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GENERAL EDITOR
ROBERT E. GOODIN

EDITED BY
MICHAEL
MORAN
MARTIN
REIN
ROBERT E.
GOODIN

≡ The Oxford Handbook of
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3. WHO'S IN? WHO'S OUT? ACROSS SPACE: INEQUALITY OF BENEFIT

The presupposition that inflicting harm is so sharply and significantly distinguishable from refraining from providing benefit that the two can be governed by radically different principles—namely the infliction of harm is universally prohibited in a manner that treats all humans equally, while the provision of benefit may be selectively focused on “one’s own”—is a major ethical assumption with powerful implications that is regularly adopted, rarely defended, and usually not even made explicit. A failure to provide a benefit can have exactly the same results as the infliction of a harm. Yet policy analysts, whose calculations otherwise simply measure results by whatever process the results are arrived at, here use a difference in process—this difference between harming and not helping—to draw a radical distinction between what counts regarding outsiders (only harm) and what counts regarding insiders (net benefit). Whether this rigid distinction between what counts for outsiders and insiders is arbitrary is a more foundational ethical issue, however, than we can take up here, beyond noting its importance, which will in the following simply be assumed.

So it is typically assumed that domestic economic policies may properly focus on promoting the welfare of domestic constituents exclusively. Policy A, which greatly promotes the welfare of insiders, may be preferred to policy B, which still promotes the welfare of insiders but not quite as much as policy A does while greatly benefiting outsiders. Policy A may be preferred to policy B in spite of the fact that the overall human benefits of policy B would be much greater. The possible benefits to outsiders of policy B may thus be discounted totally—ignored. In some cases this may again be a kind of division of labor—a division concerning the objects of responsibility—that is unobjectionable. If the widely shared political convention is that each government will promote the economic interests of only its own people, one government’s efforts might be thrown into disarray if some other government arbitrarily adopted policies also intended to benefit the first government’s constituents. Of course, instead of one government’s unexpectedly launching attempts to benefit other governments’ constituents, explicit agreements on shared policies can be made among governments in cases where the cooperative policies would be more beneficial to each state considered separately than any uncoordinated efforts at mutual benefit would be likely to be. Presumably this is the underlying idea of a regime like the WTO: wide agreements in a broad range of areas will enable each state to do better than it could do if each pursued the interests of its own constituents in uncoordinated and unrestrained ways. Some shared constraints are thought to be generally and over the long run beneficial to all.

The underlying ethical commitment of each state, however, is still taken to be to its own constituents. Neither the WTO nor other economic regimes represent commitments by every nation to promote the welfare of humanity generally; they simply reflect the judgements that cooperative and coordinated policies subject to

shared constraints are better for each separately than autarkic policies could be, especially given the broad cooperation of others. A state that thinks it can do better outside the WTO is free to leave (after due notice and so forth). The point is this: one ought not to confuse a belief that general cooperation will promote the interest of each separately with a (non-existent, I believe) commitment by each to promote the interest of all. It is, of course, imaginable that the cooperative pursuit by each of its own interest in cooperation with the others will happen in fact also to promote the interest of all—this would, in effect, be the Global Invisible Hand at work. But perhaps one can be forgiven for believing that the greatest benefit for all, if that were the proper goal, would be more likely to result from conscious efforts to design institutions so that it would result. If, however, individual states have obligations to promote only the interests of their own constituents, they have no obligation to design, much less implement such universally beneficial institutions.

The arrangement just sketched, on which each person belongs to a political unit like a state, and each state exclusively promotes the interests of its own people, while abiding by constraints generally beneficial to people of multiple (if not necessarily of all) states, will seem familiar and perhaps commonsensical to many. A powerful case can be made that the primary moral purpose that the contemporary state is generally assumed to serve, and thus to have its sovereignty justified by, is the promotion of the well-being, especially the economic well-being, of the individual persons who are its constituents (Reus-Smit 1999). Such an institutional system of self-interest-serving sovereign states is, however, only one of the imaginable options for the international arena and may be only one of the feasible options. For we do have some accumulated knowledge about how social institutions function.

