

Corporations' Duties in a Changing Climate

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Introduction

When we consider the harms of human-caused climate change, there are numerous entities to which we might want to assign duties. Perhaps most obviously, we turn to states. Moral and political philosophers have had a lot to say about states' climate-related duties. But the urgency of the situation calls upon us to investigate other, less obvious, duty-bearers.

One natural reaction is to go from the largest agents to the smallest—from states to individuals. Do individuals have duties to fly less, drive less, and eat less meat? In Section I, I argue that this question raises difficult issues about individual difference-making. This prompts us to turn elsewhere. The rest of the chapter focuses on (what I take to be) the third most-salient duty-bearer: large for-profit corporations.¹ These entities have largely been overlooked in philosophical discussions of climate-related duties. In Section II, I consider two possible reasons for this neglect, and argue that neither are good reasons. In Section III, I give a positive case for weighty and demanding duties for corporations, to cut back their present and planned emissions and to offset their past emissions. These duties are grounded in (at least) three facts about corporations: corporations are *capable* of doing something significant about climate

¹ One might think the third most-salient duty-bearer is an unorganised group, such as “carbon emitters,” “humanity,” or “the rich.” In Collins (2019, chs 2-3), I argue these kinds of groups cannot bear duties.

change (that is, the difference-making problem does not arise for them), corporations *benefit* from climate injustice, and corporations are *culpable causers* of climate change.

In Section IV, I bring the discussion full circle: corporations' duties always imply duties for corporations' members, that is, for the individuals who constitute the corporation. Drawing on earlier work (Collins 2019), I give an account of who corporations' members are and how their duties are structured. In heavily-emitting corporations, members prominently include managers, shareholders, and rank-and-file employees. So a range of individuals are on the hook after all, because the corporations that they constitute bear duties. Although individuals cannot make a significant expected difference to the harms of climate change by reducing their personal emissions, they often can make a significant expected difference to whether corporations discharge their climate-related duties. Additionally, even non-members have duties to act upon corporations, from the outside, with a view to inducing corporate duty-fulfillment. These 'responsiveness duties' are held by non-member individuals *and* non-member collective agents—most prominently, states, who have it within their regulatory and legislative power to reign in corporations' emissions.

I. Individuals' Duties: The Problem of Difference-Making

As is now well-known amongst moral and political philosophers, it's difficult to argue that individuals make a significant difference to climate harms when they fly, drive, or eat meat. It's therefore difficult to argue that they have duties to refrain from these activities.²

It's easiest to argue that individuals make a significant difference if we understand climate change as a threshold problem. A threshold problem is a situation in which harm will result if and only if enough agents do their contributory part in some pattern of behaviours that includes many agents, but where one individual acting alone is not enough. Following an example given by Shelly Kagan (2011), suppose a supermarket will order another crate of one thousand chicken carcasses every time it sells one thousand chicken carcasses. Every time the supermarket orders one crate, one thousand chickens are slaughtered. The relevant pattern of actions, in this situation, is people buying chicken carcasses.

An individual who buys one carcass (and who has no information about how many carcasses have been sold since the supermarket last ordered a crate) should have 0.001 credence that her purchase will trigger the slaughter of one thousand chickens. In terms of expected disvalue, a 0.001 chance of causing one thousand chicken deaths is equivalent to a 1.0 chance of causing one chicken death. So the chicken-buyer makes a difference of one chicken death 'in expectation,' that is, that's the number of deaths we get when we add the various possible numbers of deaths triggered by her action, where each of those possibilities has been multiplied

² On difference-making generally, Lawford-Smith and Tuckwell forthcoming; on climate change specifically, Sinnott-Armstrong 2005; Cripps 2013, 119-124; Kingston and Sinnott-Armstrong 2018; cf. Lawford Smith 2016; Broome 2019.

by the credence she should have that that number of deaths will occur if she performs the action. She has a small chance of making a hugely significant difference to how many chickens die, and she has a high chance of making no difference at all. By averaging across these possibilities, the chicken-buyer makes an *expected* difference that is somewhat significant: the difference of one chicken's life.

Non-threshold cases are harder. Following Parfit (1984, 76-8), Julia Nefsky (2017, 2743-2744) describes one such case:

Imagine that there are ten thousand men in the desert, suffering from intensely painful thirst. We are a group of ten thousand people near the desert, and each of us has a pint of water. We can't go into the desert ourselves, but what we can do is pour our pints into a water cart. The cart will be driven into the desert, and any water in it will be evenly distributed amongst the men.

