

CHAPTER 23

JUSTICE ON ONE PLANET

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JUSTICE is the dominant value in contemporary liberal political theories and liberalism is the dominant ideology in the contemporary world. The concept of justice is, of course, contested with many different conceptions of justice proposed by liberal theorists (Barry, 1995; Dworkin, 2002; Nagel, 1991; Rawls, 1972). Some critics of contemporary liberalism have also proposed competing conceptions of justice while others have disputed the primacy of justice (Fraser, 1997; Sandel, 1982; Young, 1990). Notwithstanding the more radical critics, “justice” and “injustice” claims remain pervasive in contemporary moral and political discourse. Therefore, it is no surprise that some parts of the environmental movement have adopted the language of justice.

The most obvious example is the environmental justice movement, which began in the United States when community activists campaigning against local pollution established national networks (Schlosberg, 1999; Shrader-Frechette, 2002). The environmental justice movement has subsequently expanded both “horizontally” to tackle environmental injustices in other countries and “vertically” to campaign against international environmental injustices (Schlosberg, 2013; Walker, 2012). Activist academics, such as Robert Bullard, played a leading role in the early development of the idea of environmental justice and, in the last 20 years, moral and political theorists, as well as sociologists, geographers, and other social scientists have developed richer theoretical conceptions of environmental justice (Bullard, 1993; Bullard, 2000; Schlosberg, 2013). The common feature of most (but not all) of these accounts is that environmental justice is an anthropocentric ideal: it is concerned with the distribution of environmental benefits and burdens among humans and fair participation for humans in decision making about how those benefits and burdens are distributed (Schlosberg, 2013; Walker, 2012). In contrast, some theorists have proposed an ideal of “ecological justice” (Baxter, 2005; Dobson, 1998). Ecological justice is non-anthropocentric: it is concerned with the fair treatment of both human and non-human entities.

This chapter has two aims. First, I consider the contribution that the concept of justice might make to environmental ethics. I outline three important issues in environmental ethics that a theory of justice is likely to address. However, I also acknowledge two reasons that might be offered for not using the notion of justice in environmental ethics. The second aim of the chapter is to think about the general characteristics of a justice-based approach to environmental ethics. My approach is to consider how taking the environment seriously might challenge contemporary liberal theories of justice. I distinguish three sets of

challenges for liberal theories. The first set of challenges raises issues that are already central to debates within mainstream liberalism. The second set of challenges raises issues that have been important in debates between liberals and their (non-environmentalist) critics. The third set of challenges concerns how liberals conceive of the environment. I argue that the liberal conception of the environment is not compatible with our best scientific understanding of the environment and does not pay sufficient attention to the many morally relevant ways that we value the environment. I suggest that a theory of *justice on one planet*—that is, an environmentally or ecologically aware theory of justice whether it is, in the conventional terminology, a theory of environmental justice or of ecological justice—will be significantly different from the theories of justice that have dominated liberal political and moral theory for the last fifty years.

1 THE CONTRIBUTION OF JUSTICE TO ENVIRONMENTAL ETHICS

The concept of justice can help us to clarify our thinking about three of the most difficult issues in environmental ethics. First, *which entities* should we treat as subjects of justice to whom we can have duties of justice (Dobson, 1998)? Most theories in environmental ethics have an account of which entities have moral status. For example, an anthropocentric ethic gives moral status only to humans, while a biocentric ethic attributes moral status to living organisms and an ecocentric ethic may also attribute moral status to ecosystems. A justice-based approach to environmental ethics requires that we decide which entities are included within the “scope” of a theory of justice so that we have duties of justice toward them (Jones, 1999: 5; Shue, 1983: 602). Given the primacy attributed to justice in contemporary moral and political theory, we might reasonably think that the claim that we have duties of justice toward an entity is the strongest moral claim that can be made on behalf of that entity.

Second, *which interests* of subjects of justice have sufficient moral significance to justify treating them as justice-relevant interests? A justice-based approach to environmental ethics requires that we distinguish interests that are justice-relevant from interests that may be morally relevant but are not sufficiently important to generate duties of justice. Our contemporary understanding of justice implies that justice-relevant interests typically generate stringent duties, whereas other morally relevant interests may generate no more than *prima facie* duties, which can be overridden by duties of justice (Barry, 1991).

