

Hegemony and Climate Justice: a Critical Analysis

Vito De Lucia

Pre-print of a paper published as De Lucia, V. (2009) *Hegemony and Climate Justice: a Critical Analysis*, in Böhm, S. and Dabhi, S. (eds.)(2009) *Upsetting the Offset: The Political Economy of Carbon Markets*. London: Mayfly, available at http://mayflybooks.org/?page_id=194

Introduction¹

Justice has over the years become a key factor to consider in any climate negotiation. Usually framed in terms of distribution of the burdens of climate mitigation and adaptation², its foundational principle in the current climate regime is that of the principle of common but differentiated responsibility.

In the last years 15 years, the ethical challenge of climate change has been sharpened by the increasing severity of both projected and occurring impacts of climatic changes, and by the increasing awareness that the distribution of the damaging impacts is inversely proportional to the causative sources of the climate forcing gases.

At the Bali Climate Conference held in December 2007 a new negotiation platform³ set the stage for a two-year negotiation efforts aimed at landing a post-Kyoto climate agreement in 2009, at the Copenhagen Conference, the hope reinvigorated as the USA re-joined the negotiation. The 2008 Poznan Conference however, has been by most accounts a disappointment, leaving the task of preparing a draft negotiating text wholly to the preparatory meetings leading up to the Copenhagen Conference.

In the meantime, two “events” can be assigned particular significance: the election of Barak Obama as the new President of the USA, and the emergence – in Bali and then in Poznan – of the Climate Justice Now! Coalition⁴. The former gives hope of a new, progressive and climate-friendly policy orientation of the American administration, breaking decisively with the previous Bush approach, and finally putting climate mitigation on the policy agenda, both domestically and, most importantly, as a matter of foreign policy. The second “event” represent on the other hand a radical, grassroots movement whose aim is to expose “false solutions” to the climate crisis and the green washing of the climate regime⁵, and which, most importantly, insists that justice is a fundamental issue to be addressed in any climate negotiation.

The language, the discourse of justice is however embraced so widely that the question must be asked: what is climate justice? The discourse of justice brings together Politics, Business and Civil Society, a convergence which is in this article postulated to occur through a dialectical debate which oscillates between extreme neoliberal, market radicalism and a liberal, embracing, cosmopolitan articulation of equity and climate justice. In this context, justice becomes an ideological tool aimed at winning the consent of a wide social base, necessary for the renegotiation and (re)solidification of consent and

¹ Acknowledgment: I am greatly thankful to Ruth Thomas-Pellicer, for her support, for patiently reading through previous drafts and for offering tremendous help for improvements.

² And to an extent to the “moral” responsibility of rich countries to act urgently to prevent adverse effects of climatic changes. For the economy of this article, I will emphasize on the distributional focus.

³ The Ad Hoc Working Group on Long-term Cooperative Action Under the Convention

⁴ “What’s missing from the climate talks? Justice!” Joint Press Release, 14 December 2007

⁵ Focusing sharply, for example, on critiques of market instruments such as carbon trading

hegemony, aimed at the reconfiguration of capitalism under conditions of ecological/climate crisis.

This article aims at making visible the assumptions underlying the framing of climate justice within what we will call the United Nations Climate Regime⁶ (UNCR) and civil society at large. This task of deconstruction is important to the extent that climate justice is necessary for the survival of all the species including the human one. As such this article intends to be a contribution within current debates.

Mainstream articulations of climate justice: (re-)distribution, compensation, (right to) development

Let us review some central contribution towards the shaping of climate justice, from academia, politics, and civil society.

Already Henry Shue⁷ had begun framing the question of climate justice in terms of distribution of costs and benefits. The UNFCCC and the Kyoto Protocol also centered the question of ethics on responsibility and distribution of costs and benefits⁸. Distribution is likewise the main focus of major equitable frameworks such as Contraction and Convergence⁹ and Greenhouse Development Rights¹⁰. While the former – endorsed widely – promotes a per-capita egalitarian approach supported by technology and emissions trade flows, the latter's main contribution is the explicit incorporation of the right to development into the equation. The Buenos Aires Declaration on the Ethical Dimension of Climate Change (BADEDCC), a major attempt at laying out a comprehensive articulation of ethics in relation to climate change, proposed as key ethical questions responsibility for damages, distribution of harm and benefits, allocation of emissions budgets across countries, economic costs¹¹, technology.

⁶ Which is comprised primarily of the climate regime proper (UNFCCC, the Kyoto Protocol and related organs and bodies), but also of other UN agencies and institutions such as UNEP, UNDP, other international organizations such as the World Bank etc.

