ignored in UNFCCC negotiations on climate change. In this
examination of concrete climate injustice, he ties misrecognition to a lack of political participation. AOSIS is misrecognised, and this lack of respect is an obstacle to genuine political participation for these nations. I will expand on the relationship between recognition and participation below. The important point here is to contrast the approaches of Young and Schlosberg with Rawlsian neglect of material injustice.

Finally, the discursive practices of distributive scholars constrain the field of study to principles of fair distribution of climate change costs. Confining climate justice to distribution fails to recognise that distributive climate injustice is significantly determined by deeper institutional processes of decision-making and cultural recognition. The distributive paradigm pre-supposes and conceals these causal processes, confining its analysis to the symptomatic outcomes of distribution. Until such time as these deeper structures of climate injustice are exposed to rigorous scrutiny, there is little hope of distributive justice for poor communities of the Global South, who having contributed least to climate change, will suffer the worst impacts.

Young (1990) delivers a lucid critique of the distributive paradigm, revealing the causal processes which shape distribution. Her central claim is that “a focus on the distribution of material goods and resources inappropriately restricts the scope of justice, because it fails to bring social structures and institutional contexts under evaluation” (Young, 1990: 20). She uses and develops the work of Marx to show how background institutional structures are more fundamental than distribution. Young quotes Marx’s claim that distribution of the means of consumption “is a feature of the mode of production itself” (Young, 1990:15) and uses this observation to warn against “predominant approaches to justice (which) tend to presuppose and uncritically accept the relations of production that define an economic system” (Young, 1990: 20). For Young, the Marxist critique that distributive justice demonstrates an “inability to bring
capitalist institutions and class relations under evaluation” (Young, 1990: 20), though accurate, needs to be made more concrete.

One way in which Young concretises Marx’s critique is through an analysis of decision-making structures. The distributive paradigm pre-supposes decision-making power structures and procedures. Centralised legislative procedures and executive institutions removed from the lives of the vast majority are assumed, and “issues of the just organisation of government institutions, and just methods of political decision-making rarely get raised” (Young, 1990: 22). Decision-making issues include the question of who has the power to make what kind of decisions, as well as the procedures and rules by which those decisions are made. Here Young is effectively talking about the importance of self-determination. This category includes not just effective political participation, but also economic self-determination. Young writes that “decision-making structures are crucial determinants of economic relations” (Young, 1990: 23). She maintains that economic domination exists not just because some people have more wealth than others, but “derives at least as much from the corporate and legal structures and procedures that give some persons the power to make decisions about investment, production, marketing, employment, interest rates and wages that affect millions of people” (Young, 1990: 23).

According to Young, the political and economic sides of self-determination are crucial in shaping fair distributions. Without self-determination, “decision-making structure operates to reproduce distributive inequality and the unjust constraints on people’s lives” (Young, 1990: 23). Decision-making structures and procedures can affect “what there is to distribute, how it gets distributed, who distributes, and what the distributive outcome is” (Young, 1990: 22). For example, in 1981 in West Warren, Massachusetts, residents were denied an opportunity to reject the siting of a large hazardous waste treatment plant in their town. Citizens organised against the
plant, questioning the justice of the decision-making structures which determined the distributive outcome (Young, 1983). Young also links economic domination with distributive outcomes in her example of a major Ohio employer closing down its plant. Citizens challenged the legitimacy of private corporate decision-makers creating widespread unemployment, without community consultation. In this case the distributive approach of compensation was unsatisfactory for locals, bringing into focus the possibility of a more fundamental shift to worker and community control over the plant. These examples suggest that processes of political and economic domination play a crucial role in determining distribution. Without an examination of these processes, the distributive paradigm presupposes such institutional structures of political and economic domination.

The significance of cultural processes in influencing distribution, while also advocated Young, has been strongly promoted by Nancy Fraser. Fraser (1997: 14) argues that the injustice of misrecognition is “cultural or symbolic” and “rooted in social patterns of representation, interpretation and communication”. Typically it involves cultural domination, non-recognition or disrespect. Fraser gives the example of race, where people of colour are subjected to cultural racism, stereotypes of violence or criminality, and attitudinal discrimination. Neither Fraser nor Young deny the importance of distribution, but they do emphasise that mal-distribution is tied in practice to misrecognition. Fraser writes that “in the real world...virtually every struggle against injustice, when properly understood, implies demands for both redistribution and recognition” (Fraser, 1997: 12). Both Fraser (1997) and Figueroa (2004) make the important point that there is a symbiotic relationship between recognition and distribution, Fraser (1997: 15) identifying a “vicious cycle of cultural and economic subordination.” In the case of race, racist norms allow material inequality and this inequality contributes to further cultural devaluation.
Schlosberg (2007: 28) links distribution, recognition, and participation together in a trivalent theory of justice, maintaining that greater participation “can help meliorate other forms of injustice; but those forms of injustice must be addressed in order to improve participation.” Fundamentally, fair distribution of resources is unlikely for groups of people who are disrespected and misrecognised, and who do not participate in the processes of decision-making which determine that distribution.

The unwillingness of the distributive paradigm to raise structural questions about the justice of existing social institutions is clear in the literature on climate justice. While the question of the fair distribution of climate change costs is important, it is a function of deep institutional injustice, in particular the organisation of decision-making power and procedures and cultural misrecognition within (neo)liberal democratic capitalism. Shue (1993; 1999), Neumayer (2000), Jamieson (1997) and Singer (2002) each focus their analyses on principles of fair distribution of the costs of emissions mitigation across nation states. Though they debate whether historical responsibility or equal per capita emissions are better principles for governing that distribution, they share fundamental assumptions about the institutional context in which these principles will be applied. Existing conditions of political and economic domination go unexamined.

For example, these ideal theorists aim their principles at the global negotiations for a binding international climate change agreement as part of the UNFCCC. None question the justice of this global decision-making process itself, nor ask whether this process could or should be democratised. There is no analysis of the power dynamics of countries from the Global North enforcing their will on countries of the Global South. There is no critique of the injustice of minimal political participation in these negotiation processes, with the marginalisation of the voices of those most affected by climate change: people from small island nations and poor
communities of colour. In addition, these theorists do not question the existing capitalist model of economic domination. There is no suggestion of an alternative economic system based around autonomous production. In fact, such theorists endorse the existing economic system by embracing market mechanisms to address climate change. Peter Singer for example calls emissions trading “both possible and desirable” (Singer, 2002: 196). It is “fully compatible with the equal per capita share principle” and it produces “great benefits for the developing nations” (Singer, 2002: 196). Moreover, analysis of institutional conditions of cultural misrecognition is absent. How disproportionate emissions from the Global North may function as a form of misrecognition of poor and indigenous peoples of the South is not analysed, nor is the problem of climate migrants and the absence of recognition of climate refugees under international law. In addition, there is no awareness of how decision-making processes and cultural recognition are interrelated and how they can determine distributive injustice. Fundamentally, there is no deep critique of existing power relations in distributive climate justice, only suggestions for rearranging the costs of mitigation and adaptation within existing power structures.

Vanderheiden (2008; 2011), Harris (2010) and Baer et al (2009) broaden the discussion of distributive climate justice to include adaptation costs and the role of individuals. The limited focus on mitigation is challenged, and the assumption that the nation state is the best unit of analysis is also questioned. Nonetheless, a similar lack of reflection is evident about existing institutional arrangements of political and economic domination and misrecognition. Vanderheiden (2011) observes that adaptation costs depend on mitigation efforts, but does not challenge the unjust democratic power structures behind the unequal burden of both mitigation and adaptation costs. Nor does he raise issues of economic domination and cultural misrecognition. Likewise for Harris (2010), who argues that responsibility for climate change mitigation and adaptation rests primarily with individuals. The possibility that responsibility for
climate change rests primarily with structural agents of oppression and domination does not enter his analysis. Finally, Baer et al (2009) provide a theoretical framework which embraces several important ethical principles, as well as the shift to adaptation and individuals. Yet like Shue, Neumayer, Singer, Vanderheiden and Harris, they constrain climate justice to a discussion of ideal principles of distribution and do not challenge the unjust structures of decision-making and cultural misrecognition which condition distribution.

