DISTRIBUTIVE JUSTICE AND SUSTAINABLE DEVELOPMENT

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Contents

Summary

The article presents and discusses some of the central dimensions of justice and sustainable development. Following the introduction, the next four sections deal more generally with the concept (or concepts) of justice. Section two is focused on the meaning and relevance of proximity in relation to justice. This theme is continued in the following section which deals with the relation between the demands of justice and the kinds of relationship which exist between people. In the fourth section some of the most important distinctions are outlined, between different interpretations of the concept of justice, whereas the fifth section discusses various criteria of justice. The following two sections deal with problems which are specific to the application of the concept of justice to intergenerational issues. In the sixth section some of the differences between intra- and intergenerational justice are identified, whereas a distinction between three kinds of resources is set up in section seven. The eighth and final section refers to some of the relevant principles which have been used in international declarations, treaties and agreements.

1. Introduction

Even though the basic ideas are much older, it was more than anything else the Brundtland-report which made the notion of "sustainable development" so famous. Once formulated, it very quickly became one of the cornerstones of international regulation. The strength of the notion is, of course, that it combines two considerations which have often been treated separately: the concern for posterity and the concern for poverty. The message is fairly clear: Society ought to be made more sustainable, but not at the expense of the poorest or otherwise worst-off members of current generations. Or, to put it the other way around: development is needed in order to enhance the conditions of the worst-off parties within the present generations, but this development should not be allowed to be at the expense of future generations.

Right from the outset the notion was thus designed to unite two general demands of justice: the intergenerational demand that future generations matter, and therefore should be treated with due concern, and the intragenerational demand that all members of the current generations ought to be treated in a fair and decent manner, first of all that the worst-off parties ought to have fair opportunities for development, whether this is interpreted in terms of welfare, capacities, or some combined set of indicators. These concerns can already be found in the Stockholm Declaration from 1972, although the problem was formulated then in terms of a balance between developmental and environmental needs and concerns. In Principle 11, for instance, it was underlined that environmental policies "should enhance and not adversely affect the present or future development potential of developing countries," whereas Principle 13 pointed out the need for all parties to "ensure that development is compatible with the need to protect

and improve the human environment." In the Rio Declaration from 1992, however, one can find these two concerns combined explicitly in terms of justice or equity in Principle 3, which states that "The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations."

It seems reasonable to say, then, that inter- and intragenerational justice or equity are the fundamental concerns or values brought forward in the notion of sustainable development. But what does this actually imply? Does the more explicit application of the concepts of justice and equity give us one single clear-cut interpretation of (or maybe even solution to) the problem of sustainable development? The answer to the last question can only be negative, because the truth is that there are several answers to the first one. Justice and equity are very complex concepts, which have been used and interpreted in quite different ways, and whatever answer one may find most sensible, it will be quite dependent on which of the interpretations one finds most appropriate. The problem is not made easier by the fact that the concepts of justice and equity are applied to issues which lie beyond their traditional range of use, and several theorists have even argued that these concepts cannot be applied across cultural traditions wherefore it would be quite inappropriate to apply them to the problematic in question.

Even in theory the problem of sustainable development is not an easy one. The identification of conceptual difficulties and differences is quite illuminating, however, because these difficulties and differences bring us directly to some of the fundamental questions of our age: the question of solidarity across national and cultural borders, the question of the goals and criteria of development, the question of what we are actually committed to leave future generations. The ambition of this article is to present and discuss some of the central dimensions of the problem, not to try to give one final interpretation.

2. Relatedness, Proximity, and the Demands of Justice

In the Nicomachean Ethics, Aristotle made the point that "friendship and justice exist between the same persons and have an equal extension," and that "the demands of justice increase with the intensity of the friendship." The first claim is that there has to be some kind of mutual (more or less friendly) relationship between two or more parties in order for justice to prevail. The second claim is that justice is most demanding in close relationships whereas it tends to be looser and less comprehensive, the weaker the relationships are. Or, to put it another way, we have different kinds of obligations towards our fellow beings, and one of the things that matters is relatedness, nearness or proximity whether it be in one or several dimensions at once.