Third, *what principles* of justice should we use to adjudicate between the competing claims of subjects of justice (Dobson, 1998)? The reconciliation of competing interests has sometimes been identified as a particular problem for environmental ethics (Baxter, 2005; Bell, 2006; Dobson, 2000). For example, how should we reconcile the interests of the current generation with all future generations (Dasgupta, 2005; DeGeorge, 1981)? Or how should we reconcile the interests of a human and the smallpox virus or a lion and a lamb (Baxter, 1999; Wissenburg, 2011)? A justice-based approach to environmental ethics addresses this problem because theories of justice are fundamentally concerned with the reconciliation of the competing moral claims of subjects of justice.

An account of justice that takes these issues seriously and offers answers to our three questions will take a substantive position in environmental ethics. For short, and to avoid choosing between the terms "environmental justice" and "ecological justice," I will refer to such environmentally or ecologically aware theories of justice as theories of "justice on one planet." If we adopt a justice-based approach to environmental ethics, our main concern will be to consider the relative merits of competing theories of justice on one planet.

However, a justice-based approach might be resisted by some environmental ethicists for two reasons. First, it might be considered hubristic because it implies that moral agents are capable of some form of "planetary management" (Orr, 1992: 54). Justice is a social practice. It is an ideal that we use to regulate social relations (Anderson, 1999; Tan, 2011). Ideals of environmental or ecological justice suggest that we should also seek to regulate the environment or non-human entities that are in, or part of, the environment. Some environmentalists might reasonably worry that this is hubristic (Litfin, 1997; Purser, 1997). The extension of the idea of justice to the environment seems to invert the relationship between the social and the environmental. We see the environment as part of the social world under the management of human institutions rather than social relations and institutions as existing in and shaped by the environment. I will discuss this issue further in section 3, where I will argue that a theory of justice on one planet should adopt a more modest conception of the relationship between moral agents and the environment.

The second objection is that justice is the wrong value to regulate relations between moral agents and the environment. Justice has been described as a "remedial virtue," which regulates relations between individuals when more positive virtues or values, such as love, care, fraternity, solidarity, community or belonging, are too weak to support relationships within a community (Sandel, 1982, 31). For some environmentalists, the atomism of a justice-based approach, in which moral agents are seen as separate entities whose relationships with each other require regulation, is problematic. It is a mistake to try to identify separate entities and then regulate the relations between them because the entities are not separate but rather part of a larger whole that is constituted by their mutual relationships (Leopold, 1949). On a holistic conception of the environment and our place in it the relationships between parts are based on values such as belonging or solidarity rather than justice. This is an important objection but we should be careful to avoid conflating a holistic and a systemic conception of the environment. We can recognize the systemic character of the environment without denying that the parts have independent moral significance. I discuss the implications of the systemic character of the environment for a theory of justice on one planet in section 3.

In sum, a justice-based approach will not be acceptable to all environmental ethicists, but it has sufficient merit to justify closer examination.

2 SIX CHALLENGES FOR LIBERAL THEORIES OF JUSTICE

The discussion of justice in contemporary political theory is dominated by liberal theorists, who have often paid little attention to environmental issues. In this section, I identify six challenges for liberal theories of justice that follow from taking the environment seriously.

First, the most important late twentieth century liberal theories of justice paid most attention to the distribution of resources, usually understood as natural resources or income and wealth, but they paid little or no attention to the distribution of many environmental benefits and burdens (Bell, 2004; Holland, 2008). Environmental justice advocates argue that environmental burdens, such as air pollution, water pollution, and the harms associated with climate change; and environmental benefits, such as access to greenspace, should also be distributed fairly (Agyeman, 2002; Bullard, 1994; Hofrichter, 1993; Shrader-Frechette, 2002; Walker, 2012). However, this challenge to the "currency" of justice in liberal theories is not unique to environmentalists (Cohen, 1989). Indeed, it has been at the center of debates about justice for over 30 years with many leading justice theorists, such as Sen (1980), Cohen (1993), and Arneson (1989), defending alternative currencies, such as capabilities, midfare, and equality of opportunity for welfare. Environmental political theorists have made some interesting contributions to this debate. For example, several theorists have argued that the fair distribution of capabilities can incorporate environmental benefits and burdens (Holland, 2008; Page, 2007; Schlosberg, 2007) while others have defended variations on Rawls's notion of primary goods (Bell, 2004; Manning, 1981; Thero, 1995; Wenz, 1988). More recently, some theorists have proposed a new currency, ecological space (Hayward, 2007; Vanderheiden, 2009). There are many important questions about which environmental benefits and burdens are justice-relevant and how the currency of justice is best formulated to include them as well as other justice-relevant benefits and burdens. However, understood in this way, it seems *prima facie* plausible to imagine that contemporary liberal theories of justice could be modified to incorporate this additional class of benefits and burdens in the currency of justice.