The limited field of objects of distributive climate justice not only conceals existing power relations, but in the process it reinforces those relations. Ideals of distribution dominate debate about climate injustice without analysing the root causes of that injustice. Without critique, distributive climate justice discourse leaves the power relations of existing institutional arrangements untouched, and by dominating climate justice debate, it sidelines alternative justice projects which may confront these arrangements:

> insofar as predominant approaches to theorising about justice fail to evaluate the institutional structures that provide the context and conditions of distributions, they help forestall criticism of relations of power...to that extent they reinforce domination and oppression, and block the political imagination from envisioning more emancipatory institutions and practices (Young, 1990: 75).

Injustices of political, economic and cultural domination are not recognised by distributive climate justice discourse. It marginalises the voices of those most affected by climate change and of those who do criticise power structures, such as climate justice activists. The power/knowledge relations of ideal distributive climate justice theory obscure alternative emancipatory politics, foreclose the prospect of richer political imagination, weaken the
prospects for public deliberation about the injustice of decision-making structures and misrecognition, and thereby reinforce existing structures of oppression and domination.

Foucault drew attention to the constraints of discursive practices, and showed how these constraints have material effects. This section has detailed the material effects of distributive climate justice discourse: it marginalises the voices of those most affected by climate injustice, overlooks empirical aspects of climate injustice, and restricts its domains of objects to distribution, thereby presupposing and obscuring institutional structures which condition distributive justice. So long as subjugated voices and alternative justice projects are marginalised, and the root causes of climate justice remain hidden, the effect of Rawlsian climate justice will be no less than to reinforce existing injustices of oppression and domination. It remains to examine the material effects of rights-based climate justice discourse and to interrogate whether this discourse offers an alternative paradigm which more successfully addresses the deep structures of climate injustice.

**The Effects of Rights-based Climate Justice Discourse**

Distributive and rights-based climate justice discourses have both emerged as Rawlsian constellations of power/knowledge. As such, there are parallels between the concrete effects of these discourses. For example, in both cases the subjects of knowledge are intellectuals, to the exclusion of those most affected by climate injustice. However, different concerns come to light when examining the approach of rights-based climate justice. The ideal theory of rights-based climate justice is a clear example of an abstract, universalising discourse. It is dressed as an objective form of knowledge which can abstract from existing power relations. Basic rights to life, health and subsistence are supposedly universal and timeless principles beyond reproach. These claims to objectivity and universality effectively conceal how rights discourse is an
instrument and object of power relations. In addition, rights-based climate justice discourse operates as a form of disciplinary power which produces atomised subjects in need of protection from suffering caused by climate change, obscuring the root causes of climate injustice. To the extent that rights-based climate justice discourse marginalises the subjugated, conceals structural causes of climate injustice, and excludes alternative political projects for climate justice, it reproduces and reinforces existing relations of oppression and domination.

The subjects of rights-based discourse are predominantly political theorists and philosophers. Simon Caney, Derek Bell and Steve Vanderheiden are intellectuals at elite universities in the Global North. The corollary of confining the subject of rights-based climate justice to Northern scholars is to exclude the voices of poor and poor indigenous communities of the Global South, those most affected by climate change. As these effects are identical to the effects of distributive climate justice discourse analysed in the previous section, there is no need to expand on them again here.

The legitimate approach of rights-based climate justice is to debate the relevant set of ideal rights and make the case that those rights are violated by climate change. Ideal rights theory conceives of rights in universal, neutral terms. Rights are part of being human, and can be invoked as a means of protection at any time or place. They are abstracted from existing social context, and function independent of particular power relations. Brown encapsulates this neatly when she writes:

rights necessarily operate in and as an ahistorical, acultural, acontextual idiom: they claim distance from specific political contexts and historical vicissitudes, and they
The effect of the rights approach as an objective and universal discourse is to obscure the contingent nature of rights as products of particular power relations. Where universal human rights discourse claims the mantle of mobilising justice against abuses of power, Foucault reminds us that “if justice is at stake in a struggle, then it is as an instrument of power” (Chomsky and Foucault, 1974: 180). Brown takes up this insight and argues that far from being an objective form of knowledge abstracted from power relations, rights discourse is a “form of political power carrying a particular image of justice” (Brown, 2004: 453). The central question for Brown (2000: 477) is “what kind of rights bring into view, and potentially into public discourse, inequalities and subordination produced by social powers? And what kind keep this process ideologically naturalised and discursively buried.” By presenting as a timeless abstraction from power relations, the discourse of universal human rights discursively buries the production of subordination by social powers. It “deprives political consciousness of recognition of histories, relations and modalities of power that produce and situate us as human” (Brown, 2002: 127).

Rights-based climate justice theorists invoke this discourse to protect those affected by climate change. Caney, Bell, Vanderheiden, Shue, and Baer et al appeal to universal human, environmental, or development rights which hold irrespective of social context. Caney (2010b: 76) examines how climate change violates the universal right “not to be arbitrarily deprived of life”. Bell (2011: 100) argues that climate change affects universal “human rights to life, physical security, subsistence and health.” Vanderheiden (2008: 252) points to a universal “right to an adequate environment with the corollary that the right includes a claim to climatic
stability”. Baer et al (2009; 2010) highlight the universal right of all people to sustainable human development. While rights-based climate justice discourse underlines harms to life, health, and subsistence associated with climate change, its universalistic and purportedly objective approach conceals its own emergence as a product of power.

In addition, the field of study carved out by rights-based climate justice discourse is a moral one, constrained to individual human, environmental, and development rights. Not only does this limiting field of objects ignore and conceal existing relations of domination, it reproduces and reinforces these relations. Foucault’s analysis of disciplinary power is important here. In the second lecture of his Society must be defended series of 1975-1976, Foucault distinguished disciplinary from sovereign power. Sovereignty demarcated the legitimate limits of power, and was used to justify feudal monarchies and later, parliamentary democracies. Disciplinary power was “one of the basic tools for the establishment of industrial capitalism” and represents the “exact point-for-point opposite of the mechanics of power that the theory of sovereignty described” (Foucault, 1976a: 36).

Sovereign power is exercised from above, whereas disciplinary power emerges from below. Sovereign power is centralised and unified, disciplinary power is “radically heterogeneous” (Foucault, 1976a: 36) and diffuse. The former involves mass domination of one individual, or one group, or one class, over all others, while the latter is “circulated through networks, and individuals do not simply circulate in those networks; they are in a position to both submit to and exercise this power” (Foucault, 1976a: 29). Disciplinary power does not function in “the juridical edifice of sovereignty, State apparatuses, and the ideologies that accompany them”, but in “material operations, forms of subjugation, and the connections among and the uses made of the local systems of subjugations on the one hand, and apparatuses of knowledge on the other”
Ultimately, disciplinary power is a productive form of power/knowledge which “‘makes’ individuals; it is the specific technique of a power that regards individuals as both objects and instruments of its exercise” (cited in Dreyfus and Rabinow, 1983: 156).

Foucault thus sets up a contrast between “on the one hand, the organisation of right around sovereignty, and on the other, the mechanics of the coercions exercised by disciplines” (Foucault, 1976a: 38).

Foucault observes that these two systems have become intertwined. He notes that “in our day...power is exercised through both rights and disciplines...the techniques of disciplines and discourses born of discipline are invading right” (Foucault, 1976a: 38). Thus discourses of right have become procedures of subjugation:

The system of right and the judiciary field are permanent vehicles for relations of domination, and for polymorphous techniques of subjugation. Right must, I think, be viewed not in terms of a legitimacy that has to be established, but in terms of the procedures of subjugation it implements (Foucault, 1976a: 27).

Foucault’s important insight is that in late capitalism, rights and discipline are thoroughly imbricated (Ivison, 2008, Souter 2008; Golder, 2011). Brown (1995; 2000; 2002; 2004) details the material effects of rights discourse colonised by disciplinary power. While Brown recognises that rights may protect individuals from abuses of power, they simultaneously “become tactics in their disempowerment” (Brown, 2004: 459). She asks “in a given historical context, what kind of powers produce what kind of rights claims that might become the instruments of what kind of regulation or domination even as they confer recognition or redress of subject-specific injuries” (Brown, 2000: 477). Fundamentally, rights are a form of
disciplinary power which “produce and regulate the subjects to whom they are assigned” (Brown, 2004: 459). As such, we must examine what kinds of subjects are produced by the discourse of universal human rights.