One fact we know is that the promotion of any given aggregate effect at the national level is compatible with an extremely wide range of distributive effects. The clichés claiming definitive reliable connections, like “a rising tide lifts all boats,” are often false; aggregate gross national product can, and often does rise while the worst-off individuals in the aggregate become still worse off. If there is some reason to attain, or to avoid certain distributive effects, the relevant social institutions need to aim at the distributive goals as firmly and explicitly as they aim at the aggregate goals. If we briefly turn from abstract theoretical considerations to global reality, it is perfectly evident that the lives of many humans, especially children, are nasty, brutish, and short. Deaths from starvation and from cheaply and easily preventable diseases are reliably in the millions annually, and infant mortality rates in many of the international system’s constituent states are many multiples of what is regularly attained by best practice (Pogge 2002).

Earlier it was noted that divisions of labor, and allocations of responsibility are often sensible, so that it was conceivable that the current international system’s assignments of largely national responsibility for human welfare generally, and for preventing easily preventable deaths of children and other recurrent human tragedies, are a good arrangement or even the best feasible arrangement. Even a cursory glance at what would once pretentiously have been called the “human condition,” and specifically at the chronic death and disease among utterly faultless children in the poorest states in the system, makes it extraordinarily difficult to convince oneself

that our social institutions are the best achievable. It is barely conceivable that every feasible institutional change would make matters worse, but it would strain credulity to the breaking point to try to take that possibility seriously. It is reasonable to believe that we could do better institutionally if we actually tried harder.

We must not, however, lose our grip on the fact noted earlier, that the virtually universal commitment to human equality is fully compatible with a division of moral labor: I do not by implication deny the equal worth of your child if I deny primary responsibility for your child and attribute to you the primary responsibility for its care, which includes the practical possibility that you will fail in that responsibility and your child will suffer. It may seem—it is in fact often claimed—that by analogy, however tragic chronic starvation and the other elements of absolute poverty may be, it does not follow from the extent of the evil involved that it is the responsibility of me, or of anyone else in particular, to deal with it; I can recognize that great evil befalls fellow humans and still believe, without denying that their lives and welfare are of equal value with mine, that I have no responsibility toward them. My responsibility stops short of their tragedy, equal in worth and dignity though we are. It cannot be that all human problems are problems for me to deal with.

One respect in which there is an analogy between the individual case and the international case is that the options are not limited to the two extremes consisting, in the individual case, of your doing everything for your child and my doing everything for your child and in the international case, of each state's providing fully for all the children in its territory or a "world government" operating a global welfare system covering the entire human species. One can apply a little bit of imagination in order to formulate less extreme alternatives for the international case, especially if one notices the assumptions about the capacity and desire of parents in the individual case and the numbers of "orphans" in the international case.

First, the usual view of the individual case tacitly assumes ability or capacity. If one's neighbor has lost her money or her mind, or otherwise completely lost her way, one does not simply insist that "it is still her child to look after." At the international level there are undeniable cases of what have come to be called "failed states;" the explanation for the failure may be internal or external, and the explanations and prospects for improvement vary from case to case. But some states plainly lose control of their own economies and are in remotely no position to provide for the welfare of their citizens. It would be pure self-deception to claim that one was turning over to them responsibilities that are obviously impossible for them to fulfill (Goodin 1985).

Second, the usual view of the individual case tacitly also assumes will or desire. Parents who have murdered their first child are not simply assigned responsibility for the care of their second. At the international level, besides failed states, one regularly finds predatory states, such as states engaged in genocide or ethnic cleansing against segments of their own citizenry. In the case of predatory states one cannot without self-deception simply claim that it is sensible to leave matters in their hands nevertheless. Consequently, at an absolute minimum the international system needs some provision for failed states and predatory states, exactly as domestic systems provide for the children of parents who are unable or unwilling to provide for their own.

Third, if one thinks of refugees as roughly analogous to orphans—people lacking a state to be responsible for them—one finds millions more children for whom some provision ought to be made, and for whom in fact some responsibility is already in practice acknowledged, however inadequate the actual provisions currently are. Then, in addition to states that have failed generally, there are the many states torn by civil wars and secessions where only some neutral third party could possibly provide welfare support. All such provision is groundless without acknowledgement of some responsibility for fellow humans outside one's own state.