Second, traditionally liberal theories have discussed domestic justice or how benefits and burdens should be distributed within a single state (Caney, 2001). However, the causes and effects of environmental problems do not map neatly onto political territories. For example, the causes of acid rain, river pollution, and nuclear radiation may be in one state and the effects in another, while both the causes and effects of climate change and ozone depletion may be diffused across many states. Therefore, environmental justice advocates argue that liberal theories of justice are wrong to limit the scope of justice (i.e., the community to whom we owe duties of justice) to a single state because our actions can cause harm beyond political borders (Shrader-Frechette, 2002; Walker, 2012). Again, this challenge to the spatial scope of justice in liberal theories is not unique to environmentalists. The debate about the spatial scope of justice has been important in liberal political theory for over 30 years (Beitz, 1979). Many environmental political theorists have endorsed standard arguments for cosmopolitanism while others have argued that the trans-boundary and global character of environmental problems provides new reasons for their preferred version of cosmopolitanism (Dobson, 2006). However, advocates of non-cosmopolitan theories have offered their own accounts of inter-state environmental justice (Miller, 2008). The increasing recognition of the importance of trans-boundary and global environmental problems reinforces the need for some account of "justice beyond borders" but it might not determine the character of that account (Caney, 2005).

Third, liberal theories of justice have been primarily focused on how benefits and burdens should be distributed among contemporaries, but actions that affect the environment can have long-term consequences for future generations (Laslett and Fishkin, 1992; Mazor, 2010). We know, for example, that one-fifth of carbon molecules stay in the atmosphere for

a millennium while the half-life of Plutonium-239 is 24,100 years. Therefore, environmental issues pose a challenge to the temporal scope of liberal theories of justice. It would, of course, be wrong to claim that liberals have ignored intergenerational justice, but they have tended to treat it as an addendum to, or an extension of, a theory of justice among contemporaries (Gosseries and Meyer, 2009; Rawls, 1972, 2001; Tremmel, 2006). Environmental issues have raised the profile of intergenerational justice in contemporary political philosophy (Dobson, 1999; Eckersley, 2004; Gardiner, 2011; Hiskes, 2008; Page, 2007). However, the discussion of the temporal scope of justice—and how relations of justice between noncontemporaries should be understood—remains relatively underdeveloped in comparison with debates about the spatial scope of justice.

So far, we have seen that taking the environment seriously poses three challenges for liberal theories, which are closely related to ongoing debates within liberalism about the currency and scope of justice. However, David Schlosberg, drawing on his interpretation of ideas in the environmental justice movement, poses three more challenges for liberal theories of justice, which are more characteristic of debates between liberals and their critics.

The fourth challenge is that the environmental justice movement is concerned about more than the *distribution* of environmental benefits and burdens (Schlosberg, 1999, 2004, 2007; Walker, 2012). Environmental justice advocates are also concerned about *participation* and *recognition*. Participatory or political justice requires fair participation for all in decision-making processes that determine how environmental benefits and burdens will be distributed. Justice as recognition requires that all persons, irrespective of their ethnicity, gender, religion, or class, are recognized and treated as equals by the institutional and cultural norms and practices that shape their environments and their lives. Schlosberg argues that liberal theories of justice are inadequate because they are concerned only with distribution. This criticism of liberal theories of justice is familiar from—and Schlosberg explicitly draws on—the work of feminist political theorists and advocates of the “politics of difference,” such as Young (1990), Fraser (1997), and Honneth (1996), who argue that the distributive paradigm is inadequate because it fails to take seriously the misrecognition and exclusion of women, cultural minorities, and other oppressed groups in contemporary societies. Liberal responses have varied but many liberals argue that they are concerned about—and can adequately acknowledge the importance of—participation and recognition properly understood (Jones, 2006). In contrast, critics of liberalism might see victims of environmental injustice—who are statistically likely to be members of oppressed groups, such as women, ethnic minorities, and indigenous peoples—as having a common cause with other victims of injustice in liberal democratic societies.