If we pour in our pints, the men's suffering will be relieved. The problem is, though, that while together these acts would do a lot of good, it does not seem that any individual such act will make a difference. If one pours in one's pint, this will only enable each man to drink an extra *ten thousandth* of a pint of water. This is no more than a single drop, and a single drop more or less is too minuscule an amount to make any difference to how they feel.³

³ Similar cases include Quinn's (1990) 'harmless torturers' and Glover and Scott-Taggart's (1975) 'bean thieves.' Kagan (2011) argues there are no non-threshold cases. Nefsky (2012) provides a compelling reply.

In non-threshold cases, each individual's action has *no* chance of making a significant difference. There is no configuration of the other individuals' actions such that any given individual's action will trigger a threshold that matters. No matter how the pattern of pouring is configured and no matter what others do, each individual makes no more than a tiny, imperceptible difference to the men's thirst. The person also doesn't make a perceptible difference in expectation, if we were to average across all the possibilities.

Is climate change a threshold case, or a non-threshold case? Holly Lawford-Smith (2016) argues it's a threshold case, with two broad types of threshold events. There are 'macro' threshold events, such as the permafrost melting or the Amazon rainforest dying out, and 'micro' threshold events, such as a particular weather event happening in a particular place, on a particular day, with a particular level of severity. Macro thresholds are more morally significant than micro thresholds. The less significant the threshold, the higher my chance of triggering it (because fewer contributions are needed to make the difference between, e.g., a storm happening today versus tomorrow); the more significant the threshold, the lower my chance of triggering it (because the more contributions are needed to make the difference between, e.g., the permafrost melting or not). For both kinds of threshold, we can apply the expected-value reasoning from the chickens case. Accounting for all thresholds types and rational credences, Lawford-Smith concludes that individual actions of (refraining from) driving, flying, or eating meat make something of a difference, in expectation.

John Broome (2019) reasons similarly. He claims one joyride will definitely make a difference to the most microscopic of micro-thresholds—the precise nature of a weather event, for example—where this difference could be positive or negative. For example, your drive might

cause a storm to happen a few minutes earlier than it otherwise would have, flooding a field minutes before a farmer was about to fill it with livestock that would have been killed in the flood if not for your drive. Nonetheless, it's more likely that your drive will have a negative effect than a positive effect, because the incidence of harms will increase with the global concentration of greenhouse gases. So your drive does expected harm.

These approaches rely on thresholds. However, there's reasonable disagreement amongst climate scientists about how to model the system.⁴ It might turn out to be false that enough climate-related harms that have sharp enough thresholds to get expected value reasoning off the ground. That is, perhaps many of the harms are of the non-threshold variety. For example, Broome himself mentions the continuous harmful process of falling water tables. Our moral theory should be applicable to a world in which climate change turns out not to have many, or sufficiently significant, thresholds.

Second, even if each flight, drive, or steak causes a perceptible expected harm, that harm may not be significant. The problem here is that each and every action we perform has some chance of causing some harm. And many of our possible actions cause net expected harm. If morality demanded that we avoid performing each and every action that causes net expected harm, this would plausibly violate the limits of morality's demandingness (Lichtenberg 2004, esp. p. 559). What's more, the moral imperative to avoid causing harm may not always be more morally

⁴ The IPCC concludes that warming and total emissions are "approximately linearly related," which suggests a non-threshold model. But the relationship between warming and harms must contain at least some thresholds, for the simple reason that a death is a threshold.

important than the moral imperative to produce good. So we have to pick our battles: often, avoiding harm is a matter of choosing the lesser of two evils-in-expectation. We can think of an action as having a ‘significant’ expected harm if it has an expected harm that is worse than the expected harm of any other action that is open to the agent at that moment. In this way, whether a given action makes a ‘significant’ expected difference depends upon what the agent could have done instead, and what expected difference *that* action would have made.