⁷ The four questions are: 1) What is a fair allocation of the costs of preventing the global warming that is still avoidable? 2) What is a fair allocation of the costs of coping with the social consequences of the global warming that will not in fact be avoided? 3) What background allocation of wealth would allow international bargaining (about issues 1 and 2) to be a fair process? 4) What is a fair allocation of emissions of greenhouse gases (over the long-term and during the transition to the long-term allocation)? See Shue, H. (1993) *Subsistence Emissions and Luxury Emissions*, Law & Policy (1993)

⁸ In particular through the principle of common but differentiated responsibility, which has been operationalized in terms of differential commitments, differentiated contributions to various climate mitigation and adaptation funds etc. See, inter alia, De Lucia, V., (2009) *Common but Differentiated Responsibility for the Global Environment*, in B. Mukherjee, R. Ray and S. K. Basu (eds) *Environment - Gathering Crises*, Sikha Books, Kolkata, India, 2009

⁹ See Global Commons Institute (1996) *Draft Proposals for a Climate Change Protocol based on Contraction and Convergence: A Contribution to Framework Convention on Climate Change*, Ad Hoc Group on the Berlin Mandate, 6th September 1996 AGBM/1.9.96/14, Global Commons Institute (2001) *References for Contraction and Convergence*, August, 11 2001, available at <http://www.gci.org.uk/refs/C&CUNEP11g.pdf> and Meyer, A (2004) *Briefing: Contraction and Convergence*, Engineering Sustainability Volume: 157 Issue 4, Pages: 189 – 192

¹⁰ See Baer, P., Athanasiou, T. and Kartha, S. (2007) *The Right to Development in a Climate Constrained World The Greenhouse Development Rights Framework*, Heinrich Böll Stiftung, publication series on ecology, Volume 1, 2007

¹¹ To which extent they can be utilized to avoid climate action

Kofi Annan's Global Humanitarian Forum (GHF) launched recently a Global Alliance for Climate Justice. The main priority areas are identified in financial transfers and transfer of sustainable technologies. Which is to say, (re)-distribution and (right to) development.

And if justice is framed in terms of (re)-distribution, it follows as a precondition the necessity to measure emissions and sinks, costs and benefits, by way of mapping a whole series of acts, meanings, sentiments, species and ecosystems onto monetary expression¹². This regardless of how difficult or arbitrary the mapping turns out to be. Money (and monetary/monetized instrumentality) becomes the fundamental rationalizing ground for action.

This presupposition of commensurability, moreover, leads to two important consequences. Firstly, market exchanges become universally possible, hence carbon trading (in all its forms) as the “flagship” climate policy of UNCR. Secondly, substitutions can take place. Substitution of man-made capital for nature (and “natural capital”); of (equitable) monetary compensation for lack/loss of access to local ecological resources and means of subsistence¹³; of mono-culture carbon plantations for native forests¹⁴; of development for livelihood, as in the construction of “need” and “rights”, and its counterpart, dependency¹⁵.

Development in particular deserves examination at some length. By mapping the world over a rich-poor continuum, measured in a very specific, culturally narrow way, development becomes an obligation rooted in the universal/izing discourse of justice and human rights, which must be “distributed” equally. This discourse is built on the assumptions of industrial progress, which can raise the standard of living in the “underdeveloped areas¹⁶”. In the context of climate change, (this) development is framed as the only adaptive path for countries, populations and communities which will feel the brunt of climatic changes. At the same time, development *causes* climate change, as economic growth – the underpinning engine of development – *grows* GHGs emissions. Development is thusly inextricably linked to technology: technology can make development climate-friendly and low-carbon.

Technology however has a distinct “ideological footprint”, as it is inevitably linked with specific power/

¹² Mapping which in neoclassical environmental economics goes under various names/practices: contingent valuation, willingness to pay, hedonic pricing, value of a statistical life, cost-benefit analysis etc.

¹³ It is often the case that environmental and development activists and NGOs, when protesting against corporate and/or State “attacks” on the environment or on local populations, condemn lack of compensation. But as the People’s Coalition on Food Sovereignty (<http://www.foodsov.org/html/takeaction06.htm>) reported about evictions occurring in the State of West Bengal, India in 2006, “The communities do not want compensation. They want to retain their land, because this is their life”.

¹⁴ See for example World Rainforest Movement (2001) *The Bitter Fruit of Oil Palm: Dispossession and Deforestation*, <http://www.wrm.org.uy/plantations/material/OilPalm.pdf> and CDMWatch/SinksWatch (2004) *How Plantar sinks the World Bank’s rhetoric: Tree Plantations and the World Bank’s sinks agenda*, June 2004

¹⁵ See Illich, I. (1990) Needs, unpublished manuscript available at http://www.davidtinapple.com/illich/1990_needs.PDF accessed on October, 10 2008

¹⁶ Development was already framed in these terms in the Inaugural Address of Harry Truman in 1949

knowledge configurations: its underlying social power relations will re-produce themselves inevitably with their diffusion, and will re-produce as well their main features of metabolizing “time and space”¹⁷, inevitably implicating both extraction and accumulation of ecological and social value¹⁸. In this light, “transfer of technology” is not a neutral operation. Lohmann¹⁹ reinforces this point when he suggests that the practices of development necessarily “ignore, displace, supplant or even eradicate knowledge possessed by their ‘target populations’”. This displaced, supplanted knowledge often represents key social strategies for addressing the local effects of climate change.

