

Adam Plachciak "Environmental Justice in the Light of Political Philosophy – Chosen Aspects",
Journal of International Studies, Vol. 4, No 1, 2011, pp. 134-139.

Environmental Justice in the Light of Political Philosophy – Chosen Aspects

PhD Adam Plachciak

University of Economics in Wrocław

Abstract. In contemporary liberal political literature there are a lot of researches whose authors devote their attention to social and economic justice but it seems they have not paid any special attention to the environmental dimension since now. In this paper I am trying: (1) to answer the question what kind of attribution the idea of social justice has for natural resources; (2) to point out that justice of future generation plays an indispensable role for the concept of environmental justice.

Keywords: sustainable development, environmental justice, future generations, political philosophy.

JEL classification: Q01, Q5, A13.

Introduction

The evident progress of capitalist economy, enlarging structural marginalization, degradation of natural resources seem to be symptomatic characteristics of contemporary world in which we live. At the end of sixties of twenty century the worldwide voice was lifted up to protest against uprising threats. In 1971 the Committee of the United Nations decided to meet in Stockholm for the conference on Human Environment. The delegates emphasized that there was an indispensable need to deal with environmental degradation in wider, international dimension. Earlier some scientists, such as Rachel Carson (Carson, 1962) and Barry Commoner (Commoner, 1971) had referred to evident unsustainable trends taking place in the world. And also economists like Ezra Mishan and Herman Daly had pointed out that contemporary western civilization had had to change the style of life. Mishan in his book from 1967 had suggested that unlimited economic growth should have been reconsidered (Mishan, 1967). He had suggested that progress could not have to be recognized in the light of one dimensional monetary aspect but rather on the level of complexity. Finally as a result of some propositions, especially notified by international committees, the idea of sustainable development came into existence. Great impact on arising the idea came from so called Brundtland Report in 1987. The document stated that one of the conditions of sustaining development in the world requires such development which would satisfy needs of present generations without depriving abilities of future generations and satisfactions of their needs (*Our common future*, 1987). The authors of Rio Declaration in one of 27 articles emphasized: *The right to development must be fulfilled so as to equitably meet developmental needs of present and future generations* (Plachciak, 2009, p. 106).

Journal of
International
Studies
Scientific Papers
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International
Studies, 2011
© CSR, 2011

Submitted: July, 2011
1st revision: August, 2011
Accepted: September, 2011

Is there justice to nature?

In a typical liberal theory of justice it seems that justice is reserved to humans only. J. Rawls puts the question: *On what grounds <...> do we distinguish between mankind and other living things and regard the constraints of justice as holding only in our relations to human beings* (Rawls, 1974, p. 504). Afterward he goes on: *The natural answer seems to be that it is precisely the moral persons who are entitled to equal justice. Moral persons are distinguished by two features: first, they are capable of having (and are assumed to have) a conception of their good (as expressed by a rational plan for life); and second, they are capable of having (and are assumed to acquire) a sense of justice. <...> Thus equal justice is owned to those who have the capacity to take part in and act in accordance with the public understanding of initial situation <...> one should observe that moral personality is here defined as a potentiality that is ordinarily realized in due course* (Rawls, 1974, p. 505).

From this point of view at least we can see that only human animals can have a conception of good and sense of justice and as a consequence of it our conduct towards non-human animals should not be regulated by principles of justice.

Also Michael Walzer, one of the main representatives of communitarianism, strengthens his theory of justice believing in equality of human beings. Like Rawls he asks: *By virtue of what characteristics are we one another's equals* (Walzer, 1983, p. 314)? And then he gives direct answer: *One characteristic above all is central to my argument. We are (all of us) culture producing creatures; we make and inhabit meaningful worlds* (Walzer, 1983, p. 314). Walzer's statement can simply prove that only human beings, because they are treated as culture-producing creatures, have exclusive rights to belong to the community of justice, and the other non-human animals and the rest of non-human natural world has to remain out of it.

At the beginning of his famous *Spheres of justice* in preface he writes: *In what respects are we one another's equals? And by virtue of what characteristic are we equal in those respects? This entire book is an answer of a complicated sort to the first of those questions; the answer to the second I do not know, though in my last chapter I shall suggest one relevant characteristic. But surely there is more than one: the second question is more plausibly answered with a list than with a single word or phrase. The answer has to do with our recognition of one another as human beings, members of the same spaces, and what we recognize are bodies and minds and feelings and hopes and maybe even souls. For the purposes of this book I assume recognition* (Walzer, 1983, XII).

Symptomatic word used by Walzer in the text is "recognition" and it suppose to refer to the list of features like bodies, minds, feelings, hopes, souls. According to the author of *Spheres of justice* they should be treated as typical characteristics only possessed by human beings. It is what supposedly to justify restricting the recognition of equality to human beings as the members of the same spaces. But it should be pointed out that the first three items on Walzer's list – bodies, minds, feelings – are unquestionably owned by many non-human animals. And another problem, if we accept, as some people do, that many non-human animals possess souls too, than the only one item might differ us from animals is hope.

