Henry Shue's Basic Rights and Climate Justice: Moral Thresholds, Responsibility, and Global Justice

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Abstract

Climate change poses one of the most profound moral challenges of the contemporary world, not merely as an environmental crisis but as a fundamental injustice that threatens the basic conditions of human life. This article examines Henry Shue's theory of basic rights as a compelling normative framework for climate justice. Shue argues that certain rights particularly subsistence and security rights are morally basic because they constitute the necessary preconditions for the enjoyment of all other rights. The article contends that climate change systematically violates these basic rights by undermining access to food, water, shelter, and physical security, especially among already vulnerable populations in the Global South. By emphasizing moral thresholds and the principle that no one should be forced to sacrifice their basic rights for the luxury or convenience of others, Shue's approach challenges utilitarian and market-based climate policies that permit preventable harm. The analysis further explores Shue's account of responsibility, highlighting the ethical significance of historical emissions, differential capacity to respond, and the foreseeability of climate-related harms. In addition, the article extends Shue's framework to questions of intergenerational justice, arguing that present patterns of excessive emissions unjustly endanger the basic rights of future persons. By situating Shue's theory in dialogue with contemporary climate justice debates on mitigation, adaptation, and loss and damage, the article demonstrates the enduring relevance of basic rights as a moral foundation for global climate governance. Ultimately, it argues that climate change should be understood as a basic rights emergency requiring urgent, coordinated, and justice-

oriented action.

Keywords: Basic rights; climate justice; subsistence; moral responsibility; intergenerational justice

Introduction

Climate change is increasingly understood not merely as an environmental or technical problem but as a paradigmatic form of global injustice. Contemporary scholars argue that climate change exemplifies structural injustice because its causes and benefits are largely produced by affluent societies, while its most severe harms are disproportionately borne by poor, marginalized, and historically disadvantaged populations.[1] Rising sea levels, intensified droughts, food insecurity, and climate-induced displacement reveal deep asymmetries in vulnerability and adaptive capacity, particularly in the Global South.[2] These patterns challenge approaches that treat climate change as a morally neutral externality of development and instead demand a normative framework attentive to responsibility, harm, and justice. Within this context, Henry Shue's theory of basic rights has gained renewed relevance in climate ethics. Shue's influential claims that subsistence and security rights are morally basic because they constitute the necessary conditions for the enjoyment of all other rights has been widely engaged by contemporary philosophers addressing climate injustice. Climate change directly threatens access to food, water, shelter, and physical security, thereby undermining the very conditions of agency and human dignity that

1. Schlosberg, D. *Climate justice and capabilities: A framework for adaptation and mitigation*. Ethics & International Affairs, 33(2), 2019, pp. 67–183. https://doi.org/10.1017/S0892679419000105

2. Newell, P., *The political economy of climate justice*. Cambridge: Cambridge University Press, 2022, p. 11.

moral and political theories seek to protect. From this perspective, climate harms are not merely distributive disadvantages but violations of fundamental moral thresholds.

The central thesis of this article is that Shue's account of subsistence and security rights provides a morally compelling framework for grounding climate justice obligations, especially toward vulnerable populations. By insisting that no one should be forced to sacrifice their basic rights to sustain the luxury emissions or economic advantages of others, Shue offers a powerful critique of policy approaches that prioritize efficiency or aggregate welfare over moral necessity. His framework also clarifies why historical responsibility, differential capacity, and the foreseeability of harm are ethically salient in assigning climate obligations among states and other actors.[3]

The article proceeds as follows. It first outlines Shue's theory of basic rights and its moral structure. It then examines climate change as a systematic violation of subsistence and security rights, with particular attention to vulnerability and moral priority. Subsequent sections address responsibility, intergenerational justice, and the ethical implications of Shue's approach for mitigation, adaptation, and loss and damage debates. The conclusion situates Shue's contribution within contemporary climate justice scholarship and underscores its continuing significance for justice-oriented climate governance,