As distribution – of costs, benefits and emissions rights – underlies mainstream articulations of climate justice, it follows that it's the market which can best and most efficiently operationalize this distributional justice, enabling finance and technology to rescue the heating planet in a just and equitable way, and the circulation of emissions rights to their “highest and best use” through the emerging global carbon market.

Climate, hegemony and justice: a (neo-)Gramscian reading

Gramsci and (neo-)Gramscian critical theory offers a useful lens to interpret the UNCR and civil society's conceptions of climate justice.

Gramsci²⁰ articulated his idea of hegemony as the supremacy of a social group predicated on both coercion and consent. As it is the element of consent which for Gramsci allows an hegemonic social group to endure, social control must be built on intellectual and moral leadership. Hegemony is thus “endlessly reinforced in schools, churches, institutions, scholarly exchanges, museums and popular culture²¹”. The spontaneous consent of “the great masses” is for Gramsci historically caused through the workings of intellectuals and civil society. A key element sustaining hegemony is the concept of historic bloc, which represents the relationship established by the dominant social forces with antagonistic ones. This relationship produces an integration of different class interests, engendering a convergence of economic and political objectives, a convergence which is also, importantly, intellectual and moral.

¹⁷ Extending and expanding the commodification of labor (man) and nature highlighted by Polanyi as the final step in the process leading to the great transformation. See Polanyi, K. (2001) *The Great Transformation: the Political and Economic Origins of our Time*, Boston: Beacon Press, 2001

¹⁸ On this see Hornborg, A. (2001) *The Power of the Machines: Global Inequalities of Economy, Technology and Environment*, Altamira Press 2001

¹⁹ Lohmann, L. (2008) Carbon Trading, Climate Justice and the production of Ignorance, *Development* 2008, 51, (359–365)

²⁰ In general see Gramsci, A. (2007) *Selections from the Prison Notebooks*, Hoare, Q. and Nowell-Smith, G. (eds), Lawrence and Wishart, London, (1973) 2007 and Gramsci, A. (2007) *Quaderni del Carcere, Edizione Critica dell'Istituto Gramsci*, a cura di Valentino Gerratana, Einaudi (1975) 2007.

²¹ Litowitz, D. (2000) *Gramsci, hegemony, and the law*, Brigham Young University Law Review, 2, p. 515–551.

There are three mechanisms required to establish a ruling world view: universalization, naturalization and rationalization. The first represents the projection of a historically situated and local project as universal. This can take the form of political alliances or cultural dissemination. Naturalization entails a process of reification of a given situation, abstracting it from its historical contingency, and containing any social demands necessarily within this constructed social ontology. Rationalization, finally, refers to the supporting role of an intellectual class, which produces and re-produces knowledge in order to maintain hegemony: “theory is always for someone and for some purpose²²”. Gramsci calls this intellectual class “organic intellectuals”.

*Organic Intellectuals and the Mythos of Science*²³

The term *mythos*, whose original meaning is “utterance”, indicates both statement and story, eluding the distinction between objective and discursive knowledge. One of the function of *mythos* is that of, through narratives, storing and sanctioning rituals with functional purpose. Pantheistic religions, through their associating each “god” (a river, a mountain, a field, agriculture etc.) to specific rituals governing behavior (both social and individual) represent embedded norms of social conduct and of technical behavior²⁴. *Mythos* is also, importantly, embodied in a specific place and culture, coordinating and containing social action through its patterns of *nomos* and *ethos*. While *nomos* means either custom, convention or (positive) law, *ethos* can be rendered as the “disposition, character, or fundamental values peculiar to a specific person, people, culture, or movement²⁵”. Their etymological roots clearly indicate the relation between habit/values and place. By articulating possibilities and proprieties of socio-technical configurations, these conventions mold the natures and the cultures in particular ways. Different *ethe*²⁶ map to different sets of dispositions and values, and through their localization they also, significantly, express different relational engagements with particular natures/ecologies and different patterns of *nomos*, which is to say, customs and norms. Traditionally localized *ethe* function mostly through ecological exchanges (with nature) rather than economic exchanges (with markets), which determines a necessary harmonization of cultural and ecological times

²² Cox 1981 *op. cit.*

²³ In this section I am drawing particularly on Havelock, J. (1978) *The Greek Concept of Justice: from its Shadow in Homer to its Substance in Plato*, Harvard University Press, Burke, K. (1969) *A Grammar of Motives*, University of California Press 1969 and Ong, W. J. (2002) *Orality and Literacy*, Routledge 2002

²⁴ Functioning for example so as to facilitate activities such as seeding after a river flooding the fields, harvesting before night frost would set in etc

²⁵ *ethos*. Dictionary.com. *The American Heritage® Dictionary of the English Language, Fourth Edition*. Houghton Mifflin Company, 2004. <http://dictionary.reference.com/browse/ethos> (accessed: September 15, 2008).

