

Who Bears the Climate Burden? The Limits of Beneficiary Responsibility in Climate Justice

ENORA RICHARD¹

AUSTRALIAN NATIONAL UNIVERSITY

Abstract

Do presently living populations who have benefitted from excessive historical emission bear duties towards those suffering from climate-induced-hardship? The Beneficiary Pays Principle holds that they might. It mandates that agents who benefit from injustice can incur duties towards the victims of this injustice in virtue of benefiting. This paper examines the plausibility of the Beneficiary Pays Principle as a principle of climate justice. I consider the principle's application to the task of distributing the global cost of responding to climate change and aim to assess whether having benefitted from polluting activities bears on the responsibility one incurs to contribute to climate assistance. I do so by evaluating two prominent justifications for the Beneficiary Pays Principle. I conclude that neither justification succeeds in vindicating benefit-based duties of climate assistance. I find that the duties each principle defends prove no less applicable to affluent agents more generally. This conclusion calls into question the validity of the Beneficiary Pays Principle as a principle of climate justice. Although benefit-based duties have strong intuitive appeal, when we follow the reasoning offered by the two justifications assessed here, we can at best justify broad duties for all affluent agents to address climate harm.

¹ Enora is a recent graduate with a Bachelor of Philosophy, Politics and Economics from the University of Western Australia and an Honours in Philosophy from the Australian National University. She is particularly interested in questions of climate justice, having recently completed a thesis examining whether benefiting from polluting activities generates moral duties for agents to address global climate harm.

§ 0. Introduction

Do residents of wealthy countries such as Australia bear moral obligations toward those suffering from climate-induced harms given that their present economic prosperity, infrastructure, and quality of life are, in part, attributable to a history of high-polluting activities? Proponents of the Beneficiary Pays Principle (BPP) argue that they do. This principle holds that those who benefit from acts of injustice or wrongdoing ought, in some instances, to take on the burden to remediate the resulting harm. Although rich individuals in today's industrialised states may have played no role in the production of the historical emissions that have enriched them—and may even have opposed such activities had they been around to have their say—the BPP affirms that where they nonetheless continue to reap the benefits of these activities, this has a bearing on the moral duties they incur today. This paper will examine the validity of the BPP as a principle of climate justice. Many environmental justice advocates will feel the intuitive pull of benefit-based duties; if you benefit from harm, it seems natural to infer that you ought to incur duties to remediate it. It is thus important to examine the moral foundations of this idea. In an attempt to assess the validity of benefit-based duties of climate assistance, this piece will investigate the reasoning behind two prominent justifications for the BPP as applied to the question of how we ought to distribute the global burden to address climate harm. I will provide a negative thesis, demonstrating that the core philosophical justifications for this intuitively tempting principle fail to vindicate genuinely beneficiary-based duties of climate assistance.

Assigning duties to address the climate problem presents a challenge because many original polluters are no longer around to foot the bill for their contribution to climate-change. This leaves the question open on how to distribute the burden to remediate the harms associated with historical emissions. Should we do so merely with respect to people's wealth? Or ought we pay attention to the differential ways in which peoples' wealth came about, i.e., remain sensitive to the fact that some people were enriched by polluting activities to a greater extent than others? In practice, both approaches are likely to overlap with respect to whom they assign duties because much global wealth derives from polluting activities.² It is, however, theoretically interesting and perhaps motivationally useful, to correctly explain the basis for reasons to act. All wealthy agents may have duties to address the plight of the poor, but the BPP mandates that those who benefit from harmful activities have distinct *beneficiary-based* duties to remediate those who were harmed by such activities.

I distinguish between two distinct kinds of climate-induced harm. The first is the deprivation of present communities in less industrialised states of their capacity to generate energy free from the threat of detrimental climate change. Assuming the

² Singer, Peter (2002) *One World: The Ethics of Globalisation*, Yale University Press, 35; Page, Edward A (2012) 'Give It up for Climate Change: A Defence of the Beneficiary Pays Principle', *International Theory* 4: 323.

global carbon budget³ has been exhausted, any new emissions cannot be permitted if the international community is to remain within safe emission limits. Thus, where the global community chooses to set emission targets populations who have not yet used up their fair share⁴ of the carbon budget are deprived of their capacity to do so. The second kind of climate harm is climate-inflicted hardship, such as extreme weather events or loss of homelands. My focus in this piece will be on this latter harm, what I refer to as *climate injury*. I engage with the normative question of how the global burden to address climate injury ought to be distributed among presently living populations. I seek to assess whether the BPP can plausibly guide this distribution—whether it can justify duties from those who benefit from over-emission to those presently harmed by climate change. I investigate two prominent justifications for the BPP as a means of assessing this principle. I conclude that both accounts fail to vindicate benefit-based duties of climate assistance.

After providing an exposition of the Beneficiary Pays Principle in Section 1, in Section 2, I examine a justification for this principle that grounds its normative force in the *attitudes* we ought to adopt towards wrongdoing. In Section 3, I then examine a justification for the BPP grounded in the value of *remediating* wrongdoing's effects. I argue that neither account successfully explains why those who have been enriched by historical emissions bear special duties to address climate harm that differ from the duties of other affluent agents. In demonstrating that neither foundational justification for the BPP succeeds in vindicating genuinely benefit-based duties of climate assistance, I call into question the BPP as a principle of climate justice. This is not to say that no version of the BPP will stand up to scrutiny but that, in the climate case, two primary ways in which this principle has at present been defended are unsuccessful.