Does each flight, drive, or steak make a significant expected difference? There’s room for debate. If one refuses to fly to a significant family event, is one causing harm to one’s family, or merely failing to provide them with a benefit? If one is causing harm to them, is this harm greater or lesser than the expected harm of the flight? Answering the second of these questions requires comparing values that may be incommensurable. Even before we have considered incommensurability, we need some method of measuring the expected harm of the flight. The British government’s *Stern Review* placed the expected harm caused by carbon at between \$25 and \$85 per tonne. The average Australian emits between 3 and 30 tonnes of CO₂ per year, which (using the *Stern Review*’s estimate) is \$75 to \$2,550 worth of expected harm per year.⁵ Divided across all of one’s carbon-emitting activities in a year, it’s clear that a single flight, drive, or steak does very little expected harm (a few dollars’ worth); plausibly less ~~harm~~ than is caused by missing a significant family event.⁶

⁵ https://www.epa.vic.gov.au/agc/r_emissions.html#!/

⁶ Broome’s (2012) discussion implies that you may attend the family event but must off-set the flight’s harm by donating to a climate-related charity. Here the question of significant expected differences simply re-emerges: does your donation do enough expected good to

Can we justify individuals' climate-related duties via something other than expected harm? Perhaps. Individuals might have duties not to symbolically endorse or condone harm, or they might have duties to express an attitude of concern about such harm. The problem, though, is that in a society in which the vast majority of people have adopted carbon-intensive lifestyles, it's not clear that simply forgoing one flight or one steak does the work of endorsing, condoning, or expressing these things. Endorsing, condoning, and expressing is communicative. Success relies, at least in part, on the communicator's audience having the right response to the communicative act. In some contexts, the action of forgoing a flight or a steak is as likely to be perceived as virtue signalling, or as self-righteousness, as it is to be perceived as a genuine act of endorsing, condoning, or expressing the right kinds of values.

This is not meant as an argument against individuals' climate-related duties. We might try to deny that difference-making is the best account of causation. Or we might try to argue that the values at stake are such that any perceptible expected difference is significant enough to trigger a duty, no matter the other values at stake. Individuals' duties might be part of the story. My purpose has been to highlight the challenges faced by defenders of individuals' climate-related duties, in order to motivate the thought that we would be on firmer ground if we had more tools in our climate-justice shed. The tool I'll suggest is corporations' duties.

justify donating to offsetting rather than to, say, poverty relief? The answer isn't obviously 'no,' but it isn't obviously 'yes.'

II. Corporations' Duties: Reasons for Scepticism?

Corporations tend not to feature in the philosophical literature on climate-related duties.⁷ In this section, I consider two possible rationales for this neglect. Before doing so, I should clarify what I mean by 'corporation.' These are organisations with the goal of making profit. An organisation is made of a large number of people, usually alongside other material objects such as buildings, computers, and paper (on the need to include objects, see Epstein 2015). To make up an organisation, the people and objects must together instantiate an organisational structure.

Organisational structures can be modelled by diagrams that show nodes (roles) connected by edges (relations). Organisational structures specify "(a) criteria to establish their boundaries and to distinguish their members from non-members, (b) principles of sovereignty concerning who is in charge and (c) chains of command delineating responsibilities within the organization." (Hodgson 2007) For example, a particular organisational structure might include the 'manager' node, which is connected to the 'customer server' node by a bidirectional edge made up of the 'gives instructions to' relation (in the manager-to-server direction) and the 'is accountable to' relation (in the server-to-manager direction). Following Katherine Ritchie (2013), when enough people and objects occupy the nodes in the structure, the organisation exists in the world and can be identified with this instantiated structure.

This might make a corporation sound inert, frozen in time. In order to act in the world, a corporation must form beliefs (about how the world is) and goals (for how it wants the world to be), where the material constituents (humans and objects) can pursue the goals in light of

⁷ Three exceptions are Shue (2017), Schwenkebecher (2018), and Moss (this volume).

the beliefs. For this to happen, the corporation needs some procedure for deciding its beliefs and goals. Corporations need procedures to make these decisions, because they are made up of many conflicting agents, each of whom might have different views on what the corporation should believe or prefer. These procedures have been theorised extensively in the literature, most prominently in Peter French's (1979; 1984) discussion of 'corporate internal decision (CID) structures' and, more recently, in Christian List and Philip Pettit's (2011) discussion of 'aggregation functions.'

As Kendy Hesss (2018, 37-38) points out, the decision-making procedures used by actually-existing corporations are messy: they include not just voting, committees, and decrees, but also discretion, debates, water-cooler conversations, bargains, horse-trades, compromises, and so on. The most important parts of the procedure are often not explicit or predictable. This hodge-podge of procedures nonetheless enables a corporation to make decisions, in ways that demonstrate diachronic and synchronic rationality (Rovane 1998; List and Pettit 2011). They are therefore agents in the world.