²⁶ *Ethe* is the plural forms of *ethos*.

and rhythms, in order to “guarantee an uninterrupted flow of goods, materials, and energy from ecosystems²⁷”.

The emergence of the specific *mythos* of modern science has determined a separation of *nomos* from *ethos*. This has rather important effects, which underlie and sustain the claims for objective and universalizing value: by separating the two elements, modern science has obscured the significance of locality and particularity, while providing the intellectual mechanism to support universal laws. However, modern science is *one* historically given mode of knowledge, which is particular to a specific culture, and which incorporates *within it* a similarly contingent set of assumptions and values.

Let us take as an example the precautionary threshold that emerges from the reports of the IPCC. The establishment of an acceptable threshold is controversial. It is the fruit of a compromise which considers already “committed” warming, mitigation possibilities under current circumstances, mathematical modeling through which projections of future change are tested and predicted, economic trade-offs and analyses of costs and benefits.

Donald Brown²⁸ reminds us that the composition of the IPCC is very much skewed towards western scientists and the western knowledge system. The IPCC's work is based on the input of “a narrow elite”, expression of those societies which will be impacted the least by climate change and of an epistemic community largely comprised of scientists and technicians from North. Brown continues by remarking how “[t]he voices of the sufferers – people living in climate change hot spots, indigenous nations, children, disenfranchised – are not included in the assessment reports and seldom reviewed for inclusion in the work of the IPCC”, and “[d]ecision on final synthesis reports, including line-by-line review of text, is made by government representatives“. The knowledge of the victims is discounted, displaced and delegitimized through the processes of production of ignorance Lohmann²⁹ refers to. “The reports” concludes Brown “are vetted by a narrow group of experts trained and privileged by larger structures of globalization”.

“Organic intellectuals” contribute significantly to the production and re-production of a specific power-knowledge configuration instrumental to the hegemonic project. It is indeed through the IPCC reports that the mitigation debate is framed in terms of technology, carbon markets and efficiency³⁰. The pre-

²⁷ See Toledo, V. M. (1999), *Indigenous Peoples and Biodiversity*, paper presented at the Congr s de Biodiversitat, Institut d'Estudis Andorrans,

²⁸ The whole paragraph draws on Brown, D. (2008) *Procedural Justice and the Work of the IPCC*, *Climate Ethics*, <http://climateethics.org/?p=32>, posted Tuesday, March 4th, 2008 at 12:36 am

²⁹ Lohmann *op. cit.*

³⁰ Though the IPCC reports “only” mirror the predominant scientific production. In particular I refer to the policy dimension, hence the reports of IPCC's Working Group III, on mitigation.

analytic vision or world view of most IPCC contributors and authors is such that those policy recommendations are seen as inevitable. Rationalization thusly leads to naturalization.

The “Climate Ethics Consensus” and the negotiation of hegemony: convergence of UNCR and civil society

Robert Cox distinguishes in this respect between problem-solving - which “takes the world [...with its] prevailing social and political relations and [...] institutions [...] as the given framework for action” - and a critical, counter-hegemonic approach, which calls into question these institutions and social and power relations, aiming at decentering that very framework of action.³¹

The debate over current climate policy is by and large shaped and conducted on a problem-solving agenda³², with carbon markets as the centerpiece, as we shall see through a cursory review of the climate policy approach of 6 major civil society organizations (CSOs): they legitimate the UNCR's paradigm, although dialectically posing demands on it.

1) *WWF International* is one of three core founders³³ of the Gold Standard, a private “certification” whose goal is to guarantee the environmental integrity of carbon offsets available for purchase in both the CDM and the private carbon markets³⁴.

2) *Environmental Defense Fund* (EDF) is a major supporter of current US cap-and-trade legislation³⁵: “Our top priority is to pass national legislation that caps global warming pollution and creates a flexible emissions trading market”³⁶.

3) National Resources Defense Council also sees the carbon market as a solution, both in its domestic cap-and-trade policy form, and in offsets mechanisms³⁷.

4) *Climate Action Network* (CAN), a worldwide network of more than 450 NGOs, works “to promote government and individual action to limit human-induced climate change to ecologically sustainable levels³⁸”, by protecting the “atmosphere while allowing for sustainable and equitable development

³¹ Cox 1981 *op. cit.*

³² For example: is the best policy option carbon trading or is it carbon taxes? Should improvements in energy efficiency be mandated or incrementally achieved through price incentives? Should technology be funded by the State or through private investments?

³³ The full list of members of the Gold Standard includes, to date, 60 NGOs.

³⁴ This certification (as many others that exist) was a response to the mounting evidence of frauds, ecological damages and social misery consequent a large number of carbon offset projects. To reassure carbon consumers the Gold Standard was developed. See <http://www.cdmgoldstandard.org/>

³⁵ Either in its Waxman-Markey form or in its Senate version, the Boxer-Kerry bill.