Although the rationale behind these claims have been disputed, everybody would probably agree that most people are actually acting in accordance with them: we see ourselves as having more comprehensive obligations towards members of our own family than towards members of other families, more comprehensive obligations towards the members of our own community than towards people in other communities, more comprehensive obligations towards the members of our own nation than towards foreign people, and more comprehensive obligations towards the members of our own

species than towards, say, rats, oysters, and bacteria. The degree of relatedness, or the intensity of friendship, in the words of Aristotle, matters somehow. This is not simply a question of proximity in space (or time). Kinship or proximity in kind and species, proximity in ideas, interests or values, as expressed, for instance, in shared membership of different kinds of place-independent communities and organizations etc., all seem to be relevant features, too.
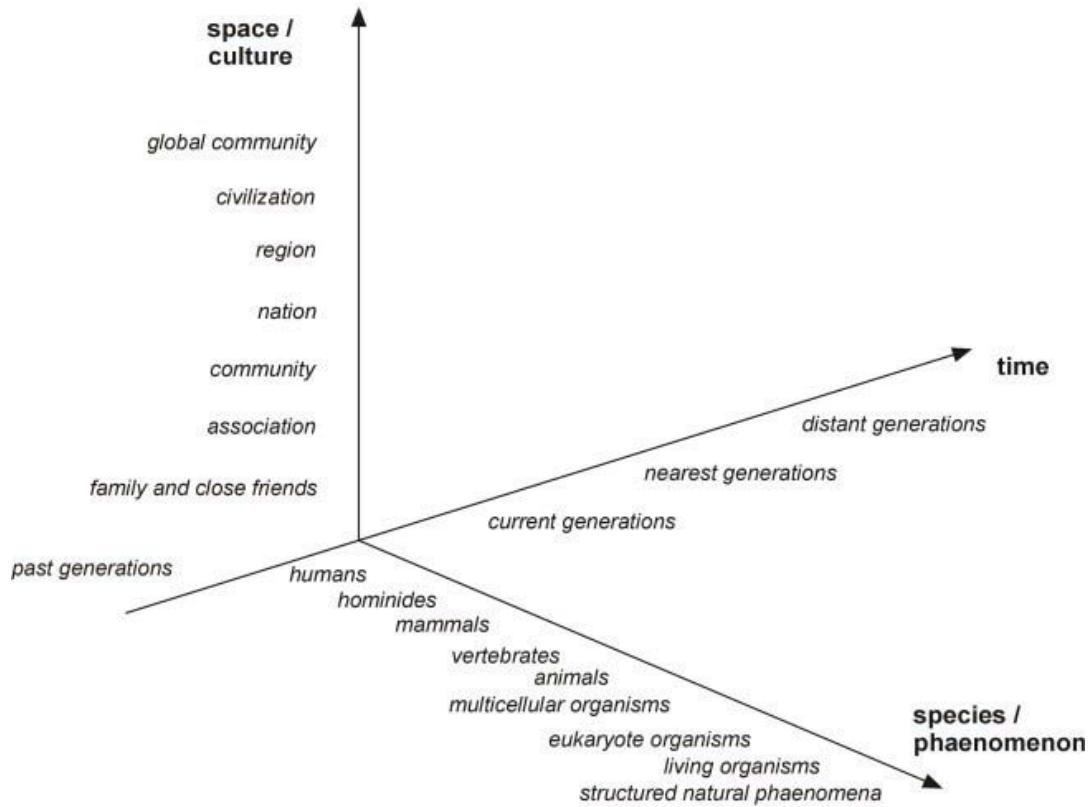

Figure 1. Relevant Distinctions of Three Dimensions: Time, Space/Culture, and Species/Natural Phenomenon

In matters of inter- and intragenerational justice, it is very important to find a way to deal with such distinctions, and some of the most important dissimilarities which can be found among the various theories of inter- and intragenerational justice depend on their diverse ways of reflecting on these distinctions. First of all, however, it is necessary to identify the differences, which may be of relevance. One possible way of lining up these relevant distinctions can be seen in Figure 1, where most of the potentially relevant ones are drawn up in three dimensions: time, space/culture, and species/natural phenomenon.

2.1 The Time Axis

In the dimension of time, it is necessary to distinguish at least four categories: past generations, current generations, nearest future generations, and remote future generations. The reason why it is not enough for us simply to distinguish past, present and future generations, but also have to separate the nearest future generations from remote future generations is that the distant future generations may have moved quite

far away from our own kind of culture and set of values, or that we may see ourselves as less related to them for other reasons. We may therefore find our obligations towards people in the distant future to be less comprehensive than towards people who are closer to us in time. We may, for instance, care a lot for our own (maybe still unborn) grandchildren, or for those who are going to succeed us as caretakers of a specific tradition, whereas we are not likely to be quite as much concerned about our grandchildrens' grandchildrens' grandchildren or about successors in a future which is so remote that the set of values we endorse may have died out or changed radically. They will still be human beings like ourselves (as far as we know), but this is the only relation we can be (almost) certain to have with them. If the demands of justice decrease, the weaker the relationship gets and our obligations towards remote generations will be as scant.