In the next section, I will give a positive argument for corporations' climate-related obligations. Before that, I want to undercut two potential reasons for moral philosophy's neglect of corporations' climate-related duties, as compared with our treatment of states' and individuals' duties.

The first reason might be that we think corporations are not moral agents, so cannot bear duties.⁸ For corporations to be moral agents, they must be capable of giving due weight to moral considerations when forming their bundle of beliefs and goals (Hindriks 2018; Collins 2019, ch. 6). Perhaps corporations are agents that can process some kinds of considerations, but not moral considerations, when arriving at beliefs and goals. One reason for thinking this is that I characterised corporations as having the goal of making profit. If this is their definitional goal, then perhaps other goals can enter the picture only insofar as they are instrumental to this goal. And if morality—including reigning in and offsetting emissions—conflicts with making profit, then perhaps corporations are constitutionally incapable of acting in accordance with morality.

This line of reasoning paints an overly myopic picture of corporations. Corporations definitionally have the goal of *making* profit, but they don't definitionally have the goal of *maximising* profit—nor do they definitionally have no goals other than making profit. If making (some) profit is consistent with abiding by morality, then there's nothing in the definition of a corporation that rules out its abiding by morality as an additional non-instrumental aim. As long as members are not forbidden from bringing moral considerations to bear on the corporation's decision-making, and as long as the corporation has the basic material and structural resources needed to make decisions on the basis of those moral considerations, the corporation is a moral agent. It can therefore bear moral duties, including climate-related duties.

⁸ Schwenkenbecher (2018) also replies to this objection, with a different theory of corporate moral agency.

A second reason for neglecting corporations' duties might be that we worry about wasting our breath. Corporations tend not to listen to anything except shareholders' votes and customers' wallets. The idea that they might change their behaviour because of philosophical argument seems laughable. This, I suggest, fails on two counts.

First, the fact that an entity won't do what it ought, or won't listen to philosophers, has never stopped philosophers from arguing about what that entity ought to do. Most humans are not convinced by (because they do not engage with) philosophical arguments about their duties. But we make those arguments anyway, for at least two reasons: because the arguments might come in handy later (if humans ever change their minds), and because it's important to be able to appropriately assess whether people are doing what they ought. These considerations apply to corporations. If there's one way to ensure corporations don't heed moral arguments, it's to fail to provide any.⁹

Second, corporations can and do pay lip service to climate-related duties—even if they do so as an instrument to profit-making. For example, the oil company Statoil changed its name to Equinor in 2018, in a bid to market its stated intention to invest 15-20% of capital expenditure

⁹ That is, by neglecting to argue for corporations' duties, we license the words of Darren Woods, CEO of ExxonMobil: “fundamentally, if you look at what society is asking for, is not for companies like ourselves to go into those [renewable energy] sectors. Instead what they're looking for is solutions to the risk of climate change.” (Bloomberg 2019)

into “new energy solutions” by 2030.¹⁰ And in 2018, Royal Dutch Shell—one of the largest oil companies in the world—released plans to cut its carbon footprint 50% by 2050. The CEO Ven van Beurden claimed that “If you want to be a long-term relevant company that is on the right side of history, you have to be involved in this [climate change] discussion, because it’s the most important discussion of our time.” (Peters 2018) Van Beurden’s statement is, without a doubt, a marketing strategy. But it demonstrates that moral considerations do get in, if corporations believe there is something to be gained from letting them in. If we can convince shareholders and consumers that corporations have climate-related obligations, philosophers’ arguments will not have been in vain.

III. Multiple Sources of Duties

On what basis might corporations have duties to cut and offset their emissions? It is now common to distinguish (at least) three sources of climate-related duties: capacity, benefit, and culpable causation (Caney 2005; Caney 2010; Lawford-Smith 2014). That is, one can have a duty to cut and offset one’s emissions if one is capable of thereby ameliorating the effects of climate change (the ‘ability-to-pay’ principle), or if one benefits from climate-related injustice (the ‘beneficiary-pays’ principle), or if one has culpably caused climate change (the ‘polluter-pays’ principle). I will assume each principle is sufficient to ground a duty. I will also assume that they operate additively: the higher the number of these principles that apply to an entity, and the more fully each principle applies (the greater one’s ability, the larger one’s benefit, and the more culpable one’s pollution), the weightier and more demanding is that entity’s duty. A duty is weighty if it is not easily outweighed by other duties in cases of duty conflict. A duty is demanding if it can ask a high cost from its bearer, should a high cost be necessary to produce

¹⁰ <https://www.equinox.com/en/news/15mar2018-statoil.html>

the relevant outcome. All three duty-generating principles apply to corporations—so, corporations end up with very weighty and very demanding duties. I'll work through the three principles in turn.

