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Sufficientarianism, Thresholds, and Climate Loss and Damage

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Abstract: With respect to climate Loss and Damage, Laura García-Portela adopts both a sufficientarian account of distributional justice and a Polluter Pays Principle whereby historical emissions are the basis for transfers. This paper makes three main claims. First, it argues that the way that García-Portela adopts a Polluter Pays Principle means that her sufficientarianism would be largely otiose for polluters. Second, it argues that her account of harm leaves questions unanswered about how to classify and respond to climate impacts above her threshold. Finally, it argues that, insofar as the basis for transfers are harms defined as falling below a threshold, an alternative account, the "Polluter Pays, Then Receives Principle" has a better practical and theoretical fit.

Keywords: climate ethics, climate justice, harm, historical emissions, loss and damage, Polluter Pays Principle, sufficientarianism.

JEL Classification: A13, Q50, Q54

In *Rectifying Climate Injustice: Reparations for Loss and Damage*, Laura García-Portela (2025) tackles the challenging question of how to address climate Loss and Damage, the package of policy responses to climate impacts beyond our ability to adapt. This is a major issue; estimates of the scale of the need for Loss and Damage are in the hundreds of billions per year in 2025 (Tavoni et al. 2024). As climate change continues to advance, we can expect to see growing climate losses and damages and the corresponding growing need for Loss and Damage policies.[1]

Rectifying Climate Injustice is a rich book, bringing together climate ethics, philosophy of (climate) science, and political theory to tackle both

[1] "Loss and Damage" (or "L&D") (uppercase) refers to the policies or measures that address the impacts or outcomes, which we call "losses and damages" (lowercase). While this is somewhat confusing, it is important to distinguish between the impacts and the measures or policies, so I use capitals to distinguish them.

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the conceptual issues and potential practical trade-offs. The book deserves attention not only for the importance of the issues it raises, but also for the interdisciplinary acumen García-Portela displays in addressing them. Of especial note is the way she considers different scientific methods of attributing impacts, since these are practically important but also scientifically subtle.

In this paper, I raise two issues in response to this book, both of which involve García-Portela's account of the normative relationship between emitters and those subject to climate losses and damages. The first issue (§1) relates to the book's main conceptual project: with respect to the emitters, what is it that normatively grounds climate Loss and Damage duties? García-Portela uses a variety of types of moral ideology, but I focus on her sufficientarianism (that is, as a pattern of distributional justice) and the Polluter Pays Principle (that is, as a climate justice rectificatory principle).[2] I argue that, given the political feasibility of the Loss and Damage policies she endorses, the Polluter Pays Principle threatens to render the sufficientarian account of distributional justice practically otiose. In short, sufficientarianism is meant to stop the polluters from paying beyond their means and forcing people into lives not worth living. But in the world she argues for, historically emitting countries are broadly wealthy enough to simultaneously transfer resources internationally and improve lives domestically (or at least not impact lives below a sufficientarian threshold), given the political will to act on Loss and Damage, making sufficientarianism practically redundant.

The second issue (§2) addresses the threshold notion of "harm" with respect to those affected by losses and damages. I suggest that there are both practical and theoretical challenges to adopting this threshold account. Practically speaking, it is hard to deal with risk and uncertainty, which is especially relevant given that Loss and Damage instruments are best set up prior to the occurrence of actual impacts. Theoretically speaking, this delineation relegates other impacts to an unknown status (neither necessarily harms nor losses and damages), but one which seems inappropriate for Loss and Damage instruments.

[2] For context, a distributional justice "pattern"—like sufficientarianism—is usually combined with a "metric" or "currency" of justice to generate a "theory of justice" (sometimes with an explicit "scope" or other additional specifications) (Zimm et al. 2024). In climate ethics, three standard burden-sharing principles are the Polluter Pays Principle, the Beneficiary Pays Principle, and the Ability to Pay Principle (in Mintz-Woo 2023, I provide an overview). García-Portela devotes considerable time to rebutting the Beneficiary Pays Principle and defending the Polluter Pays Principle (cf. García-Portela 2023). Below, I defend an alternative principle to these three standard principles.