Brown (2004) argues that the rights paradigm is not a neutral framework devoid of political content. Rights discourse functions as a defence of innocent and powerless individuals, and deploys a universalistic moral language aimed at suffering reduction. She writes that “human rights take their shape as a moral discourse centred on pain and suffering rather than a political discourse of comprehensive justice” (Brown, 2004: 453). However, “there is no such thing as mere reduction of suffering or protection from abuse – the nature of the reduction or protection is itself productive of political subjects and political possibilities” (Brown, 2004: 460). Framed as a moral issue of protecting vulnerable individuals from harm, human rights discourse produces particular subjects: “in its very promise to protect the individual against suffering and permit choice for individuals, human rights discourse produces a certain kind of subject in need of a certain kind of protection” (Brown, 2004: 460). Marx described the kinds of subjects produced by liberal rights in his essay “On the Jewish Question”. The right to liberty, for example, is effectively the “right of the circumscribed individual, withdrawn unto himself” (cited in Brown, 95: 110). In other words the right to liberty is the right to separation from others. Rights discourse produces atomised individuals separated and isolated from each other, vulnerable victims of abuses of power, whose only redress is afforded by international human rights law.

There are important effects of this kind of moral discourse which enables this kind of subject production: it conceals relations of oppression and domination which are the root causes of climate injustice. In a critique that resonates with Young’s critique of distributive justice, Brown convincingly argues that rights language often misses unjust background institutional conditions.
Where distribution underlines iniquitous allocations of wealth and resources at the expense of institutional critique, rights discourse highlights individual suffering at the cost of a detailed critique of the structural causes of this suffering. For Brown:

rights for the systematically subordinated tend to re-write injuries, inequalities and impediments to freedom that are consequent to social stratification as matters of individual violation and rarely articulate or address the conditions producing or fomenting that violation (Brown, 2002: 431-432).

Human rights are posed as the fundamental, ahistorical, universal entitlements of individuals. Thus instead of engaging in “political contests” about such things as “relevant parties to decision-making” and cultural misrecognition, the rights approach frames social problems solely as “matters of individualised, de-historicised injury and entitlement” (Brown, 1995: 124). The human rights paradigm offers ideal principles of individual protection from suffering, but does not offer a thoroughgoing critique of the causes of this suffering. Contingent institutionalised social and political conditions of oppression and domination are presupposed and obscured by an exclusive focus on the symptom of these conditions: the suffering of individuals.

The work of Foucault and Brown on rights as disciplinary power directly applies to rights-based climate justice discourse. Rights-based climate justice functions as disciplinary power focused on reducing suffering associated with climate change for individual subjects, concealing the root causes of climate injustice. Rights-based climate justice produces individualised subjects in need of external moral and legal protection. According to Caney (2005: 768), “persons have the human right not to suffer from the disadvantages generated by global climate change” such as drought, infectious diseases, flooding and enforced relocation. Caney uses rights language to
provide a moral and international legal shield for the vulnerable. He appeals to the full force of international human rights law to protect victims of climate change. Invoking these laws, Caney mobilises protections for individuals against being arbitrarily killed, and against having their health and means of subsistence threatened. Similarly for Bell, rights discourse is the “strongest moral protection we can offer” (Bell, 2011: 103) in the face of climate change. This discourse produces subjects in need of defence against the threats of climate change by the empowered agents of international legal and policy communities. On this view, what poor indigenous communities of the Global South really need is the external protections of international human rights law. This discourse does not empower affected subjects themselves to bind together and mobilise against climate injustice. Fundamentally, the rights approach to climate justice is a form of disciplinary power which produces subjects in need of the moral and legal protection of international human rights law.

Consistent with Brown’s critique of rights, the disciplinary power of rights-based climate justice discourse effectively conceals the causes of rights violations. Caney, for example, devotes several papers to a tightly argued case that climate change violates basic human rights (2005; 2006; 2010b). However, his analysis of the causes of rights violations is severely limited. The cause of rights violations is simply greenhouse gas emitters: “those who contribute to global climate change through high emissions are guilty of human rights violations and they should be condemned as such” (Caney, 2006: 278). Legitimate matters of justice such as political and economic domination, as well as cultural recognition, are concealed by this subject production. Instead of challenging these unjust conditions, some rights theorists even explicitly endorse (neo)liberal economic policies, such as market mechanisms to address climate change. Caney, for example, has written three papers in support of emissions trading (2009; 2010c; 2011).
There is a similar lack of reflection on background institutional injustice in theories of environmental and development rights. Environmental rights express the danger that climatic instability will cause undue suffering for individuals around the world. They are less attentive to the political, economic and cultural conditions causing that suffering and pay no attention to undemocratic decision-making power and procedures. The disparity in political participation and influence of governments and corporations of the Global North on UNFCCC negotiations compared with poor indigenous communities of the Global South is not examined. Similarly, the economic policies of (neo)liberalism are not subjected to analysis. Conditions of economic domination remain unexplored.

Development rights do not just leave economic domination unchallenged, they are its promoters. Underlying development rights is the essential notion that poor nations have the right to develop economically like rich nations. While development scholars do seek sustainable development (Baer et al 2009; 2010), the Western development path is used as the model. Economic growth is valorised, because economic growth lifts people out of poverty. The fact is largely ignored that Northern development, driven by overconsumption, has caused the problems of climate change in the first place. The right to development assumes and aspires to, rather than questions, the existing economic system (Salleh, 2010; 2011). The development model, including such measures as technology and finance transfers from North to South, “effectively locks the South more deeply into the capitalist machine” (Salleh, 2010: 133).

In addition, development rights demonstrate a form of non-recognition. For Salleh (2010: 133), in the development paradigm, “cultural autonomy is rarely mentioned”. Development rights fail to recognise indigenous knowledges such as the concept of “living well” in Bolivia. “Living well” exhibits an “eco-sufficient know-how” and is practiced by “meta-industrial workers like
peasant farmers and indigenous gatherers” (Salleh, 2010: 135). The possibility of using this kind of knowledge as the basis for an alternative development paradigm is ignored by the development rights framework as it endorses the dominant Western economic model of growth. Whether in the case of basic human rights, environmental rights or development rights, ideal principles of humane treatment are debated, but structural causes of rights violations associated with climate change, such as political and economic domination, as well as cultural misrecognition, go unexamined.

The case that climate change causes suffering and violates basic human, environment, and development rights, even if watertight, produces subjects as individuals in need of protection from suffering and conceals deeper structural causes of climate injustice. In the process of obscuring these causes, the field of objects demarcated by the disciplinary power of rights-based climate justice discourse effectively reinforces existing power relations. Rights-based climate justice atomises human subjects, offering no vision of power-sharing, no project for the democratisation of power, and no means to challenge existing structures of oppression and domination. Devoid of strategies to challenge existing power relations, Rawlsian rights function as a form of discipline which can only reproduce and reinforce relations of oppression and domination at the heart of climate injustice.

Rights-based climate justice discourse also reinforces existing power structures because its very dominance marginalises alternative political projects which may confront these power structures. Brown (2004: 462) suggests that “the centrality of human rights discourse might render these other political possibilities more faint”. The human rights paradigm offers a particularly dominant vision of justice which has a central place in international legal, moral and political justice discourse (Whyte, 2012). The effect of this dominance is that rights discourse “organises
political space, often with the aim of monopolising it” (Brown, 2004: 461). The prominence of voices pushing the human rights agenda subjugates voices advocating alternative justice projects. It is this dominance of rights knowledge and subjugation of other knowledges that leads Brown to suggest that rights operate “in opposition to alternative modes of redressing social subjugation” (Brown, 1995: 116). For example, other forms of discourse may shape subjects as an integrated part of a community who collaborate and share power. This is a different vision of the subject to the atomised individuals of rights discourse for whom autonomy, choice and freedom from harm are paramount. Brown’s (2004: 461) observation is instructive:

*since international human rights are not designed as a form of collective power or vehicle of popular governance, but rather as individual shields against power, it is hard to see how one can move simultaneously toward individualism and withdrawal on the one hand, and efforts at collaborative self-governance and power-sharing on the other.*

Rights discourse reinforces individualism at the expense of alternative modes of subject production which may encourage collaborative power-sharing. Rights-based climate justice similarly marginalises alternative projects for climate justice, reinforcing existing structures of oppression and domination. Caney, Bell, Vanderheiden and Baer et al appeal to the rights paradigm because they view it as a powerful tool to fight injustice. Caney and Bell ground their cases in existing international human right law for pragmatic reasons, believing that the force of existing law can protect the vulnerable from climate change. While Vanderheiden and Baer et al extend this framework into environmental and development rights, they nevertheless invoke rights language which has a strong basis in international legal and policy communities, as well as in Rawls’ first principle. By invoking this powerful framework as a tool for climate justice, Rawlsian scholars simultaneously mobilise the material effects of rights as a form of disciplinary
power: they conceal the root causes of climate injustice, marginalise alternative projects for justice, and thereby reinforce existing power structures.