2.2 The Space/Culture Axis

In the dimension of space and culture, it is necessary to distinguish between more categories. In Figure 1, seven categories have been separated. One could put in more, or some slightly different categories, but the ones stated in the figure are among those most often brought forward in debates on justice and obligations. The point is that the further up one moves along the axis, the more inclusive the categories are, whereas the obligations are likely to be seen as less and less comprehensive. At the end of the axis, we end up once again with the rather scanty obligations among humankind, although there is at least one important difference between this situation and the one described previously: the misery of members of the present generation is real, it can be seen and felt, and one can become acquainted with the miserable people. The possible sufferings of future generations, on the other hand, will always seem more theoretical to us, although it can be added that something may actually happen before the expected misery occurs: the arrival of new and unexpected possibilities, or even the very end of humankind. Even though the relationships are between human beings in both cases, it is therefore likely that we, if we were ever faced with the dilemma, would give priority to the needs of "present people," before those of the remote future.

There is one problem which is difficult to deal with in an illustration as simple as Figure 1. Many people are members of families, communities, associations or organizations, which cross the stated lines. Part of one's family may live in foreign countries; one may be a member of scientific societies; participate in religious communities; or be working in corporations which are not located in any specific nation or even civilization. The number of such cross-cultural connections is even likely to grow, along with the globalization of the world, and they are therefore important to keep in mind.

2.3 The Species/Natural Phenomenon Axis

The third axis in the Figure 1 focuses on proximity in terms of nature. Especially during the previous two decades, many theorists have argued that it is necessary to enlarge the traditional scope of justice, and include organisms which are not members of our own species. Some have even argued that non-living, but still structured and identifiable natural phenomena, like cliffs or rivers should be included within the scope of justice. In Figure 1, one can find most of the various categories which have been stated in the

current debate on justice and the environment. Similar to what is the case in the dimension of space and culture, the categories become more and more inclusive as one moves along the axis, whereas the obligations become less and less comprehensive. We seem to have more comprehensive obligations towards members of our own species than towards members of other species; more obligations towards vertebrates with a capacity to suffer than towards senseless creatures, etc. Somewhere on the axis, the obligations disappear altogether—at least as direct obligations.

The difficult question of how many kinds of organisms (or natural phenomena) should be covered by the concept of justice, lies beyond the scope of this article. Here we shall focus exclusively on humans. It should be noted before proceeding, however, that it is important to keep other kinds of organisms in mind, not only because the organisms themselves may deserve some consideration, but also for strictly theoretical reasons: the more stress one puts on features, which are not exclusively human—preferences, pleasure and pain, for instance—the more difficult it will be to reserve the concept of justice (or moral obligation, in general) for interhuman affairs, without ending up with some kind of unfounded "speciesism," akin to unjustified racism and sexism.

3. Kinds of Relationship

Let us now continue a little further with the Aristotelian claim that "the demands of justice increase with the intensity of the friendship," or that justice is more demanding in close relationships than in looser ones, and see how obligations may differ in various kinds of relationships. These relationships could also be described as different circumstances of justice. In this section, we shall take a look at five different ideal-type relationships each of which seem to rely on a specific set of demands of justice. We will pose the question which of these relationships (if any) to use as a model for our understanding of a global community committed to sustainable development. In order to make the case as clear as possible from the start, let us begin with the two extremes.

3.1 Hostile Relationship

The first extreme case is the Hobbesian nightmare, where all parties see each other as enemies. In this kind of relationship discussions about distributive justice can be of very little use. All kinds of distribution will be totally dependent on power relations, and thus primarily based on luck or chance: the rulers are those who simply happen to be the strongest, brightest or most clever at the right time. In all affairs, everybody will be motivated exclusively by narrow self-interest, and thus behave as free-riders whenever possible. If the global community, or relationships, were all like this, there would be no reason at all to discuss either justice or sustainable development.

3.2 Closer Kinds of Relationship

The second extreme case is the very close kinds of relationship like the ones we find in the ideal family or the ideal friendship. In this case everything seems to be exactly opposite to the hostile relationship. Instead of war and competition, we find peace and harmony. Instead of attack and suspicion, we find generosity, care and trust. Everybody is as interested in the well-being of others as in their own well-being, nobody even

thinking of hurting anybody else, nobody acting as a free-rider, etc. Obligations are obviously quite comprehensive in these kinds of relationship, but the concern for distributive justice is not likely to become a prominent feature: to insist very strongly on just distributions would seem out of place. The main distributive criteria are likely to be those of Marxism: to each according to needs (and wishes), from each according to abilities, although everybody would be attentive to situations where the use of these generous and open-ended criteria may provide somebody with less than his or her fair due. Sustainable development would never be a problem if the global community were like this. It is not, however, and it never will be, so we have to look at other kinds of relationships in order to find a more adequate model.