What is not compatible with a commitment to human equality is a willingness simply to write off millions of children who are unable to provide for themselves. It is one matter to believe that one need bear no responsibility toward even some desperate people because, by means of a reliably functioning division of labor, those people will mostly—one cannot of course demand perfection in social institutions—be provided for. It would be a totally different matter to know full well that existing institutions are so grossly inadequate that tens of millions of children annually and predictably fall through the (gigantic) institutional cracks and then to do nothing, as if one had compelling evidence that existing international institutions are the best of all possible institutions. This attitude does seem tantamount to a denial that the millions now neglected matter as much as other people. One can reasonably say: "I respect your worth as a human being, but I leave to others the responsibility, in which I realize they may fail, to provide essentials that you cannot provide for yourself." But one cannot reasonably maintain: "I respect your worth as a human being, but I leave to others the responsibility, in which I know from repeated experiences they are certain to fail, to provide essentials that you cannot provide for yourself." The latter level of unconcern bespeaks contempt.

The point might be put more abstractly as follows. A commitment to human equality is inconsistent with a ready acceptance of social institutions that are demonstrably inadequate to provide basic necessities for tens of millions of humans unable to provide for themselves, as demonstrated by chronic annual failures over decades, when adequate alternative institutions could be designed and implemented without imposing excessive burdens on anyone. Therefore, divisions of moral labor, yes. But the inherited division structured along national lines, no. It is a demonstrated failure.

4. WHO'S IN? WHO'S OUT? ACROSS SPACE: EQUALITY OF HARM REVISITED

The immediately preceding discussion of economic desperation tacitly adopted a kind of no-fault picture of absolute poverty, presenting human misery as if it were essentially a natural condition not produced by failures in policy. While natural factors, including scarcity and diversity of natural resources, certainly play a role in

world poverty, it would nevertheless be implausible to suggest that policies and institutions will play no part in determining the fate of the globe's poorest. It is again best to consider a concrete instance.

As noted above, "it is typically assumed that domestic economic policies may properly focus on promoting the welfare of domestic constituents exclusively." But virtually all economic activity produces what economists call "negative externalities," like environmental damage from which many people who do not benefit from the economic activity may suffer. In practice it may be possible to prevent environmental damage at the source, but impossible for those who will otherwise be its victims to protect themselves if the damage is not prevented. If state A allows its firms to emit dangerous substances into the air up-wind of state B, what is state B supposed to do: filter all the air as it crosses the border? And transborder pollution is widely recognized to be unacceptable, and the various types of such otherwise invasive pollution are regulated to various degrees (Franck 1995; Sands 1995). The greenhouse gases (GHGs) that are accelerating the rate of climate change, however, raise special and urgent policy questions, the central ones of which are precisely ethical questions about who counts and for whom they count (Drumbl 2002; Eckersley 2004; Gardiner 2004).

Climate change is an extraordinarily complex phenomenon within which the effects of many human activities are intersecting with multiple natural processes of radically different timescales. This makes predictions difficult. The climate is, however, demonstrably changing, with a long-measured rising trend in annual global temperature that is unprecedented in the human era, although not unprecedented in planetary history (Alley 2000; United States, National Academy of Sciences 2002; Parmesan and Galbraith 2004). One major GHG, water vapour is almost entirely outside human control. Of the GHGs that are under human control, the carbon dioxide produced by the burning of fossil fuels (coal, gas, and oil) is unrivalled in its importance and unrivalled in the increases in the rate at which it is being injected into the atmosphere (Houghton et al. 2001). Modern industrial economies are driven by fossil fuel—electricity generation and combustion-engine-powered transportation are the primary sources of carbon dioxide—and the byproducts of burning fossil fuel drive climate change. This means that energy policy is climate policy: the choices that could slow the rate in the increase in climate change are choices about energy: how much to consume and how to generate it (McCarthy et al. 2001).

