

DISTRIBUTIVE JUSTICE AND SUSTAINABLE DEVELOPMENT

Finn Arler

Department of Philosophy, Aarhus University, Denmark

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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.

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.



Figure 1. Relevant Distinctions of 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 grandchildren's 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 terms 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.

4. Concepts of Justice



Let us next, with these points in mind, take a look at some basic concepts the understanding of which are likely to separate the different theories of justice. I shall begin by separating justice from charity and benevolence, and then proceed through six distinctions or demarcations, where different concepts and theories of justice are placed on either side.

4.1 Justice versus Charity

Why justice and not just charity or benevolence? The answer is not quite easy, because one can not only find different concepts of justice, but of charity and benevolence as well. Some would argue, for instance, that charity is the true basis of justice, or they would argue that charity is the primary duty, and that justice is only an easy way out for certain people. The difficulty with these arguments is that they cannot account for the fact that justice usually demands of us to behave differently towards different people, in order to give everybody what is due to them. Others argue that sentiment—the love which parents give to their children (and grandchildren)—is by far the strongest bond which exists between generations and therefore the best, and maybe even the only, way to guarantee that the needs and wants of future generations are taken into considerations. The problem with this suggestion is that there would be no reasons left to take the needs of people living one hundred years from now into account: it would allow us, for instance, to dig down unlimited amounts of pesticides and radioactive waste products, if only we could guarantee that the barrels would last for at least a century from now.

For these reasons, it does seem reasonable to talk about justice rather than about charity, benevolence and sentiment. We can thus make use of the traditional distinctions between perfect and imperfect duties, or between obligatory and meritorious actions. When we talk of justice, we are talking about more perfect duties and more obligatory actions than is the case with charity and benevolence. On the side of the actor this means that there are considerations, which it is obligatory to take into account, whereas it would be meritorious to be even more considerate than this. On the side of the receiver the difference is between legitimate (legal or moral claims, or rights), which one can put forward in relevant fora, and charitable donations or gifts which one can only be grateful to receive, but never make a claim for. Especially when one is on the receiving end, this is a very important difference.

4.2 Mutual Advantage versus Impartiality

Let us say, then, that justice is obligatory in a way which charity and benevolence is not. This leads us right to the first distinctions, which originate in two answers to the question of why justice becomes relevant in the first place. On the one hand it is claimed that justice is basically a question of mutual advantage. When different parties have opposing interests, a solution will be sought, and a contract set up, which benefits all parties. The solution is "just," if each and everybody is better off than he or she would have been without the contract. It should be noticed that this concept of justice rules out the possibility of talking about intergenerational justice, because neither past nor future generations can hurt current generations in any way that could ever motivate these to make a contract, based on mutual advantage. All advantages are on the side of current generations, and if selfish motives are all that matters, there would be no reason at all to think about sustainability.

Against the mutual advantage theory, others would therefore argue that justice is not a matter of mutual advantage, but a matter of impartiality, i.e. of taking all relevant considerations into account without giving special considerations or privileges to one's own needs and aspirations (nor to those of one's own community or generation). This way, everybody's needs, wants, potentials, skills, abilities etc. are, in principle, taken into account and weighted in a fair and reasonable way. Impartiality is a notoriously difficult concept to use however, and it can very easily be misunderstood and mixed up with other concepts. One should be careful about two things in particular.

First, there are at least two levels of impartiality. In our daily lives we are all "partial" in the sense that we take more care of our own family and closest friends than we do of strangers. This first level partiality does not rule out being impartial on a second level, however. It can even be argued, for instance, that from an impartial point of view, it is acceptable or even recommendable that everybody pays more attention to family and friends than to less closely related people. "Second level impartiality" only dismisses partiality in what we may call second level situations. For example, the schoolteacher should not favor her son in class, the bureaucrat should not let family members jump the queue, the politician should avoid nepotism and corruption.

First level impartiality, i.e. getting rid of all personal considerations in all kinds of situations, is neither obtainable nor recommendable. It would quite simply rule out the possibility of having close relationships. Second level impartiality is a much more attractive option. It is also a vaguer concept, however, which goes along well with a series of concepts and theories of justice. It only rules out theories, which do not treat all interests and concerns in the same way, but are willing to

give priority to a specific set of interests, the interests of one's own party or those of the stronger parties, for instance, without being able to state some impartial reasons for doing so.

Second, "second level impartiality" should not be mixed up with neutrality between concepts or theories of the good. If one theory of the good is actually much better than all other theories, it would be absurd to say that impartiality demands us to stay neutral between the best theory and all the less good ones. On the contrary, if it is possible to state some good and impartial reasons for acting in accordance with one theory of the good, impartiality would obviously demand us to act in accordance with this theory. The situation is not as radically different as one may tend to think if, instead of one superior theory, there are several reasonable theories of the good, and there is reasonable doubt as to which are the best impartial reasons for preferring one theory before the others. It would still be fully in compliance with the demand of impartiality to drop all the bad theories, together with the reasonable ones, and to keep on discussing the strengths and weaknesses of the remaining theories. The possibility that there may be certain issues which are unresolvable does not make impartiality and neutrality between theories of the good into one thing. So let us now turn to the idea of neutrality.

4.3 Neutralism versus Perfectionism

It is an indisputable fact that there is a huge variety of lifestyles present in the world we share. Not only are there differences between communities, nations, and civilizations, there will continue to be internal differences, down to the smallest community, subgroup, or family. There are various cultures in the world, and each of them includes a series of subcultures on different levels. One may even say that many individuals contain different "subindividuals" with different sets of wishes for and ideals of the good life. It therefore appears to be a reasonable way to avoid much conflict to try to find a way of being neutral between all the various conceptions of the good life. The larger the number of involved and affected cultures and subcultures is, then more attractive does it seem to be to try to neutralize the potential conflicts between different conceptions.