3. Vanderheiden, S., *Responsibility in climate ethics: Agency, capacity, and historical contribution*. Journal of Global Ethics, 16(1), 2020, pp. 73–91. https://doi.org/10.1080/17449626.2019.1706089

Shue's Theory of Basic Rights

Henry Shue's theory of basic rights offers one of the most influential normative frameworks for addressing situations of extreme vulnerability and injustice in global ethics. At the core of Shue's argument is the claim that certain rights are **basic** because they function as *preconditions* for the meaningful enjoyment of all other rights and freedoms.[4] Rights to political participation, freedom of expression, or religious liberty presuppose that individuals are alive, adequately nourished, sheltered, and reasonably secure from serious harm. When these minimal conditions are absent, other rights lose their practical significance and become merely formal declarations. Contemporary theorists of global justice have emphasized that Shue's threshold-based conception of rights is particularly suited to contexts such as climate change where large populations face systemic risks to survival and agency.[5]

A defining feature of Shue's account is the normative distinction between basic rights and luxury or non-essential rights. Basic rights protect against conditions of deprivation that are morally unacceptable under any social arrangement, while luxury rights concern interests whose satisfaction enhances well-being but is not required for minimal human functioning. This distinction is not merely classificatory but evaluative: it establishes a hierarchy of moral claims. In climate ethics, this hierarchy exposes a deep injustice whereby the pursuit of high-emission lifestyles and economic conveniences clearly non-essential for survival places at

4. Shue, H., *Basic rights: Subsistence, affluence, and U.S. foreign policy* (2nd ed.). USA: Princeton University Press, 2015, p. 49.

5. Caney, S., *Ethics and climate change: A new perspective*. USA: Routledge, 2018, p. 16.

risk the subsistence and security of others. Shue's framework thus resists moral approaches that treat all preferences as commensurable and insists that some interests must categorically take priority over others.

Closely related to this priority structure is the moral urgency and non-derogability of basic rights. Because basic rights secure the minimum conditions of a dignified human life, they generate stringent duties that cannot be overridden by appeals to aggregate utility, economic growth, or long-term social benefits.[6] Shue maintains that allowing avoidable violations of basic rights is morally impermissible, even if doing so would maximize overall welfare. This insight has been taken up by climate justice scholars to criticize policy instruments such as cost–benefit analysis and carbon trading regimes that normalize severe harms to vulnerable populations as acceptable trade-offs.[7] From a basic rights perspective, the protection of minimal thresholds takes precedence over efficiency-driven calculations. Within this normative architecture, Shue identifies subsistence rights and security rights as paradigmatic basic rights. Subsistence rights encompass access to food, potable water, shelter, and the environmental conditions necessary to sustain life and health. Security rights, by contrast, involve protection from violence, coercion, and serious threats to bodily integrity and social stability. Importantly, Shue emphasizes that these rights are interdependent: the absence of security can undermine subsistence, just as subsistence deprivation can expose individuals to exploitation and

6. Caney, S., *Ethics and climate change: A new perspective*. P. 37.
7. Gardiner, S. M., *Climate ethics and the duty to protect future generations*. Journal of Moral Philosophy, 18(3), 2021, 305–331. https://doi.org/10.1163/17455243-20210012

violence. Recent scholarship has extended this insight to climate change, noting that climate-induced resource scarcity, displacement, and disaster-related instability simultaneously erode both subsistence and security.

By framing subsistence and security as basic rights, Shue provides a powerful moral vocabulary for understanding climate change as a matter of justice rather than misfortune. Climate impacts such as drought, flooding, and extreme heat are not random natural events but foreseeable and preventable harms that threaten the moral minimum owed to all persons. Shue's theory thus shifts the ethical focus from managing environmental risk to preventing morally impermissible rights violations, reinforcing the claim that climate change constitutes an urgent basic rights emergency demanding immediate and coordinated action.