This leads me to an alternative account (§3). I agree that a focus on emissions is key, but I argue that a normative justification for this focus could support an alternative principle, which I call "the Polluter Pays, Then Receives Principle" (PPTR Principle, pronounced "Peter Principle") (Mintz-Woo and Leroux 2021; Leroux and Mintz-Woo 2023). The idea is to explain the focus on emissions. In short, the climate impact of emissions warrants transfers because they are (negative) *externalities*—those affected by losses and damages were unable to affect the volume of emissions (for an ethical analysis of externalities, cf. Livernois 2024). The surprising upshot is that the same logic implies that transfers might be justified for positive externalities.

Finally, I conclude (§4) with a call for more philosophical focus on climate Loss and Damage, pointing out that the policy demand is great and the fact that there is a significant role to play for conceptual clarification in this context.

I. THE POLLUTER PAYS PRINCIPLE IN A BETTER WORLD

In discussing climate Loss and Damage, García-Portela (2025) appeals to a variety of normative considerations: rights, capabilities, sufficientarian thresholds and the Polluter Pays Principle. In this section, I try to put pressure on the combination of the latter two: sufficientarianism and the Polluter Pays Principle.

Start with sufficientarianism. Like many political philosophers, she takes a theory of distributional justice to require (at least) a "metric" or "currency" of justice (the morally important quantity subject to distribution) as well as a "pattern" or "shape" of justice (the ideal distribution of that metric). In her case, she takes capabilities (which she glosses as "valuable objectives") as her metric and sufficientarianism (the view that it is of significantly greater moral importance to get people at least to the sufficiency threshold than to increase above that threshold) as her pattern of justice. In short, any time that an individual is below that threshold of sufficiency and there are resources that could bring that person to the threshold without making others fall below, we have a distributional injustice.

Now consider the Polluter Pays Principle. This follows the intuitive idea that those who cause an environmental problem, that is, by polluting, should pay to address it. In the case of climate change, those responsible for historical emissions (at least) have duties to address the harms caused by those emissions. We commonly refer to those harms as "losses and

damages" and the mechanisms for addressing them we call "Loss and Damage" measures or policies. Broadly speaking, the Polluter Pays Principle can be considered a principle of rectificatory, compensatory or corrective justice. This section will discuss Loss and Damage policies; the following section will discuss the impacts, i.e., losses and damages.

For the sake of argument, I will grant to her that both of these positions can be cogent. Furthermore, my argument is independent of the specific metric of justice considered (in her case, capabilities). My claim is that, in a world where we grant García-Portela her claims about the political feasibility of Loss and Damage transfers, her sufficientarian commitments end up practically otiose.

The purpose for García-Portela of the sufficientarian position in the Loss and Damage context is to make sure that polluters do not pay too much, causing them to fall below a threshold marking distributional injustice (20). However, García-Portela also (rightly, in my view) takes the relevant actors to be countries (§1.4.1). So, the question is whether countries using Loss and Damage policies to rectify their historical emissions would fall below such thresholds. I argue that they need not.[3]

Why would this matter? First, insofar as philosophical contributions aim to engage with Loss and Damage policies, the force of practical conclusions is more important than the theoretical machinery. Second, in order to have more accessible and convincing arguments, it is worth stripping the (normative) assumptions down to the most essential components. Besides increasing the potential target audience, this also makes it clearer whether the argument itself is valid (or under which conditions). Finally, García-Portela claims that her positions and conclusions are grounded in or motivated by her sufficientarianism. Insofar as that is not true—and that, for practical purposes, the conclusions are independent of sufficientarianism—that would be an important and theoretically interesting point to make. Now I turn to the argument.