For this reason, many theories of justice have tried to establish a clear-cut borderline between questions concerned with the "right" and questions concerning the "good." According to these, basically liberalist, theories, questions of justice are placed on the side of the right, and we should therefore avoid mixing them up with issues related to the good. "Perfectionism," the view that the good life is the end of decision-making, may be acceptable at the individual level, it is argued, but it should be left out on the social level, in particular on a global scale. Individuals, communities and/or nations should be allowed to live in accordance with the ideas they simply happen to have about which components a good and perfect life includes. Everybody should have a right to set up his or her own goals or life plan, no matter what kinds of goods he or she may happen to pursue, and society should stay as neutral as possible in relations to these goals and plans. Society should only guarantee neutral rights, e.g. private property and consumer sovereignty, not interfere with the basically private conceptions of the good.

However, it may not be as easy as some may wish to avoid questions of the good altogether. First, it is not difficult to find conceptions of the good, which do not accept the rigid distinction between the right and the good, and whose defenders therefore see the upholding of the distinction as a threat to their own ideal of the good life. Take the members of some religious organizations, for instance, who see their main task in the present life as conquering political power, with or without the approval of other citizens, in order to establish the true kind of life which will save all, and guarantee a wonderful afterlife in the one and true heaven. Such a conception would not accept that questions of justice should be kept separate from conceptions of the good. Defenders of the neutrality thesis therefore have to exclude at least such conceptions of the good, and only allow conceptions which give due respect to other understandings.

Second, there is obviously some kind of good involved in the very search for ways to avoid conflict and to let people live independent lives, as individuals and/or as communities. Perfectionists argue that peaceful coexistence and autonomous development are in themselves central human goods which can hardly be considered a neutral thing to endeavor. There is nothing absurd in saying, for instance, that a state of affair characterized by warlike conditions and subjection of the weakest parties is the best and most appropriate life, because, after all, human beings are fundamentally aggressive and competitive. If one argues that this is a wrong ideal, one has already left the neutrality thesis and begun to argue on perfectionist ground.

A third problem is related to the comparison of goods. In order to distribute goods in a just and equitable way, it seems necessary to have at least some thin or vague conception of what can be considered a good. For instance, no-one could ever complain about his or her own share being unfairly small or of too little value, if all conceptions of the good were abandoned from discussions on justice and equity. Future generations would never have any reason to complain about the circumstances we leave them, if there were no common understanding at all of what counts as good and bad circumstances. Different shares could never be compared, and no-one could claim that his or her share is better or worse than those of others. It would simply be different. But how can we talk about distributive justice at all in this case?

Neutralists do have various ways to deal with this problem. The route most often taken is to try to put all kinds of goods on one common and quantifiable denominator like utility, preference satisfaction, or (much easier to cope with) money. In all three cases each and every kind of good is considered to be exchangeable with any other, and in the last case the relative value of each good can even be read directly from its exchange value on the market. The use of common denominators,

utility chips or money, even seems to bring us the extra advantage of being able to represent various principles of justice quite easily in diagrams showing how much different groups will be receiving in each case.

One of the many serious problems with this solution, however, is that many goods cannot or ought not be considered exchangeable in such a simple way. They cannot be valued by the use of common denominators without further qualification. In relation to the sustainability issue, this is the case, as we shall see later, with so-called critical goods, which are inescapable conditions of survival and development, and with unique goods, i.e. goods which are closely linked to the identity of the holder, whether the holder is an individual or a community. As will hopefully be made clear in section seven, none of these goods can be exchanged on market terms. To continue to see them as exchangeable goods would not be a neutral thing to do, but rather putting oneself into a fairly extreme position. Another serious problem is that a universal market society, where even political decisions are reduced to a mere aggregation of preferences, can hardly be seen as a neutral ground or framework, which is compatible with all conceptions of the good.

There is also a second route to take, however, in order to rescue the neutrality thesis. Instead of seeking common denominators like utility chips or money, and leaving the valuation of goods to the market (or, if necessary, consumer preference surveys or similar methods), it could be argued that the neutral ground is not to be found in the market, but in the political forum. The political forum can be conceived as neutral in the sense that it is based on a series of inescapable norms of rational conversation, which set certain limits on the possible concepts of the right, but leaves it fully to the participants to decide in all matters concerning the good, as long as the various conceptions of the good do not interfere with the general neutral scheme. This solution to the problems of neutrality is much more attractive than the previous one, for various reasons. It does not presuppose that all goods be considered as commodities only, nor that the involved persons be considered as individual consumers only. Different kinds of goods can thus be evaluated (and furthered, dismissed, or accepted) by political citizens in the ostensibly neutral setting: the public forum. Nor does it rule out the use of "desert" as a distributive criterion, or the possibility of qualifying the concept of sustainability.

But why insist so much on being neutral in the first place? The defenders of the neutrality thesis argue that this is the only way to defend diversity and pluralism, and to avoid, or rather: civilize the inevitable struggle between different conceptions of the good. Opponents to the neutrality thesis argue, instead, that there is no reason at all to insist so much on neutrality, because one can easily argue for the value of a diversity of life-styles anyway. The good life can never be identified with one single lifestyle; rather, it must be seen as the coexistence of a large number of worthwhile ways of living. In fact, no society could ever avoid the presence of a variety of lifestyles, many of which are intimately related to specific arts, jobs and functions, and it would be absurd to try to remove all these differences in order to install some kind of "monist" good. Moreover, neither the furthering of markets mechanisms nor the encouragement of public fora for rational discussions can be considered as neutral in themselves, but need to be seen as components in the furthering of certain ideals of the good life. Both are, in each their specific way, related to the idea that individual autonomy constitutes an important component of human flourishing, and can be discussed in the light of this assumption. Instead of trying to hide behind a curtain of neutrality, the perfectionists argue, it would be more sensible to discuss these ideals in the open.