Capacity-based Duties

As I'll now explain, corporations have the capacity to drastically cut and offset their emissions, thereby making a difference to the future effects of climate change. In this way, they do not face the difference-making challenge for individuals that I described in Section I. This difference between corporations and individuals arises for two main reasons.

The first has to do with actions versus policies. It's reasonable for an individual to ask whether a given act will make a difference, in expectation, to the harms of climate change. Taking a drive, booking a flight, or ordering a steak is always a discreet, isolatable choice—one whose effects we can ask about, and which can be found to make an insignificant difference in expectation. Corporations, by contrast, are creatures of planning and policy. They tend not to make such small-scale decisions. Each small-scale action of a corporation—each collection of a household energy payment, each barrel of oil extracted—tends to be performed as a direct and unthinking consequence of some larger plan or policy. So, for corporations, it makes more sense to ask whether a plan or policy makes a difference, rather than whether each particular act makes a difference. Plans and policies make more difference than acts. Now, of course, individuals have plans and policies as well (humans are creatures of habit)—but corporations are more so. We can sensibly give both entity-types recommendations about their actions and their policies, but policies are the more appropriate unit of assessment for corporations.

Second, even comparing individuals' policies with corporations' policies, corporations are far larger emitters than individuals. So, they can make much more of a difference, by halting and offsetting those emissions, than individuals would, by halting and offsetting theirs. To illustrate, Saudi Aramco (one of the world's biggest oil corporations) emitted greenhouse gases equivalent to 1,550,000,000 tonnes of CO₂ in 2010 (Heede 2014, 237).¹¹ Recall that the average Australian emits between 3 and 30 metric tons of CO₂ per year.¹² Even allowing for some vagueness in what counts as 'significant,' the world's biggest corporations can make a far more significant difference than individuals.

Benefit-based Duties

Many corporations also benefit from greenhouse gas emissions: they emit as a means to a profit, after all. But for a benefit to produce a duty, it can't be just any old benefit. Benefits produce duties when they are received as a result of an *injustice*. Do corporations' climate-related benefits result from injustice? In answering this, I'll place a high bar on what counts as an injustice. That way, the duties that result from benefits from injustice will be relatively difficult to come by, and so we will have a strong case for those duties being weighty and demanding. (This differs from Lawford-Smith's 2014 argument about benefit-based climate-related duties, on which an injustice occurs if the world falls short of an ideal.)

I'll assume that an 'injustice' arises when an agent has failed to perform an enforceable directed duty—where an enforceable duty is a duty that third parties are permitted to coerce the agent

¹¹ I thank Holly Lawford-Smith for drawing my attention to Heede's paper.

¹² https://www.epa.vic.gov.au/agc/r_emissions.html#!/

into performing and where directed duties correlate with rights. Enforceable directed duties are important, so if you benefit—even non-culpably—from someone’s failure to perform one, then you should disgorge that benefit to whoever had a right to the performance of the enforceable duty.¹³

Do corporations benefit from climate-related injustices? There’s no way to answer fully without begging the question at issue, namely, the question whether corporations have (enforceable directed) climate-related duties. This is because, to identify all benefits from injustice, we first must identify all injustices, which requires identifying all directed enforceable duties. But this is not a major problem. We can assume states have enforceable directed duties to regulate market actors away from greenhouse gas emissions. States owe this to their younger generations of citizens (and perhaps younger generations of non-citizens). This simply follows from the fact that states owe it to their citizens to do what states can to ensure all citizens enjoy a minimally decent quality of life.

¹³ For climate-related duties, you might think there’s a non-identity problem: how can corporations disgorge benefits to victims of climate injustice, when the victims don’t exist? After all, the people who exist given that the duties of justice have not been performed are different from the people who would have existed if those duties of justice had been performed. But climate change is also a problem between contemporaries: the duties of justice are owed from older currently-existing agents to younger currently-existing agents.