[3] It is worth noting that this is largely, albeit not entirely, because her argument operates at the level of nations (and transnational transfers). Sufficientarianism would have much more practical import at the level of individuals. However, there are independent reasons to be concerned about individually-focused sufficientarianism in the context of Loss and Damage: it would be practically overdemanding for a policy to try to determine who are, and redress the harms to, individuals that fall below the sufficientarian threshold. It would be incredibly invasive to gather the appropriate data, even if it were practically possible to determine which data would correctly correspond to the threshold(s). So although the concern I raise here would not apply, there are other issues that would be relevant.

First, it is worth considering which nation-states are significant (cumulative) historical emitters. Many of these are rich industrialized countries (for example, the United States, the United Kingdom, Germany, Canada), some of these are petrostates (for example, Saudi Arabia) and some are populous developing countries (for example, China and India).[4] Those most affected by climate losses and damages, in contrast, generally have negligible historical emissions (for example, Tuvalu, Bangladesh).[5]

Suppose, as I am granting García-Portela, that there could be[6] marshalled sufficient political will for these significant historical emitters to engage in promoting Loss and Damage policies (often at significant cost to themselves).[7] This would entail significant transfers from these historically emitting countries to countries exposed to climate risk.

I would suggest that if there is the political will for international transfers to those at climate risk, then there would also be the political will for *national* transfers or policies that would alleviate national inequality. Why would this be? Generally speaking, citizens are more averse to international aid than to domestic redistribution and reduction of inequality.[8] This is because citizens tend to want their taxes spent domestically and on domestic priorities. In short, I am suggesting that if García-Portela is right about the feasibility of Loss and Damage transfers in line with historical responsibility, then we should expect that such countries would also have the political will to do things like reducing inequality.[9]

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[4] More detailed distributions of historical emissions can be found at Our World in Data (Ritchie et al. 2023).

[5] "Negligible emissions" obviously does not mean "no emissions". Under certain versions of a Polluter Pays Principle, such countries could still owe in proportion to their emissions. However, in *net* terms, they generally would be owed far more than they would owe.

[6] This might be in the actual world, e.g., in the future, or perhaps in a close-by possible world. On my reading, García-Portela is arguing that in the *actual* world this is possible, but my claims are independent of the exact modal status of these claims.

[7] García-Portela defends this claim by referring to some empirical literature about when various agents could be found responsible for failing to discharge their duties (2025, §6.4).

[8] Some indicative data can be found in the 2024 Chicago Council Survey, which found that "Americans prioritize domestic spending over foreign aid" (https://globalaffairs.org/research/public-opinion-survey/americans-prioritize-domestic-spending-over-foreign-aid). Americans are, of course, not necessarily representative, but in this respect I would hypothesize that the preferences of citizens of many other countries reveal a similar pattern.

[9] Indeed, there is empirical reason to think the two are not mutually exclusive, but perhaps even reinforcing. Kharas and Noe found that countries which spend higher shares of their budgets on domestic priorities also spend higher shares on foreign aid, i.e., that there is a positive correlation between these shares of spending (https://www.brookings.edu/articles/the-link-between-foreign-aid-and-domestic-social-spending/).

But is it plausible that emitting countries would not harm the worst-off if they spent more on international climate Loss and Damage? There are two lines of argument that support this claim—although they do not guarantee it.

The first line of argument is that a sizeable literature shows that reducing inequality is compatible with climate goals, such as improved mitigation (Rao and Min 2018) and reduced energy consumption (Millward-Hopkins et al. 2020). If we think that reduced energy consumption or reduced climate impacts would also provide disproportionate benefits to those worst-off, then there is a mechanism for domestic mitigation measures benefitting those worst-off while also reducing inequality (another way of benefitting those worst-off). Of course, since the extant literature discusses climate goals mostly in terms of mitigation, this line of argument would have to be adjusted for Loss and Damage (and I am unaware of versions of this argument that are explicitly about Loss and Damage). So this line of argument would require some extra assumptions; for instance, it could link the two if reducing energy consumption and reducing climate impacts would also reduce fiscal pressures, potentially contributing to Loss and Damage policies and transfers. But I would suggest that, insofar as mitigation is compatible with reduction of inequality, it is highly plausible that Loss and Damage is also compatible with reduction of inequality. After all, Loss and Damage predominantly takes the form of global redistribution from relatively well-off countries to relatively worse-off countries.