4.4 Universal versus Particular, General versus Specific

Yet another distinction, which is often brought forward in discussions of justice, is the distinction between universal and particular principles or ideals of justice. The problem is whether it is possible to find general and universally valid or acceptable principles (or judgments) about sustainable development and distributive justice, which are or can be adopted by everybody independent of their cultural origins, or instead we will have to accept that there are only specific sets of particular principles (or judgments), each of which is so intimately related to a unique local culture that it cannot be expected to be generally accepted on a global scale.

Part of the problem can be avoided, if we are careful not to confuse two separate distinctions, namely, on the one hand universal and particular, on the other hand general and specific. A principle is universal if it does not contain individual constants, and particular if it does. When we make use of universal principles, we treat everybody who is qualified to be covered by the principle exactly the same way. On the other hand, a principle is general if it covers many cases, specific if it covers only a few. Some universal principles are general, others are not. We can thus have universal principles which are only relevant to a certain group of people (pregnant women, for instance). Some universal principles may even be so specific in their content that they are only relevant to one person, because this person is the only one who is qualified to be covered by the principle.

By separating these two distinctions we can avoid various confusions. First of all, it becomes obvious that universality does not demand that we have to use the same general principles in exactly the same way on all kinds of cultures, peoples, nations, communities and situations. It only demands that similar groups of people are treated similarly in similar situations. One of the important consequences of separating the two distinctions is that specified groups of people can be treated in a special way or be awarded with special rights without giving way to universality. It may be necessary, for instance, to show special consideration for indigenous peoples or to take all kinds of special national circumstances into account.

The fact that a principle is universal does not in itself make it universally acceptable, of course. Some universal principles are not universally accepted, sometimes not even acceptable. They may be based, for instance, on some basic assumptions

which are not accepted by all cultures. This indicates, first, that one should try to keep those elements of one's own culture, which are undisputable in principle, such as religious dogma based on faith, out of the cross-cultural deliberations and negotiations, and second, that one should display a large amount of openness and tolerance towards other people's habits, beliefs and opinion, given the broad spectrum of different, but still reasonable solutions to any interesting and therefore complex problem. From this, one can draw the conclusion that, in general, one should only seek uniform solutions across cultural borders in matters where it is either necessary, or where all parties find it reasonable and appropriate to do so.

4.5 Substantial versus Procedural

Almost all questions related to cross-cultural and intergenerational equity are complex and open to the application of several principles. It is therefore usually impossible to draw unambiguous conclusions, which one can be certain that all parties would support if only they based their opinion on rational arguments. The rule is not that there is only one, but rather that there are several reasonable answers to these questions. In these kinds of situations there is much sense in trying to transfer the settlement of the dispute to a procedural level.

There are basically two main kinds of procedures. The first kind includes procedures which work more or less automatically, and the outcome of which is "just" whatever it happens to be. The kind of justice which follows from such procedures is sometimes referred to as pure procedural justice. Various kinds of lotteries belong to this category, and one may include the market and (with some further qualifications) democratic elections, too. There is no independent criterion by the use of which we can decide whether the outcome is fair or not. If the procedural rules have been followed correctly, without force or fraud, the resulting outcome is simply just. The second kind consists of deliberation and negotiation procedures, and the outcome is sometimes referred to as imperfect procedural justice. Court trials belong to this category, together with most democratic, deliberative procedures, as well as various procedures of science. Each procedure follows a specific set of rules, but even if the rules are observed very strictly, there is no guarantee that the outcome is just. The best arguments may not have been displayed, the participants may not have had enough experience, or they may have suffered from poor judgment.

There are two great advantages in relation to procedural justice of the second, imperfect kind. Firstly, it satisfies, at least in principle, the idea that those who are affected by the decisions should also be involved in the decision making. Secondly, it gives a reasonable answer to the question of how to proceed in cases where principles or interpretations of principles are in conflict. It may not be possible to end up with a substantial consensus, but a procedural consensus may sometimes be just as good, especially if it includes ways of reaching a result, whether it be by voting or some other reasonable procedure. One basic problem in relation to sustainable development is, of course, that future generations cannot participate in the procedures, and even though they may be represented by a specific group of advocates in the deliberations and negotiations, one can never be certain that their points of view are truly represented. This, however, is only one more reason not to regard the outcome of the democratic procedures as pure, but rather as imperfect justice.

5. Criteria of Justice



5.1. Simple Equality

Simple equality is the criterion, which is being used whenever we cannot give any good reasons to distribute in accordance with other criteria. In this situation, all parties should be treated equally. The best example of equal treatment in this simple sense is probably the distribution of human rights, although even here we are faced with a number of relevant differences. Franchise is not given to everybody, for instance, but only to those who have reached a certain age.

In most cases, therefore, there are some relevant differences to consider when deciding on distributive criteria. The debate on the increasing greenhouse effect and the distribution of CO₂ emission quotas and/or of benefits and costs is quite illustrative of this. First, there are a number of more or less relevant physical differences to consider. Some countries have easy access to non-fossil energy sources, such as, first of all, hydropower, but also solar energy, biomass or wind power. Others have fewer possibilities. It is therefore not altogether obvious that emission quotas should be distributed on an equal basis. Physical differences are also important in relation to consequences: some countries are much more vulnerable to the impact of an increasing greenhouse effect than others: low-lying countries, warm and dry countries, and countries with particularly vulnerable ecosystems, whereas others may even benefit from a warmer climate.

There may also be important historical differences. Some countries insist, for instance, that they have already used the common for a considerable time, wherefore entitlements based on prescriptive rights resulting from previous usage would be relevant. Others look at the case from the other end, and say that countries, which have emitted great amounts of greenhouse gases for a considerable time, have already used up their fair share of the common, wherefore they should pay the rest if they want to have continued access.

Still another kind of differences which is often considered to be relevant is social differences. This is particularly relevant in relation to sustainable development. It can be argued, namely, that the increasing greenhouse effect should be seen in close relation to the different levels or kinds of development, and solutions sought accordingly. After all, the most vulnerable

countries will be those with the weakest social, economic, and educational structures.