Climate Change as a Violation of Basic Rights

From the standpoint of Henry Shue's theory of basic rights, climate change represents one of the clearest contemporary instances of morally impermissible harm. Its ethical significance lies not only in the magnitude or global scope of its effects but in the fact that it systematically undermines the minimal conditions required for a dignified human life. Shue's framework directs attention to moral thresholds levels of deprivation below which no person should be allowed to fall and climate change persistently drives vulnerable populations below these thresholds.[8] In this sense, climate change is not merely harmful but unjust, insofar as it violates rights that are foundational to all other moral and political claims.

8. Caney, S., *Ethics and climate change: A new perspective*. P. 41.

Climate change's assault on subsistence rights is both direct and structural. Subsistence, in Shue's account, refers to secure access to the material necessities of life, including adequate food, potable water, shelter, and the environmental conditions that sustain them. Contemporary climate research and ethical analysis show that rising temperatures, altered rainfall patterns, and increased frequency of extreme events have destabilized agricultural systems, reduced crop yields, and intensified water scarcity, particularly in regions already marked by poverty and limited adaptive capacity. These impacts are not temporary inconveniences but enduring deprivations that erode the possibility of self-sufficiency and long-term planning. Climate-induced displacement further deepens subsistence violations by severing people from land, housing, and communal support systems that are essential for survival.[9] From a basic rights perspective, such conditions represent a moral failure to secure the minimum owed to all persons.

Beyond subsistence, climate change gravely threatens security rights, which Shue defines as protection from severe harm, violence, and destabilizing threats to bodily and social integrity. Extreme weather events increasingly expose vulnerable populations to injury, death, and the collapse of essential infrastructure, while weak governance structures often exacerbate these risks. Moreover, climate change functions as a "threat multiplier," intensifying existing social tensions over scarce resources and contributing to displacement, political instability,

9. McAdam, J. *Climate change and displacement: Multidisciplinary perspectives*. UK: Hart Publishing, 2020, p. 83.

and conflict.[10] Forced migration driven by environmental degradation often places individuals outside established legal and political protections, rendering them vulnerable to exploitation and coercion. These conditions amount to systematic violations of security rights, insofar as affected populations are exposed to predictable and preventable harms without adequate protection.

Importantly, climate injustice must be understood as systematic rights deprivation rather than accidental harm. Shue's theory emphasizes that injustice arises when social and global institutions fail to prevent foreseeable violations of basic rights, especially when such violations are the by-products of practices that benefit others.[11] Climate harms are produced through long-standing patterns of fossil fuel dependence, unequal development, and weak international governance that disproportionately advantage high-emitting societies while externalizing risks to the poor. This structural dimension distinguishes climate injustice from natural misfortune: it is embedded in economic and political systems that repeatedly and predictably expose certain populations to deprivation.

The foreseeability and avoidability of climate harm significantly heighten its moral weight. For decades, scientific evidence has established the causal relationship between greenhouse gas emissions and severe climate impacts, making continued inaction ethically culpable rather than excusable.[12] Furthermore, the

10. Shue, H., *Basic rights: Subsistence, affluence, and U.S. foreign policy* (2nd ed.), p. 74.
11. Shue, H., *Basic rights: Subsistence, affluence, and U.S. foreign policy* (2nd ed.), p. 77.
12. Gardiner, S. M. *A perfect moral storm: The ethical tragedy of climate change* (2nd ed.). Oxford: Oxford University Press, 2017, p. 52.

existence of feasible alternatives renewable energy technologies, adaptive infrastructure, and institutional mechanisms for risk reduction demonstrates that many climate-related rights violations are avoidable, particularly by agents with substantial resources and technological capacity. In Shue's terms, to knowingly allow others to fall below subsistence or security thresholds when prevention is possible is to commit a serious moral wrong.

Taken together, these considerations support the conclusion that climate change constitutes a pervasive violation of basic rights. It systematically deprives individuals of the conditions necessary for survival and security, does so in ways that are foreseeable and preventable, and disproportionately burdens those least responsible for its causes. Shue's framework thus reframes climate change as a basic rights emergency one that demands urgent moral and political responses grounded not in discretionary charity or efficiency calculations but in justice and obligation.

