

Judging Culpability in Dwyer's Climate Change "Gaia Commission": A Response to Dwyer

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Judging Culpability in Dwyer's Climate Change "Gaia Commission": A Response to [Dwyer](#)

COMMENTAIRE / COMMENTARY

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Résumé

Ce commentaire examine les concepts « d'imprudence, de négligence et d'indifférence » dans la courte histoire de James Dwyer, « La Commission Gaia : le changement climatique et la responsabilité morale ».

Mots clés

bioéthique, changements climatiques, éthique environnementale, culpabilité, justice intergénérationnelle

Summary

This commentary examines the concepts "recklessness, negligence and indifference" in James Dwyer's short story, "The Gaia Commission: Climate Change and Moral Responsibility."

Keywords

bioethics, climate change, climate ethics, culpability, intergenerational justice

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None declared

James Dwyer's short story, "[The Gaia Commission: Climate Change and Moral Responsibility](#)," [1] is a valuable and provocative contribution to the dialogue about the bioethics of climate change. We have each written papers asking our bioethics colleagues to pay more attention to climate change [2,3]. By authoring a short story, Dwyer is continuing that same effort using another format, science fiction. This is a creative move, though not an unprecedented one. Historians Naomi Oreskes and Erik Conway gained fame for their non-fiction analysis of climate change denialism in *Merchants of Doubt* [4], and then followed the project with *The Collapse of Western Civilization* [5], a science fiction history of human responses to climate change, written from the year 2393. Like Oreskes and Conway's book, Dwyer's text speculates how our descendants will think of us, drawing attention to the ethical problem of intergenerational justice (as articulated by climate ethicists such as Stephen Gardiner) [6]. The ethics of our responses to climate change are inseparable from the fact that the harms and benefits will be distributed across many future generations.

Dwyer's imagined Gaia Commission raises many ethical questions, including the intriguing: what does the Gaia Commission teach us about the nature of individuals' responsibility for contributing to climate change? Yet, the text leaves much unsaid about how the Gaia Commission evaluates guilt. Its charges, like US criminal charges, appear to take into account not only defendants' carbon footprints (their actions), but also *mens rea* (defendants' mental states). In the story, "the charges were always the same: recklessness, negligence, and indifference," all of which are concepts that posit a blameworthy mental state in defendants. Yet, the only relevant evidence for judging guilt in the Gaia court appears to be emissions-related behaviour (usage of heating energy, etc.), with all other evidence treated as secondary "mitigating factors" of some sort ("The emissions don't lie. I'm just looking for mitigating factors that the Commission will recognize."). So, how much does the mindset of the polluter matter when the Gaia Commission renders its judgment?

The prospect of charging defendants with the specific crime of climate change indifference is timely in the 2010s, when small-scale “green” habits are in vogue (e.g., avoiding disposable utensils like Francis, the fictional defendant) while there is little public will to radically reduce global emissions. I heartily agree with Dwyer that indifference is a central matter of concern in climate change bioethics, having myself published on that topic [3]. Dwyer’s further step of imagining actual penalties for such indifference raises many unanswered questions about the justice system in this imagined future.

In the Model Penal Code, the template now used (to varying extents) in many US states, negligence and recklessness are distinct types of culpable states of mind, with correspondingly different punishments when one acts with such a state of mind. A reckless actor is aware that his or her action has some risk of causing harm – not knowing for sure – but does the action anyway. By contrast, a negligent actor is not aware that his or her action has some risk of causing harm, but he or she should have been aware of that risk. As Simons summarizes, in the Model Penal Code’s hierarchy of culpability, “all else being equal, purpose is more culpable than knowledge, which is more culpable than recklessness, which is more culpable than negligence” [7]. Recklessness, negligence and indifference are now considered distinct in morally and legally significant ways, so it is quite interesting to see that Dwyer’s imagined climate change commission interprets these concepts differently.

Francis’ (the defendant’s) proposal for his own punishment suggests that Dwyer is most troubled by reckless or knowing behaviour, rather than negligent behaviour: “I should be made to figure out why so many well-informed people failed to act appropriately.” That is, Dwyer aims his sharpest criticism at those who do indeed know better than to continue their wasteful lifestyles. Yet, the narrator also mentions the “business people who sowed doubts.” So, are sincere climate sceptics negligent when they generate carbon emissions needlessly? They genuinely don’t know better, but should they? Surely some bioethicists are knowingly causing climate harms, while others are largely ignorant of how their behaviours contribute to climate change.

There is a great deal of ambiguity in Dwyer’s text, but ambiguity of a welcome sort: it inspires the reader to continue pondering the text long after the reading is over. Dwyer tells us that the story “shows where we might end up if we do not change our present course.” He declines to clarify which aspects of the Gaia Commission he endorses, even in the brief preamble pleading with his bioethics peers to engage with the pressing contemporary problem of climate change. Leaving this unsaid actually makes the text more engaging. Stepping outside of the usual ethics paper format, Dwyer shows that there are valuable ethical insights to be gleaned through the process of imagining how future generations will judge our responsibility for our contributions to causing climate change.

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