Rights-based climate justice produces vulnerable victims of climate change who need the protections of existing international rights law (in the case of Caney and Bell) or new human rights law (in the case of Vanderheiden). Rather than a comprehensive vision for the democratisation of power, rights discourse is a form of disciplinary power which produces atomised subjects in need of harm mitigation and external protection. This discourse marginalises the voices of those most affected by climate change and disguises its emergence as a product of power relations with universalistic language. Moreover, as a form of disciplinary subject production which re-inscribes individualism, obscures the structural causes of climate injustice, and sidelines alternative political possibilities for climate justice, rights-based climate justice effectively reinforces and reproduces existing structures of oppression and domination.

**Conclusion**

This chapter has engaged in a Foucaultian analysis of the power/knowledge nexus within the discursive practices of Rawlsian climate justice discourse. It has reflected on the particular constraints of distributive and rights-based climate justice, and the material effects of these constraints. Distributive climate justice discourse empowers intellectuals as subjects of knowledge, but marginalises the voices of those most affected by climate change. It defines the appropriate theoretical norm as ideal theory, neglecting concrete climate injustice. It also confines climate justice to a debate about fair distributive principles of climate change costs, presupposing, obscuring and reinforcing the institutional structures of oppression and domination which causally contribute to distribution. Distribution is one of two dominant Rawlsian discourses which dominate the frame for climate justice and sideline alternative projects. The
other is rights-based climate justice discourse, which empowers its subjects of knowledge and marginalises others in similar ways to the distributive paradigm. The ideal theoretical approach to rights as universal, objective, and timeless, conceals the operations of rights discourse as a product of power. As a form of disciplinary power which produces vulnerable, atomised subjects, buries the root causes of climate injustice, and subjugates alternative political projects, rights-based climate justice reinforces existing power relations.
Chapter Three

Power/Knowledge in Activist Climate Justice

Introduction

Over the last decade climate change activism has increasingly mobilised around the theme of justice. Though this activism has grown, it is still difficult to speak of a coherent “climate justice movement.” Instead, the climate justice activist map is best characterised as a “range of overlapping, competing and differentially placed and resourced networks concerned with issues of climate change and justice” (Routledge, 2011: 385). These networks provide examples of popular knowledge struggling to establish a counter-discourse of climate justice. There are critical, utopian and spatial dimensions to this discourse. These common dimensions enable a coherent study of key documents of significant campaigns, documents, and events across the last decade of climate justice activism. The three dimensions will be explored using the climate justice campaign of Friends of the Earth Australia (FoE), the significant movement document *The Bali principles of climate justice*, and the 2010 World People’s Conference on Climate Change and the Rights of Mother Earth (WPC). This chapter lets those most affected by climate change speak for themselves. For this reason I will extensively quote the primary materials of activists. Across all three dimensions, climate justice activists offer an alternate climate justice discourse to that of ideal climate justice theory. After examining these dimensions, this chapter will contrast the constraints and effects of Rawlsian power/knowledge with those of activist discourse.

The Critical Dimension: Friends of the Earth Australia
Climate justice activism is critical of existing social structures of oppression and domination. While unfair distributions and violations of human rights are identified, these claims are embedded within a fundamental critique of institutions of (neo)liberal democratic capitalism. Whereas liberal political philosophers envision climate injustice as the unfair distribution of mitigation and adaptation costs or the breach of rights and consequent suffering caused by climate change, climate justice activists highlight “the interrelationships between, and address the root causes of, the social injustice, ecological destruction, and economic domination perpetrated by the underlying logic of capitalism” (Routledge, 2011: 385). While ideal theorists defend principles of the perfectly just society in the context of climate change, climate justice activists demonstrate an “acute cognizance of empirical aspects of injustice” (Dorsey, 2007: 21). On this empirical account, climate injustice results from historical, social, and power relations, and must be opposed by collective political struggle which mobilises a mass movement to agitate for radical changes to our political and economic systems.

Friends of the Earth Australia (FoE) has been running a climate justice campaign for more than a decade. In 2012 FoE is concurrently conducting climate migrant, coal and coal seam gas, carbon trading and renewable energy campaigns under the banner of climate justice (FoE, 2012a). As a well-established organisation with a history of activism and a breadth of publications on the issue, FoE provides a fruitful case study for the critical dimension of climate justice discourse. Although FoE does invoke ideal principles of distribution and rights, like Young and Brown, it does so within a framework which highlights deeply ingrained institutional conditions of climate injustice.

FoE ties analysis of distribution to the structural causes of climate injustice. FoE (2006a) describes climate justice as an “equity framework” which highlights the inequitable consumption
of goods and production of emissions and waste of the Global North, compared with the Global South. This frame is used to identify two structural causes of climate injustice. First, historically, it helps shed light on the legacy of ecological resource exploitation by the North. Narrowly, this is about “overuse of the global commons of the atmosphere” (FoE, 2006b: 26) and unequal contributions to greenhouse gas emissions, whereby the North has thus far contributed 80% of human induced warming (FoE 2006b: 20). Broadly, it recognises “social and ecological resources” stolen in “exploitation of the global South via colonialism and imperialism” (FoE 2006a). Second, FoE (2006b) identifies residual structures of colonialism which perpetuate unequal trade relations, place unfair crippling debts on the South, and increase the disparity between rich and poor nations. The forced privatisation of public utilities in the South, as part of IMF and World Bank “structural adjustment programs”, is blamed for decreasing the adaptive capacity of poor nations and further exacerbating the inequity of climate injustice (FoE, 2006b: 21).

Rights language is also mobilised by FoE in its campaign against climate injustice. The strength of the analyses of Caney and Bell et al is to make logical cases that rights are violated by climate change and that duties are generated by those rights. FoE highlights not just these breaches of human rights, but the fact that, as for Wendy Brown, these breaches are symptomatic of deeper institutional injustices. FoE spotlights the relations between the rich who caused the problem, and the poor who suffer the impacts, as the source of climate injustice: “the ultimate injustice of climate change is that those who have contributed least to the problem are those who are most vulnerable to the impacts of climate change” (Mead, 2007: 20). This sentiment is repeated throughout the FoE literature (2006b; 2007; 2009; 2012b). The idea here is that even though the poor are not responsible for climate change, their basic rights are most threatened. For FoE, it is not just the fact that climate change threatens rights that is unjust. It is that the rights of the poor,
with the least responsibility and the least resources to adapt, will be affected most by climate change.

FoE contends that for the poor, climate change is “more likely to be a matter of homelessness, food on the table, sickness and the loss of their livelihoods, lands and cultures” (FoE, 2006b: 4). As well as the injustice of disproportionate climate impacts themselves, FoE criticises the injustice of Northern responses to climate change. Referring to a UN carbon offsets program called Reduced Emissions for Deforestation and Forest Degradation (REDD), FoE (2009: 11) argues that as a result of the program many indigenous communities in the South “are likely to have their livelihoods and land rights disrupted or destroyed.” FoE (2009) endorses the view of The International Forum of Indigenous Peoples on Climate Change that REDD violates the human rights of individuals and communities of indigenous peoples.