Energy policy is also, of course, fundamental to economic policy generally. And we have tended to assume in the past that economic policy may permissibly be set with a view exclusively to the benefits for the unit setting the policy, with some relatively minor constraints about inflicting damaging pollution upon people in other units. Now, however, we understand that the principles guiding our decisions have presupposed a grossly misleading picture of some of the most fundamental processes on the planet. Industrial processes—and, of course, agricultural practices as well—do not simply episodically generate a few types of transborder pollution here and there. The so-called externalities are at the heart of the energy consumption that fuels modern economies. The cheap price of fossil fuel was indeed a key element in the

economic growth of the last century and a half, and a major reason for contemporary affluence. Today we realize that the same fossil fuel that was the abundant cheap energy that enabled (some of) us to become rich is undermining the stable natural environment that is another necessary condition for our economic lives, especially for abundant, relatively cheap food.

Therefore, while we have assumed that economic activity may, without doing any wrong, be aimed at benefiting whomever one takes to be one's own constituents, as long as one watched out for the most severe externalities, it turns out in fact that the energy policy at the base of economic strategies is producing an effect that is very severe indeed—doing what it was always assumed humans could not do: change the weather. “Weather” is, in a sense, the local bit of climate; the fundamental changes now speeding up go far beyond weather. Every person on the planet—and virtually every species (except perhaps for the deep-ocean worms living in the darkness near the thermal vents)—will be affected, many profoundly.

Some of the more hysterical commentators on climate change suggest that it requires an ethical revolution. This is nonsense. One of the most widespread and most deeply held ethical principles has long been that one is at liberty to pursue benefits for oneself, as one understands them, as long as one limits one's pursuit of one's own interest by the constraint of not inflicting severe harm on vulnerable others. This “no-harm principle,” as it is usually called, is fine. No new ethic is needed for application to the threat of rapid anthropogenic climate change, and in fact it is difficult to imagine a genuine society among individuals as predatory as those who had given up the bare principle of no-harm.

We simply need to understand that we have here a global—literally planetary—application of the no-harm principle. We are merely discovering, once again, that a process that we assumed for no particular reason perhaps other than basic optimism, to be safe is in fact dangerous. It is only the public policy, not the ethical principles, that is primitive and needs updating, whether or not revolutionizing.

Who would have thought that enjoying the occasional cigarette could inflict severe health problems on one's children? Now we know, and policies about smoking are changing. Who would have thought that handling the asbestos needed in the ships for the Second World War and the building boom afterwards would cause fatal malignancies? Now we know, and asbestos is on the way out, where it is not already gone. Who would have thought that the lead additive that made combustion engines run more efficiently would prevent children's brains from developing fully? And so on: our technology is spectacularly innovative, and along with the many pleasant surprises are unpleasant, and sometimes fatal surprises. The understanding arising from the study of climate change—that the astoundingly cheap fuel that allowed us to adapt ourselves so beneficially to our environment is now changing that environment toward one to which we are not adapted—is one of the most unpleasant surprises of all.

Many discussions of policy toward climate change have so far missed the point. Some assume that climate change is one of many subcategories under environmental policy, where “environmental policy” is taken to have the same level of urgency as, say, architectural policy. Many others who understand that it is as central as energy

policy ask, in effect: would it benefit this nation's economy on the whole now if it took certain measures designed to slow rapid climate change? Would, for example, reducing energy waste not only reduce emissions somewhat but add to general efficiency? Such questions miss more than one critical point. One missed point was already introduced in Section 1: it might well be that, apart from the elimination of sheer waste of energy, plus perhaps enough marketing of GHG emissions permits that most emissions reductions are the least-cost ones, any more serious policies to reduce fossil-fuel consumption would entail net costs for the present generation and immediately succeeding generations. But energy policies that continue to rely on ever-increasing consumption of fossil fuel are likely to lead to more human disruption, and indeed more human deaths, from more severe climate change than policies that restrain fossil-fuel consumption (Mahlman 2001). What if the ultimate harms for more distant generations will sharply increase in severity if responsive policies are initiated only later? What if more people will starve because of crop failures if the same measures are launched later rather than sooner? Does one choose the policy that leads to the additional deaths as long as that policy is the most beneficial to the current generation? This has already been briefly discussed.