Although it may, in the end, be reasonable to use the simple equality criterion when distributing emission quotas, the case illustrates quite well how often it will be relevant to consider relevant differences and, consequently, to apply other criteria than simple equality.

5.2 Desert

One such alternative criteria is "desert." The significant thing about this criterion is that it depends on the presence of common goals, or at least some common standards of excellence, together with a common conception of responsibility. If we do have such common goals and standards, compliance with the standards and positive contributions to the fulfillment of goals are usually rewarded in an appropriate way, whereas negative contributions are blamed and sometimes even punished.

The application of this criterion presupposes the presence of an agreement on commonly accepted goals and standards, and this condition can sometimes be difficult to reach. In international regulations, however, sustainability is accepted as a common goal, together with the preservation of the so-called cultural and natural heritage. Desert is therefore an obvious criterion to use in these matters, and it has been applied in various ways. The most well-known example is probably the application of it in relation to one of the most well-established principles in international regulations, the Polluter Pays Principle.

5.3 Needs and Abilities

Distributions can also be made in accordance with needs and abilities. This is the criterion according to which "the heaviest burdens are put on the broadest shoulders," whereas the weakest parties, or parties with particular problems, are relieved from some their burdens, or supported one way or the other. Apart from accepting differences in needs and abilities as relevant differences in the first place, there are at least a couple of main prerequisites for using this criterion.

First, the sense of community among the involved and affected parties will have to be strong enough to motivate the richest, strongest, or otherwise best-off parties to take on special responsibilities in accordance with their abilities. In a state of heavy competition or even war, it would be difficult or impossible to motivate the best-off parties to help the weaker parties. Second, the stronger parties should not consider the special troubles of the weaker parties as primarily self-inflicted. A certain amount of responsibility will always be expected to reside in the receiving party.

Another important problem with the application of this criterion is that it is difficult to manage, unless very clear terms are defined, and that an agreement about these terms can often be hard to reach. Almost every country can claim to be a special case one way or another. Countries with a low average income can claim their special needs and lack of ability, whereas richer countries may claim to be in a state of transition (which always turns out to longer than originally expected), or they are faced with a temporary crisis, or their economic progress should not be threatened, because the progress of other nations is depending on it, etc. To this can be added the further difficulty that circumstances will change, inevitably, and that negotiations will therefore have to be repeated over and over again.

5.4 Usage and Prescriptive Rights

Yet another distributive criterion is usage or prescriptive rights. This, again, is a criterion which can be used in a variety of cases. The main argument behind applying usage as a criterion is that as long as there are no reasons for reallocations, which are strong enough to be accepted by all affected parties, things should be left as they are. Those who came first, or who have used a certain good for a long time without any legal objections from others, should not be forced to change their customary practice unless reasons are given, which can convince everybody, including those who will be losing their rights of usage.

In relation to the "greenhouse" problem, this would mean either that any distribution of rights and responsibilities should be made in accordance with status quo, or at least that status quo should be accepted as the baseline for further regulations. In the previously used example, the consequence would be that all countries reduce their emissions of carbon dioxide by the same percentage, if a need for reduction is commonly accepted. As a consequence the countries which have the largest emissions, and which are used to have access to this global common, keep their rights either in absolute or in relative terms. The Montreal Protocols on ozone depleting gases are made along these lines and it has been argued that these protocols should be used as the most important precedents for future climate change treaties.

5.5 Chance or Luck

Chance or luck is another distributive criterion, which can be considered relevant in many cases. In this case the problem is interpreted as a kind of lottery or competition with winners and losers. Natural and historical chance alone determine the baseline point of reference. This is the criterion generally accepted, for example, in the distribution of resources among countries. It is considered to be a simple matter of fact, and not a case for deliberation and negotiation, that some countries have many natural resources, others only few. Distribution of natural features and abilities of individuals is another

example, where luck or chance is accepted as criterion: nobody demands a redistribution of strength and cleverness, beauty and charisma, or that everybody should have the same height and weight.

In many cases, this criterion is used in connection with a right of "voluntary redistribution" of the goods acquired by chance. For instance, there is no commonly accepted demand (at least not so far) that countries with large reserves of, say, fossil fuels ought to share these resources with the countries, that did not have such luck. Instead, these countries are forced to buy the needed resources from the luckier ones (or to find some other way of getting around their lack, for instance, by seeking another kind of resource base). Thus a redistribution is taking place without a central distributive bureau using external criteria. One could say that the procedure of voluntary redistribution is criterion in itself, or that willingness to pay, combined with ability to pay, determine the result.

If luck and chance is accepted as main criterion, it can be difficult to set any limits to its use. The ones who happen to be most powerful at a certain time for natural and historical reasons, will also be the ones who set the agenda. Or, in an almost as radical a case, that of total *laissez faire* with unlimited property rights, the chance or lottery model, would imply a "Victim Pays Principle," as the victims (or potential victims) would have to either take on the burdens from the impacts of an increasing greenhouse effect, or pay the emitters to minimize emissions in order to avoid potentially severe impacts.

In a less radical case, where more common regulation is widely accepted, and a common agreement is made to compensate damage done to other's proper goods, this criterion would bring us closer to a "Polluter Pays Principle," although only beyond a certain overall limit of acceptable emissions. This would mean that the only parties who would have to pay, would be those who get into the game late, or those who cannot keep their emissions within the limits they were entitled to (by chance) in the first place. It should be noticed, that even this (still rather anti-social) sort of solution depends on the presence of a social community, which can determine and implement common regulations.

6. Differences between Inter- and Intragenerational Justice



It is very tempting to try to use the same kinds of theories, categories and criteria on both questions of inter- and intragenerational justice. However, almost no matter which theories and concepts of justice one finds to be best and most reasonable, there are certain differences between the kinds of justice which are so significant, so that it is not possible to treat their kinds of problems the very same way. The most basic difference, of course, is that past and future generations are not present in the world we inhabit today, whereas current generations are. This difference has a whole series of consequences.