§ 1. Distributing the Climate Burden

Duties to address the climate catastrophe must be assigned to present day agents and distributed justly. Three primary principles have been proposed to guide this distribution, with the BPP emerging as the most recent. To understand the role the BPP aims to play, we must first understand the limitations that other principles encounter. The first and most straightforward principle for distributing the climate burden is the Polluter Pays Principle (PPP). It holds that states ought to assume

³ The carbon budget is the total net amount of carbon dioxide (CO₂) that can still be emitted by human activities while limiting global warming to a specified level (e.g., 1.5°C or 2°C above pre-industrial levels) (IPCC, *Climate Change 2021: The Physical Science Basis* (2021) 2220). This budget is virtually exhausted if we are to remain within safe limits (Friedlingstein et al. (2025) 'Global Carbon Budget').

⁴ There is debate about how the global carbon budget *ought* to be distributed among states and populations (Caney, Simon (2020) *Climate Justice*). We can assume here that there exists a means of conducting a fair distribution among states. Whether this be an equal division of the budget, a needs based distribution, or other, does not impact the conclusion that some states have exhausted their shares whilst others have not.

responsibilities for addressing the climate burden proportionally to their contribution to climate-change-inducing activities.⁵ The most direct way in which we acquire moral obligations is as a result of the actions we perform.⁶ With respect to distributing a collective burden, it is natural to think that those who have contributed the most to the problem ought to take on the largest burden to address it. This intuition is captured by the PPP. While this contribution-based approach is intuitively appealing in that it is backward-looking—it determines responsibility based on past actions—it encounters a difficulty: many of those who polluted in the past, and whose emissions contribute to present harm, are no longer around. If the PPP is to distribute the full burden to address all climate harm among living populations, it must conceive of states as temporally continuous agents. For current states to bear duties under the PPP to address climate harm proportionally to their state's *total* contribution to climate change, they must be regarded as the same agents that emitted in the past. This move is contentious from the standpoint of justice however, because the populations that constitute and govern states are not continuous over time. Present populations did not contribute to past emission production, and it may therefore be unfair to hold them responsible for these activities.⁷ If we respect the moral independence of temporally distinct populations, polluter pays duties can only be assigned to living populations in proportion to their own share of total emissions. This would leave a large portion of climate harm—the proportion attributable to emissions that no one alive today contributed to—unaccounted for. Since almost half of emissions were produced pre-1990⁸, a large proportion of emission activity will be attributable to people who are no longer around. Thus, if we seek to respect the moral independence of temporarily separate populations, whilst also distributing the full burden to address all climate harm among living populations, we need to appeal to another principle of climate justice, a principle that allows us to distribute among present populations a burden that they are not themselves responsible for.

As noted by Daniel Butt, it can be contentious to claim that agents incur moral obligations as a consequence of actions that others have performed.⁹ Perhaps the most familiar cases in which agents acquire such duties are cases of rescue. If someone else pushes an innocent child into a pond and then runs away and you are now the only person around to rescue the child, you can acquire a duty to do so even though it was not you who pushed the child in.¹⁰ Such duties are general and apply to anyone who has the capacity to help. The Ability to Pay Principle (APP) employs

⁵ Neumayer, Eric (2000) 'In Defence of Historical Accountability for Greenhouse Gas Emissions', *Ecological Economics* 33: 187-88.

⁶ Butt, Daniel (2007) 'On Benefiting from Injustice', *Canadian Journal of Philosophy* 37: 129.

⁷ Caney, Simon (2010) 'Cosmopolitan Justice, Responsibility, and Global Climate Change' in *Climate Ethics: Essential Readings*, 130.

⁸ Stainforth, Thorfinn and Bartosz Brzezinski (2020) 'More than Half of All CO2 Emissions since 1751 Emitted in the Last 30 Years', *IEEP AISBL*, <https://ieep.eu/news/more-than-half-of-all-co2-emissions-since-1751-emitted-in-the-last-30-years/>.

⁹ Butt, 'On Benefiting from Injustice', 129.

¹⁰ Adapted from: Singer, Peter (2016) *Famine, Affluence, and Morality*, Oxford University Press, 6.

this style of reasoning. It asserts that agents ought to contribute to collective endeavours in proportion to their ability to do so, and thus, that populations in high-income states ought to shoulder the majority of the climate burden merely owing to their greater comparative wealth.¹¹ The issue with such reasoning is that it is entirely forward looking, it no longer takes into account the unjust ways in which some wealth has come about. Wealth generated via historical enslavement is treated the same as wealth that derives from stumbling across a pot of gold. The BPP thus aims to introduce a way in which agents can acquire moral responsibility from actions that others perform in a manner that retains a backward-looking element. It identifies those who receive benefits from wrongful or unjust acts, as opposed to all those who are able, as having special remedial duties to compensate the victims of the resulting harm. In assigning duties on the basis of benefits received¹² rather than contributions made, it allows us to conceive of current populations as distinct from those who polluted in the past but to nevertheless remain sensitive to the ways in which emission generation has shaped present advantages.¹³ In what follows I will provide an exposition of the BPP before moving into a more in-depth analysis of its justifications.