Another point often missed is yet to be noted. One critical factor affecting how bad the worst will be—how severe the severest climatic disruptions will be—is the absolute amount of the carbon now sequestered under the earth's surface in the forms of coal, gas, and oil that is moved instead into the earth's atmosphere in the form of carbon dioxide. In particular, if virtually all the carbon in the ground is moved into the atmosphere through combustion of fossil fuel, the concentration of carbon dioxide in the atmosphere will become several times the concentration prior to the Industrial Revolution. Today it is already practically certain that the atmospheric concentration will double. If it redoubles—to quadruple the level it was in 1850—the effects on the surface will very likely be significantly more severe than if it “merely” doubles (Kasting 1998).

The critical feature of all this is that climate change is a truly global phenomenon in every important respect. Most critically, there is no natural correlation between those who benefit from the fossil-fuel consumption that dominates the global atmospheric level of GHGs—the concentration results from a thorough global mix of emissions from all points on the surface—and those who suffer from climate change. For example, one of the undoubted effects of climate change will be sea-level rise (McCarthy et al. 2001; McElroy 2002). Those who will suffer most from sea-level rise will, other things equal, be those who live, or farm on land at the lowest elevations above sea level, such as the people of Bangladesh. How likely are Bangladeshis to benefit most, or even equally from additional global aggregate consumption of fossil fuel? But it is likely to matter vitally to Bangladeshis whether the total atmospheric concentration of GHGs “only” doubles or quadruples.

In more abstract terms, the people most likely to suffer the severest effects from national energy policies—US policy, Chinese policy—are for the most part not residents of the nations whose energy policies will dominate the effects. The most vulnerable have almost no voice; hence, this can also reasonably be understood as a

problem about voice, representation, and democracy as well as the problem about the infliction of harm on which this discussion focuses. The absence of voice is a central element in the explanation of why the process must be described as the *infliction* of harm. Harm is not occurring naturally, as from the Asian tsunami at the end of 2004. And harm is not being suffered as part of the cost of benefits by those who are choosing to pursue the benefits. The lion's share of the benefits is going to people other than those vulnerable to the severest bad effects.

Further, many of those most vulnerable to the bad effects of climate change are also least able to afford to mitigate the effects. When sea-level rise affects East Coast ports in the United States, the wealth of the USA will be available to pay for the measures necessary. But one has no reason to believe that Bangladesh will even begin to have the resources to try to mitigate the effects it will suffer. Yet there is no comparison between per capita fossil-fuel consumption in the USA and in Bangladesh.

In this crucial respect, energy policies in particular can no longer be treated as domestic policies. When the USA or the PRC makes energy policy, it makes climate policy for the globe. Whose interests should count? On perfectly ordinary, conservatively traditional, commonsense ethical principles, everyone who stands to be severely harmed. To write off the interests of distant strangers, in the sense of ignoring the harms one's own public policies threaten them with, is incompatible with a commitment to fundamental human equality. Worse, it is a form of compound injustice: the use of the power that flows from existing unjust advantages to impose additional unjust disadvantages, including fatal harms (Shue 1992).

5. WHO'S IN? WHO'S OUT? WHO'S WHO?

The most unobtrusive, and thus most difficult to resist of the assumptions made so far here is the assumption that only the interests of humans matter. We have briefly considered present humans and future humans, and fellow citizens inside the state and strangers outside the state, but always humans only. What about the bullfinch near the top of the hazel in the garden? He certainly brightens my day, but that is still about me, making it an instance of anthropocentric value: the value that something has for humans (Norton 1986). And of course I do not know this particular bullfinch intimately—I do not even know if it is the same bullfinch who came, at roughly the same time, yesterday, so it may well be the species bullfinches, not this bullfinch, that is the source of delight, making this the anthropocentric value of a species, not of individuals as such. One of the issues, which cannot of course be pursued here, is: what are the units that count from an anthropocentric point of view? I certainly would not object if the garden contained hummingbirds and falcons, and tortoises and gazelles. So this may not be about birds, but about animals, and plants, and

trees—perhaps natural species more generally or more generally still, natural processes that are not subject to human manipulation but confront us humans with independent worlds we can explore but not master (Scarry 1999). Perhaps it is valuable for humans to understand that much of the universe does not share our interests and is not interested in us.