6.1 Current Generations

Questions of intragenerational justice can be very difficult to tackle, but when we deal with them we do have some important advantages, compared with questions of intergenerational justice. We know quite a lot about current generations. We know who they are, and how many there are. We know something about their preferences, ideals and values, and if we are not sure what they actually think, we always have the possibility of asking them. At least in the democratic parts of the world, the members of the current generations can even participate in open discussions about values and goals of life, as well as about concepts and criteria of justice. Intragenerational questions of justice can therefore, at least in principle, be solved through argumentative discourses and negotiations based on fair, democratic procedures.

Moreover, if a certain group of people within the current generations is dissatisfied with the solutions so far, and think they have been treated in an unfair or inequitable manner, they can stand up and claim or argue for their right to a better treatment. They may even be able to put some kind of force behind their claim. And even though some of them may already be so old, that it is too late to truly compensate past injustices, redosings or compensations will still be relevant in many cases for most members of the current generations.

6.2 Past Generations

Past generations are no more. Almost like the current generations, we know who they were, how many there were, and to some extent which values and ideals they subscribed to. People of the past can even be said to take part in current discussions, although they can only do it in an indirect way, through the interpreters of the books and papers which have survived the ravages of time. People from past generations cannot stand up and say they have been misunderstood. Nor can they put power behind their claims, if injustices are made.

Even more important is the fact, of course, that people of the past will never be here again, and that we will therefore never be able to enhance their situation. If, for instance, we see it as an important part of justice to improve the situation for the least advantaged, we get into trouble when applying this criteria to intergenerational issues, because the least advantaged may very well be placed in the past. We cannot undo or compensate any unfairness we may find that they have suffered from, at least not in a way which they themselves can perceive as helpful. The only way to do justice to past generations is by treating their lives and endeavors, ideas and arguments with due respect, i.e. by enjoying them, learning from them, as well as criticizing the most interesting part of the heritage.

6.3 Future Generations

Future generations, on the other hand, are not, but will be. Unlike past and present generations, we do not know exactly who and how many there are going to be. Nor do we know for how long time there will be human beings at all. This is a problem, of course, if one's theory of justice involves setting up accounts of total or average preference satisfaction. Such accounts are out of the question, if we do not even know the number of people. We cannot change the number of people who have lived in the past, but we do have influence on the number of people in future generations, and one of the tricky things when discussing obligations towards future generations is that our decisions will influence not only the number of people, but also who among all the possible people will actually be born. One of the paradoxes, often referred to as the non-identity problem, is that if we decide to be more careful about what we leave future generations, the consequence could easily be that different people are born, wherefore no particular people would be helped by our decision.

Yet another difficulty about future generations is that, apart from goods related to basic needs, there is only little we can say about which kinds of goods future people will prefer, or which kinds of values they will hold. Especially, when we are talking about people living in a distant future. This is obviously a problem in relation to concepts of distributive justice which involve ideas of equalizing the satisfaction of preferences or of maximizing the total amount of preference-satisfaction, because we may leave future generations things that we, but not they, consider to be preferable or valuable goods. We do have influence on the identity and values of future people, of course, and the more careful we are in our deliberations and decisions, the more likely it is that future generations will approve of what we are doing. Still, we cannot ask them what they think, so even when we try to take their point of view into account, we can only do it in an advocacy sense, using our own standards of evaluation. The only sanction future people can apply if they disapprove of the current decisions is to denounce or condemn us and to give us a bad posthumous reputation.

6.4 Consequences of the Differences

The differences between past, current, and future generations place a series of limitations on the ways we can understand justice in relation to intergenerational issues. We cannot improve the situation of people of the past, even though they may be the least advantaged of all. The transfer of goods between generations is a one-way street. We cannot know the preferences nor the values of future people, so we cannot take them fully into account. We cannot know the total number of people, therefore we cannot make total welfare accounts. Nor do we know exactly who among all the possible future people will actually be born, therefore we cannot base our considerations on a distribution of rights to future individuals. We cannot even argue that we will try to improve the situation of future individuals by acting in a more sustainable way, because whatever we decide to do, this will have a significant influence on which people will be born. We cannot deliberate or negotiate with past and future generations, therefore we cannot ground the demands of justice on the fairness of democratic procedures.

Some of the concepts and theories of justice, which have been used in relation to intragenerational issues, therefore cannot be applied in relation to intergenerational issues. One of the most significant consequences is that because of the non-identity problem, the impossibility of making contracts as well as welfare accounts across generations, the impossibility of knowing future preferences, etc., we cannot conceive the problem of intergenerational justice in purely individualistic or persons-related terms. We have to think mainly in terms of communities, and thus understand sustainability as a demand to continue the (best of) present communities as far into the future as possible (or as far as they are worth it), without either privileging one generation at the expense of others, or sacrificing one generation for the sake of others. This, however, involves the preservation of necessary resources, to which we shall turn next.

7. Three Kinds of Resources



One of the central problems in the sustainability debate is the question to what extent resources can be substituted. Consider the following question: If future generations shall have an equal chance of benefiting directly from the use of non-renewable resources, how much can we, the current generations, use? The answer has to be: next to nothing, if we expect humanity to continue living for an almost infinitely long time. However, the answer will continue to be the same for each of the following generations, wherefore no generation will ever be allowed to use more than next to nothing (until, unmistakably, doomsday is in sight).

On the other hand, if one depletable resource can be substituted easily with another resource, or if the benefits arising from one generation's use of the resource, together with subsequent interests from the investment of these benefits, is comparable with the benefits which can be expected from later generations' use of it, and the balance is in favor of the current use, would we not be allowed to use the resource now? If, for instance, it will be possible to produce lots of energy from sources other than fossil fuels, and/or the benefits of current use could be invested in activities with a high rate of interest, would there be any reason to save these fuels for future generations? Probably not (ignoring the climate change problem for a moment), but this may not be the case with all kinds of resources. Some resources cannot be replaced by others as easily as fossil fuels: drinking water, for instance, or the ozone layer? Or the African elephant and the paintings of Leonardo da Vinci? It seems necessary to separate at least three kinds of resources: exchangeable, critical, and unique resources.