§ 1.1. The Beneficiary Pays Principle

The BPP is often formally understood as the following:

‘If an agent A benefits from an action x that she did not perform, and an agent B is harmed by x, then, if B did not perform x, A, in virtue of benefiting from x, owes B compensation (which is not to exceed A’s gain from x), insofar as no other agent has stronger duties to compensate B’.¹⁴

¹¹ Shue, Henry (1999) ‘Global Environment and International Inequality’, *International Affairs*, 75, 537.

¹² There is contention about how a ‘beneficiary’ is to be defined. Beneficiary can be understood counterfactually, as someone who is ‘better off than they otherwise would have been’ (Butt, Daniel (2008) *Rectifying International Injustice: Principles of Compensation and Restitution between Nations*, Oxford University Press, 105–115). Or a beneficiary can merely be understood as someone who has ‘received a benefit’ (Barry, Christian and Robert Kirby, ‘Scepticism about Beneficiary Pays: A Critique’, *Journal of Applied Philosophy* 34: 285–300). Here I take it that a beneficiary is an agent who has received a material or financial benefit from emission producing activities. A victim will be anyone who has experienced climate-related harm. It is not a problem that some agents have both received benefits and been harmed as a result of emission producing activities. I take it that there will be a global cost associated with remediating climate harm and that the question being asked is how ought we determine the responsibilities different groups have to contribute to this collective remediation fund. Thus, the question of who the specific victims are is not of fundamental importance here. Precisely how beneficiaries are defined also does not bear on the arguments in this piece. The question being asked is whether the notion of having received a benefit ought to bear, *in any respect*, on how much one ought to contribute to a global climate compensation fund, how one chooses to define beneficiaries and victims will not impact the structure of this investigation. Beneficiaries and victims can be understood as individuals, populations or states. This does not affect the arguments made here.

¹³ Caney, ‘Cosmopolitan Justice, Responsibility, and Global Climate Change’, 127–28; Neumayer, ‘In Defence of Historical Accountability for Greenhouse Gas Emissions’, 189.

¹⁴ Huseby, Robert (2015) ‘Should the Beneficiaries Pay?’, *Politics, Philosophy & Economics* 14, 210.

The BPP defined in this way is designed to operate as a secondary principle. In cases where both Beneficiary Pays and Polluter Pays Principles apply, the former should not replace the latter.¹⁵ In the climate case, if polluters are around and able, they will in the first instance be those who have a duty to remediate the victims of climate harm. The BPP applies where perpetrators cannot fulfil their duties, for example, where historical emitters are no longer around. It can also apply to beneficiaries who themselves caused the benefits and harms in question. For example, currently living individuals who pollute and also benefit from this. The focus here will be on *innocent* beneficiaries; those who benefit from emissions that they did not themselves contribute to. For example, present populations who have received benefits from historical emissions that were produced before they were around to have a say. Although many current agents who benefit from emission generating activities will also actively contribute to the production of new emissions (and will thus incur polluter-pays duties in virtue of this), the focus here is on whether they can derive duties in virtue of the benefits they have innocently received from past emissions. These historical emissions and their corresponding harm are of interest because they represent the gap that the Polluters Pays Principle fails to assign remediation duties for. No present agents can be assigned responsibility for these emissions on the PPPs reasoning. It is thus interesting to investigate whether the BPP can succeed in addressing this gap by assigning duties to innocent beneficiaries.

To see how the BPP is intended to operate, consider the following case that has been proposed in varying iterations by proponents of the BPP:

Missed interview: Vic and Ben are both applying for the same job and Vic is clearly the best candidate. Peter, liking Ben and wanting him to get the job, sees an opportunity to ensure this by sabotaging Vic's car such that she cannot make it to the interview on time. Peter succeeds and as a result Ben is offered the job although he is less qualified than Vic. Peter then flees the scene and is nowhere to be found.¹⁶

Here, the BPP mandates that where Peter is not around to compensate Vic for the wrong he committed against her, Ben, in virtue of benefitting from Peter's wrongful act ought to take on this compensatory duty. The BPP assigns significance to the fact that certain benefits and harms have a 'common source'. It trades on the idea that there is something morally relevant about benefitting from the *same act* which causes another person harm. In other words, it is 'source sensitive'.¹⁷ Ben is thought to bear a special corrective duty to Vic that he does not owe to someone else who suffers a comparable misfortune. Moreover, he is taken to have a special duty towards Vic that another agent who received a similar benefit to him, but not at Vic's expense, does not. This source sensitivity is intuitively compelling; there seems to be

¹⁵ Huseby, 'Should the Beneficiaries Pay?', 211.

¹⁶ Duus-Otterström, Göran (2017) 'Benefiting from Injustice and the Common-Source Problem', *Ethical Theory and Moral Practice* 20, 1075; Page, Edward A and Göran Duus-Otterström, 'Correcting Unjust Enrichment: Explaining and Defending the Duty to Disgorge the Benefits of Wrongdoing', *Critical Review of International Social and Political Philosophy* 29, 2–3.