Vulnerability, Thresholds, and Moral Priority

A central normative insight of Henry Shue's theory of basic rights is the idea of moral thresholds minimum conditions of well-being and security below which no person should be allowed to fall. These thresholds mark the line between morally tolerable disadvantage and morally impermissible deprivation. Unlike approaches that evaluate harm in relative or aggregative terms, Shue's threshold-based framework emphasizes absolute moral minima. When individuals or communities fall below subsistence or security thresholds, their situation constitutes a violation of justice regardless of how well others may be doing. In the context of climate change, this insight is crucial, since climate impacts frequently push already vulnerable populations below these moral

thresholds rather than merely redistributing marginal benefits and burdens.

From this perspective, those who fall below subsistence thresholds deserve priority moral protection. Shue argues that it is morally unacceptable to allow some individuals to lack food, water, shelter, or physical security in order to preserve non-essential advantages for others. This principle of priority does not deny the importance of efficiency or overall welfare but constrains them by insisting that basic rights claims take precedence over competing interests. Contemporary climate ethicists have drawn on this argument to justify prioritizing adaptation, resilience, and loss-and-damage support for populations facing existential threats, even when such measures are economically costly. Moral priority, on this account, flows not from vulnerability alone but from the moral significance of crossing thresholds of severe deprivation.

Climate change vividly illustrates how vulnerability is unevenly distributed, both globally and within societies. Populations in the Global South are disproportionately exposed to climate risks due to historical patterns of colonialism, unequal development, and limited adaptive capacity, despite having contributed minimally to cumulative greenhouse gas emissions. Within states, marginalized groups including Indigenous peoples, smallholder farmers, women, and informal urban communities often face heightened exposure to climate hazards while lacking political and economic power to secure protection. From a Shuean perspective, these patterns represent systematic failures to protect basic rights, since vulnerability here is not merely natural but socially produced and politically sustained.

Shue's emphasis on moral thresholds also underpins a powerful critique of utilitarian cost–benefit approaches to climate policy. Cost–benefit analyses typically aggregate harms and benefits across populations, permitting severe losses to some so long as overall welfare gains are achieved.[13] From basic rights standpoint, such reasoning is morally flawed because it treats violations of subsistence and security as acceptable trade-offs rather than as injustices that must be prevented. Shue's framework insists that no amount of aggregate benefit can justify pushing individuals below basic rights thresholds. In climate governance, this critique challenges policies that discount the suffering of vulnerable populations or future generations in the name of efficiency, reinforcing the moral necessity of prioritizing those at greatest risk of basic rights deprivation.

Taken together, Shue's account of vulnerability, thresholds, and moral priority provides a stringent ethical standard for climate justice. It demands that climate responses be evaluated not solely by their aggregate outcomes but by their ability to secure moral minima for all, especially those most exposed to climate-induced deprivation. In doing so, it reorients climate ethics toward the protection of basic rights as the foremost requirement of justice.

Responsibility and the Distribution of Climate Burdens

Henry Shue's theory of basic rights provides a rigorous ethical framework for understanding responsibility in the context of climate change. Central to his approach is the principle of "no forced sacrifice of basic rights," which holds that it is morally

13. Caney, S. *Climate Change, Justice and future Generations*. Oxford: Oxford University Press, 2016, p. 75.

impermissible to require some individuals or communities to forfeit subsistence or security in order to preserve the non-essential benefits or conveniences of others.[14] This principle establishes a non-negotiable moral threshold: climate policy and global governance cannot justify harm to vulnerable populations for the sake of economic efficiency, national growth, or luxury consumption. In practice, this implies that affluent societies, which disproportionately benefit from carbon-intensive development, bear a moral duty to prevent, mitigate, and compensate for climate harms inflicted upon those least able to protect themselves. By framing climate change as a violation of basic rights, Shue shifts the ethical discourse from abstract aggregate calculations to concrete moral obligations grounded in human dignity and survival.