7.1 Exchangeable Resources

The first kind of resources is exchangeable resources. Exchangeable resources are resources which can be exchanged, replaced, or substituted by other resources without fundamental problems, i.e. without bringing either the life or identity of a specific community into danger. The substitutions or replacements can be of two kinds. Either it is simply the resource, "A," itself which is substituted by another one, "B," without any changes in the function, which "A" had served previously. Or the function itself is somewhat altered or substituted for another function together with the change of resource base. The difference between the two kinds of substitution does not have to concern us here. The basic point in both cases is that the resource "A" cannot be considered as indispensable, because another resource "B" can take its place, either directly or through functional changes.

The importance of exchangeable resources is, of course, that there is no reason to save each of them for future generations. If one resource can easily be substituted by another, intergenerational justice would never demand us to leave exactly the same kind of resource for future generations. The sustainability demand can therefore be generalized in these cases, so that instead of saying that each and every kind of resource needs to be saved, it is only the total stock of resources (or capital) which ought to be preserved. The composition of resources, e.g. the balance between so-called "natural" and "cultural" capital, is not what matters. The important thing to preserve is the total or aggregated value of all resources, measured in common equivalents. This total value should never drop. Unless, of course, one can get more benefit or welfare out of fewer resources. If still more efficient ways of using the resources are developed, so that one can do still more with still less, the sustainability demand can be weakened further. In this case, sustainability does not necessarily imply preserving the total value of resources, but only saving enough resources to guarantee the possibility of a permanent total annual income.

If all resources were exchangeable, the sustainability demand would be very weak indeed. Intergenerational justice could be reduced to a question of reasonable savings, adjusted with a reasonable discount rate, and sustainability would more or less be synonymous with avoiding negative economic growth. If one believes that the rate of discounting future values should be in accordance with the current market rate of discount (and, given the assumption of unlimited exchangeability, this seems difficult to avoid, in so far as all investments should be evaluated on an equal basis), there would be no difference at all between macroeconomic calculation and sustainability accounting. Intergenerational justice would impose nothing upon us which were not already taken care of.

Why worry particularly, then, about sustainability? The problem is that there are certain limits to the exchangeability of resources. Some kinds of resources are indispensable in the sense that they cannot be substituted directly, and that they will be vital no matter what kind of life future generations are going to live. It is therefore necessary to protect these resources separately. Other resources may lie beyond the market realm for other reasons. This is the case, for example, if a certain object is considered as part of the natural or cultural heritage. These resources will also have to be taken care of, individually. The first kind of inexchangeable resources can be called "critical resources," the second kind "unique resources".

7.2 Critical Resources

Being biological creatures, human beings have a series of basic needs which have to be fulfilled. Future generations will need food, shelter, sufficiently clean air and water, no less than current generations, and there is no reason why they should be less in need of avoiding toxic waste, heavily polluted soil, pathogenic germs, and other kinds of dangerous materials. The continuous presence of such bodily needs makes it necessary to secure a supply of certain indispensable resources and to keep up some minimum standards for the physical living conditions, now as well as in the future. Together these vital necessities constitute what is often referred to as critical resources, i.e. resources which are indispensable for the continuation of humankind (at a certain standard of living).

It is not an easy task to separate exchangeable from critical resources, however, especially if we say that the basic standard of living should continue, as far as possible, on the current level. It will thus be difficult to find just one single resource, where there is no gray area placed somewhere in the middle between the one end, where the resource is plentiful enough to be exchanged without limitations, and the other end where the resource has become sparse and critical. Water is an example: as long as there is ample clean water, it can be used for all kinds of purposes, and part of it, maybe even all of it, can be polluted to some extent, if the benefits are good enough. We can weigh costs and benefits and exchange resources in order to get the biggest gain, measured in common equivalents. If, on the other hand, there is only a small amount of water left, and that even polluted, clean water becomes a critical resource, which can no longer be exchanged in an unlimited way without putting future lives at risk.

Would it not be easier to say that the resource has become so expensive that it would be economically unsound to exploit it further? This would not be an adequate description, because the price of a resource may be quite low now, where the most important decisions are made concerning the resource in question, even though the resource can be expected to become critical in the long run. In some cases, like dumping barrels of chemical waste in lakes which may later be used for drinking water; because the currently used ground water is of a limited amount, the effects may not be felt for several generations, and will therefore not influence the current price of lake water.

The critical resources have their own particular role in the sustainability debate. Unlike exchangeable resources they have to be secured unconditionally for future generations. It can always be discussed more specifically, which resources should be counted as critical resources, and exactly how much of each resource it will be necessary to secure for future generations. Is the ozone layer really a critical resource? How much thinner can we allow it to become?, and so on. These are the kinds of questions which need to be posed continuously, and which are often quite difficult to answer. The basic point is, however, that some resources just happen to be vital necessities and therefore cannot be exchanged with other resources on the basis of current market prices. They must be given a position which is different from exchangeable resources.

7.3 Unique Resources

However, there is yet another kind of resource which has to be given a special status: the "unique resources." Unique resources are resources which are not necessary for our biological survival or for the general continuation of a material consuming lifestyle, but which, on the other hand, are so culturally important that we are not willing to consider them as exchangeable resources on a par with other resources. Unique resources are resources which the political and cultural community on a local, national, regional, or global scale consider to have a special significance, wherefore these resources should be treated with particular care.

The most obvious examples of unique resources are those elements which are officially declared to be parts of the cultural and natural heritage of the local, national, and global communities. Among such elements one could mention, for instance, various kinds of historically or culturally important sites, buildings, gardens, monuments, works of art, natural sites like beaches, cliffs, forests, canyons, lakes, biological diversity on various levels, etc. Some of these resources are saved as protected areas, as national parks or monuments, and some are even declared to be part of the common heritage of humankind.