All these suggest that some of the characteristics strengthening a believe to whom we owe justice can be made to cross space boundary. *Whatever the crucial* – as Cooper writes – *determinant of moral concern – happiness, rights, sentiment – the argument is that it is irrational to restrict such concerns to human beings, since the differences between ourselves and some other spaces which would alone justify such a restriction simply do not exist* (Cooper, 1995, p. 139). Undoubtedly Cooper's argumentation is appropriate. In some cases the determinant of moral concern might be more obvious towards the "subordinate" spaces.

Even Rawls himself refers to restrained cases in his analyses of the features of human

beings in virtue of which they are to be treated in accordance with the principle of justice. He says nothing about moral duties to creatures lacking sense of justice. He writes: *Moral persons are distinguished by two features: first, they are capable of having (and are assumed to have) a conception of their good (as expressed by a rational plan for life); and second, they are capable of having (and are assumed to acquire) a sense of justice. <...> Thus equal justice is owed to those who have the capacity to take part in and act in accordance with the public understanding of the initial situation <...> one should observe that moral personality is here defined as a potentiality is here defined as a potentiality that is ordinarily realized in due course* (Rawls, 1974, p. 512). In fact little children do not possess either of the characteristics which he recognizes as crucial (a concern of good and sense of justice) but our intuitions stop us from leaving them out of the community of justice. Rawls believes that having the “capacity” for these features is something significant. This additional statement let him maintain the boundaries which separate humans from other spaces since as far as we know no non-human animal has even the capacity to entertain a conception of good or build on a sense of justice.

Yet, it should be pointed out that when Rawls characterizes human beings as acting creatures not only by the determination of body needs but also by a desire of doing things *enjoyed simply for their own sakes* (Rawls, 1974, p. 431) and in a footnote he writes that: *this seems also to be true of monkeys* (Rawls, 1974, p. 431), it is clear that at least those characteristics which he reserves only to humans, in fact might be related to some non-human animals too.

After this short introduction the following question arises – Who are the recipients of environmental justice? Naturally it has a number of possible answers beginning from only existing citizens of a single state, ending at present and future generations of living (sentient and non-sentient) beings.

The second question concerning environmental justice sounds – What should be distributed? It used to be understood that environmental justice should be related to environmental hazards, toxins or pollution. In a consequence this type of argumentation leads to the supposition that environmental justice is about distribution of “bad (or “bads”) while economic justice deals with the distribution of “goods”. In fact, understanding of the problem in such a way creates some inconsequences. Recent studies have proved that low-income communities and communities of color bear a disproportionate burden of the nation’s pollution problems (Bell, 2004, p. 291). Then the idea of environmental justice should be extended beyond “bads” including “goods”. With this statement there is a need of explanation what it means “goods”. Actually the notion has always been recognized as a central element of an environmental justice debate. The problem is not focused on basic goods such as clean air, clean water, uncontaminated land, which are depredated by environmental hazards but it rather deals with general idea of “environmental quality” and being able to “experience quality environments” Bell, 2004, pp. 291 – 292).

The third question is – What is the principle of distribution? In fact there are couple possible principles of distribution but in practice it is usually distinguished three basic principles of distribution: (1) equality; (2) equality plus a guaranteed standard; (3) a guaranteed minimum with variation above that minimum according to personal income and spending choices (Bell, 2004, p. 294). D. Bell suggests that if we focus on the questions – “What is distributed? and what is the principle of distribution? – we can distinguish four basic concepts of environmental justice (it is presented in the *Table 1* below).

Table 1. Four basic concepts of environmental justice

CONCEPTION	WHAT IS DISTRIBUTED?	DISTRIBUTIVE PRINCIPLE
1	toxics, environmental hazards, pollution	Equality
2	toxics, environmental hazards, pollution <i>alternatively formulated as:</i> clean air and other basic environmental goods	guaranteed zero equal right to guaranteed standard
3	<i>conception 2 plus:</i> equality of environments (at home and access away from home)	guaranteed minimum
4	<i>Conception 3 plus:</i> environmental recourses (especially food and heat)	guaranteed minimum

Source: Bell, 2004, p. 295.

According to the conception number 1 the answer for the question “What is distributed? sounds: toxics, environmental hazards, pollution, and the distributive principle is equality. For second conception the answer for the question is twofold: toxics, environmental hazards, pollution when we attempt guaranteed zero as distributed principle. On the other hand when the distributive principle refers to “an equal right to the guaranteed standard” we can say about clean air and other basic environmental goods as an object of distribution. The conception number 3 relates to the conception 2 plus equality of environments at home as well as access away from home. Here the distributive principle is “minimum standard”. At the end conception 4 refers to conception number 3 plus environmental resources (especially food and heat) and also it deals with: guaranteed minimum” (Bell, 2004, p. 295).

Each discussion about environmental justice is always connected with the problem of future generation. And in the next part of the paper this category is taken under consideration.