Fifth, Schlosberg has also argued that the environmental justice movement is not only concerned with justice to individuals but also with justice to communities, including territorial communities, communities of color, and indigenous communities (Schlosberg, 2004, 2007). This is another—but more radical—challenge to the scope of justice in liberal theories. Liberals recognize only individuals as subjects of justice (i.e., individuals are the only entities to which we can have duties of justice), but Schlosberg claims that communities are also subjects of justice. This criticism is also familiar but this time from multiculturalist criticisms of liberalism. Some liberal multiculturalists have recognized the moral importance of cultural communities—for example, as a “context of choice”—but have maintained that the fundamental unit of moral concern is the individual person (Kymlicka, 1989: 166). However, some critics have rejected moral individualism so that for them fundamental moral status

should also be attributed to social or political communities (May, 1987; McDonald, 1991). Schlosberg is similarly critical of liberal individualism so that for him the victims of environmental injustice are not just individuals but communities.

Sixth, Schlosberg's final challenge to liberal theories of justice concerns their anthropocentrism. The subjects of justice in mainstream liberal theories are humans. However, Schlosberg (2007) argues that we can also owe duties of justice to nonhumans. This is a fourth—and, perhaps, even more radical—challenge to the scope of liberal theories of justice. The challenge to the anthropocentrism of liberal theories of justice is familiar from arguments about the moral status of animals as well as from various strands of environmentalism, including biocentrism and ecocentrism (Clark, 1977; Dryzek, 1995; Garner, 2005; Leopold, 1949; Taylor, 1986). It is also, as Schlosberg emphasizes, a feature of the environmental justice movement, particularly among indigenous communities, who have played a leading role in the US environmental justice movement (Schlosberg, 2007). There have been some attempts to develop recognizably liberal but non-anthropocentric theories of justice (Baxter, 2005; Hailwood, 2004). However, this seems to require a fundamental reconstruction of key contemporary liberal ideas, most notably the conception of subjects of justice as “reasonable” and “rational” (Rawls, 2001, 6–7).

In this section, I have considered six challenges to liberal theories of justice. The first three challenges point us toward ongoing debates within liberalism about the currency, spatial scope, and temporal scope of justice. However, the other three challenges point us toward debates between liberals and their critics and suggest that a theory of justice on one planet might be quite different from contemporary liberal theories of justice.

3 CHALLENGING THE LIBERAL CONCEPTION OF THE ENVIRONMENT

In this section, I consider a third set of challenges that relate to how liberal theories of justice conceive of the environment. I will argue that a theory of justice on one planet requires a radically different conception of the environment and that this requires the revision of some important liberal assumptions.

The mainstream liberal conception of the environment has five important features that are problematic for a theory of justice on one planet. First, liberals assume that the environment is part of the economy rather than the economy being embedded in the environment. This assumption is clearest in resourcist theories of justice. Consider, for example, Dworkin's classic “desert island” case, which he uses to introduce his discussion of equality of resources:

Suppose a number of shipwreck survivors are washed up on a desert island which has abundant resources and no native population, and any likely rescue is many years away. These immigrants accept the principle that no one is antecedently entitled to any of these resources, but they shall instead be divided equally among them (Dworkin, 1981: 284).

Dworkin conceptualizes the island—and by implication its ecosystem—as “resources” to be incorporated into the economy by distributing them among the shipwreck survivors. In contrast, ecologists conceive of the economy as a “subsystem” that “lives off the containing

ecosystem" (Daly, 1995, 451). The ecosystem supplies the raw materials for the economy and absorbs the waste products of the economy. The economy is part of—and dependent on—the environment rather than the environment being part of the economy. Liberal theorists assume that contemporary scientific knowledge should be taken seriously in public reasoning about justice yet the liberal conception of the environment-economy relationship is not consistent with our best understanding of the science of ecology (Rawls, 2001).