The second line of argument relies on considering back-of-the-envelope calculations. Estimates of global inequality are readily available (for example https://wid.world). If considering the estimated share of 2023 annual national income share going to the top 10%, large emitters have quite disproportionate values: for example, Canada (36%), China (43%), Saudi Arabia (55%), the United Kingdom (36%) and the United States (47%). Given that an estimated 36% of annual income is going to the top 10% of earners in the United Kingdom, for instance, taxing 5% would still allow the top 10% to take 31% of the country's national income. In 2023, the United Kingdom's gross national income was approximately £2.7tn, so 5% of that yields about £1.3bn. Suppose, as I am granting to García-Portela, that we had the political will to use these resources for international climate Loss and Damage policies, meaning that we could implement such a tax. In principle, that would raise a significant amount of money. For context, the Green Climate Fund was financed for a worldwide total of

$10bn USD in its first round of financing: this would be a significant fraction of the *entire* first round of financing of the Fund. And that is from just one country. The point is that, at the national level, countries could generate significant[10] resources for Loss and Damage while only taking resources from the very wealthy (that is, not undermining equality or reducing anyone below sufficiency thresholds)—again, if we grant the political will.

Note that there are two ways of precisifying my claim. A stronger version is that, in a world where Loss and Damage measures are politically feasible, countries *would* also engage in domestic inequality reduction spending. A weaker version is that, in a world where Loss and Damage measures are political feasible, countries *could* engage in domestic inequality reduction spending. I am confident about the weaker claim and cautiously optimistic about the former. Regardless, either of these precisifications would make it the case that transfers following the Polluter Pays Principle do not *need* to increase sufficientarian distributional injustice, making it the case that sufficientarian distributional considerations would not rule out acting on Polluter Pays Principles (rendering the sufficientarian commitments practically unnecessary once Polluter Pays is accepted).

It is worth explaining *why* my argument could be successful: when considering countries with nontrivial inequality and significant wealth, there are ways to pay for Loss and Damage policies that do not impact lower deciles (or even improve life for lower deciles). In short, sufficientarianism does not end up being much of a practical limitation. However, it is also worth considering two ways that the argument would be unsuccessful.

First, if, in contrast, we were considering *individuals* who had to pay for Loss and Damage, it might be hard to reconcile that with sufficientarianism for individuals who are close to the threshold, since those payments might well move them below the threshold. Unlike individuals, countries can simultaneously enact multiple policies: ones that increase equality and ones that implement foreign transfers. However, like García-Portela, I believe that as both a practical and theoretical matter, larger entities like countries are more appropriate agents to consider in the context of climate ethics.

[10] Significant, naturally, neither implies—nor is implied by—sufficiency relative to the scale of the challenge.

Second, if it were the case that the significantly *historically emitting countries were themselves poorer* (or especially at risk from climate change), then that would also undermine the position. In that case, there would be more countries which would make it more challenging to pay for international Loss and Damage transfers while not exacerbating inequality—even if the political will could be marshalled to try to achieve both goals simultaneously. As a (perhaps?) contingent fact, these are generally not the same countries, although a fuller examination of the various countries would require further space and exploration.

Again, the key assumption for my argument is that the motivation to pay for Loss and Damage policies has to be there—and, in practice, it is hard to find. But my point is that, if this assumption is granted to García-Portela, there are a number of (perhaps surprisingly) positive potential results and that these can be argued for with considerably weaker normative commitments.