A foundational element of this responsibility is historical accountability and cumulative emissions. Climate change is the product of decades indeed, centuries of industrialization and fossil fuel exploitation, which have allowed certain states and actors to accumulate wealth while externalizing environmental harm to poorer regions. From a Shuean perspective, this historical causation carries moral weight: societies that have benefitted from past emissions cannot disclaim responsibility for the present and future rights violations resulting from their actions. The foreseeability of harm strengthens this obligation, as scientific evidence has long indicated the relationship between fossil fuel consumption and climate impacts, making inaction ethically indefensible. In this sense, addressing climate change is not merely a matter of corrective or reparative justice it is a requirement

14. Shue, H., *Basic rights: Subsistence, affluence, and U.S. foreign policy* (2nd ed.), p. 91.

grounded in the protection of basic rights that are systematically threatened by past and ongoing human activity.

Shue's account further emphasizes ability-to-pay and capacity-based obligations as central to distributing climate burdens ethically. Even when precise attribution of harm is contested, those with the greatest resources whether financial, technological, or institutional bear a proportional responsibility to prevent and remediate basic rights violations. This principle is particularly salient in the climate context, where wealthier states and corporations have the technological capacity to reduce emissions, finance adaptation strategies, and provide relief to populations facing climate-induced deprivation. Recent scholarship has reinforced this point by linking moral obligation to capacity, arguing that affluent actors' failure to act constitutes a serious injustice, independent of whether they are historically culpable for emissions.[15]

Finally, Shue's framework supports the principle of differentiated responsibilities across states, corporations, and individuals, reflecting both the scale of their contributions and their ability to act. States hold primary responsibility due to their regulatory authority, enforcement capacity, and international obligations to protect the rights of citizens and non-citizens alike. Corporations particularly multinational fossil fuel companies carry significant responsibility given their disproportionate contributions to emissions, their influence over public policy, and their capacity to invest in low-carbon technologies. Individuals, particularly high emitters, also bear moral duties, although their obligations are

15. Newell, P., The *political economy of climate justice, p. 19.*

mediated by structural and institutional constraints that shape the range of viable choices. By integrating historical responsibility, capacity, and differentiated obligations, Shue's approach provides a comprehensive and ethically robust framework for assigning climate burdens in a manner consistent with the protection of basic rights. Shue's theory advances a morally rigorous conception of climate responsibility: it prioritizes the protection of those most vulnerable, accounts for historical causation, incorporates capacity-based duties, and differentiates obligations among actors. Unlike utilitarian or efficiency-focused approaches, this rights-based framework treats the avoidance of basic rights violations as the primary ethical criterion, providing a normative foundation for climate justice that is both demanding and actionable. By foregrounding moral thresholds, foreseeability, and preventability, Shue establishes a framework in which responsibility is inseparable from the imperative to protect human dignity and survival in the face of climate change.

Intergenerational Justice and Future Basic Rights

Climate change presents profound challenges not only to present populations but also to future generations, raising urgent questions of intergenerational justice. From the perspective of Henry Shue's theory of basic rights, the moral concern is that future persons possess claims to subsistence and security that are no less morally binding than those of the current generation.[16] Rising global temperatures, sea-level rise, and ecological degradation threaten to undermine the minimal conditions required for human survival and dignity in the future. Ethical inattention to these harms constitutes a systematic violation of basic rights, even if the

16. Shue, H., *Basic rights: Subsistence, affluence, and U.S. foreign policy* (2nd ed.), p. 91.

affected individuals do not yet exist. Contemporary scholarship emphasizes that intergenerational climate obligations are not optional or speculative but arise from the foreseeable and preventable nature of climate impacts.