³⁶ In the words of Steve Cochran, director of our national climate campaign. See <http://www.edf.org/page.cfm?tagID=337>

³⁷ See NRDC's CAP 2.0 Program at <http://www.nrdc.org/globalWarming/cap2.0/files/uncapped.pdf>

³⁸ See <http://www.climateactionnetwork.org/about-can>

worldwide”. CAN - which is a major “sparring partner” of UNCR - endorses a three track approach³⁹. The Kyoto Track: capping and pricing carbon to provide incentives to market agents. The Greening Track: markets/price incentives can funnel financial flows towards low-carbon technological development. The Adaptation Track: a corrective measure of re-distributional finance for adaptation.

5) *Framtiden i våre hender*⁴⁰ is a major Norwegian Environment and Development organization. It is actively engaged in the promotion of carbon offsets, through the management of a localized version of “My Climate⁴¹”.

6) *Greenpeace International*, in its very recent submission⁴² to the UNFCCC on the matter of the role of the CDM in the second commitment period of the Kyoto Protocol, demands sharply more strict rules to ensure the CDM's environmental integrity. However, Greenpeace still appreciate CDM's value in a future international climate regime. Greenpeace is also a supporting member of the Gold Standard.

	WWF	EDF	NRDC	CAN	Framtiden i våre hender	Greenpeace	UNCR
Carbon Markets ⁴³	X	X	X	X	X	X	X

Table 1: Some CSOs and UNCR climate policy approaches: carbon markets are a shared solution

While there are some – even significant - differences, all reviewed CSOs can be placed along the same continuum, mirroring UNCR's policy platform. The economics of pollution are the center of the UNCR's policy approach. The Polluter Pays principle links the legitimacy of the release of waste streams (or pollution damages) to one or another form of payment for the use of the waste recycling

³⁹ See <http://www.climate-network.org/about-can/three-track-approach>

⁴⁰ The Future in our Hands

⁴¹ Originally a Swiss organization. See <http://www.myclimate.org>. Private consumers are encouraged and enabled to calculate their carbon footprint, and then purchase emissions offsets through a series of projects in developing countries, which are supposed to have a “double dividend”: climate mitigation and sustainable development. For cogent critiques of the private offset markets (as well as the CDM), see, inter alia, Bachram, H. (2004) *Climate Fraud and Carbon Colonialism: The New Trade in Greenhouse Gases*, Capitalism Nature Socialism, volume 15 number 4 (December 2004), Lohmann, L. (2006) Carbon Trading: a critical conversation on climate change, privatization and power, Development Dialogue, N. 48, September 2006 and Haya, B. (2007) Failed Mechanism: How the CDM is subsidizing hydro developers and harming the Kyoto Protocol, report for International Rivers, October 2007

⁴² See <http://unfccc.int/resource/docs/2008/smsn/ngo/043.pdf> and <http://unfccc.int/resource/docs/2009/smsn/ngo/135.pdf>

⁴³ Carbon markets include carbon trading such as the European Emission Trading Scheme, the CDM and private offset markets. Further, a review of the support for markets in forest conservation, outside the scope of this article, would in all likelihood yield similar results.

capacity of the local/global environment, following a Coasian, (carbon) market logic⁴⁴. The 2001 and 2007 reports of IPCC's Working Group III offer ample evidence on the matter, and so does the UNCR. In the Kyoto Protocol the key policy instruments - the so-called flexibility mechanisms - are three market-based instruments: Emissions Trading (ET); Joint Implementation (JI); Clean Development Mechanism (CDM).

Against this background, civil society, while making demands on States (politics) with the aim of advancing a progressive vision of climate protection and social justice, use nonetheless the categories and methods of UNCR (economics), championing a “more and better” approach: more stringent emissions caps, more energy efficiency, better designed carbon markets, more financing and investment in adaptation and sustainable development etc.

The integration of UNCR and civil society into what can be described as a “Climate Ethics Consensus” (CEC) takes place through a dialectic that constitute and reproduce the hegemonic historic bloc: within it, consent is created, shaped, negotiated and maintained through the acceptance and internalization of a set of values and world-views that reinforce established power relations. While UNCR reflects the internationalization - and transnationalization - of the (aligned) material interests of the various domestic hegemonic groups, civil society is the vehicle through which the ethics and the conception of justice promoted by the hegemonic group(s) is legitimized. In this manner, the world-view of the hegemonic social group is reinforced and validated, while protest and “resistance” is transformed and incorporated within the hegemonic discourse, serving to further its internalization and naturalization by the “great masses”.

Civil society becomes then a *key part* of the forming historic bloc of a “sustainable capitalism”, by either “endlessly reinforcing” hegemony, or through the process of *trasformismo*. *Trasformismo* is for Gramsci a “strategy of assimilating or domesticating potentially dangerous ideas⁴⁵”, and the groups and organization which promotes them. This process works towards the integration and incorporation of those ideas and groups, drawing them within the paradigm of the dominant social group⁴⁶.