II. HARM AND GARCÍA-PORTELA'S MINIMAL ACCOUNT OF LOSSES AND DAMAGES

Climate losses and damages threaten to bring people below an absolute level that García-Portela thinks of as the level of harm. It is this type of harm that, according to García-Portela, makes transfers to them morally important.[11] This is what she calls a "minimal account of loss and damage", since the harms of loss or damage occur when someone falls below a threshold, in her case, some level of capabilities (cf. García-Portela 2024). Being in such a state is intrinsically bad, being put in such a state constitutes a harm (she sometimes says it would be a "life disruption"), and these generate normative duties to rectify such situations.

While her minimal account is an interesting and novel approach to what constitutes losses and damages to individuals, I want to draw attention to two limitations, one practical and one theoretical. The practical limitation starts with the challenge of determining when Loss and Damage measures are required by this account, given uncertainty in the world.

[11] Of course, then we need to explain why it is the *emitters* who need to make these transfers, and García-Portela has an explanation of this, partially having to do with the importance of accountability and imperiled human rights (García-Portela 2025, Chapter 4). The rough idea of her "Continuity Account" is that duties to avoid pollution are grounded in the possibility of bringing people below thresholds ("infringing their human rights") (also cf. García-Portela 2024). Whether or not those polluters had justifications (or knowledge) or not, on her account they incur duties to rectify losses and damages (that constitute human rights infringements).

Suppose we can implement some measures, such as insurance mechanisms. Is this appropriate any time any *single individual* faces losses or damages? That seems overdemanding, especially since countries do not have sufficiently fine-grained knowledge to determine all affected—this is especially challenging since such policies are more costly to introduce and operate when the number affected is small, remote or otherwise difficult to access. But the practical challenge gets harder: since the world is probabilistic, is the issue just that there is a *chance* that an individual faces losses or damages? If so, what chance is needed to justify the intervention (1%, 10%, 25%, 50%)?[12] Note that it is not enough to say that there just needs to be a risk that *someone* faces a climate impact that could constitute a loss or damage—on García-Portela's definition, losses and damages are only those that introduce "life disruptions" so we also need to know who the individuals are so that we could determine whether the impact would introduce a life disruption.[13]

One possible response is that we do not need to worry about chances or ex ante probabilities: García-Portela is explicit that she is interested in ex post outcomes (45). But that does not help here because, as she acknowledges, many Loss and Damage policies and mechanisms need to be set up ex ante when there still are only risks of losses and damages so the uncertainty is not yet resolved.

So the practical challenge is that, with respect to those affected by climate losses and damages, it is hard to implement such a differentiation, even if we have agreed on a threshold for harm. The reason is that transfers and other Loss and Damage instruments need to be responsive to the threshold but risk makes it challenging to determine when and how that threshold could be breached—and hence challenging to determine when or how to justify the instruments.

[12] There is also the well-known issue that any probability threshold for a deontologist is challenging in aggregated contexts (Jackson and Smith 2006). For instance, if ten people are all subject to independent x% risks, the risk to the ten (i.e., that the risk will eventuate for at least one of them) is much higher than x%. At which level of aggregation should this probability threshold apply?

[13] Presumably, identity matters here: a flood that damages a single-story house is far more of a life disruption than a flood that damages the first floor of a multi-story house, or that damages the house of someone who has other houses to live in. So, if identity matters to whether the same hazard or risk constitutes a "life disruption", then we need to know both about the likelihood of the risk but also about whether that risk constitutes a "life disruption" if it occurs. On García-Portela's account, the same hazard might justify transfers in one case but not another. This is a practical issue because the complexity of the data required would be considerable.