Other empirical aspects of injustice beyond distribution and rights are also examined by FoE. For example, as emphasised by Young, the injustice of existing decision-making power structures and procedures is scrutinised. FoE describes the UNFCCC negotiations as elite and exclusive, and the international climate debate as restricted to professional lobbyists with inaccessibly technical policy language (FoE, 2009). FoE (2009: 10) affirms that “this has not been a democratic debate where most people have been able to have a say”. Neither indigenous peoples nor other local community groups are recognised as an important part of the negotiation process. Climate justice co-ordinator at FoE Emma Brindal (2008) and representative Holly Creenaune (2011) both assert the structural injustice of the exclusion of community voices from international and domestic climate debates.
The economic domination of existing decision-making power structures is also criticised by FoE’s climate justice campaign. Their position paper (FoE, 2006a) is highly critical of International Financial Institutions such as the World Bank and International Monetary Fund as well as the “neo-liberal political agenda” more broadly, for advocating “economic growth based on resource exploitation as the only path to ‘development’: generally practices that contribute to climate change.” These are the elite financial institutions which Young identified as having the enormous power to make crucial decisions affecting millions of people. UNFCCC negotiations to institute market-based responses to climate change also face intense scrutiny from FoE. Whereas Rawlsian scholars such as Singer and Caney support market mechanisms, FoE condemn “existing political landscapes of corporate capture and carbon market madness”, and try to “undo the assumptions that market mechanisms, growth-based and techno-solutions will deliver the ecological goods” (Pearse, 2011: 9). Imposed by elite decision-makers, carbon trading “creates new markets and opportunities for profits, and encourages privatisation of land, air and water – it has major implications for equality and people’s ability to make decisions about their lives with dignity” (FoE, 2009: 6). Carbon trading impinges on the economic self-determination of individuals and communities.

FoE also underscores the significance of misrecognition as a form of climate injustice. This sort of affirmation is typical: “All of us, regardless of race, class, ethnicity or gender, have an equal right to a fair share of resources which will allow for a life of dignity” (FoE 2006b: 27). This statement shows awareness of the link between recognition and distribution, as discussed by Schlosberg (2007; 2012). FoE (2006b) highlights the non-recognition of climate refugees under international law and by national and international governance structures. Australia comes in for particular scrutiny when FoE (2006b) points out that in 2001 the Australian government refused a request from the Tuvaluan government to accept half its population of 11,000 people, should
climate change require evacuation. In addition, FoE (2009) sees that projects such as the REDD scheme violate indigenous rights precisely because of misrecognition. Indigenous peoples can be dispossessed of their land because their lives and cultures are dominated, disrespected, and worth less to rich nations than the image that they are taking action on climate change. Without recognition and without land, climate refugees and indigenous people are deprived of necessary conditions for a fair distribution of resources. Thus FoE is critical of unfair distributions and rights violations, but they are also critical of structures of oppression and domination which may causally contribute to these unfair distributions and rights violations.

**The Utopian Dimension: The Bali Principles of Climate Justice**

Popular climate justice knowledge is also utopian, proposing alternatives to unjust social structures of oppression and domination. Where climate justice theorists call for the enforcement of ideal principles of distribution and rights, climate justice activists call for the enforcement of these principles in addition to the profound transformation of the global political and economic system. Climate justice activists articulate “not only the urgency of reducing emissions but also the need to transform our inherited systems of materials, transport and distribution, energy-generation, production of goods and services, consumption, disposal and financing” (Bond, 2011: 5). Activist climate justice discourse demonstrates not just a concern with fair distribution and human rights, but moreover a “transformative utopia grounded in a profound socio-ecological re-orientation” (Goodman, 2009: 502).

Civil society demands for climate justice first became prominent in 2002 at the UN World Summit for Sustainable Development. At that summit, the *Bali principles of climate justice* were crafted by the International Climate Justice Network (ICJN), comprising fourteen NGOS predominantly from the Global South. The *Bali principles* have been enormously influential in
climate justice activism, framing the climate justice debate for later emerging global activist coalitions such as Climate Justice Now!, founded in 2007, and Climate Justice Action, formed in 2008, as well as national coalitions, such as the Mobilisation for Climate Justice, established in 2009 and based in the US. As such, the Bali principles serve as an important case study for the utopian dimension of climate justice discourse.

There are similarities between ideal principles of distributive justice debated by political philosophers and demands put forward by climate justice activists. As for Neumayer (2000) and Gardiner (2010), historical responsibility for climate change is an important principle for activists. This principle is embodied in principles seven and eight of the Bali principles, which affirm the idea of ecological debt. Principle seven demands “the recognition of a principle of ecological debt that industrialised governments and transnational corporations owe the rest of the world as a result of their appropriation of the planet’s capacity to absorb greenhouse gases.” Principle eight reiterates this debt and demands that “fossil fuel and extractive industries be held strictly liable for all past and current life-cycle impacts” of emissions. This is a strong version of historical responsibility demanding “full compensation, restoration, and reparation for loss of land, livelihood and other damages” (principle nine) from the rich to the poor. Restricted to the distributive level of analysis, there are clear similarities between the ideal principles of theorists and the utopian dimension of climate justice activism.

While there are also broad similarities between the use of rights discourse of theorists and activists, the differences are more significant. Just as rights take centre stage for many political philosophers, eleven of the twenty seven Bali principles explicitly use rights language. Both theorists and activists invoke rights to be free from climate change, to life, security, subsistence, health and a safe environment. However, there are two critical differences between the activist
vision of rights-based justice and the minimalist vision of Rawlsian theorists like Simon Caney. First, as opposed to the pragmatic negative rights “not to be arbitrarily deprived of life” or the right that “others do not act so as to create serious threats to their health” (Caney, 2010: 76-80), this key movement document posits a positive, expansive vision of rights that goes far beyond basic human rights, or even the right to development and an adequate environment. It includes rights to compensation, affordable sustainable energy, clean air, land, water, food, ecosystems, mutual respect, participation and self-determination, and makes special mention of the rights of women, youth and unborn generations. It is a wide-ranging and transformative vision of a future where a raft of rights is asserted and protected in the face of climate change.

More importantly, the rights aspect to climate justice is but one aspect of a much more comprehensive, critical, and transformational vision of climate justice which interrogates the institutional conditions behind unfair distributions and rights violations. The Bali principles identify “unsustainable production and consumption patterns” and criticise the “false solutions” of market based mechanisms. They reject the technological fixes promoted by “industrialised nations and transnational corporations”, and demand “profound shifts from unsustainable production, consumption and lifestyles.” The principles denounce existing institutional conditions and envisage the utopian transformation of these unjust conditions. The Bali principles thus represent both the critical and utopian dimensions of climate justice activism simultaneously.

Central to this utopian vision is self-determination, or in Young’s terms, the justice of decision-making power and procedures. Missing from ideal climate justice theory, seven of the twenty-seven principles are clearly tied to political participation and self-determination. Principle three “affirms the rights of indigenous peoples and affected communities to represent and speak for
themselves.” Principle four demands that governments address climate change in a
democratically accountable way, and principle five asserts the right of “communities (to) play a
leading role in national and international decision-making”. The sixth principle denounces the
undue influence of transnational corporations in shaping national and international decision-
making, and the twentieth principle “recognises the right to self-determination of Indigenous
Peoples.” Principle twenty one “affirms the right of indigenous peoples and local communities
to participate effectively at every level of decision-making.” Finally, principle twenty three
stresses “the right of youth as equal partners in the movement to address climate change.”

There is clearly a strong emphasis in the Bali principles on ensuring institutional conditions
necessary for “participating in determining one’s action and the conditions of one’s action”
(Young, 1990: 37). These principles demonstrate the concern that ideal principles of distribution
and rights will falter if not represented by those most affected by climate injustice. This
emphasis is important because it demonstrates the recognition not just of ideal distributions and
rights, but also the kind of institutional conditions that would create fair distributions and protect
individual rights.

Economic self-determination is also part of the utopian vision of the Bali principles. Principle
eighteen insists that “climate justice affirms the rights of communities dependent on natural
resources of their livelihood and cultures to own and manage the same in a sustainable manner.”
The importance of the economic component of self-determination is also evident in principle
twenty, which recognise the right of Indigenous Peoples to “control their lands, including sub-
surface land, territories and resources.” Self-determination is about individuals and communities
determining their own future, and the political and economic facets of this process are on display
in the Bali principles.
The utopian dimension of the Bali principles also foregrounds recognition. Principle sixteen is “committed to preventing the extinction of cultures and biodiversity due to climate change and its associated impacts.” Principle nineteen states that “public policy (should) be based on mutual respect and justice for all peoples, free from any form of discrimination or bias” and principle twenty asserts “the right to the protection against any action or conduct that may result in the destruction or degradation of their (indigenous peoples) territories and cultural way of life.” Recognition of cultures underlies these principles and is a crucial aspect of the utopian dimension of climate justice activism. This perspective, like Young and Brown, acknowledges that deep institutional conditions of oppression and domination, in which “local communities, affected people and indigenous peoples have been kept out of the global processes to address climate change” (Bali principles, 2002), must be overcome to achieve climate justice. The utopian dimension of climate justice activism encompasses ideal principles of distribution and rights, but also envisages the profound transformation of deep institutional structures of decision-making and cultural recognition.