However, the unique resources include more than all these specific elements which are usually identified as part of our cultural and natural heritage. A community may decide, for instance, that the water in local streams and lakes should have a very high quality, which is far beyond what a sober economic or health-estimating calculation would recommend. The decision does not necessarily have to follow from an assessment saying that the streams and lakes are significant in themselves one way or the other. The community may simply consider clean watercourses and lakes to be unique resources, wherefore the decisions concerning them should not be determined by calculations of private preferences or economics. Similarly, a community may decide that clean air is so important for this particular community that it is given first priority, more or less independent of the economic significance it may have.

Unique resources thus have a special status in relation to the question of sustainability. Like the critical resources, they are preserved independently of their current economic value. Unlike the critical resources, however, they are not primarily preserved out of consideration for the survival and physical well-being of future generations. In a certain sense they are not even preserved for the sake of the people living in future generations, for posterity may happen not to appreciate the unique resources which the current generation leave for them. If paintings get out of fashion, the Rembrandts and the van Goghs the current generations leave may no longer have any significance for the surviving humans. In this sense the preservation of unique resources may just as much be for the sake of the resources themselves as for the sake of a particular cultural tradition, which we hope future generations will continue.

8. Principles in International Agreements



Almost all the various kinds of principles and considerations mentioned can be found in, or recognized as underlying considerations of, international agreements, with some kind of relation to sustainable development. It therefore seems appropriate to finish this text by stating some examples of principles of justice and sustainability, which have been used or explicitly mentioned in international agreements and declarations. The following set of principles are primarily the principles which were accepted and stated as a kind of overlapping consensus by all parties at the Rio-conference in 1992, supplemented with a few principles from various other so-called "soft law" declarations and agreements. The fact that they are recognized internationally does not place them beyond critique, of course, but it does make them important starting points for further reflection and deliberation.

8.1 Principles of Equality and of Equity

The principle of equality of all human beings "in dignity and rights" is stated in Article 1 of the UN Declaration of Human Rights, 1948, as well as in the various similar declarations on human rights. The basic ideas are, firstly, that nobody shall be given a privileged position on account of race, gender, culture, religion, political opinion, birth, (and let us add: place in time and space) nor for any other reason which are irrelevant in relation to specific situations (Article 2), and secondly, that everyone has a basic right to "life, liberty and security" (Article 3). Article 25 even states that everyone has "the right to a standard of living adequate for the health and well-being," including food, clothing, housing, medical care, and social security. The UN Declaration does not say exactly who is responsible for this, but it seems reasonable to say that under ordinary circumstances it is the local or national community, and not the global community, with whom the main responsibility lies. The Rio Declaration on Environment and Development further states that "developmental and

environmental needs of present and future generations" shall be met "equitably" (Principle 3), underlining the point that present and future generations should be treated on an equal footing.

8.2 Principle of Equal Right of Self-determination of Peoples

The principle of self-determination of peoples, i.e. the equal right of all peoples to make decisions in accordance with their own values and ideas, and to be free from arbitrary interference, attack and submission, is stated in Article 1 of the UN Charter. National sovereignty is central to all modern regulations. The principle is double-edged in so far as it expresses the right to be free from interference as well as the responsibility not to interfere arbitrarily. In the Rio-declaration this is stated clearly in Principle 2: "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environment and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction." The right of self-determination is limited by international agreements, however, wherefore nations and peoples should always comply with the other principles mentioned above and below.

8.3 Principle of Precaution

It has been stated clearly in the documents from the Rio-conference, that lack of full certainty should not be used as a reason for postponing preventive measures for environmental degradation (Rio-declaration Principle 15, Convention on Climate Change, Article 3.3). This means that the burden of proof lies with the actual or potential polluter. If there is any real danger that, say, human-caused climatic changes are going to have strong negative impact on societies, the polluter should refrain from the polluting activities. Although this principle seems clear, it will always be necessary to weigh it against other considerations, however. Too much precaution in one dimension can create dangers (like economic and political instability) in other dimensions. Moreover, unless climatic stability is considered a critical or a unique resource, future risks and impacts may, in principle, be compensated by other kinds of exchangeable goods in appropriate amounts.

8.4 Principle of Prevention

The principle of prevention is closely connected to the principle of precaution, and has been stressed with equal clarity in the Rio-documents. Principle 4 of the Rio-declaration states that environmental protection shall constitute an integral part of the development process. And in the Convention on Climate Change, Article 2, it is quite simply stated that "the ultimate objective" of the convention is to "prevent dangerous anthropogenic interference with the climate system." Some of the qualifications mentioned in relation to the principle of precaution are relevant here, too. The principle is important, however, because it speaks quite clearly against discounting future damages.

8.5 Principle of Cost-effectiveness

This is a principle which states that policies and measures in relation to global environmental problems "should be cost-effective so as to ensure global benefits at the lowest possible costs" (Convention on Climate Change, Article 3.3). The principle of cost-effectiveness should not be confused with cost-benefit evaluations. Whereas the intention behind cost-benefit analysis is to give decision makers an instrument in relation to decision making itself (or even to substitute political decision making), the principle of cost-effectiveness becomes relevant only after the basic political decisions have been made. It simply states that the decision should be carried out in the least costly way. The borderline between the decisions themselves and the implementation of decisions is, of course, somewhat fluent. Thus an agreement on the principle of cost-effectiveness may influence the choice of distributive rules.

8.6 Principle of Responsibility

One of the central rationales behind the principle of responsibility is that those responsible for harmful environmental changes should also pay the costs of cleaning up, of remedying the harmful effects, or better still: of preventing further damage. It therefore comes quite close to the Polluter Pays Principle, which has been given a central position in international regulations. In the Rio-declaration it is stated accordingly, that "the polluter should, in principle, bear the costs of pollution" (Rio-declaration, Principle 16). This idea underlies the recurring emphasis on "differentiated responsibilities". In Principle 7 it is stated that the developed nations have a special responsibility "in view of the pressures their societies place on the global environment." Closely connected to the principle of responsibility, is the principle of proportionality which states that the polluter's payment should be in proportion to the damages caused by the pollution.