Next, I turn to a theoretical challenge. Suppose that we are able to solve the practical challenge: we have an agreed threshold notion of harm that determines when a loss or damage is sustained, we know how to measure this harm, and we know how to address the risk that the harm will or will not occur. This of course leaves a variety of impacts (which are not "harms" in the particular normative sense that García-Portela defends)—what status do they have? My expectation is that García-Portela might say that they are lower in status, since the threshold notion of harm indicates the especially morally important impacts, that is, those that impinge on life such that they constitute "life disruptions". Indeed, one point that García-Portela emphasizes is that this account is *minimal*, and one sense of "minimal" is that "at least" the impacts leading to people falling below the capability thresholds constitute harms.

But while this seems plausible, it seems theoretically incomplete or unsatisfying. For one thing, we might think that we should address climate impacts that are not life disruptions. For another, this approach just seems to theoretically cleave climate impacts in two in an arbitrary manner.

I could push this concern by posing a dilemma. One horn is that we do think above-threshold impacts constitute harms or losses and damages (in some circumstances?); this is suggested by her additional "at least" clauses. Another horn is that those above-threshold impacts do not constitute harms or losses and damages.

If we grab the first horn, then it seems more information is needed to understand the account. If *all* the above-threshold impacts constitute harms or losses and damages, then there is no reason to introduce the threshold notion of harm—it does no work in distinguishing losses and damages from other climate impacts; all (perhaps ex post) impacts are losses and damages. If *some* of the above-threshold impacts constitute harms and losses and damages, then the account seems radically incomplete: which ones and why? The normative import of the capability approach does not seem to help us with this issue, since all of these impacts are above the capability thresholds, meaning that the capability account does not distinguish amongst these impacts. Bringing in more moral machinery or ideology is, of course, a possibility, but threatens to render the account gerrymandered or disjunctive—furthermore, the intuitive normative importance of events being life disruptions is not relevant. Anyway, this account would lose some of the theoretical simplicity and determinateness of her current account.

That leaves us with the second horn, taking the account as making a deep and normatively important distinction between those impacts that are harms (or losses and damages) and those that are not. But this sharp delineation cuts off some practically relevant outcomes from the domain of loss and damage in a way that seems both undermotivated and practically counterproductive. One way of making this claim is to draw on the arguments I make with colleagues in Wallimann-Helmer et al. (2019). In this piece, one of the first to tackle the ethics of loss and damage, we point out that it could seem arbitrary to separate climate impacts into those subject to anthropogenic attribution and those not. Why would this be? For those impacts that we cannot attribute to anthropogenic forcings, "it seems appropriate to say that … we find a situation of more or less acute emergency due to climate change… in a case of emergency, *someone* is under duty to assist irrespective of whether that agent has caused the threat" (47, emphasis ours). In other words, if we consider losses and damages to only be those attributed to anthropogenic forcings, then we leave unaddressed other impacts.

A similar challenge could be made to García-Portela. If losses and damages (qua harms) are only visited on those falling below the threshold of harm (and suffering life disruptions), then Loss and Damage measures seem to be inappropriate or morally superfluous for those not harmed on this account. But even if they are not harmed in the technical sense García-Portela adopts, they are still subject to impacts, impacts which seem to be the appropriate focus of Loss and Damage measures. Moreover, unlike the division Wallimann-Helmer et al. consider, it could be that those above and below the harm threshold are both subject to anthropogenic attribution, so that cannot be the morally relevant difference between those targeted by Loss and Damage and those not.

One possibility is that García-Portela might say that we should tolerate these impacts. But, as with Wallimann-Helmer et al., this seems to neglect a variety of real impacts which morally matter (perhaps not as much as the harms she is interested in, but surely somewhat). Granting García-Portela her account of "life disruption", it is true that those with impacts above the threshold are not having their lives disrupted (and it is very plausible that it is normatively important to address life disruptions), but these climate hazards can still significantly affect those vulnerable and exposed. This seems to be worth considering, and it seems that it can justify Loss and Damage measures.