Do some aspects of nature count intrinsically, or at least independently of their anthropocentric value, their interest for us? Suppose I were out of the picture entirely and the world could either contain bullfinches or not. Is there any reason to think that the universe with the bullfinches is superior in value to the universe without the bullfinches? Superior for whom? For the bullfinches, for a start, and for any other species, including plant species, which benefit from the activities of the bullfinches—worse, it is true, for the bullfinches' competition. Ethical theorists sometimes debate whether there is any reason why "the last man" should not, if he felt like it, dynamite Victoria Falls or the Grand Canyon before he dies, apart from the fact that he would have been a better man if he had not been so pointlessly destructive. Obviously it was not "Victoria Falls" until some European with a queen on his mind thought so; if there were no people at all, it might be an arbitrarily designated unit of wet rocks. If there were no fish in the river and no birds in the sky, as well as no people on the cliff, would it matter whether this water's running over these rocks continued or ceased? Perhaps value depends upon conscious, or sentient, or at least animate beings that can in some sense value. But must it depend exclusively upon human consciousness?

For public policy, two things matter. There is, of course, a gigantic spectrum between nothing but humans counting (all value is anthropocentric, including what economists call the amenity value of the natural) and everything counting (every natural "unit" has intrinsic value). The first question that concerns public policy is whether anything has value apart from the value humans attach to it and then, if so, how our policies affect the other things that count in their own right. The question cannot be answered here, but I would say that it strikes me as the height of self-absorbed arrogance simply to take for granted that nothing counts unless it counts for some person.

The second question for public policy is how our policies affect the natural systems, species, and/or individuals that humans do as a matter of fact value. Questions of intrinsic value apart, humans do value magnificent waterfalls and canyons, wildernesses, coral reefs, urban parks, gardens, whales, tigers, and bullfinches. And beyond particular objects, even very large ones like wildernesses, many humans have found inspiration in natural patterns like the changing of the seasons in the temperate zones and the less obvious patterns of change in the polar and tropical zones. Much of what might be considered the least natural activity of humans—art, poetry, and religion—has in fact drawn upon aspects of the natural world. Many exalted artefacts make essential reference to nature.

Notions of "sustainable development" have been formulated in attempts to integrate narrowly economic interests focused on human consumption and some degree of regard for the natural world (World Commission on Environment and Development 1987; Daly and Cobb 1994). Economic development for humans tends to destroy

habitat for other species. But “sustainable development” in the abstract means only that economic development and environmental protection are somehow to be balanced, and where precisely the balance is struck is highly significant. One can make environmental protection the priority and then develop as much as is compatible with adequate protection, or one can make economic development the priority and then protect the environment as much as is compatible with the preferred development. The distance between these polar interpretations of “sustainable development” is vast, and the choice of the location on this spectrum for public policy turns in part on the value, instrumental or intrinsic, attributed to the natural environment itself.

The most obviously unsustainable current policy is the energy policy that consists of the rapid acceleration in consumption of fossil fuel that is producing climate change, the purely human dimensions of which have already been mentioned above. But rapid climate change could become the greatest destroyer of existing habitat and thus the greatest source of species extinction. If the human destruction of non-human species involves a loss of value, this is yet another reason to conclude that current energy policies are misguided. At the extreme, climate change could violate the very integrity of the seasons themselves, changing their length and depth and transforming, say, spring, from an autonomous natural phenomenon into a partial artefact (McKibben 1990).

6. CONCLUSION

The preceding illustrates some of the major points on which public policy unavoidably makes ethical judgements. These judgements can be made on the basis of media fashion, public opinion, conventional wisdom, personal bias, religious tradition, or systematic ethical analysis. But there is no way not to make them, because all choices of policy presuppose that some things matter and other things do not, and that some matter a lot and others matter only a little. Ethics is the attempt to reflect systematically about relative importance and arrive at judgements that can be public and reasonable (Gutmann and Thompson 2005; Mills 1992). Ethics can provide public policy with reasonable grounds.

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