8.7 Principle of Care or Solidarity

A central theme in the debate on global environmental problems has been that developmental and environmental issues should be dealt with in a closely connected way. This means that solidarity with weaker nations should be a central consideration in all kinds of international regulations. The Preamble to the 1972 Stockholm Declaration, for instance, says that the industrialized countries "should make efforts to reduce the gap between themselves and the developed countries." In the Rio-declaration it is stated as a common goal for all nations to "decrease the disparities in standards of living" (Principle 5). It is pointed out that the "special situation and needs of developing countries, particularly the least developed and those

most environ-mentally vulnerable, shall be given special priority" (Principle 6). Similarly, in the Convention on Climate Change it is stated that the various "capabilities" of each nation and "the specific needs and special circumstances of developing country Parties ... should be given full consideration" (Article 3.2). Similar formulations can be found in many other agreements. It is indicated thereby that the global partnership, which is underlined time and again in the declarations from Rio, involves more than mutual advantage, and that needs and abilities should be included among the criteria of justice when seeking an equitable solution to the problem of global warming, as well as to other environmental problems on a global or international level.

8.8 Preservation of Natural and Cultural Heritage

In general, the international agreements underline self-determination of nations and peoples pursuing their own conception of the good (life). They are not altogether neutral in relation to all possible conceptions of the good, however. The Declaration of Human Rights thus puts forward a series of basic components of the good life: the right to a nationality, the right to marry and found a family, freedom of thought, opinion and expression, social security, rest and leisure, education, freedom from hunger, enjoyment of the highest attainable standard of physical and mental health, etc. Similarly, certain resources and qualities are often pointed out as unique, inexchangeable resources of common concern in declarations dealing with environmental issues. The Stockholm Declaration, for instance, states that wiser and more prudent care is needed in order to "achieve for ourselves and our posterity a better life in an environment more in keeping with human needs and hopes," meaning "enhancement of environmental quality" as well as safeguarding "the common heritage" of unique resources like "wildlife and its habitat". Similar points are made in various other conventions and declarations. In the Preamble to the 1979 Bern Convention on the conservation of European wildlife and natural habitats it is stated that "wild flora and fauna constitute a natural heritage of aesthetic, scientific, cultural, recreational, economic and intrinsic value that needs to be preserved and handed on to future generations." Similarly, the 1982 UN Convention on the Law of the Sea states that coastal states "shall ensure through proper conservation and management measures that the maintenance of the living resources...is not endangered by over-exploitation" (Article 61), and, in general, that states "shall co-operate with a view to the conservation of marine mammals" (Article 65). The 1982 UN World Charter for Nature states as one of the general principles that "Special protection should be given to unique areas, to representative samples of all the different types of ecosystems, and to the habitats of rare or endangered species" (Principle 3). Finally, the Preamble to the Convention on Biological Diversity states that "the conservation of biological diversity is a common concern of mankind," and that conservation shall take place *in-situ*, wherefore the contracting parties shall establish "a system of protected areas or areas where special measures need to be taken to conserve biological diversity" (Article 8.a).

One needs to be aware of two major points, when reading these and similar statements. First, some of the principles can be seen as potential competitors. For instance, national sovereignty may conflict with the principle of solidarity, the right to development with the principle of precaution, etc. Various principles may thus have to be weighed against each other, whenever a specific decision is made. Second, the principles are only ideal guidelines. They draw on a fairly ideal image of the global community or partnership, which should not be confused with the real world, where conflicts and—judged by the mentioned standards—unjust compromises are common features. Nevertheless, it does seem important that common guidelines are made in spite of national and cultural differences. After all, such guidelines do create an impression of which kind of world it is commonly agreed to strive towards. It gives us a model against which actual regulations can be evaluated. A model which is indispensable for the furthering of a just and sustainable development.

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Glossary



Autonomy	: Self-government or self-determination. The opposite of being enslaved, ruled or controlled, by others and/or by one's own inconsidered passions or preferences.
Critical resources	: Resources which cannot be substituted by others, because they are crucial for a society's activities, maybe even survival, no matter which conception of the good the society may pursue.
Desert	: Criterion of justice according to which the ways a person or group of people should be treated depend on the quality of their behaviour, character, or other relevant features.
Exchangeable resources	: Resources which can be substituted by others without significant losses, either because the new resources perform the same functions, or because the functions themselves can be changed or dismissed without evoking an identity crisis.

Impartiality	: Considering all views and interests equally, without giving unjustified privilege to those of certain people. First level impartiality means never to be led by personal relations and considerations (kinship, close friendship, etc.). Second level impartiality means never to give unjustified privileges to certain people in social arrangements.
Imperfect procedural justice	: This occurs when procedures in compliance with certain justified rules are necessary, but not sufficient conditions for a correct result (e.g. court trials).
Meritorious actions	: Actions which are not strictly obligatory, because they do not correlate with the rights of others, and which can therefore be considered as imperfect duties.
Neutrality	: The view that theories of justice can and should stay neutral towards all conceptions of the good.
Obligatory actions	: Actions which it is a strict (or perfect) duty to perform, usually because they correlate with the rights of others.
Perfectionism	: The view that ethics, including theories of justice, should be (and always, directly or indirectly, are) led by a conception of the good.
Prescriptive rights	: Rights which are obtained through usage over a certain period of time.
Pure procedural justice	: Occurs when procedures in compliance with certain justified rules are both necessary and sufficient conditions for a correct result (e.g. lottery).
Speciesism	: Unjustified lack of respect towards the lives and needs of other organisms than human beings (comparable to racism and sexism).
Unique resources	: Resources which cannot be easily substituted by others, because they are considered to be crucial for a society's identity.

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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.

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