Another possibility is that García-Portela might say that these impacts should be addressed, but Loss and Damage measures are not the appropriate types of policies. But this would be even more revisionary, since the usual way that climate policies are delineated—and apparently the way that García-Portela delineates them—Loss and Damage measures are the measures that address ex post climate impacts. It would appear that, *by definition*, these measures include the responses (if any) that would apply to losses and damages that are not severe enough to qualify as "harms" in her sense.

Either García-Portela retains her crucial distinction, and it becomes much less (or even un-)important to address these other impacts (since they do not get the normatively important status of "harms"), or the distinction gets blurrier, which undermines her minimal account and its novelty.

The conclusion I draw from these issues is that, at least insofar as we are able to attribute some risks or impacts to anthropogenic forces, those risks or impacts should be treated similarly—it is theoretically and practically challenging to try to level some distinction between classes of risks or impacts. This is for the practical reason that it avoids the issue of setting thresholds, including with inconsistent probability assignments, as well as for theoretical reasons such as the importance of keeping loss and damage measures as equally appropriate for all climate impacts.

Of course, this raises the question of what could normatively ground the importance of losses and damages in the absence of something like García-Portela's minimal account. In the next section, I suggest such an alternative, one which links emitters to those impacted on specific grounds: that those impacted are subject to unjust *externalities*.

III. THE POLLUTER PAYS, THEN RECEIVES PRINCIPLE AND THE IMPORTANCE OF EXTERNALITIES

The strengths of García-Portela's book lie in her attempts at comprehensively approaching the ethics and justice issues in loss and damage. The book tries to identify emitters and justify their payments, theorize the harms (and identify those harmed) that losses and damages are, and provide a linking theory to explain why—and in what manner—appropriate transfers or symbolic measures should flow from emitters to those subject to losses and damages. Given my concerns about her approach, it behooves me to at least try to offer an account that does the same work, that is that satisfies these three desiderata. In this section, I try to make

good on this, drawing on a principle I developed elsewhere with Justin Leroux (Mintz-Woo and Leroux 2021; Leroux and Mintz-Woo 2023).

The link between historical emitters and those harmed by losses and damages (I am using "harm" in a more inclusive sense than García-Portela's narrow sense here) is straightforward: emissions. But what is it that makes emissions morally relevant? Here is my answer: that emissions constitute an *externality*. What is an externality? An externality is an impact (positive or negative) on an agent that results from a trade where the agent herself cannot affect the trade. Intuitively, she is a(n innocent) bystander. Why should we think that the externality status matters? We can consider a thought experiment to help fix intuitions.

A standard externality thought experiment involves pollution flowing downriver. Consider two cases. In the first, Community U has a factory making widgets which they sell abroad. Community U's upriver factory generates effluent that flows downriver and poisons some of the water of Community D. If Community D has no capacity to affect the volume of Community U's factory actions, then we can say that the effluent is a negative externality of U on D.

In the second, Community U has the same factory—but they sell all their widgets to Community D. In this case, since Community U will only make the widgets (and pollute the river) as long as people buy them, Community D can affect the level of widgets by reducing (or increasing!) their purchases. D is now no longer subject to an externality since they can affect the level of widget trade.

The question is whether the effluent and its water-poisoning effects on D intuitively justify transfers from U to D. Insofar as we think that they do in the first case and not in the second, that is evidence that it is the status of an externality that is doing the normative work.

I believe such an intuition could support the analogous case of climate losses and damage: insofar as we can attribute losses and damages to emitters—where those subject to the losses and damages could not prevent or affect the level of those emissions, losses and damages justify transfers. Just like the pollution case, it is clear that the transfers would be from those emitting to those harmed and the answer would be straightforward: because they externalized the costs to those who are harmed.

This short sketch elides a lot of complexities: when is attribution warranted? How do we deal with the fact that both the emitters and those harmed are plural and complicated (and dynamic in terms of populations)? What about cases where the emitters and those harmed are the

same or overlap? I think these can be answered, but it is clear that there are complexities (cf. Mintz-Woo and Leroux 2021 for some responses).