States' failures to discharge these duties cause corporations' benefits. This is true on both a 'process' and 'counterfactual' theory of causation.¹⁴ In 'process' language: states' failures to regulate are the mechanism that legally permit corporations to emit; emissions are the mechanism by which corporations profit in the actual world; so, states' failures are part of the process by which corporations gain profit. On the 'counterfactual' sense: if states had done their regulatory duty, then corporations wouldn't have been legally permitted to emit; if corporations hadn't been legally permitted to emit (under technological conditions similar to our own), then corporations would have gained less profit; so the counterfactual possibility in which states did their duty is one in which corporations are less well-off than the actual world (assuming similar technological conditions). Thus corporations benefit from climate injustice. Corporations thereby owe two behaviours to the victims of this injustice (younger citizens): (i) stop receiving the benefits and (ii) disgorge benefits already received.

Causation-based Duties

Finally, corporations culpably cause climate change.¹⁵ As I mentioned above, when we look prospectively into the future, corporations' expected effects on the climate via their plans and policies are much larger than individuals' expected effects via their actions. When we look retrospectively into the past, this is even more stark. In a paper from 2014, Richard Heede argued that 63% of global carbon and methane emissions from the last 260 years can be traced to the production activities of 90 collective agents that he refers to as 'carbon majors.' These are "investor-owned... state-owned... and nation-state producers of oil, natural gas, coal, and

¹⁴ On these two theories see Schaffer 2016.

¹⁵ Shue (2017) also argues for this.

cement.” Half of these emissions—which is 914 gigatonnes of CO₂-equivalent—have been emitted since 1986. This figure is crucial, since 1986 is plausibly around the point at which emissions became culpable: the point at which agents could not plausibly deny that they knew, or could reasonably have been expected to know, about the negative effects of emissions.

Of the 90 carbon majors, 50 are corporations (rather than states or state-owned enterprises). These 50 corporations almost certainly each made a significant difference, and each did so culpably. In 2010, the biggest corporate emitters included Saudi Aramco, Gazprom, National Iranian Oil Company, Coal India, Pemex, ExxonMobil, BP, and Shell.

You might think these corporations don’t really cause emissions—at least not culpably—because they do so only at the behest of consumers, who buy or use products that depend upon oil, natural gas, coal, and cement. So it’s really consumers (not corporations) that culpably cause emissions, and who force corporations to emit on consumers’ behalf. Yet consumers use products that rely on GHGs only because the socio-economic structures in which they live make it almost impossible to choose otherwise. And what caused those structures to be as they are? We cannot answer this except with reference to the entire causal chain, from extractors to manufacturers to retailers to consumers. Everyone in the chain is somewhat stuck. Placing the blame on consumers attributes too little causal power to socioeconomic structures. Consumers are no more to blame than others in the structure.

That said, each agent in the chain can take actions to push the chain in a different direction. The largest corporations—such as those named by Heede—are, and were, particularly capable of doing so. They operate at a huge profit, they often operate as monopolies or near-monopolies within particular countries, and they have the technological capability. This means that they

had *capacity-based* duties in recent decades. Because they did not perform those duties, they now additionally have *culpable-causation-based* duties. As I discussed in Section I, individual consumers arguably did not have the capacity to make a difference. If so, then they didn't once have a capacity-based duty, so they aren't now culpable for failing to perform that duty, so their culpability isn't a basis for their present-day duties. Corporations are on the hook in ways individuals are not.

IV. Back to Individuals: The Implications of Corporations' Duties

In characterising corporations, I said they exist only when their structures (organisational role-charts) are instantiated. The structure becomes instantiated only when there are (enough) individual role-bearers, occupying nodes (roles) in the structure. If there aren't enough managers, officers, and workers, the corporation simply ceases to exist (that is, ceases to exist agentially, and so for the purpose of moral duties; it may exist according to the law). This role of humans as the material constituents of corporations becomes even more important when we consider how corporations might perform their duties to reduce and offset their emissions.

I've argued elsewhere that duties of collective agents always imply duties for members (Collins 2019, ch. 7). We can label the latter 'membership duties.' Membership duties are duties held by agents in virtue of the fact that they are members of a collective that has a duty, where the performance of the membership duty is a component of the collective's doing its duty. More specifically, I've argued that if a collective agent (whether a corporation or another kind of collective agent) has a duty to see to it that X, then

1. Each member has a duty to use their role, if possible and as appropriate, to put inputs into the collective's decision-making procedure with a view to the procedure's distributing roles to members in a way that: if enough members used their roles with a view to seeing to it that X, then that would be sufficient for X in a high proportion of likely futures. These are 'X-sufficient' roles.
2. If X-sufficient roles are distributed, then each member has a duty to use their role, if possible and as appropriate, with a view to seeing to it that X.