¹⁷ Duus-Otterström, 'Benefiting from Injustice and the Common-Source Problem', 1069.

something morally pertinent about the fact that Ben benefits because of an injustice committed against Vic that alters the character of his duties towards her from simply distributive ones to more targeted corrective ones. However, many object precisely to this feature of the BPP, contending that there is nothing morally relevant about benefits and harms sharing a common source. In what follows I will further explain source sensitivity and what might be troubling about it.

§ 1.2. Source Sensitivity

To provide a normative basis for source sensitive benefit-based duties, one must explain what is special about the cases in which these duties arise. People often benefit from actions that also cause harm to others in instances that don't seem to give rise to corrective duties. To see this, consider a case where corrective duties seem unreasonable.

Neighbours: Two neighbours run businesses. Neighbour 1 has a tropical plant business and Neighbour 2, a solar energy business. Their area experiences a long period of cloudy rainstorms. Neighbour 1's tropical plants flourish as a result of this, and they manage to sell many more plants than they usually would. Neighbour 2 however does not get enough sun on their solar panels and thus struggles, making less profit than usual.

In this case, Neighbour 1 benefits from an event that harms Neighbour 2. However, this alone does not appear sufficient to ground a duty of compensation. Neighbour 1 may have distributive duties to assist Neighbour 2 by virtue of now being better off, but the mere fact that their benefit and Neighbour 2's harm share a common causal origin does not by itself establish a special moral duty toward Neighbour 2. The only connection between the neighbours is a causal one, and such a relation, on its own, seems too weak to generate directed duties of compensation. Where one, whether innocently or knowingly, performs an action that causes harm to another, this causal involvement may be relevant in grounding a duty to remediate that harm. However, being merely and innocently situated at the receiving end of a causal chain that also results in harm to another is insufficient to generate such a duty.¹⁸ A justification for the BPP must give a "non-accidental" basis for source sensitivity and mere causal relation is insufficient.¹⁹ We need an account of what distinguishes cases in which a causal relation gives rise to benefit-based duties from those in which it does not.

Proponents of the BPP typically provide this account by appealing to wrongdoing or injustice. On this view, the BPP applies in contexts where benefits and burdens arise from *wrongful* distortions—such as in Missed Interview—rather than from random natural events or mere brute luck—such as in Neighbours. Refining the BPP's scope to wrongful distortions does not, however, automatically save it from criticism.

¹⁸ Huseby, 'Should the Beneficiaries Pay?', 219.

¹⁹ Duus-Otterström, 'Benefiting from Injustice and the Common-Source Problem', 1069–71.

Consider the following case concerning four individuals whom we will call Wrongdoer, Victim, Beneficiary and Unfortunate:

Unfortunate: In her dying moment, Wrongdoer unjustly harms Victim and, as a result of this, Beneficiary innocently benefits. When Victim is harmed, she becomes as badly off as Unfortunate, who suffers from some natural event.²⁰

In this case, Beneficiary benefits from *wrongdoing*. If the BPP holds that it is normatively significant when benefits and harms flow from the *same wrongful act*, it entails that Beneficiary has a reason to address Victim's loss that she does not have to address Unfortunate's.²¹ This, however, seems unfair. For critics of the BPP, the mere fact that Beneficiary and Victim are causally connected by Wrongdoer's unjust action is a superficial reason for Beneficiary to favour Victim over Unfortunate.²²

In response to concerns about this unfairness the BPP may licence between the victims of different sorts of hardship, a proponent of the BPP can respond that this principle is not being advanced as the sole principle of justice. There are other principles that aim to equalize the effects of brute luck. In the *Unfortunate* example, Beneficiary may have *distributive* duties to Unfortunate. Where Beneficiary is the only agent capable of helping Victim or Unfortunate, they must simply weigh the demands that different principles make on them. This deliberation may give Beneficiary reason to prioritise Unfortunate, to prioritise Victim, or to distribute their benefits between them. The more fundamental question, however, is whether the BPP can successfully ground any *pro tanto* special duty owed by beneficiaries to victims. Critics such as Knight and Huseby contend not merely that source sensitivity risks licensing objectionable unfairness, but that its normative foundation is altogether unjustified. It is this question—whether *pro tanto* source-sensitive duties of assistance can be justified—that the present paper addresses.

The BPP's source sensitivity comprises two distinct claims. The first, *wrongdoing-or-injustice sensitivity*²³, requires that benefits generated by acts of wrongdoing or injustice be treated differently to wealth generated by good luck. The second, *directedness*, requires that benefits generated via unjust or wrongful acts be utilised to address the harms resulting from those same unjust acts, i.e., that beneficiaries' remedial duties ought to be 'directed'.²⁴ The latter is what makes the BPP unique. The notion that there is something wrong about holding benefits arising from wrongdoing or injustice can at most justify duties of disgorgement—duties to relinquish unjustly acquired wealth. The BPP holds that unjustly generated benefits

²⁰ Duus-Otterström, 'Benefiting from Injustice and the Common-Source Problem', 1069; Knight, Carl (2013) 'Benefiting from Injustice and Brute Luck', *Social Theory and Practice* 39: 581–98.

²¹ Knight, 'Benefiting from Injustice and Brute Luck', 588.

²² Huseby, 'Should the Beneficiaries Pay?', 218–20; Knight, 'Benefiting from Injustice and Brute Luck', 595–96; Lippert-Rasmussen, Kasper 'Affirmative Action, Historical Injustice, and the Concept of Beneficiaries', *Journal of Political Philosophy* 25: 78–9.