The liberal inversion of the environment-economy relationship is important for a theory of justice on one planet because of the assumptions that follow from it. So the second problem is that if we assume that the environment can be incorporated into the economy as "resources," we also assume that it is passive or, at least, can be brought under the control of economic processes and institutions. However, at its most fundamental level, the environment is a matter/energy system governed by the laws of thermodynamics (Daly, 1995). On our best scientific conception, the environment is dynamic rather than passive. It may coevolve with the economy—responding to human actions as we respond to it—but it is hubristic to assume that humans, or our economic and political institutions, can control the ecosystem (Norgaard, 1995). Instead, recognizing the dynamic complexity of the ecosystem should lead us to a more modest conception of our place in it and a more precautionary approach to using (parts of) the environment. A theory of justice on one planet should assume that the environment is dynamic and beyond our control rather than accepting the liberal assumption that it can be conceived as passive, controllable resources.

Third, we have noted that the environment is a "system," yet liberal theories of justice assume that the environment can be divided up for distribution among persons. Again, Dworkin's "desert island" case is an extreme illustration of this feature of liberal theories. On his account, "each distinct item on the island" is to be distributed "unless someone . . . [has a] desire . . . for some part of an item, including part, for example, of some piece of land" in which case the item must be sub-divided to produce two or more distinct items to be distributed (Dworkin, 1981: 286). In principle, there is no limit to the division. There is no recognition of the systemic nature of local or global ecosystems. We may be able to divide land into ever smaller lots, but that does not alter the ecological fact that any piece of land is related to other pieces of land in many complex ecological ways. Dworkin's conception of the environment as indefinitely divisible natural resources ignores the relations between those "resources" (or interconnected parts of the ecosystem). Moreover, it also ignores those wholly systemic goods that it is not possible to divide, such as clean air, a stable climate, a protective ozone layer, and ecosystem resilience. A theory of justice on one planet must take seriously the systemic character of the environment and the interconnectedness between parts of the environment. Therefore, it should not assume that justice is wholly—or even primarily—about the distribution of parts of the environment. Instead, justice on one planet might be more concerned with how one person's use of the environment affects other people and their opportunities to use the environment.

Fourth, liberals assume that the environment currently provides circumstances of moderate scarcity, in which "natural and other resources are not so abundant that schemes of cooperation become superfluous, nor are conditions so harsh that fruitful ventures must inevitably break down," and these circumstances can be maintained indefinitely in the future (Rawls, 1972: 127). This assumption reflects the liberal failure to take seriously the

dependence of the economy on an "earth-ecosystem" that is "finite, non-growing [and] materially closed" (Daly, 1995: 451). As Daly suggests:

Historically these [environmental] limits were not generally binding, because the [economic] subsystem was small relative to the total [eco]system. The world was "empty." But now it is "full" and the limits are more and more binding—not necessarily like brick walls, but more like stretched rubber bands (Daly, 1995: 452).

In the past, the global economy was small enough for it to develop, increasing both population and per capita consumption, without visible limits. Now the world is "full." The global economy is "stretching" the limits of the earth-ecosystem and it may only be a matter of time before the "rubber band" springs back on us or snaps altogether. Permanent economic growth in a finite and non-growing ecosystem is not possible unless new technologies always enable us to overcome biophysical constraints. However, we have already seen that this kind of extreme technological optimism is unjustified given the dynamic complexity of the ecosystem. Therefore, a theory of justice on one planet must take very seriously the possibility of circumstances of extreme scarcity, in which it is impossible to meet even the most basic needs of everyone on the planet. If justice on one planet requires anything, it must require that we avoid circumstances of extreme scarcity. So it cannot endorse the idea of permanent economic growth nor can it even remain neutral between permanent economic growth and a stationary or steady state economy (Mill, 1848; Rawls, 2001). Instead, it must acknowledge that a steady state economy, without economic growth, will at some time become (or may already have become) a requirement of justice.