I'll assume the members of a corporation are the agents who meet three conditions: (1) the agents are pro tanto committed (even if only tacitly) to abiding by the results of the corporation's decision-making procedure; (2) the inputs of the corporation decision-making procedure, and the way it processes those inputs to form decisions, relies on the behaviour of the agents, while being distinct from the set of inputs, and procedures (if any), that any one of the agents uses when deciding for themselves; and (3) the enactment of at least some of the corporation's decisions requires actions by the agents, where those actions are also properly attributable to the collective (Collins 2019, ch. 1).

That formulation is abstract. How does it work for, say, an energy retailer? It might seem a bit much to impose membership duties on low-level employees of such a corporation, when the employees have little decision-making power. Consider an energy retailer employee, whose job is to visit customers' houses and read their meters. This person is pro tanto committed to abiding by the corporation's decisions: she'll generally go to whichever houses the corporation demands she go to, when it demands she go there. That commitment is overridable, and hence pro tanto, but her presumption in decision-making is that she will stick to it. This person also

has some input into the corporation's decision-making. She can decide the corporation will engage with customers in a friendly way, or not, for example. The inputs into the corporation's decision of whether or not to be friendly, and the way it makes that decision, depends crucially on that member. In this way, any role that contains discretion is going to enable its bearer to have inputs. Finally, some of the meter-reader's actions are incorporated by the corporation: when she reads meters, the corporation reads meters. (I'll say more below about which actions of hers are also the corporation's actions—to foreshadow, her actions are incorporated when she acts within and because of her role.)

Are there members of an energy retailer who are not employees? Yes: crucially, shareholders. It might not look plausible that shareholders meet the first of our three conditions: they might not seem committed to abide, since they don't tend to receive orders. But notice that shareholders cannot, for example, vote on propositions that are not put to them at the shareholder meeting. The question of which propositions to put to shareholders is answered by the corporation's decision-making procedure. Insofar as shareholders are committed not to take complete control of the agenda, then, they are committed to abide by the procedure. Shareholders more obviously meet the second condition: the procedure's inputs and processes depend on their behaviours, namely, contributions to shareholder meetings. Finally, we can attribute actions of shareholders to the corporation: if shareholders vote for an entirely new Board, we might expect the headline 'Company overhauls Board members.'

The upshot is that an energy retailer has a lot of members, each of whom has duties based on the corporation's climate-related duties. What is required of members? This question has two aspects: what is required from members *qua* individuals, and what is required from members

qua members? It's important that membership duties concern only the latter. Suppose you are the meter reader. We might ask whether you should quit your job. We might ask whether you should exploit or subvert your job, to trick the corporation into doing what it ought. We might ask whether you should blow the whistle on environment-destroying policies and practices. None of these are questions about membership duties. They are questions about the duties of you, as a private individual, who happens to work for the corporation. Perhaps you have such duties. However, as noted in Section I, we encounter difficult difference-making problems in arguing for these duties (at least, some of them: whistle-blowing might be a clear case of difference-making, if it would make a big enough splash). I will set these aside.

Instead, I'm interested in duties that you can *use your role* to perform. By "use," I mean "act within and because of." That is, you use your role when you act in ways that are permitted (or required) by your role, because those ways of acting are permitted (or required) by your role. I'm interested in how you can use your role—not in how you can exploit it, or subvert it, or change it, or swindle it—because I assume that only your actions that use your role will count as the corporation's actions; only those actions are actions of the material constituents of corporations (Collins 2018). So it's only your role-using actions that can partly constitute the corporation's doing its duty. This is important for difference-making, as I'll now explain.

You might think that membership duties encounter exactly the difference-making problems I discussed in Section I—especially for a large corporation with thousands of employees. But this misunderstands the relationship between role-using actions and corporate actions. Members' role-using actions do not merely *cause* corporations' actions. Instead, they *constitute* those actions. This means they automatically make a difference to what the corporation does—

at least at a fine-grained level of description. When a shareholder votes for a Board member who cares about sustainability, this constitutes the corporation's action of (partly) voting for that Board member. Additionally, even if we think only about the expected difference members make to the coarse-grained decisions of the corporation, being a member of a 35,000 person organisation is more likely to be significant than is being one of billions of people currently contributing to climate change.