The Spatial Dimension: World People’s Conference in Cocachamba

In peak moments of climate justice activism over the past decade, the critical and utopian have combined with a third, spatial dimension, to create critical utopian spaces. These are not just discursive spaces of critical opposition or utopian alternatives, they are also physical spaces. The World People’s Conference on Climate Change and the Rights of Mother Earth (WPC) was one such space. The WPC was organised as a people’s response to the failure of the Copenhagen Climate Conference to take decisive action on climate change in December 2009. With the support of the Bolivian government and its allies in the Bolivarian Alliance for the Peoples of Our America, 30,000 people came together from over 100 countries in April 2010 in
Cocachamba. It provided a critical utopian space of climate justice activism, represented by the outcome document called the *People’s agreement of Cocachamba* (2010).

The critical dimension of climate justice activism is clearly on display in the *People’s agreement*. Like FoE, it is sensitive to concrete climate injustice, with a critique encompassing distribution, rights, self-determination and recognition. Limited to distribution, there are similarities between the discourses of distributive theorists and activists. Both recognise that developed nations have contributed most to greenhouse gas emissions and the climate change problem. The *People’s agreement* identifies developed countries as “the main cause of climate change”, and observes that a US citizen uses on average nine times more emissions than the average inhabitant of the third world, and twenty times more than someone living in sub-Saharan Africa. Rich countries “have an ecological footprint five times bigger than what the planet is able to support.” The basic fact that developed countries are responsible for the vast proportion of emissions, and that this represents an unfair distribution of resources, is important in both Rawlsian and activist discourses.

The WPC also mobilised rights language, but this discourse has a far more critical and radical edge to that of ideal climate justice theory. Both Rawlsian and activist discourses illuminate rights violations that are a product of climate change. According to the *People’s agreement*, “climate change is now producing profound impacts on agriculture and the ways of life of indigenous peoples and farmers throughout the world, and these impacts will worsen in the future.” Yet Cocachamba activists focus far more on the causes of these violations. It is not just amorphous emitters of greenhouse gases that cause rights violations, as it is for Caney (2006), but specific structures, actors and mechanisms of (neo)liberal capitalism that are behind these violations. At the macro scale, the “capitalist model imposes mega-infrastructure projects and
invades territories with extractive projects, water privatisation, and militarised territories, expelling indigenous peoples from their lands, inhibiting food sovereignty and deepening socio-environmental crisis.” Rights to subsistence, health, food and water are all violated by the capitalist model itself. Within this capitalist model, agribusiness comes in for particular criticism: “Agribusiness, through its social, economic, and cultural model of global capitalist production and its logic of producing food for the market and not to fulfil the right to proper nutrition, is one of the principal causes of climate change.” Moreover, institutional responses to climate change are also a cause of rights violations, according to justice activists. The carbon market is a lucrative business which commodifies the Earth and “loots and ravages the land, water and even life itself.” By contrast, rights theorists like Caney explicitly support market mechanisms as a viable way to address climate change.

The differences become increasingly stark as the activist discourse moves beyond distribution and basic rights. The critique of institutional conditions which prohibit political and economic self-determination is radical and wide-ranging. The existing system of capitalism itself is blamed for conditions of domination. Capitalism is “patriarchal and based on the submission and destruction of human beings and nature that accelerated since the industrial revolution.” It “requires a powerful military industry for its processes of accumulation and imposition of control over territories and natural resources, suppressing the resistance of the peoples. It is an imperialist system of colonisation of the planet.” In addition:

_The capitalist system has imposed on us a logic of competition, progress and limitless growth. This regime of production and consumption seeks profit without limits, separating human beings from nature and imposing a logic of domination upon nature,_
With these passages, climate justice activists in Cocachamba make an impassioned case against the conditions of economic and political domination in which late capitalism thrives.

Economically, a system of competition, production and consumption is imposed, denying autonomous productive processes. Economic policy and economic responses to climate change are determined by elite decision-makers without consultation of subjugated peoples. For example, the Reducing Emissions from Deforestation and Forest Degradation (REDD) scheme is accused of “violating the sovereignty of peoples and their right to free and informed consent as well as the sovereignty of national States, the customs of Peoples, and the Rights of Nature.” Politically, the People’s agreement criticises the UNFCCC for being beholden to leaders from rich nations and not adequately including poor and vulnerable communities from particularly the Global South, but also from the Global North. It asserts that “we cannot allow a group of leaders from developed countries to decide for all countries as they tried unsuccessfully to do at the Conference of the Parties in Copenhagen.”

Finally, the Cocachamba critique encompasses cultural misrecognition. The Peoples agreement contains estimates that there were 25 million climate migrants by 1995, 50 million by 2010, and projections of between 200 million and 1 billion people “displaced by situations resulting from climate change by the year 2050.” A significant injustice of climate migration lies in the misrecognition of these climate migrants and refugees by destination countries. Cocachamba activists denounce restrictive immigration policies which do not accept climate migrants and do not recognise climate refugees. The agreement stresses misrecognition not just of those displaced by climate change, but also of cultures and ways of life of indigenous peoples.
of the capitalist system misrecognise these communities, “expelling indigenous peoples from their lands”, “turning ancestral cultures into commodities” and threatening “the ways of life of indigenous peoples and farmers throughout the world.” Beyond identifying iniquitous distributions and violations of basic rights, the People’s agreement attacks the dominant institutional structures underlying these unjust distributions and rights violations.

The WPC also offered utopian proposals for alternative institutional structures to existing institutional conditions of oppression and domination. The critical and utopian dimensions of climate justice activism are encapsulated with the words “Humanity confronts a great dilemma: to continue on the path of capitalism, depredation and death, or to choose the path of harmony with nature and respect for life.” Capitalism is subject to critique, and this critique establishes the need for utopian suggestions for alternative pathways into the future. Thus the People’s agreement makes justice claims for fair distribution, rights, political and economic self-determination, and cultural recognition. Like the Bali principles, there are some similarities between the claims of activists and the claims of Rawlsian scholars. Yet the claims of activists are broader and demand more comprehensive political and economic transformation.

Ideal principles of distribution are shared by both Rawlsian theorists and Cocachamba activists. The People’s agreement highlights the “principle of historical common but differentiated responsibilities” in assessing the fair distribution of mitigation and adaptation costs, a principle present both in the UNFCCC and in the analysis of Neumayer (2000) and Gardiner (2010), amongst others. Historically responsible for causing climate change, developed countries owe a climate debt, like the ecological debt of the Bali principles. The responsibilities of this climate debt include drastically reducing emissions, technology transfer, accepting climate migrants, and
paying an adaptation debt. This wide array of responsibilities follows from a strict view of historical responsibility as a necessary aspect of distributive justice.

Beyond distribution, groups in Cocachamba embraced the language of rights also seen in the climate justice literature. This vision of rights is more encompassing than the minimalist, pragmatic vision of rights theorists such as Caney and Bell. Within the Peoples agreement there is a proposition for the Universal Declaration on the Rights of Mother Earth, in which ten rights are listed. These rights seek to “guarantee human rights and to restore harmony with nature”. Where Caney’s (2010b: 76) pragmatism demands the right “not to be arbitrarily deprived of life”, the Declaration asserts “the right to live and exist”. Where Caney (2010b: 79) articulates the right that “others do not act so as to create serious threats to their health”, activists assert “the right to comprehensive health.” The vision of rights within the Declaration is also broader than even the expanded rights to environment and development expressed by Vanderheiden (2008) and Baer et al (2009; 2010). While both liberal theorists and justice activists assert rights to water, clean air and to be free from pollution, the vision of rights contained in the Peoples agreement also emphasises self-determination and cultural recognition, issues underscored by Young, Schlosberg, Fraser and Brown.