Trasformismo through Justice

Gramsci viewed justice, legitimacy and moral credibility as necessarily integrated. The UNCR, the

⁴⁴ Fueling the ongoing processes of commodification/marketization: of the air, through pollution trading, of the land and forests through REDD schemes, CDM, and possibly biochar policies and the so called “Payment for Environmental Services” in the near future.

⁴⁵ Gill, S. (1993) *Epistemology, ontology and the 'Italian school'*, in Stephen Gill (ed.), Gramsci. Historical Materialism and International Relations (Cambridge, 1993)

⁴⁶ See Gill (1993) *op. cit.* and Gramsci (1972), *op.cit.*

organic intellectuals and civil society, when aligned in the CEC, constitute and legitimize that climate governance whose practices, Paterson argues, “should be understood as a pursuit of” a coherence between accumulation and legitimacy within the context of “an ecological regime of accumulation thus forestalling more radical critiques arguing that capitalism and sustainability are inimical⁴⁷”.

In this respect justice becomes a tool of hegemonic groups towards the coordination of dispersed values into an ideological “whole” supportive of their position of dominance. To this purpose, the perception of justice, and the dialectical processes whereby the “great masses” demand (and obtain) “more” justice⁴⁸, are to be maintained within specific boundaries. This task is accomplished through civil society⁴⁹, and its participation in the shaping of the the UNCR. To further illustrate, an article appeared in *The Guardian*⁵⁰ reported how, during the climate meeting in Accra in 2008, justice groups protested against forest carbon trading, because forest credits schemes could undermine the world price of carbon, damaging the effectiveness of the market. The arguments distinguished then between a just and an unjust market, where just maps to efficient: including forests in the carbon market could “crash the price of carbon” and reduction of pollution in rich countries would become uneconomic: prices and markets as THE solution to climate change. Greenpeace reiterates this point in one of its submissions to the UNFCCC⁵¹: “inclusion of LULUCF and REDD activities in mechanisms generating offset credits [...] has the potential to Flood the carbon market with cheap credits, which in turn have the potential to significantly lower the global price of carbon and thus undermine ambitious emission reduction targets for industrialised countries by reducing the incentive to invest in low carbon infrastructure”. CAN makes a similar distinction: “If emissions trading is designed well it could help us substantially reduce our greenhouse pollution. If it is designed badly it could be an elaborate way to disguise a lack of action and transfer wealth to polluters⁵²”.

Civil society becomes thus both the “object and the medium” of the hegemonic struggle⁵³. The outcome of these dialectical processes is dynamically captured by “soft” declarations and political statements. It then “trickles” slowly and in diluted form into the hard rules of the UNCR. This gives a sense of

⁴⁷ Paterson, M. (2007) *Climate governance and the legitimation of a finance-led regime of accumulation*, Paper for conference on Pathways to Legitimacy? The Future of Global and Regional Governance, Centre for the Study of Globalisation and Regionalisation, University of Warwick, September 2007.

⁴⁸ More climate justice in this context

⁴⁹ As well as through organic intellectuals

⁵⁰ Vidal, J. *Clash over plan to save tropical forests*, *Guardian.co.uk* 21 August 2008
<http://www.guardian.co.uk/environment/2008/aug/21/forests.carbonoffsetprojects/print>

⁵¹ See <http://unfccc.int/resource/docs/2009/smsn/ngo/135.pdf>

⁵² See <http://www.climatenetwork.org/climate-change-basics/mechanisms-for-achieving-kyoto-targets>

⁵³ Haug 1985 as quoted in Brand, U. (2007) *The Internationalization of the State as the Reconstitution of Hegemony*, IPW Working Papers No. 1/2007

participation to environmental and social movements and organizations. Their demands are watered down and re-oriented so that discontent is absorbed and kept within the framework of action⁵⁴, providing the hegemonic social group with a mechanism to manage the demands of “dissent” and to “transform” potential resistance: by adhering to “some” of the demands in some diluted form, it draws these groups within its bloc. Once integrated and transformed, civil society can become an engine of hegemony. At the same time this same process isolates the more radical antagonizing elements of potential counter-hegemony, by framing their existence outside of “common sense”.

The emphasis on (distributional) justice and the right to development as key elements of any post-Kyoto agreement has then this effect of transforming dissenting sections of public opinion and developing countries into “supporters” of the global capitalist vision and ideology of the dominant social group. Justice turns then into a fundamental space of ideological negotiation, where hegemony is nurtured, articulated and universal/ized. Its articulation is founded on the instrumental role that justice is to play as regards cementing the historic bloc, and its function of “coordination of the interests of other groups with those of the leading class or fraction in the process of securing their participation in [their] social vision⁵⁵”.