A key insight in this context is the moral asymmetry between present luxury emissions and future subsistence harms. Actions today particularly in affluent societies that rely on high-emission lifestyles may produce minor conveniences for current actors while inflicting severe deprivation on future populations. Shue's basic rights framework highlights the ethical imbalance in allowing present enjoyment to outweigh the basic survival needs of others, especially when such enjoyment is non-essential. Unlike utilitarian analyses that might discount future harms or treat them as marginal, a rights-based perspective treats foreseeable violations of subsistence and security thresholds as morally impermissible, regardless of the time frame in which they occur.[17]

From this perspective, the duties of restraint, mitigation, and adaptation are morally compelling. Present actors have obligations to limit emissions, invest in sustainable infrastructure, and support adaptation strategies for vulnerable communities not only to prevent immediate harms but also to safeguard the basic rights of those yet to be born.[18] These duties extend beyond national borders, reflecting the global and cumulative nature of climate risks. The protection of future basic rights thus becomes a

17. Schlosberg, D. *Climate justice and capabilities: A framework for adaptation and mitigation*. Ethics & International Affairs, 33(2), 2019, pp. 67–183. https://doi.org/10.1017/S0892679419000105

18. Shue, H., *Basic rights: Subsistence, affluence, and U.S. foreign policy* (2nd ed.), p. 251

guiding principle for climate policy, ensuring that intergenerational equity is treated as a non-negotiable moral constraint.

Shue's work also offers a critique of discounting future harms, a common feature of economic and policy analyses that undervalues future well-being in favor of present benefits.[19] From a basic rights perspective, discounting future harms is ethically indefensible because it treats potential violations of essential subsistence and security rights as less significant simply because the affected persons do not yet exist. Shue argues that rights are categorical: the moral weight of violating basic rights does not diminish with time, and policies that defer responsibility to future actors are morally objectionable. Scholars have reinforced this point in contemporary climate ethics, emphasizing that ethical decision-making must account for the long-term consequences of present emissions, infrastructure choices, and resource exploitation.

In summary, an intergenerational reading of Shue's basic rights theory situates climate change as a rights-based emergency for both present and future populations. It establishes a stringent moral framework: luxury emissions and present conveniences must never justify foreseeable violations of subsistence and security thresholds for those yet to exist. Duties of restraint, mitigation, and adaptation are ethically required, and the discounting of future harms is rejected as incompatible with a rights-centered conception of justice. By foregrounding the protection of future basic rights, Shue's framework deepens our understanding of climate responsibility and underscores the

19. Caney, S. *Climate Change, Justice and future Generations, p. 111.*

ethical urgency of sustained, global, and temporally conscious climate action.

Climate Adaptation, Loss and Damage, and Basic Rights Protection

Climate change not only threatens subsistence and security rights but also imposes obligations on societies and institutions to anticipate, prevent, and respond to harms, making adaptation a pressing moral duty. From the perspective of Henry Shue's theory of basic rights, adaptation is not a discretionary policy choice but a moral requirement aimed at ensuring that vulnerable populations maintain access to the minimum conditions necessary for survival and dignity. Effective adaptation strategies such as climate-resilient infrastructure, early warning systems, sustainable water management, and social safety nets serve to uphold subsistence and security rights in the face of foreseeable environmental disruptions. Failure to invest in or implement such measures constitutes a violation of moral thresholds, as it allows populations to fall below essential levels of protection when preventive action was possible.

Closely related to adaptation is the concept of loss and damage, which addresses harms that cannot be fully prevented or mitigated. Shue's basic rights framework provides a robust ethical lens for evaluating loss and damage claims: when climate impacts irreversibly undermine subsistence or security, moral and institutional responsibility is triggered, requiring reparative or compensatory action from those with the capacity and historical responsibility to act. This perspective moves beyond purely economic or utilitarian approaches that quantify loss in monetary terms, emphasizing instead the protection of moral thresholds and

the preservation of dignity. It also clarifies why vulnerable communities should receive priority support, as their basic rights are most at risk of violation.

However, ethical limits of compensation must be acknowledged. Some climate harms such as species extinction, loss of cultural heritage, or permanent displacement cannot be fully remedied by financial or technological interventions.[20] In such cases, compensation may mitigate suffering but cannot restore basic rights that have been irreversibly harmed. This limitation reinforces the moral imperative of proactive adaptation: preventing rights violations is ethically preferable to compensating after the fact. Shue's theory therefore underscores the non-negotiable duty of current actors to avoid placing populations below basic thresholds whenever possible.