Fifth, liberal theories of justice primarily conceive of the environment as property. Liberal justice requires the fair distribution among persons of property rights to parts of the environment. This is problematic for three reasons. First, there are many reasonable conceptions of the environment and how it should be valued that are not consistent with conceiving of (some parts of) the environment as private property (Bell, 2002, 2005). Therefore, conceiving of the environment merely as property is not consistent with the liberal principle of neutrality among comprehensive moral doctrines (Bell, 2005). Second, a conception of the environment as property owned by humans—either individually or in communities—is another reflection of the hubristic assumption that humans can control the environment. Property rights over parts of the environment imply that we have the right and the ability to control those parts of the environment. However, we have seen that the systemic, complex, and dynamic character of the environment makes it implausible to assume that we can control the environment. Instead, the economic subsystem is dependent on the earth-ecosystem. So a theory of justice on one planet should start by recognizing our dependence on the environment rather than assuming that we have property rights over it (Bell, 2005). Third, we have already seen that the fact that the earth-ecosystem is finite and nongrowing implies that there must be limits on the size of the economic subsystem. Therefore, a theory of justice on one planet should assume that the use or transformation of parts of the environment always requires justification (Wissenburg, 1998). If justice requires that human needs are met, the use or transformation of parts of the environment might be justified by our physical and biological dependence on using or transforming parts of the environment. Moreover, there may be other requirements of justice that justify the use or transformation of the environment. However, it seems unlikely that a theory of justice on one planet will endorse full property

rights, which allow individuals or communities to use, transform and transfer parts of the environment as and when they choose. Instead, it seems likely to endorse limited and carefully specified use rights.

In this section, I have argued that liberal theories of justice make five implausible assumptions about the environment. A theory of justice on one planet, which takes our knowledge of the environment seriously, will reject these assumptions. I have suggested that this is likely to have radical implications for how we conceptualize and formulate principles of justice and for our understanding of a just political economy.

4 CONCLUSION

In this chapter, I have suggested that the concept of justice may help us to clarify our thinking about some of the most difficult issues and choices that we face in environmental ethics. Which entities have sufficient moral status to be subjects of justice? Which of their interests are justice-relevant? Which principles should regulate their competing claims? However, I acknowledged that some theorists might be concerned that a justice-based approach to environmental ethics distorts rather than clarifies environmental ethics.

In the remainder of the chapter, I considered how a theory of justice on one planet—i.e., an environmentally or ecologically aware theory of justice—might differ from the liberal theories of justice that dominate contemporary political theory. I distinguished three sets of challenges to liberal theories. The first set of challenges emphasizes the importance of ongoing debates within liberalism about the currency, spatial scope, and temporal scope of justice. The second set of challenges relates to issues that have been at the center of debates between liberals and their critics, specifically, challenges to the distributive paradigm, individualism, and anthropocentrism. The final set of challenges is specific to a theory of justice on one planet because these challenges question the liberal conception of the environment. Liberals conceive of the environment as part of the economy, passive or controllable, infinitely divisible, always able to provide circumstances of moderate scarcity, and as property. I have argued that an ecologically informed conception of justice should conceive of the environment very differently. The economy is embedded in the environment. The environment is dynamic and often beyond our control. It is systemic and interconnected. There is a serious risk of extreme scarcity. Humans are dependent on the environment and conceive of it in many reasonable and justice-relevant ways. If we conceive of the environment in these significantly different ways, we are likely to arrive at significantly different theories of justice. Justice will not be concerned with the distribution of property rights but rather with justifying our use of (parts of) the environment in light of the competing claims of other subjects of justice now and in the future.

The concept of justice has already been employed fruitfully in environmental ethics in debates about environmental justice and (to a lesser extent) ecological justice. However, the more general project of developing a theory of justice on one planet, which is informed by our best scientific and our competing moral conceptions of the environment, remains relatively underdeveloped. We have seen some debates within liberalism (about currency and spatial scope) and some debates between liberals and their critics (about the distributive paradigm and individualism) move to the center of mainstream political theory since

the 1980s. As the twenty-first century progresses and environmental problems become more pressing, we might eventually see debates between theories of justice on one planet replacing debates between theories of global justice as the central focus of mainstream political theory.

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