Environmental justice for future generation

Environmental effects have always been divided in two categories: (1) those which have immediate effects and (2) those have delayed effects. The starting point in the discussion about environmental justice for future generation might be James Fishkin’s statement: *no defensible theory of justice can neglect the fact that people are born and die and that our actions may have serious effects on the interests of those yet to be born* (Fishkin, 1992, p. 9). If Fishkin is right the theories of social justice need to be applied not only to the contemporary conditions of everyday life but also projected for the future generations and we should not be satisfied of a theory justice unless it gives us convincing guarantee concerning distribution between present and the future.

On the other hand there are scientists who criticize the idea of justice for future generation. Robert Heilbroner writes: *Why should I lift a finger to effect events that will have no more meaning from me seventy-five years after my death than those that happened seventy-five years before I was born? There is no rational answer to that terrible question* (Heilbroner, 1981, p. 191). Heilbroner comes out of assumption that there is no possibility to build intergenerational justice because the condition for relations of justice misses reciprocity – future generations can not harm or benefit us. It is obvious that any theory of justice which treats reciprocity as the main condition of creating obligations will never work for future generations.

In some sense it was pointed out, among others, by John Rawls. He writes: *It is a natural fact that generations are spread out in time and actual exchanges between them take place only in one direction. <...> This situation is unalterable* (Rawls, 1994, pp. 290 – 291).

Actually Rawls argues for future generations, but insufficiently. It is necessary to begin from present generations in the contractual situation and argue from there if there is a reason for showing justice to humanity not yet born. Principles of justice are regulated by the “basic structure” of society which relates to a set of political, economic and social institutions, including a constitution, laws and property rules.

In fact, future generations do not enter into the contract which is created by people deciding about principles of justice behind the veil of ignorance. *The parties* – as Rawls writes – *do not know to which generation they belong.* <...> *The veil of ignorance is complete in these respects. Thus the person in the original position are to ask themselves how much they would be willing to save at each stage of advance on the assumption that all other generations are to save at the same rates* (Rawls, 1974, p. 287). This results in the so-called “saving principle. Rawls says that since we have entered into the contract for establishing a just society, it becomes obvious that we are obliged to support just institutions not only at present, but for all generations in the whole course of society’s history. “Saving principle” is an integral part of Rawls’ second principle of justice, He writes: *social and economic inequalities are to be arranged so that they are both: (a) to be the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to the offices and positions open to all under conditions of fair equality of opportunity* (Rawls, 1974, p. 302).

Now there is a small step to consider natural resources within the savings principle. In order to maintain liberty, opportunity and good health and thus should be allowed to have resources necessary for survival and growth. In fact, natural resources such as clean air and water, land and energy may prove more important than the economic factors.

At the end, it is important to mention shortly about the weight of J. Passmore ideas concerning the dilemma of justice for future generations. Australian philosopher and environmental ethicist, according to utilitarian way of thinking puts a big question mark for the legitimacy of intergenerational justice. He argues that any postulate to limit present generations’ needs for the sake of interests of future generations equals with absurdity, meanwhile the basic needs of contemporary living people are not satisfied. He argues that we should only limit our responsibility towards the nearest descendents because we can share mutual scales of values and upon that we are able to know what is good or bad. Actually we are obliged only to pass on this heritage that we received from our immediate ancestors. There is no need of heroic acts full of sacrifices and renouncements for benefits of unknown future generations, because now we are not able to anticipate their needs for their number, gender or size will certainly have completely different structure than ours. We should limit our responsibility towards the love of our children or grandchildren treasuring things which are valuable to us.

Passmore’s arguments seem to be groundless when we consider biocentric perspective of the investigated problem. All doubts of Australian thinker – as Z. Piontek writes – *apply to socio – cultural needs and interests because, as it is with majority philosophers, biological needs of man and other living creatures are not exactly important and they are hardly taken under consideration in ethical discourse* (after: Plachciak, 2009, p. 109). However, any principle of justice can be defended when we consider biological human needs such as breathing, oxygen, health – those goods can be anticipated ahead for a long period of time. Especially, it should be considered in the context of climate changes in contemporary world.

Conclusions

Human use of the environment seems to accept a belief that the resources of the Planet play merely instrumental role. Without any hesitation we can say that we live in the World where global threats of consuming natural resources, environment devastation, excessive

demographic growth and permanent dissatisfaction of people became the fact. In contemporary liberal thought theorists devoted attention to social and economic justice but it seems they have not taken enough consideration towards a justice for natural resources. Brundtland report clearly states that inequality is the planet's main environmental problem, thereby confirming Commission's belief that policies for greater material equality are the most crucial elements in any formula of measures focused on environmental sustainability. There is still a big need of a courageous theory which will consider the problem of justice from wider environmental perspective. It is really hard to imagine fair society without rationally protected environmental resources. Especially in the context of climate changes debates about the rights of present and future generations should be considered as the most reasonable. Clean natural environment has a direct influence on the lives of people at present and in the future. Justice is the value which leads to solidarity in building common good for all generations.

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