What I think this sketch indicates is what deeper justification could be raised for something like a Polluter Pays Principle, at least in the context of climate loss and damage. Such a principle would explain *why* the focus on the polluter (because they generated negative externalities), why those harmed get *transfers* (because they are burdened without having any say) and what it is that *links* the two (the emissions which are the mechanism whereby the externality occurs). Furthermore, it would do so by making these transfers part of a more fundamental project: trying to reduce or internalize externalities. Of course, this differs in that all of these externalities count as losses and damages, instead of those that García-Portela think should "minimally" be included, but for the reasons indicated above, this strikes me as an advantage—it seems to be more comprehensive. In short, I think we can get to a similar place to García-Portela with fewer practical and theoretical challenges and complications.

Finally, insofar as one thinks that internalizing externalities in general is a valuable project, this actually makes the situation even more (interestingly) complicated. The reason for this is that climate change, while overall extremely *net* costly and dangerous, can have heterogeneous effects in different regions and in different sectors. For instance, in the tourism trade, as the climate warms, we should expect to see greater demand in cooler Northern countries (for example, Sweden or Norway) and reduced demand in warmer Southern countries (for example, Brazil or Spain). The total net effect may be negative in this sector (I do not know), but the point is that if you disaggregate the impacts, climate change might generate *benefits* in some regions for some sectors.

What should someone who thinks that internalizing externalities is a valuable project say about these benefits? My view is that, to be consistent, these (relatively small) benefits justify transfers from these beneficiaries to emitters (!). In other words, these end up being considered *positive* externalities. Now, since climate change generates *far* more negative externalities than positive ones, the effect on emitters would be overall outflows (commensurate with the negative externalities) compared to the inflows (commensurate with the positive externalities). Furthermore, we would want the emitters to pay *before* being paid (or at least simultaneously). But this account would better reflect the complexity and heterogeneity of climate impacts associated with emissions—and the transfers for Loss and Damage would be a special case of a larger picture.

Since the emitters pay before being paid, one could call this the "Polluter Pays, Then Receives" Principle (PPTR Principle, pronounced "Peter" Principle) (Mintz-Woo and Leroux 2021; Leroux and Mintz-Woo 2023). Obviously, this is a provocative picture, and one that needs more fleshing out, but I think that it is an intriguing alternative to García-Portela's account.

IV. CONCLUSION

I raised a couple issues with García-Portela's (2025) picture of climate Loss and Damage, but nevertheless I think that hers is a very valuable contribution to the discussion. To reiterate, I think that the implications of saying that countries could have the political will to make international transfers to address climate Loss and Damage is more far-reaching than García-Portela realizes. In particular, it threatens to make the sufficientarian distributional justice commitment otiose, at least when we are talking about states as the relevant actors. I also argued that her minimal account of harm is either incomplete or overly sharp. On the one hand, it might be minimal in the sense that impacts above her capability-based thresholds count as losses and damages—but then we need further theory to determine how these work. On the other hand, if it is a sharp distinction, then practically it seems hard to operationalize and theoretically it seems to make other impacts lack a normative status or exempts them unnecessarily from Loss and Damage policies. The main thrust of these comments was that these thresholds end up introducing complexities which can be difficult to address.

However, it is also worth emphasizing that I am very sympathetic to García-Portela's broader aims: I think something like (but not exactly the same as) the Polluter Pays Principle is appropriate in the context of climate Loss and Damage, and I also think that states are the appropriate locus of responsibilities. So, although I was critical, that was more about the way she justified her conclusions, rather than the position she ultimately adopted. And this is all to the good; if indeed this is the right kind of position to adopt, more arguments that support it help secure it and make it more robust (I argue that such convergence is important in Mintz-Woo forthcoming).

But, in closing, I want to reiterate that the area of Loss and Damage is under-researched since it requires competence in a variety of areas, and much work remains to be done (Serdeczny and Lissner 2023). I am pleased that García-Portela's book engages in this important work.

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