The People’s agreement points to the political and economic aspects of decision-making power and procedures. It underlines economic self-determination with the “right of peoples to control their own seeds, lands, water, and food production...and deepening the autonomous (participatory, communal, shared) production of every nation and people.” This is a vision for the radical transformation of the global political economy: “the immense challenge humanity faces of stopping global warming and cooling the planet can only be achieved through a profound shift in agricultural practices toward the sustainable model of production used by
indigenous and rural farming peoples.” It also draws attention to issues of political participation, with the “right to consultation, participation, and prior, free and informed consent of indigenous peoples in all negotiation processes, and in the design and implementation of measures related to climate change.” In this spirit, activists propose not only a global referendum on important issues of climate change in which “all are consulted”, but also building a “Global People’s Movement for Mother Earth” which would “constitute a broad and democratic space for coordination and joint worldwide actions.” More than just political participation, the *Peoples agreement* demands political self-determination. The agreement maintains that funding transfers from rich to poor countries to help address climate change “should not interfere with national sovereignty and self-determination of the most affected communities and groups.”

In addition to economic and political self-determination, the agreement places importance upon cultural recognition. This recognition is framed both universally, as “recognition for human beings for what they are, not what they own”, “the right to be respected”, and “the right to maintain their identity and integrity as differentiated beings, self-regulated and interrelated.” It is also directed more specifically at indigenous peoples and climate migrants or refugees. For example, “recognition of claims over territories and natural resources to strengthen traditional ways of life” is clear a reference to indigenous ways of life. The *Peoples agreement* also demands that the UN Declaration on the Rights of Indigenous Peoples be fully recognised and implemented, including collective rights to lands and territories. In addition, the agreement calls for the recognition of climate migrants and refugees, and the establishment of an International Tribunal of Conscience to punish violations of the rights of climate migrants and refugees in countries of origin, transit, and destination.
Significantly, the agreement calls for respect and recognition for indigenous ways of life not just for their intrinsic value, but for the benefits this recognition could bring to broader communities. It proposes “to the peoples of the world the recovery, revalorisation, and strengthening of the knowledge, wisdom, and ancestral practices of Indigenous Peoples.” Climate justice activists express the utopian vision in which “the world must recover and relearn ancestral principles and approaches from native peoples to stop the destruction of the planet, as well as promote ancestral practices, knowledge and spirituality to recuperate the capacity for “living well” in harmony with Mother Earth.”

While critical and utopian, Cocachamba introduces a third dimension into climate justice activism. This dimension was also on display at Camp for Climate Action in the UK from 2006 to 2010 (Saunders and Price, 2009; North, 2011; Schlembach; 2011), and at Klimaforum09, an alternative climate conference to Copenhagen (Klimaforum09, 2009a; 2009b). This dimension is spatial, and deserves its own analysis. In this context, Foucault’s concept of heterotopia is helpful. In a 1967 lecture entitled “Of Other Spaces”, Foucault distinguished utopias from heterotopias. Utopias are “sites with no real place...they present society itself in a perfected form...but in any case these utopias are fundamentally unreal spaces” (Foucault and Miskowiec, 1986: 24). These are the utopian visions not present in contemporary reality, but projected by climate justice activists for the future. By contrast, heterotopias are “real places...a kind of effectively enacted utopia in which...all the other real sites that can be found within the culture, are simultaneously represented, contested and inverted” (Foucault and Miskowiec, 1986: 24). Foucault gives cemeteries, libraries, museums and early factories as examples of heterotopias. As is obvious from the examples, heterotopias are not necessarily critical or utopian. They do not have to critique dominant structures of society nor present visionary alternatives for the future. For Harvey (2000), Foucault’s general characterisation as “other spaces” is so broad that
the definition could include concentration camps, Disneylands and militia camps. Nevertheless, what Foucault introduces is the importance of attending to physical spaces which are ordered in some other way than dominant physical spaces.

These spaces of alternate social ordering have received increased academic and activist attention since Foucault’s lecture was published in the mid-1980s (Moylan, 1986; Soja 1989; 1996; Hetherington; 1997; Harvey, 2000, Building Bridges Collective, 2010). The spatial dimension has become an important part of contemporary movements for social justice, such as the Zapatistas and the World Social Forum (Tormey, 2004, Tormey, 2005, Robinson and Tormey, 2009, Curren, 2009). It has also been on display in movements for social change of the last couple of years, such as Occupy!, and during the “Arab Spring”, particularly in Tahir square. In this context, it is significant to note that the Cocachamba conference of 2010 was not only critical and utopian, it was also spatial, or heterotopian. Cocachamba provided a physical space ordered differently to dominant physical spaces in society. This was a concrete place, a convergence of thousands of activists from all over the world, from which emerged both a critique of dominant social spaces and structures, and utopian visions for alternatives to these spaces and structures. For a few days in April 2010, activists from around the world converged to form a critical utopian space of climate justice discourse.

**Power/Knowledge in Climate Justice Activism**

Activist climate justice discourse does not escape the power/knowledge nexus. Activists mobilise certain kinds of knowledge which are themselves influenced by and productive of power relations. Charlotte Epstein (2005) has pointed out that the ways environmental activists use power/knowledge receive far less attention than those used by more obviously powerful
actors such as states or corporations. It would be inconsistent to assess the constraints and material effects of Rawlsian climate justice discourse but not those of activist discourse. Thus this final section will compare the constraints of activist discourse with those of Rawlsian discourses, and examine the contrasting effects of those constraints.

Fairly obviously, the subjects of climate justice discourse differ between Rawlsians and activists. Ideal theorists are intellectuals, usually political theorists and philosophers from the Global North. Climate justice scholars inhabit the halls of universities, and their discourses circulate in the pages of top political journals and in international academic conferences. Entering this conversation about climate justice requires many years of academic training, familiarity with technical academic jargon, usually that of political philosophy, a PHD, and a full-time academic posting within a university. In other words, the subjects of Rawlsian climate justice discourse are academic experts who have decided that what counts as true in climate justice theory is ideal principles of distributing resources and protecting basic rights within (neo)liberal democratic capitalism.

By comparison, the subjects of activist discourse are most often employees or volunteers for national and international non-governmental organisations and networks. Highly active in the Global South, activist discourse circulates on the web, in organisational publications, and in critical utopian spaces such as the WPC. This is a more inclusive discourse in which those most affected by climate change have a voice. There is a risk of portraying this discourse idealistically as democratic and completely open. However, activists often have their own kind of privilege. Engaging with public debate about climate justice requires a certain level of education, and flying around the world to spaces such the WPC necessitates a certain degree of wealth. Nevertheless, it seems reasonable to say that activist discourse is more inclusive that of
Rawlsians, incorporating the voices of the subjugated. There are exceptions to this dichotomy, such as Paul Baer and his colleagues at Ecoequity playing the role of scholars and activists. In general though, international academic conferences bring together the world’s best climate justice scholars, predominantly white, male, and from the Global North, to engage in a specialist debate about ideal theory. By contrast, the People’s agreement was couched in nontechnical language and The World People’s Conference attracted 30,000 people of mixed ethnicities, mostly from the Global South.

Where Rawlsian discourse is restricted to ideal theory, activist discourse encompasses both non-ideal and ideal theory, with critical and utopian ambitions. Rawlsian climate justice theorists debate ideal principles of distribution and rights to protect the vulnerable from the worst impacts of climate change. Climate justice activists mobilise similar ideal principles, evident in the discourses of both FoE and the Bali principles. However, activists also engage in non-ideal theory about “how we are to deal with injustice” (Rawls, 1972: 8). This non-ideal theory has a strongly critical edge as institutional structures of oppression and domination at the heart of modern capitalism come under attack. In addition, activist ideal theory is more radically utopian than that of Rawlsian liberals. Beyond debating a rearrangement of the distribution of resources and the protection of basic rights under liberal capitalism, many climate justice activists propose a radically transformative vision of the future in which unjust institutional structures will be overturned and replaced by political, economic and cultural self-development and self-determination. This vision entails profound shifts in the global political, economic, and cultural order. Whereas ideal theory neglects concrete injustice and conceals power relations, the activist approach focuses on real injustice, and confronts power relations.
There are also strong contrasts in content between liberal climate justice discourse and activist discourse. Rawlsians focus on rights and distribution, aspects of justice that clearly derive from Rawls’ first principle of equal rights and liberties and second principle, the difference principle. Activists also mobilise ideal principles of rights and distribution, but extend the discussion to self-determination and recognition. The critical and utopian side to these aspects of justice are both emphasised in such critical utopian spaces as the World People’s Conference. Both iniquitous distributions and a vision for ideal distribution are offered. Real world rights violations and ideal rights are foregrounded, but both the real/critical and ideal aspects of rights-based climate justice are framed more radically than in liberal discourse. For Rawlsians, the task of climate justice is to redistribute resources and protect rights under institutional conditions of (neo)liberal capitalism. By contrast, in the People’s agreement for example, the task of climate justice means denouncing the capitalist model of production and consumption, agribusiness, and carbon markets, and replacing them with conditions of economic and political self-determination. Thus the content of climate justice activism extends beyond ideal distribution and rights, exposing root causes of climate injustice, and confronting institutional structures of oppression and domination.