Conclusion: towards a climate justice as equity

To conclude, some remarks on future directions towards the delineation of an alternative (counter-hegemonic) climate justice. Any even provisional research agenda in this respect will need to address three crucial points. Firstly a historical and comparative narrative of justice. This is instrumental to highlight the transition from oral to literate justice, which also maps to a transition from a local, customary and necessarily plural justice(s) towards a legalized, universal/izable singular one. The ideal, fixed, abstract, universal conception of justice, was shaped by the fixity and “removed” properties of writing, which have historically facilitated analytical thinking, the “objectification” of human knowledge, and its being eradicated - disembedded - from the flow of human experiences⁵⁶.

In the fluid oral world by contrast, what one must relate to is not a singular justice, but rather justices, in the plural. Justices do not reflect an a priori set of principles, but are processes whose aim is that of conserving existing mores or restoring the propriety of the relationships within the community⁵⁷.

⁵⁴ I.e. UNCR's hegemonic proposition

⁵⁵ Robinson, W. I. And Harris, J. (2000) *Towards A Global Ruling Class? Globalization and the Transnational Capitalist Class*, Science & Society, Vol. 64, No. 1, Spring 2000, 11–5411

⁵⁶ In this section I am rely heavily on Havelock 1978 *op. cit.* and Ong 2002 *op. cit.*

⁵⁷ The Greek word for justice, *dike*, has in fact originally the meaning of “custom, usage”, pinning justice to a place, a community, into which it is embedded both in space and time. As a contingent embodiment of people's habits, it translates into a conception of “what is

The second point to address is the conceptual transition from a Universal Ethics⁵⁸ (back) to local *ethe/equities*. This can be accomplished partly by rejoining *nomos* and *ethos*, and will help towards (re-)aligning justice with people's natures and cultures. In this sense, it may be useful to mend the rip – between justice and equity: in Plato⁵⁹ equity becomes the mitigating element of “people's justice”, and justice begins to assume a technical, legal, top-down character. Equity has however opposed the universal nature of the Law with the historicity of actual facts, thusly operating to constrain the disembedding trajectory of law, re-locating, quite literally, justice in its contingent historicity⁶⁰.

Finally, a third point to address is how Universal/izing Justice is a social construction. The Greek philosophers known as the sophists already expressed a critical, “constructivist” view of justice: relative, contingent and linked to prevailing interests. Protagoras' famous saying that man is the measure of all things⁶¹ is a deep commitment to criticizing any instances of “a view from nowhere”, any essentialist, universal/izing, transcendental, objective configurations of Man, virtues, values and reality. An anticipation of Sandel's critique of liberal justice and of the “unencumbered man⁶²” which it presupposes.

This relation of justice to contingency and circumstance⁶³ (both of place, time and culture) is inextricably linked to equity, so that the severance of the link between to two has operated functionally towards allowing the disembedding of justice from, ultimately, people. At the same time Justice enters the realm of Law. As such, universal and “juridified”, it can become a “mode of hegemony”, an instrument of the dominant social group, either towards forming/re-forming an historic bloc, or towards the maintenance of its stability.

Concluding: Mythos, ethos and ecology

We have seen how both *nomos* and *ethos*, given their fundamental linkages with place, and by way of articulating possibilities and proprieties of socio-technical configurations, encompass *both* natures and cultures in particular ways. Latour⁶⁴ reinforces this point, by submitting that “[f]or each Society there

done”, albeit in the normative sense of “what is right”.

⁵⁸ Underlying universal/izing justice

⁵⁹ Laws, Book VI

⁶⁰ See Constantini, C. (2008) *Equity's Different Talks*, Cardozo Electronic Law Bulletin, Vol. 14 2008

⁶¹ “Man is the measure of all things, of the things that are as to “how” they are, and of things that are not, as to how they are not”, Kerferd, G. B. (1981) *The Sophistic Movement*, Cambridge: Cambridge University Press, 1981

⁶² Sandel, M. J., (1998) *Liberalism and the limits of justice*, Second Edition, Cambridge University Press, 1998

⁶³ Which is quite different from relativism, as it does not depend on the individual whim, but rather is an evolving socially shared, “intersubjective” convention. Its contingency resides in its fluidity across time and space, and in its not acquiring an immutable, ontological status

⁶⁴ Latour, B. (1993) *We Have Never Been Modern*. Translated by Catherine Porter. Cambridge, Mass: Harvard University Press, 1993

exists a corresponding state of Nature⁶⁵. Moreover, traditional/indigenous societies/*ethe* possess a “unified” vision of nature-cultures: “it is the impossibility of changing the social order without modifying the natural order – and vice versa – that has obliged the premoderns⁶⁶ to exercise the greatest prudence⁶⁷”. It is significant to note how the situatedness of *ethos* within a specific “socio-ecological place” provides solid grounding for an embodiment of justice which applies to the whole nature-culture. Further, Toledo shows the clear and solid linkage between cultural and biological diversity, centered around indigenous nature-cultures. Yet these local, indigenous knowledges and the related articulations of localized nature-cultural justice(s) are threatened by the globalizing Justice of hegemonic UNCR: universal/izing Ethics (Justice) threatens local *ethe*.

