



Justice and the Environment

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Overview

- Justice
- Environmental justice
- Approaches to justice
- Some questions



Types of justice

- All questions of justice are about the allocation of burdens and benefits.

Types of allocations

- Retributive justice: allocation of punishment
- Distributive justice: allocation of all other burdens and benefits
- Compensatory justice: How do we make up for past unjust allocations?

Conditions of justice

- When do questions of distributive justice arise?
- Prerequisites
 - Scarcity
 - Limited benevolence
 - Power to distribute

Environmental justice

- Concerns the distribution of benefits and burdens among all those affected by environmentally related decisions and actions.
- Environmental burdens and benefits
 - Health
 - Economic
 - Aesthetic

An uncomfortable alliance

- The environmental movement
 - Emphasis on protection of the environment
 - Sometimes misanthropic
 - White, wealthy, and rural
- The civil rights movement
 - Emphasis on protecting humans
 - People of color, poor, urban

Concerns conflicts between

- Humans and nonhumans
- Current and future people
- Developed and developing nations
- Different racial and socio-economic groups within our nation

Humans and nonhumans

- Endangered species
- Animal rights
 - Using animals for sport (hunting, fishing, etc.)
 - Using animals for human research
 - Using animals for food

Current and future people

- A question of intergenerational justice.
- How we manage our environment today will affect the opportunities available to future generations.
- Does it make sense to even talk about having obligations to people who do not yet exist?
- Sustainability

Developed and developing nations

- Overpopulation or overconsumption
- Economic development and environmental sustainability
- Where do we see this conflict arising
 - Global environmental summits and treaties
 - International trade agreements
- Example: global warming

Racial and social conflicts

- Racial minorities and the poor are
 - Disproportionately exposed to environmental hazards.
 - Less well-served by institutions designed to protect people and the environment

Some examples:

- Toxic chemicals in factories and in agriculture.
- Lead paint in older houses.
- Trash and toxic waste sites located disproportionately in minority and/or economically deprived areas.
- Lower penalties for environmental violations in minority areas.

Environmental racism

- In the U.S. environmental justice issues have been framed primarily as a form of racial injustice.
- Reasons:
 - Race has been shown to be more important than socio-economic status in determining hazards.
 - Organized communities/institutions offer voice.
 - The choice of legal and regulatory remedies
 - Title VI of the Civil Rights Act
 - Executive Order on Environmental Justice

Executive order

"... each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations ..."

President Clinton, February 1994

Two approaches to justice

- Substantive
 - Also called “distributional” or “time-slice” approaches.
 - Justice assessed on the outcomes of a distribution.
- Procedural
 - Also called “political” or “historical” approaches.
 - Justice assessed by looking at the process of distribution – how did it take place?

Three theories of justice

- Three theories
 - Utilitarian (substance)
 - Egalitarian (substance)
 - Libertarian (procedure)
- All three
 - attempt to explain what would make a distribution just.
 - are present in public discussions of justice.

Utilitarian justice

- Allocate environmental burdens and benefits so that aggregate social utility is maximized.
- Philosophers understand “utility” as happiness, human welfare, or the satisfaction of preferences.
- Much of the cost/benefit thinking that goes into environmental policy-making reflects utilitarianism.

The World Bank Memo

'Dirty' Industries. Just between you and me, shouldn't the World Bank be encouraging MORE migration of the dirty industries to the LDCs? I can think of three reasons.

1. The measurements of the costs of health impairing pollution depend on the foregone earnings from increased morbidity and mortality ...
2. The costs of pollution are likely to be nonlinear as the initial increments of pollution probably have very low costs ...
3. The demand for a clean environment for aesthetic and health reasons is likely to have very high income elasticity ...

-- Memo from Lawrence H. Summers, chief economist of the World Bank, 1991

Egalitarian justice

- Basic assumptions
 - People are equal in a moral sense.
 - Respect for people requires that they have the basic liberties and material goods to carry out basic life projects.
- Conception of justice
 - All social values – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any or all of these values is to everyone's advantage.

Libertarian justice

- Emphasis on individual liberty.
- The state is to enforce individual property rights, not redistribute wealth.
- A just distribution is any distribution that results from free exchanges.
- Most compatible with free-market economics

Some questions to consider

- Scope – Who are we going to take into consideration?
- Substance or procedures (distributional or political justice)?
- Interpreting differences – How should we use evidence of disparate impact?
- Balance – How should we balance environmental protection and other social needs – e.g., employment and economic development?