Finally, the protection of basic rights in the context of adaptation and loss and damage entails institutional responsibilities at both national and global levels. National governments are obligated to protect their citizens and residents from foreseeable climate harms, including through the enactment of regulatory standards, social safety programs, and investment in resilience. Internationally, states and global institutions must coordinate to provide resources, technology transfer, and support for populations in countries lacking capacity to adapt independently, particularly in the Global South. Corporations and civil society also carry obligations: companies must minimize emissions and

20. Schlosberg, D., & Collins, L. B., From environmental to climate justice: Climate change and the discourse of environmental justice. *Wiley Interdisciplinary Reviews: Climate Change*, 5(3), 2014, pp.359–374.

contribute to adaptation financing, while international organizations and NGOs can facilitate knowledge sharing and capacity-building. In this multi-level framework, Shue's theory situates moral responsibility in institutional structures, emphasizing that protection of subsistence and security rights is both a societal and global obligation, not solely a matter of individual action.

Shue in Dialogue with Contemporary Climate Justice Theories

Henry Shue's basic rights framework occupies a distinctive and influential position in contemporary climate justice discourse, bridging the gap between moral theory and practical policy. One significant dialogue is with the capability approach advanced by Amartya Sen and Martha Nussbaum. Sen emphasizes individual freedom in achieving functionings what people are able to do and to be while Nussbaum identifies a set of central capabilities that constitute human dignity and flourishing.[21] Both approaches share with Shue a concern for protecting fundamental human well-being. However, Shue differs in conceptual focus and normative stringency. While capability theorists may weigh the enhancement of different capabilities contextually, Shue emphasizes the non-negotiability of basic rights thresholds, arguing that subsistence and security cannot be compromised even for overall gains in capability or utility. In this sense, Shue's framework provides an ethically precise anchor within the broader capability discourse, specifying which aspects of human well-being are morally inviolable and must be safeguarded under all circumstances.

21. Sen, A., *Development as freedom*. Oxford: Oxford University Press, 2017, p. 61.

Shue's theory also contrasts sharply with Rawlsian, utilitarian, and libertarian approaches to climate ethics. Rawlsian frameworks, including cosmopolitan interpretations of the difference principle, emphasize fair distribution of primary goods but can permit temporary violations of basic needs if long-term fairness or systemic stability is achieved.[22] Utilitarian approaches aggregate welfare or utility, potentially justifying severe deprivation for some if the total balance of happiness or benefit is positive. Libertarian perspectives prioritize individual liberty and property rights, often minimizing collective obligations to protect basic needs.[23] From a Shuean standpoint, all these approaches fail to adequately protect absolute moral minima. No calculation of aggregate utility, long-term fairness, or entitlements can morally justify pushing any individual below thresholds essential for survival and security. This insistence on categorical moral duties distinguishes Shue's contribution, making it uniquely action-guiding in the context of climate governance.

At the same time, Shue's framework demonstrates strong complementarity with care ethics and relational justice perspectives. Care ethics, as articulated by scholars such as Joan Tronto and Eva Kittay, emphasizes relational interdependence, attentiveness to vulnerability, and ethical obligations to respond to the needs of others . Shue's focus on protecting those at risk aligns with the moral imperative to address vulnerability systematically and proactively. Relational justice perspectives, which highlight

22. Rawls, J. *Justice as fairness: A restatement* (E. Kelly, Ed.). Harvard: Harvard University Press, 2016, p. 174.

23. Okereke, C. "*Climate justice and development". Oxford Research Encyclopedia of Climate Science*. 2018, https://doi.org/10.1093/acrefore/9780190228620.013.255

the structural and institutional causes of inequality, resonate with Shue's attention to socially and historically produced climate vulnerability. Together, these approaches underscore that ethical responses to climate change require both the protection of individual basic rights and an understanding of the relational, structural, and institutional contexts in which these rights are threatened.