Climate change, while global as a scientific and economic problem of accumulation⁶⁸, is local in many of his socio-ecological effects. This global-local cleavage allows “global benefits” of GHGs reduction - and of “climate and development financing⁶⁹” - to stem from “substitutions”. Projects such as large dams, or large carbon-absorbing plantations of alien fast-growing tree species⁷⁰ substitute/compensate for the destruction of *local* livelihoods consequence of land expropriation and displacements⁷¹. So long as they generate credits expendable in the carbon markets.

Indeed climate policy, being predominantly abstract and global, destroys time and again local justice(s). Recognition that extraction and accumulation draw resources - both human and natural, both time and space - towards the core, leaving peripheral, marginal places in “poverty”, with a loss of geographical, cultural, economic, social and political diversity, becomes then crucial. (Re-)distributing (some of) the benefits of this time/space appropriation only increases the gap between Justice and justice(s). When monetary distribution/compensation predominates, peripheral places are drawn within the global capitalist flows, losing the ability to cope independently. This incorporation of nature-cultures within global markets and the global circuit of capital is a natural consequence of the “enforcement” of universal/izing justice, which penetrates through financial flows, the right to development, and through its inevitable technological dimension. With the implications illustrated above. The UNCR provides the

⁶⁵ And, conversely, “[f]or each Nature there exists a corresponding state of Society”

⁶⁶ The emphasis falls on a clear radicalization of peoples with places, and the appreciation of reality is “totalizing”, rather than artificially broken into the nature versus culture dualism. See Latour *op. cit.*

⁶⁷ Latour *op. cit.* In line with Toledo's analysis of the mutually sustaining relation between cultural and biological diversity

⁶⁸ Respectively of GHGs in the atmosphere and of capitalist profits

⁶⁹ Such as the CDM

⁷⁰ Such as Oil palm, Eucalyptus, Pine

⁷¹ With the benefits of “development” accruing in the form of industrial agriculture, jobs creation, earning of foreign currency through commodity export or the carbon markets (CDM or private offset). See, among others, World Rainforest Movement *op. cit.*, CDM Watch *op. cit.*

legal and technical means, particularly through the carbon markets. Justice the ethical justification.

This global/izing dimension of UNCR's climate policy enhances and furthers that process of socio-ecological disembedding identified by Polanyi (2001) as one of the crucial elements of the “great transformation” spawned by the rise of industrial capitalism. Caroline Merchant⁷² describes in details the same process of disembedding which took place in England with the enclosure of “farm, fen and forest”, and the effects on the environment of the transition “from peasant control for the purpose of subsistence to capitalism control for the purpose of profit”. A transition instrumental to the emergence of a mechanistic view of nature⁷³, and mapping onto a similar transition from local justice(s) to universal/izing Justice.

Paraphrasing Ivan Illich⁷⁴'s distinction between universal peace and people's peace, we can say that a universal “market” justice “tends to make cultures alike whereas [justice] is that condition under which each culture flowers in its own incomparable way”. Justice cannot be exported: its attempted export means war and poverty. It follows that any articulation of justice which is abstracted from its local, embodied context has a disruptive, “belligerent” potential. Critical resistance groups – such as La Via Campesina or the Climate Justice Now! Coalition - counter this abstraction by opposing “food sovereignty⁷⁵” to “food security”, energy sovereignty to industrial energy production and distribution. This fundamentally implies people's control over their means of subsistence, and rejects the professional satisfaction of needs through global markets, which “naturalizes” the global capitalist industry, and its production, distribution and exchange methods, processes and social power relations: indeed its very vision of man, unencumbered, self-interested, alienated. Recalling Waltzer⁷⁶, “every substantive account of [...] justice is a local account [...] Justice is rooted in the distinct understandings of places, honors [...] things of all sorts, that constitute a shared way of life. To override those understandings is (always) to act unjustly”.

In the end, climate justice(s) - besides and beyond identifying historical responsibility and redressing, financially, historical and present wrongs⁷⁷- must open towards people's sovereignty, autonomy, self-coping, in a wider perspective where people's equity fosters sovereign ecological cultures.

⁷² Merchant, C. (1989) *The Death of Nature: Women, Ecology and the Scientific Revolution*, HarperOne, 1989

⁷³ And which ultimately justified the pillaging of time/space for the purpose of capitalist accumulation.

⁷⁴ Illich, I. (1980b) *The De-Linking of Peace and Development*, Opening address on the occasion of the first meeting of the Asian Peace Research Association, Yokohama, December, 1 1980.

⁷⁵ For example, La Via Campesina: “Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems” See the *Declaration of the Forum for Food Sovereignty*, Nyéléni 2007.

⁷⁶ Walzer, J. P. (1983) *Spheres of Justice. A defense of Pluralism and Equality*, Basic Books, 1983

⁷⁷ This is the concept of climate debt, which, however, should and can only be, a “stepping stone”, and should include, besides financial reparations also *restitutio ad integrum* where possible.