3.3 Utility Friendship

A third kind of relationship is what Aristotle named "utility friendship," i.e. a relationship based on mutual advantage, a more or less provisional non-hostile relationship which lasts as long as all parties can see an advantage in preserving it. In this case, only agreements or contracts about distributions of mutual advantage are possible, because everybody thinks in term of interests, and everybody is ready to skip the partnership as soon as the costs become larger than the benefits. In this case, what justice demands is, firstly, that contracts are made which make everybody better off, and secondly, that everybody complies with the contracts as long as this is in their own interest.

It is not possible to say exactly which distributive criteria to use in the contracts, because this depends on the particular circumstances and on the agreements made, nor can a general picture of the baseline situation be drawn. If one uses the Hobbesian nightmare as the baseline situation, very little would make most people better off, whereas a move from a stable and fairly egalitarian situation would have to live up to much higher standards. Obviously, if this is how we see the global relationship, it would put severe limits on the spectrum of possible agreements. The strongest and richest countries would have little interest in improving the situation of the worst-off parties, and future generations would be the true losers, because no-one in the current generations can ever be injured personally by leaving posterity in a state of misery.

3.4 Goal-oriented Friendship

A fourth kind of relationship, which can also be found via Aristotle, we may call "purpose-, value-, or goal-oriented friendship or relationship," i.e. an association or community of people with common goals and values. In this case, it is not mutual advantage which keeps the relationship together, but a shared understanding of at least part of the good. The members are not as tightly knit together as in the closer kinds of friendship, but they do share common values which can be separated from private wants and preferences, and which, to a considerable extent determine their behavior. Those who contribute most in accordance with the common purpose are rewarded in an appropriate way, and those who show excellence in a commonly understood sense within the field of the association are likewise praised.

If we use this kind of relationship as a model for the global community, and ask what sustainable development may look like then, one feature would probably be particularly distinctive: sustainable development would be conceived in perfectionist terms, and the understanding of the terms "development" and "sustainability" would thus be qualified in the light of the shared ends and values. Development could only be said to occur in cases where the global community is changed, in directions which can be judged as preferable by these standards, and sustainability would first and foremost mean preserving (or improving) the most valuable resources, goods and assets of the community.

3.5 Political Friendship

A much more complex kind of relationship is that which Aristotle called a "political friendship," i.e. the kind of relationship which keeps larger political units together and which makes people act in a spirit of community. The political friendship or community includes or covers all the other kinds of relationships: families, utility friendships, associations, etc. It is an association of associations, each of which has its own specific set of rules and demands, but the political community as such also has its own separate characteristics and its own particular set of demands of justice.

Three of these are particularly important in our context. First of all, there must be at least a minimum of fraternity or solidarity, which works across all internal borders, implying a certain amount of care for the weakest and worst-off parties within the community. A society which leaves its weakest members in the cold does not deserve to be called a political community at all. Second, a political community relies on a common effort to reach reasonable accord with a sufficient amount on rules and principles, values and goals.

Without a certain amount of concord, any community would vanish. Thirdly, these values and principles must be settled in a spirit of reciprocity, expressed, for instance, in the endeavor to take everybody's point of view into account as far as possible, and to guarantee procedural fairness on the basis of principles like non-discriminating law, equal rights of participation, freedom of expression, etc.

If the global community is understood to some extent in terms of a political friendship or community instead of just a utility relationship between states or peoples, this will have important implications for the choice of distributive criteria. Firstly, criteria like needs and abilities will undoubtedly be playing a more important role at the expense of criteria like luck and chance. The special needs of the most vulnerable and weakest parties will be considered particularly. Secondly, it is more likely that the understanding of sustainable development will be conceived to some extent in perfectionist terms, and qualified in the light of globally shared ends and values. If, on the other hand, not even the slightest bit of political friendship is considered to be possible on a global scale, this will speak in favor of criteria like luck and chance, or whatever seems to be of mutual advantage, in which case the interests and ambitions of the strongest and richest parties will get a predominant role. Whatever relevance perfectionism may have in this case will be totally dependent on the ideas and ambitions of the strongest parties.

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Biographical Sketch

Finn Arler was born in 1954. He is M.A. and Ph.d. in Philosophy from Aarhus University, Denmark. He was director of the Centre for Human Ecology at Aarhus University between 1986 and 1993. From 1995 to 1997 he was assistant research professor at the Humanistic Research Center "Man and Nature," Odense University, Denmark, with a project on Justice and the greenhouse effect. From 1997 to 2000 he was associate research professor with an individual project on "Biodiversity and ethics," associated with the cross-institutional project "Borders in the landscape." He is now guest lecturer teaching environmental ethics at Aalborg University, Denmark. Finn Arler has published about 50 scientific articles, mainly on environmental ethics, in Danish, English and German, and has been editor or coeditor on a series of books, reports etc., the latest of which are *Miljø og etik* (Environment and Ethics) and *Cross-Cultural Protection of Nature and the Environment*, both published in 1998. He is now writing a book on biodiversity and ethics.