²³ Term taken (and adapted) from: Duus-Otterström, Göran (2024) 'Climate Change, Historical Emissions, and Unjust Benefits: A Comment on Axel Gosseries' Account of Climate Justice', *Journal of Practical Ethics* 12: 10–11.

²⁴ Duus-Otterström, 'Climate Change, Historical Emissions, and Unjust Benefits', 10–11.

ought not merely be disgorged but transferred to the victims of the injustice from which those benefits derive. Here, I assess the defensibility of directed duties owed by those who benefit from over-emission to those harmed by it. To justify directed beneficiary duties to address climate injury, a defence of the BPP must identify what is distinctive about emission beneficiaries that generates special duties to compensate the victims of climate harm which are not reducible to the general duties all affluent agents bear in virtue of their financial capacity to provide aid. In what follows I will present two prominent justifications of the BPP which hold that wrongdoing possesses a distinctive moral urgency—it ought to be avoided, condemned or corrected—and that this explains the directed duties wrongfully enriched emission beneficiaries incur towards the victims of climate injury. In Section 2, I present *attitudinal* defences of the BPP, which ground their normative force in the attitudes we ought to display towards wrongdoing, and in Section 3, I examine accounts that derive directed benefit-based duties from the moral value of *remediating* wrongful transactions. I argue that both rationales are ultimately unsuccessful in vindicating benefit-based duties of climate compensation.

§ 2. The Attitudinal Account

The notion that we ought to feel troubled when benefitting from wrongdoing is compelling. An act that is wrongfully committed is normatively distinct from a natural event; there is something about the former that is condemnable or worthy of disapproving attitudes. Butt's Attitudinal Inconsistency²⁵ justification for the BPP hinges on this intuition to vindicate directed duties. Butt asserts that we ought to display an aversion toward wrongdoing and that this requires a commitment to reversing its effects.²⁶ In the climate case, the fact that over-emitting is wrong means it is worthy of condemnation. The requirement to condemn generates corrective duties on the part of those who benefit to take actions in their power to remediate the resulting climate harm.

A first concern to address before I formally present Butt's account is that justifications for the BPP that trade on *wrongdoing* will only be applicable to those enriched by emissions that can be characterised as wrongful. Thus, such accounts may only apply to the beneficiaries of emissions produced after 1990, since prior to this point emitters could be excused on grounds of ignorance.²⁷ Given that approximately half of global carbon emissions have occurred since 1990²⁸, if any wrongdoing-sensitive versions of the BPP are defensible, they may still offer useful a

²⁵ Term taken from Page, Edward A and Göran Duus-Otterström (2023) 'M', *Critical Review of International Social and Political Philosophy*, 4.

²⁶ Butt, 'On Benefiting from Injustice', 143; Butt, Daniel (2014) 'A Doctrine Quite New and Altogether Untenable: Defending the Beneficiary Pays Principle', *Journal of Applied Philosophy* 31: 340.

²⁷ Page, Edward A (2008) 'Distributing the Burdens of Climate Change', *Environmental Politics* 17: 560; Page, 'Give It up for Climate Change', 313; Caney, Simon (2009) 'Justice and the Distribution of Greenhouse Gas Emissions 1', *Journal of Global Ethics* 5: 134.

²⁸ Stainforth and Brzezinski, "More than Half of All CO2 Emissions since 1751 Emitted in the Last 30 Years."

basis for assigning duties to address a significant portion of the climate burden. A further contention is that some deny that *any* emissions can be characterised as wrongful or harmful. The dominant view among such critics is that no single or disaggregated act of emission makes a significant difference to the rate or extent of climate change and is therefore neither necessary nor sufficient for harm.²⁹ One reply to this causal critique is that all emissions can be considered harmful when harm is understood in expected rather than actual terms. Since climate change is harmful and emissions causally contribute to it, each act of emission carries a non-zero expectation of harm.³⁰ Alternatively, emissions might be considered wrongful regardless of whether they are understood to cause harm. Imposing a *risk* of harm on others via emitting greenhouse gasses may itself be taken to constitute a wrong.³¹ I will not defend any particular account of what renders a population's emissions wrongful or harmful, but proceed on the assumption that one of these arguments succeeds in order to assess the plausibility of wrongdoing sensitive justifications of BPP in the climate case.

Butt's argument for the BPP rests on the following premise:

"Taking our nature as moral agents seriously requires not only that we be willing not to commit acts of injustice ourselves, but that we hold a genuine aversion to injustice and its lasting effects. We make a conceptual error if we condemn a given action as unjust but are not willing to reverse or mitigate its effects on the grounds that it has benefited us. The refusal undermines the condemnation".³²

This premise contains two important claims. The first is a moral one: we ought to demonstrate an aversion to wrongdoing. The second is a conceptual one: "there is an inconsistency in our moral outlook" if we condemn actions as wrong but then fail to take actions in our power to undo their effects.³³ There is a requirement to reverse the

²⁹ Sinnott-Armstrong, Walter (2010) 'It's Not My Fault: Global Warming and Individual Moral Obligations', in Walter Sinnott-Armstrong *Climate Ethics*, Oxford University Press.