Now, the corporation's *partly* voting for a sustainability-promoting Board does not ensure the corporation *as a whole* votes for a sustainability-promoting Board. So you might think the vote of an individual shareholder does not make a significant expected difference to how the corporation will act with regard to the climate. But recall how I characterised 'significant expected harm': an action's expected harm is significant if it's worse than expected harm of the agent's alternative actions. In the context of membership duties, those alternative actions are the alternative things one could have done *within and because of one's role*. Even the small expected goodness of a singular shareholder's voting for a sustainability-promoting Board is enough to morally outweigh the expected goodness of that shareholder's voting purely on the basis of profit, all else being equal.

The difference-making story for membership duties, then, is this: the corporation can make a significant causal difference to climate change; individuals can't make a significant causal difference to that; but members can make a significant constitutive difference to what corporations do at a fine-grained level of description; members can also make a significant causal difference to what corporations do at a coarse-grained level of description, because a difference's significance is determined by how it compares with the other things one could do

within one's role. Importantly, membership duties do not rely on members individually satisfying the capacity, benefit, or causation principles. All that matters is that the corporation does, and that they are members of the corporation.

Individuals who are not members may also be on the hook. These individuals' actions never constitute corporations' actions, so their duties aren't membership duties. But sometimes, non-member individuals can make a significant expected difference to what corporations do. Again, this is because whether an action's difference is significant depends on what the agent's alternatives are. Those living in affluent countries must buy their energy from somewhere. (They can go 'off-grid'—but a duty to do so plausibly breaches the limits of moral overdemandingness.) More generally, non-members must engage with some corporations. In doing so, it makes sense to choose the action from amongst one's alternatives that has the best expectation of inducing a corporation to do its duty. In doing this, one is 'responsive' to that corporation. As I have defined it elsewhere (Collins 2019, 98), an agent, A, is responsive to another, B, just in case A acts upon B with a view to B responding to the reasons or duties that (A believes) B holds.

It's easy to see that individuals have duties to be responsive to one another. If my friend would be able to reduce her carbon emissions if only I gave her some spare solar panels that I have lying around, and if I could give her the solar panels at reasonable cost to myself (here satisfying the capacity principle), and if this the best expected difference I could make with the panels (so the difference is 'significant'), then I should do so. By giving her the solar panels, I nudge her towards reducing her carbon emissions, since it is now much cheaper for her to

discharge that duty. The same goes for individuals' duties to act upon corporations from the outside, nudging the corporation towards doing what it ought.

The membership duties and responsiveness duties that I've advocated have partly the same content as what individuals' personal consumption-reduction duties would have had, if we'd been able to solve the difference-making problem. Membership duties are duties to act within and because of your role—so they will be role-focused. These tend not to be the duties we normally think of when we think of individuals' climate-related duties. But it depends what one's role is: if one's role usually involves flying, or attending catered corporate events, then one's membership duty will call for (trying to) refuse to fly, or not eat animal products at corporate events. If one's role is reading meters, then one's membership duty may simply involve using one's role (insofar as one can) to communicate one's views to co-workers and line managers. Individuals are heavily influenced by others regarding workplace norms (Herzog 2018), so this could make a large difference as it trickles through the corporation. But such workplace actions are not the first thing we think of under the banner of individuals' climate-related duties. So by viewing individuals' duties through the lens of membership duties, we get a change of focus.

When it comes to individuals that act upon the corporation from the outside, thereby performing responsiveness duties, the required actions will look more like what we usually think of as individuals' climate-related duties. For example, actions might include changing to a more climate-aware energy retailer. Perhaps most centrally, responsiveness duties require non-member individuals to vote for political parties that will better-regulate duty-bearing corporations. Assuming one will vote for some party or other, voting for climate-focused

parties does make a significant difference (i.e., a difference that's more significant than voting for other parties). With this proposal, we have come full circle: states are back in the picture, although indirectly, as a means to enabling corporations to discharge their duties.

Conclusion

I started this chapter by setting states aside, and by expressing scepticism about individuals' duties due to problems of difference-making. I argued that corporations have weighty and demanding duties to dramatically curtail their emissions, and to offset the effects of their past emissions. When we open the black box of the corporation, however, we find that we are once again face-to-face with individuals. But these are individuals under a different guise: individuals qua members, not individuals qua individuals. As members, individuals incur membership duties whenever their corporation has a duty. And even as non-members, individuals will sometimes have responsiveness duties: duties to act upon corporations from the outside, with a view to the corporations doing their duty.

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