

Justice forward: Tribes, climate adaptation and responsibility

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Abstract Federally-recognized tribes must adapt to many ecological challenges arising from climate change, from the effects of glacier retreat on the habitats of culturally significant species to how sea level rise forces human communities to relocate. The governmental and social institutions supporting tribes in adapting to climate change are often constrained by political obstructions, raising concerns about justice. Beyond typical uses of justice, which call attention to violations of formal rights or to considerations about the degree to which some populations may have caused anthropogenic climate change, a justice framework should guide how leaders, scientists and professionals of all heritages and who work with or for federally-recognized tribes understand what actions are morally essential for supporting tribes' adaptation efforts. This paper motivates a shift to a forward-looking framework of justice. The framework situates justice within the systems of responsibilities that matter to tribes and many others, which range from webs of inter-species relationships to government-to-government partnerships. Justice is achieved when these systems of responsibilities operate in ways that support the continued flourishing of tribal communities.

1 Introduction

Concern for justice should guide how leaders, scientists and professionals who work with or for federally-recognized tribes approach climate adaptation. This diverse body of actors, which includes persons of all heritages, can affect the institutions that tribes must rely on for adaptation, from tribal natural resources departments to federal climate change programs to treaty councils. There is a tendency to invoke justice to call attention to formal wrongs against tribes, like human rights violations, or retrospective considerations, like the fact that tribes bear the hardships of anthropogenic climate change despite their relatively minimal

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contributions to factors like industrial burning of fossil fuels. Yet justice also represents a crucial framework for guiding leaders, scientists and professionals in their understanding of what actions are morally essential for supporting the institutions that tribes must rely on to adapt. This paper motivates a shift from a formal and retrospective conception of justice to a forward-looking framework of justice that can begin to provide such guidance for adaptation. The framework situates justice within the systems of responsibilities that matter to tribes and many other communities. These systems range from webs of interspecies relationships to government-to-government partnerships. Justice is achieved when these systems of responsibilities operate in ways that support the continued flourishing of tribal communities. An important function of institutions like tribal natural resources departments, federal programs and treaty councils is to shelter and amend these systems in response to ecological challenges like increased frequencies of extreme weather events and changing habitats of culturally significant species.

To make this shift in how one thinks about justice, institutions and tribal adaptation, this paper lays out in Section 2 a formal and retrospective conception of justice that focuses on the constraints faced by institutions that tribes must rely on to adapt. Section 3 makes the shift to a forward-looking framework that situates justice within key systems of responsibilities. Section 4 clarifies for leaders, scientists and professionals how four policies in particular should actually be understood as systems of responsibilities that institutions can shelter and amend. They are the government-to-government relationship, the trust responsibility, the inclusion of multiple knowledge sources in climate research and the advancement of multiparty governance.

2 Formal and retrospective justice

2.1 Climate change and collective continuance

Climate change presents serious ecological challenges for tribes, which range from shifts in populations of culturally significant species to extreme weather events that may force entire human communities to relocate (Figueroa 2011; Lynn et al. 2011; Shearer 2011; Voggeser 2013; Wildcat 2009). Current research in this Special Issue paints vivid pictures of the varieties and severities of the challenges tribes face (Cochran et al. 2013; Cozzetto et al., submitted for this issue; Dittmer 2013; Gautam et al. 2013; Grah and Beaulieu 2013; Doyle et al., submitted for this issue; Voggeser et al. 2013; Lynn et al. 2013; Maldonado et al. 2013). These challenges lead many tribes to remain concerned with what I call collective continuance. *Collective continuance* is a community's capacity to be adaptive in ways sufficient for the livelihoods of its members to flourish into the future. Adaptation refers to "adjustments that populations take in response to current or predicted change" (Nelson et al. 2007, 397). The flourishing of livelihoods refers to both tribal conceptions of (1) how to contest colonial hardships, like cultural discrimination and disrespect for treaty rights, and (2) how to pursue comprehensive aims at robust living, like building cohesive societies, vibrant cultures, strong subsistence and commercial economies, and peaceful relations with a range of non-tribal neighbors, from small towns to nation states to the United Nations (UN).¹ Given (1) and (2), tribal collective continuance can be seen as a community's aptitude for making adjustments to current or predicted change in ways that contest colonial hardships and embolden comprehensive aims at robust living.²

¹ For a rich articulation of collective continuance as "environmental heritage," see (Figueroa 2001).

² Collective continuance is a concern to all communities, though this paper focuses on tribes. See Schlosberg and Carruthers (2010) for an account of Indigenous peoples and capabilities theories of justice.