³⁰ Broome, John (2019) 'Against Denialism', *The Monist* **102**: 110–29; Hiller, Avram (2011) "Climate Change and Individual Responsibility", *The Monist* **94**: 349–68.

³¹ Barry, Christian and Garrett Cullity (2022) 'Offsetting and Risk Imposition', *Ethics* **132**: 352–81.

³² Butt, 'On Benefiting from Injustice', 143.

³³ Butt, 'A Doctrine Quite New and Altogether Untenable', 340.

effects of wrongdoing in order to preserve our moral integrity.³⁴ This generates a justification for the BPP. Where agents are enriched by wrongdoing at another's expense, a moral requirement falls upon them to condemn this wrong. This requirement entails a demand to undo this wrongdoing's effects—the benefit and the harm—and thus requires that beneficiaries disgorge their benefit towards compensating victims. Where one is enriched by wrongful over-emission, the moral requirement that falls upon them to condemn these activities entails a demand that they utilise these benefits to redress climate-induced-harm. Failure to do so makes them “complicitous in, and or at least, not sufficiently opposed to, the wrongdoing”.³⁵ In what follows, I present my critique of Butt's account.

§ 2.1. The Attitudinal Account and the Non-Distinctiveness Objection

Butt's argument fails to identify beneficiaries as agents who bear special duties to address the plight of those harmed by the unjust acts that enriched them. If, as Butt affirms, everyone ought to have an aversion to wrongdoing, this cannot provide beneficiaries with reason, over and above all others, to take actions in their power to redress the harm from which they benefit. In the climate injury case, the existence of a general duty to condemn wrongdoing, implies that all those who are able ought to act to undo the effects of wrongful over-emission. If one's duty to compensate a victim of wrongdoing derives from the value of upholding their moral integrity, or from a requirement to express concern for the victim's situation, then it seems any agent who recognizes the wrongfulness of harm towards a victim ought to take actions within their power to remediate it. It remains unclear what moral significance attaches to being the beneficiary of a wrongful act that renders one more blameworthy than any other competent and aware moral agent where they fail to act. It seems all well-off agents express the wrong sorts of moral attitudes where they choose not to address harm that it is in their power to remediate.

³⁴ Page and Duus-Otterström criticise this account for relying on the wrong sorts of moral reasons to motivate directed disgorgement—misdiagnosing what is morally significant about benefitting from injustice in focusing on restoring the beneficiary's moral integrity rather than addressing the injustice committed against the victim (Edward, A. Page and Göran Duus-Otterström, “Correcting Unjust Enrichment: explaining and defending the duty to disgorge the benefits of wrongdoing,” *Critical Review of International Social and Political Philosophy* (2023), 5). Similar reasoning could be employed however that shifts the focus away from the beneficiary's moral integrity towards their respect for the victim. Some suggest that failure to surrender benefits generated at a victim's expense amounts to *condoning* wrongdoing or *harmdoing* (Page, “Give It up for Climate Change,” (2012), 315). As captured by Heyward, it might indicate that the wrongs committed against the victims “don't matter” and express “a morally repugnant attitude” towards the victims of injustice (Clare Heyward, “Benefiting from Climate Geoengineering and Corresponding Remedial Duties: The Case of Unforeseeable Harms,” *Journal of Applied Philosophy* 31, no. 4, (2014), 410). This sort of reasoning similarly appeals to the moral attitudes we ought to have to ground duties for beneficiaries to relinquish wrongful gains. My critique of both these accounts is not that there's something unsatisfying about their style of reasoning, but that their justifications, by their own terms, cannot defend directedness in the climate injury case.

³⁵ Butt, ‘A Doctrine Quite New and Altogether Untenable’, 340.

What is special about beneficiaries is that they have *benefitted*. Wrongfully enriching actions have a *benefit-effect* (the endowment of benefits on one agent) and a *harm-effect* (the imposition of harm on another). On Butt's logic, those who are wrongfully enriched may plausibly have a duty to relinquish their benefits to undo the *benefit-effect* of the wrongful transaction that enriched them, but the *benefit-effect* is the only effect they are *specially* placed to undo. I contend, so long as beneficiaries disgorge their benefits, they have exhausted their special beneficiary-based duties. This special disgorgement duty could be adequately fulfilled where they use their benefits to compensate any victims of any unrelated harms, seeing as on Butt's account there is a general requirement to condemn all wrongful harm. For example, Australians who benefit from mining royalties could choose to donate a commensurate amount to a charity providing aid in conflict zones. The duty to compensate the victims of climate injury in particular will fall on all well-off agents, not merely those who've received emission benefits. Emission beneficiaries may have a duty to undo the *harm-effect* of over emission and thus to remediate the victims of climate harm, but they will incur this duty merely in virtue of being a moral agent who ought to be averse to such wrongdoing and is capable of helping victims. Where climate injury needs to be addressed, all well-off agents who are aware of this harm and fail to take actions in their power to remediate it, fail to express the appropriate attitudes towards these victims. Attitudinal accounts cannot explain why emission beneficiaries *in particular* manifest a morally objectionable attitude towards the victims of climate injury when they fail to contribute to climate compensation. It falls prey to what I term, the *non-distinctiveness objection*, the challenge that arises when a rationale offered for assigning duties to beneficiaries equally applies to all well-off agents, thereby undermining the claim that such duties are genuinely benefit-based.