Shue's distinctive contribution lies in his articulation of moral thresholds and non-negotiable duties. Unlike frameworks that prioritize utility maximization, distributive fairness, or capabilities enhancement in a flexible or context-dependent way, Shue insists that violations of subsistence and security thresholds are categorically impermissible. This rights-based threshold framework has significant practical implications for climate policy: it provides a principled standard for prioritizing adaptation, mitigation, and loss-and-damage strategies, ensuring that the most vulnerable populations are not sacrificed to preserve luxury consumption or aggregate benefits elsewhere. By linking moral thresholds to foreseeability, preventability, and capacity, Shue offers a coherent ethical foundation for differentiated responsibilities, ensuring that those with the greatest ability to act whether states, corporations, or high-emitting individuals bear corresponding duties to protect basic rights.

In sum, Shue's theory both critiques and complements contemporary climate justice approaches. It strengthens the moral case for protecting vulnerable populations, provides a clear ethical rationale for prioritizing adaptation and mitigation, and bridges theoretical insights from capabilities, relational justice, and care ethics. Shue's emphasis on non-derogable rights transforms

climate change from a matter of policy optimization into a rights-based moral imperative, offering a framework that is philosophically robust, globally relevant, and urgently actionable.

Conclusion

Henry Shue's theory of basic rights remains a cornerstone for philosophical reflection on climate justice, offering both conceptual clarity and practical guidance in addressing one of the most urgent moral crises of our time. By identifying subsistence and security as non-negotiable moral thresholds, Shue shifts ethical focus from abstract policy debates centered on cost, efficiency, or aggregate welfare toward the protection of fundamental human needs. Climate change, in this framework, is not merely an environmental or technological challenge but a systematic and morally foreseeable violation of basic rights, disproportionately affecting those least responsible for emissions and least able to protect themselves.[24] Recognizing this transforms our understanding of climate ethics: what was previously framed as an issue of risk management becomes an imperative of justice, demanding urgent action to secure the moral minimum for all people.

Philosophically, Shue's approach carries profound implications for global ethics, law, and policy. His insistence on moral thresholds provides a clear standard for evaluating obligations across temporal, spatial, and institutional boundaries. Responsibilities are not abstract or diffuse: they are grounded in historical contribution, capacity to act, and foreseeability of harm,

24. Adger, W. N., Brown, K., & Tompkins, E. L. *Adaptive capacity and environmental governance*. USA: Routledge, 2016, p. 18.

giving concrete ethical weight to the duties of high-emitting states, corporations, and individuals.[25] Shue's framework also critiques utilitarian approaches that aggregate welfare, libertarian theories that prioritize property rights over basic needs, and certain Rawlsian interpretations that allow threshold violations for long-term fairness. Unlike these perspectives, Shue insists that violations of basic rights whether by omission or commission are categorically impermissible, thereby establishing a non-negotiable moral baseline for climate action.

In practical terms, Shue's framework demands a rights-based reorientation of international climate governance. Policies on mitigation, adaptation, and loss-and-damage must prioritize the protection of vulnerable populations, respect the non-derogable nature of basic rights, and uphold intergenerational obligations. Institutional responsibilities span national governments, international organizations, corporations, and civil society, reflecting the multi-scalar nature of climate obligations. By centering prevention and protection rather than mere compensation, Shue's approach emphasizes that ethical climate action requires both anticipatory responsibility and tangible intervention, ensuring that the basic conditions for human life are safeguarded before discretionary or luxury interests are pursued.

Ultimately, Shue's enduring contribution lies in articulating a morally uncompromising yet practically applicable framework for climate justice. His theory clarifies that climate change is a basic rights emergency requiring urgent ethical, legal, and political responses. By foregrounding subsistence, security, foreseeability,

25. Tronto, J. C. *Caring democracy: Markets, equality, and justice*. New York: New York University Press, 2017, p. 73.

and preventability, Shue provides a coherent standard for evaluating climate policies, assigning responsibility, and guiding action at every level of governance. His work reminds us that ethical climate governance must move beyond abstract calculations or voluntary philanthropy: it is a matter of justice, dignity, and the protection of what is essential for human life, now and for generations to come.

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