I will close this chapter with a caution. If a central part of this project is to listen to the voices of those who struggle against climate injustice, there is a risk of slipping into polemical idealism about this struggle which glosses over the dangers inherent in activist climate justice discourse. Foucault once said “my point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism” (Foucault, 1983b: 231-232). I interpret Foucault to mean that it is crucial to expose all discourses to critical scrutiny, and to consider the material effects of all ideas, not just those of
dominant forms knowledge. The aim is to prevent counter discourses and the “insurrection of subjugated knowledges” (Foucault, 1976b: 81) replacing existing modes of domination with new ones.

The power relations at work in the Cocachamba conference are worth examining in this respect. The power/knowledge configuration at the conference was endorsed and supported by the Bolivian government and its allies in the ALBA, and as such critics accuse the conference of being hypocritical and exclusionary. On the first accusation, analysts distinguish the critical discourse contained in the *Peoples agreement* from the actual policies of these states (Aguirre and Cooper, 2010; Gudynas, 2009; Mueller, 2012; Turner, 2010). They point to the intensification of resource extraction in Venezuela and Bolivia in recent years and the commoditisation of nature represented by the oil (Venezuela) or gas and minerals (Bolivia) based economies of these states. The recent economic success of these countries has therefore been largely thanks to the increased export of primary commodities. Director of the Latin American Centre for Social Ecology, Eduardo Gudynas has branded this approach as the “new extractivism” (2010) and argues that these policies, heavily reliant on global markets, sit uncomfortably with the discourse of anti-capitalism. Such critics distrust the anti-systemic rhetoric and affirm that the actions of ALBA nations are firmly planted within market oriented, export led growth (Panizza, 2005; Grugel and Riggirozzi, 2012).

On the second accusation of exclusion, some activists, comprising Working Group 18 (WG18), were excluded from the conference because of their critique of the Bolivian government’s domestic policies. One participant in WG18, Bolivia’s largest indigenous organisation, the National Council of Ayllus and Markus of Qullasuyu (CONAMAQ), launched scathing criticisms of the Evo Morales led government for engaging with an economic model which is
“extractivist, developmentalist, consumerist and predatory” (cited in Aguirre and Cooper, 2010: 241). In addition, WG18 organised an action that challenged corporate perpetrators of climate change allowed to operate by the Bolivian government. In San Cristobal, WG18 members shut down operations of a local silver mine run by the Japanese transnational Sumitomo by occupying corporate offices and blockading train lines (Mueller, 2012). This scrutiny of the power/knowledge connection operating even within marginalised or critical spaces cautions against blind idealism about the politics and potential of critical utopian spaces like the WPC. The documents produced by such conferences should be examined as products of discursive practices like any other, and subject to the same scrutiny. This does not diminish the value of analysing subjugated, popular forms of knowledge, and distinguishing discourses which sustain relations of oppression and domination from those which seek to overturn them.

Thus activist climate justice power/knowledge has its own idiosyncratic constraints and material effects. Though broadly encompassing ideal and non-ideal theories of distribution, rights, recognition and self-determination, activist discourse is restricted to those with a sufficient education and resource base. To ensure that existing relations of domination are not replaced with new modes of domination, this discourse should be subject to critical scrutiny like any other.

**Conclusion**

There are critical, utopian, and spatial dimensions to climate justice activism. The discourse of Friends of the Earth Australia’s climate justice campaign demonstrates an acute awareness of climate injustice, identifying fundamental institutional structures of oppression and domination. The *Bali principles of climate justice* exemplify the utopian dimension of climate justice.
activism, calling for the profound transformation of the political, economic, and cultural order.
The combination of the critical, utopian, and spatial was on display in the critical utopian space
of the World People’s Conference in 2010. In comparison with Rawlsian theory, activist
discourse broadens climate justice to non-ideal theory with a radical, critical edge, embracing not
just distribution and rights, but also political and economic self-determination and cultural
recognition. Activist discourse is also more representative of the Global South and more
democratic than the specialist discourse of Rawlsian theory. Activist discourse is not exempt
from the constraints of power/knowledge, requiring a level of education and wealth to participate
and open to the risk of less critical scrutiny as a form of subjugated knowledge. Nevertheless,
whereas Rawlsian discourse obscures and strengthens power relations, activist discourse exposes
and challenges these relations.
Conclusion

Two paths diverge in approaches to climate justice. In liberal political philosophy, climate injustice is framed as a failure of fair distribution breaching universal ethical principles such as equity, historical responsibility and capacity. On the Rawlsian account climate change also violates the rights of individuals, including basic human rights, environmental rights and development rights. For climate justice theorists, securing climate justice means securing fair distribution of resources and protecting the poor and vulnerable from unnecessary suffering within the existing institutional arrangements of (neo)liberal democratic capitalism. Activist climate justice discourse addresses unfair distribution and rights violations, but these are seen as consequences of underlying social structures of oppression and domination which prohibit the self-development and self-determination of individuals and communities. For activists, climate justice means freedom from institutional conditions of oppression and domination and requires a profound transformation of the global political, economic, and cultural order.

In this thesis I have argued using a Foucaultian framework that Rawlsian discourse of climate justice is a particular arrangement of power/knowledge, constrained to universal intellectuals who do ideal theory of the distribution of mitigation and adaptation costs and the rights affected by climate change. The constraints of Rawlsian discourse have significant material effects in the domains of both distribution and rights. Distributive climate justice discourse empowers universal intellectuals but marginalises the voices of the subjugated. It constructs ideal theories of distribution, but overlooks concrete injustice. It limits its field of objects to principles of distribution, concealing the structural causes of climate injustice such as political and economic domination and cultural misrecognition, and sidelining alternative justice projects which draw attention to these causes. Ultimately distributive climate justice discourse reinforces the power relations of (neo)liberal democratic capitalism. Rights-based climate justice discourse also
Rawlsian climate justice discourse, Lenin’s (1902) question “What is to be done?” is a reasonable response. What are we to do as theorists concerned with climate justice? Where can we turn for discourses of climate justice which offer a more thoroughgoing critique of climate injustice and more ambitious visions of a just society under conditions of climate change? In the conclusion to her 2004 article “The most we can hope for...”: human rights and the politics of fatalism”, Brown asks “Is the prospect of a more substantive democratisation of power so dim that the relief and reduction of human suffering is really all that progressives can hope for?” (Brown, 2004: 462). Brown (2004: 461-462) holds out hope for alternative kinds of political projects to rights which “may offer a more appropriate and far-reaching remedy for injustice defined as suffering and as systematic disenfranchisement from collaborative self-governance”. Such political projects for climate justice would aim to reduce suffering, but they would also offer a more fundamental critique of social injustice. They would agitate against deeply ingrained institutional conditions of oppression and domination. These alternative visions would advocate the democratisation of decision-making power and procedures, challenge economic domination at the heart of our economic system, and agitate for changes in patterns of cultural misrecognition.
These kinds of political projects are prominent in climate justice activism. While activist discourse is not exempt from constraints, like any discourse, the constraints and effects of this discourse are in stark contrast to those of distributive and rights-based climate justice. David Harvey (1996: 401) observes that environmental justice will only come by “confronting the fundamental underlying processes (and their associated power structures, social relations, institutional configurations, discourses, and belief systems) that generate environmental and social injustices.” Whereas Rawlsian discourse only conceals and reinforces existing power relations, across critical, utopian, and spatial dimensions, activist climate justice discourse confronts these fundamental structures of environmental and social injustice.

For political theorists, it is time to analyse and amplify the voices of those most affected by climate change and to help those who oppose structures of oppression and domination in their struggle for climate justice.
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