To further assess the BPP's potential to generate duties in the climate case, I now turn to Edward Page and Göran Duus-Otterström's justification of the BPP. This account is grounded, not merely in the attitudes we ought to display towards wrongdoing, but in the independent value of correcting wrongful transactions. Although seemingly more robust, I will demonstrate that this account also falls vulnerable to the non-distinctiveness objection.

§ 3. The Corrective Justice Account

Page and Duus-Otterström present what they term the Corrective Justice Account (CJA) which grounds beneficiary-based duties in the "objective of correcting wrongful transactions".³⁶ Going back to Missed Interview, Page and Duus-Otterström argue that this situation needs to be remediated as a matter of corrective justice. Their rationale for directed duties arises from the aim of restoring the world to the state it would have been in had the wrongful transaction that

³⁶ Page and Duus-Otterström, 'Correcting Unjust Enrichment', 11.

generated benefits and losses not occurred.³⁷ The duty Ben is supposed to incur to relinquish his benefits to Vic is one of corrective justice to remove the effects of Peter's wrongdoing from the world. Page and Duus-Otterström's argument for *directed* duties is that compared to inaction or undirected disgorgement, directed disgorgement more closely returns the world to a condition in which the wrongful act exerts no further influence over the prospects of any of the affected parties.³⁸ Where a wrongful transaction generates benefits and burdens, fully remediating the wrong requires redressing both the benefit-effect and the harm-effect. A directed transfer from the beneficiaries of an act to its victims brings both the victims and beneficiaries closer to the state they would have been in had the injustice not occurred and thus, "roundly" defeats the wrongdoing.³⁹ To undo Peter's wrongdoing wholly, Ben must compensate Vic. Simply relinquishing his benefit is insufficient to fully undo the effects of Peter's wrongdoing. I argue, contrarily, that wrongdoing can be roundly defeated without directed disgorgement. Directedness may be convenient—undoing both effects of a wrong in one transaction—but it is not *morally required*. I present my argument for this conclusion in what follows.

§ 3.1. The Corrective Justice Account and the Non-Distinctiveness Objection

According to the CJA, a beneficiary's duty to compensate the victims of an act that enriched them arises from their duty to remove the influence of a wrongful transaction from the world. I argue that beneficiaries are not specially placed to achieve this outcome. For Page and Duus-Otterström, although the value of undoing the effects of wrongdoing is impersonal and all agents incur duties to do so—an innocent beneficiary's reason to correct wrongdoing being no different to anyone else's—a beneficiary's receipt of benefits means they are *specially placed* to act.⁴⁰ As aforementioned, wrongful acts that generate benefits for one via harm to another have both a harm-effect and a benefit-effect. I argue that, on the CJA's reasoning, the only effect of a wrongful transaction a beneficiary is *specially* placed to undo is the benefit-effect.

If as Page and Duus-Otterström assert, our reasons to remove wrongdoing from the world are "general and the same for everyone"⁴¹, it appears anyone who has the capacity to undo wrongful losses (the harm-effect) will incur a duty to do so. Cases presented by proponents of the BPP—such as Missed Interview—are often isolated such that the beneficiaries and victims of a singular unjust act are the only relevant agents in the picture.⁴² Where this condition is not met however, the case for directed duties is less compelling. Where a wrongful act enriches an agent and harms another,

³⁷ Page and Duus-Otterström, 'Correcting Unjust Enrichment', 11.

³⁸ Page and Duus-Otterström, 'Correcting Unjust Enrichment', 12.

³⁹ Page and Duus-Otterström, 'Correcting Unjust Enrichment', 12.

⁴⁰ Page and Duus-Otterström, 'Correcting Unjust Enrichment', 11.

⁴¹ Page and Duus-Otterström, 'Correcting Unjust Enrichment', 11.

⁴² Huseby, 'Should the Beneficiaries Pay?', 219.

if other well-off agents are around and aware of the wrongful harm to the victim, they will have the same duty as the beneficiary to undo its effects.

With respect to the benefit-effect on the other hand, because the beneficiary holds the benefit, they are specially placed to remove it from the world. The responsibility to undo this effect may generate a duty on the part of beneficiaries to relinquish their wrongfully acquired gain. However, where there are many poorly off agents present, and a beneficiary has a duty to undo the benefit-effect of the wrong that enriched them, they can do so by relinquishing their wrongful gains in the service of compensating any badly off agent. Where there are a range of wrongful harms occurring—such as war-inflicted deprivation, colonial injustice or, gendered oppression—emission beneficiaries will have equally pressing duties to use their unjustly acquired benefits to address these harms. On the condition that they forfeit their wrongful gains, their benefit-based duties are exhausted. So long as both the harm-effect and benefit-effect of a wrong are undone, the CJA's requirements have been fulfilled. Since this does not require a directed transfer from the beneficiaries of an act to its victims, Page and Duus-Otterström's account cannot provide a justification for directed duties of climate compensation.

Before I continue, I note that directed disgorgement might be morally required in one special type of case; cases where a beneficiary holds an object or quantum of value to which a victim is entitled, i.e., cases of restitution. Conveniently for Page and Duus-Otterström, Missed Interview, similarly to many cases employed by proponents of the BPP, can be articulated in terms of restitution. Ben received the job that Vic was entitled to and thus, may have duties of *restitution* to return it to her. The case of climate injury is not this type of case, however. Those who benefit from historical emissions don't hold what has been taken from those suffering from extreme weather events and other climate-change-induced hardships. Thus, I maintain that directed duties cannot be justified in this case.

Page and Duus-Otterström explain that one's receipt of a wrongful benefit activates their duty to take corrective action towards the victims of the wrong that enriched them.⁴³ I contend that what this activates however, is both a duty to disgorge their unjust benefit and an *ability* to compensate the victim. Where receiving a wrongful benefit engenders a beneficiary's ability to compensate the victim of the wrong that enriched them, it is tempting to infer that their duty towards this victim is benefit-based. But if, as per the CJA's reasoning, duties to compensate the victims of wrongs arise from the general goal of remediating wrongdoing, anyone who is able will incur a duty to act and thus, such duties are ultimately ability-based. Beneficiaries will have a duty to relinquish their unjust gains and a separate duty, in virtue of their new-found ability, to undo the wrong that the victim was subject to. The former will be benefit-based but the latter, ability-based. Page and Duus-Otterström assert that the CJA "enables us to recognize the intuitive pull of directedness without deriving [it] from the merely causal relationship shared by

⁴³ Page and Duus-Otterström, 'Correcting Unjust Enrichment', 11.

beneficiaries and victims of a common injustice”,⁴⁴ but I argue that they do exactly this. It is convenient and tempting to conflate the duty to disgorge and the duty to compensate. Where a beneficiary has been wrongfully enriched at a victim’s expense they have on one hand, a duty to disgorge their unjust gains, and on the other, an ability-based duty to aid the victim. In such a case, a directed transfer from the beneficiary to the victim would be a straightforward way of roundly remediating an instance of wrongdoing; it would undo the benefit and harm effects of a wrong in one transaction. Such a directed transfer, is not morally required, however.

Where an isolated injustice occurs and there exists only one wrong that needs correcting, one agent who holds unjust gains and one agent that is unjustly harmed, the comprehensive correction of wrongdoing in this world will require a directed transfer from beneficiary to victim. However, the duties the enriched will have towards the victim will not arise in virtue of their benefitting from the same injustice that harmed them, rather they will arise because they have the capacity to help. The directedness required by isolated cases is merely accidental. So long as both effects of a wrong are undone, the CJA’s requirements have been fulfilled and, in a world where multiple distortions are occurring, removing the effects of wrongdoing will not require directed transfers. Where injury to climate victims remains unaddressed, anyone who has the ability to act and is failing to do so wrongfully allows the effects of wrongdoing to persist. Those who hold emission benefits are not more culpable for failing to address this harm than others. Thus, the CJA falls prey to the non-distinctiveness objection and directed benefit-based duties of climate assistance cannot be mandated on its logic.

In a final attempt to defend directed duties of climate assistance, one might point out that wrongfully enriched emission beneficiaries have *weightier* reasons to relinquish their gains than others because they are unentitled to their wealth. One might claim that they have stronger duties to compensate the victims of climate harm than other well-off agents who have received their wealth justly. In response to this, I would purport that in the contemporary world, it is likely that most wealth will be the product of wrongdoing or injustice, and consequently unjustly held. Furthermore, we might think that so long as there exist very poorly off individuals who require extra wealth for subsistence, *any* excess wealth is unjustly held regardless of how it was generated.⁴⁵ If being unentitled to one’s wealth is what gives an agent a strong duty to compensate the victims of wrongful harm, then many of today’s affluent populations will incur equally pressing duties to relinquish their wealth towards funding a response to climate injury. The duties that the CJA mandates from the beneficiaries of unjust emissions to the victims of climate harm can be equally applied to all affluent agents. This account’s normative basis might rest on the laudable goal of redressing the effects of wrongdoing but it cannot justify directed duties of climate assistance.

⁴⁴ Page and Duus-Otterström, ‘Correcting Unjust Enrichment’, 12.

⁴⁵ Robeyns, Ingrid (2022) ‘Why Limitarianism?’, *Journal of Political Philosophy* 30: 249–70.

§ 4. Conclusion

The rationales for the BPP assessed in this paper were unable to successfully identify why the beneficiaries of historical emissions bear special duties, beyond those of other affluent agents, to compensate the victims of climate-induced harm. Unlike many critics of the BPP, I have not argued that the accounts I assessed employ flawed reasoning or lead to unacceptable conclusions. Rather, I have sought to demonstrate that where we take their premises and assumptions as acceptable, their normative foundations cannot, by their own lights, vindicate the conclusion that the beneficiaries of unjust emissions bear unique duties to the victims of climate harm. Both justifications fall prey to the non-distinctiveness objection. When following their reasoning, the duties they invoke fall on all agents who have the capacity act. Although the global population of emission beneficiaries is in practice likely to overlap quite substantially with the global affluent, and thus, duties to condemn or correct climate injustice will fall on this population regardless, these duties will not be distinctly benefit-based. This is not to say there is no way of defending the BPP's application to distributing the burden to address climate injury, but merely that the two foundational justifications for the principle assessed here, fail to explain what makes beneficiaries' moral position unique with respect to addressing climate harm.

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