

Chapter 14

Justice and Sustainability

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Abstract This chapter explores the relationships between justice and sustainability theory and argues that despite being entwined, practical and theoretical challenges prevent an easy or complete integration of these two concepts. Specifically, we examine how the multiscale, multigenerational, and multidimensional characteristics of sustainability interact with ideas of just processes or just outcomes. Using insights from justice theory, sustainability science, and the social psychology of justice, we suggest we ask questions like: what would a just multiscale and multigenerational sustainability process look like? If social context changes how people use or understand ideas of justice, what should justice look like in complex sustainability challenges that extend across traditional boundaries? We suggest that although these issues present persistent theoretical challenges, past and ongoing efforts – such as environmental justice work or international climate negotiations – provide some lessons and guidance about strategies for assisting this integration in practice. Overall this chapter suggests that although fully integrating justice and sustainability may not be entirely possible, sustainability without a consideration of justice would be nonsensical from a normative perspective and difficult to achieve strategically. This leaves us with a strong rationale to insist on the centrality of justice in any sustainability effort, but with an awareness of the complexities of doing so.

Keywords Justice • Sustainability • Procedural justice • Just outcomes • Social psychology of justice

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This chapter focuses on the integration of justice within sustainability theory and practice. It will be argued that the multiscalar, multigenerational, and multidimensional characteristics of sustainability problems pose profound theoretical and practical challenges for the integration of justice into sustainability thought and practice which have yet to be fully addressed. However, past and ongoing efforts to work through these challenges in sustainability and related approaches suggest that there are ways to assist this integration in practice.

1 State of the Art

Justice and sustainability have a long history of integration. Considerations of justice appear in many aspects of the sustainability problem and solution formulation. Recognition of the importance of considering future generations – often framed as an expression of intergenerational justice – is core to many definitions of sustainability. Concerns for justice are easily seen in formational works, such as in the Brundtland Report, in which sustainable development is predicated upon the ability for future generations to meet their own needs (Brundtland 1987). Intragenerational forms of justice, including fair processes and questions of social equity, are also widely recognized. For instance, in his widely cited principles for sustainability assessment, Gibson (2006) includes standards for intragenerational equity, intergenerational equity, and democratic governance, all of which touch on central questions of justice. Many others have explored the overlaps between justice and sustainability in their practice in specific communities (e.g., Aygemen et al. 2003). There is also evidence that striving for justice improves outcomes along other significant sustainability dimensions, such as environmental conservation and economic performance (Aygeman et al. 2003).

Sustainability has emerged as a normative frame used to define an improved decision-making process yielding improved long-term outcomes (Gibson 2006; Wiek et al. 2012; Miller et al. 2014). From this normative perspective, justice is inherently integrated into sustainability: by definition, an action or approach deemed “sustainable” must address justice. As some have pointed out, this integration may not be as smooth as it first appears (Beckerman 1999). In this short chapter, we explore the theoretical integration of justice and sustainability and argue that if we are genuinely attempting to create sustainable and just societies, then we need to think carefully about how these concepts intersect. We start with a brief discussion of the challenges of defining justice before we turn to the integration of sustainability and justice.

1.1 Defining Justice

Western efforts to answer the core justice question “what is owed to whom” go back thousands of years – to the very origins of society itself. Efforts notwithstanding, debates remain unresolved on many issues of justice in both theory and practice. Justice

is “slippery” because it is profoundly social. As Walzer argued, “there cannot be a just society until there is a society” (Walzer 1983): it is impossible to define justice independently from its social context. As understandings of social life are neither static nor universal, isolating single and comprehensive understandings of justice is difficult, if not impossible (Miller 2002; Walzer 1983). There are some general principles, however, to guide sustainability practice, which do reflect core ideas of justice. In this brief review, we focus on three core understandings of justice particularly relevant to sustainability: just processes, just outcomes, and the social psychology of justice.

1.1.1 Just Processes

Processes refer to the way decisions are made in society: who participates and who is excluded and how robust those processes are for creating meaningful participation and representation. Processes are diverse, from the simple right to vote, to more complex issues like having a voice in policy decisions or cultural representation.

In some schools of justice thought, especially Libertarianism, a just process is the primary prerequisite for justice. That is, a just process will always yield a just outcome. In the words of justice scholar Nozick, “whatever arises from a just situation by just steps is itself just” (1974, 151). This means that inequalities and undesirable outcomes are just, so long as a fair process produced them. Though the process requirement seems weak, it is arguably the foundational driving philosophy for most modern western democracies. The Declaration of Independence and the Constitution of the United States emphasize the roles of rights, freedoms, and responsibilities and do not enter into outcome requirements at all.

For others, process is more complicated, although no less central. For instance, Fraser places representation at the heart of justice. She argues that justice demands that all people have the opportunity to participate as “equals in social life,” the penultimate form of which is representation in decision-making, but also acknowledges that threats to this form of justice can come from other injustices, including a lack of sufficient material wealth and inappropriate cultural recognition (Fraser 2009). Despite the differences in these perspectives, they share two common ideas. First, if it is accepted that all people have equal moral worth, then all have a right to be included in decisions that affect their well-being. This is tied to a second proposition that people are best equipped to identify and represent their own best interests.

These two common ideas about just process resonate strongly with both normative and strategic elements of sustainability. From a normative perspective, strong arguments have been made that, by definition, sustainability must include processes of involvement for those directly involved, or, when this is not possible (such as for future generations), clear representation by designated people (Gibson 2006; Dobson 1999). Strategically, it has been argued that ordinary people have values and knowledge that are essential, highlighting the idea that many of the core requirements for sustainability decision-making and implementation are beyond the purview of elites, experts, or elected representatives (Fischer 2000). This places the onus on sustainability initiatives to feature processes that maximize wide-scale involvement and which therefore improve process justice.

1.1.2 Just Outcomes

Outcomes refer to the specific differences and distributions over a population in the attainment of some material measure, such as wealth, income, education, tax burden, etc. In this view, the fairness of a process is only as important as the fairness of the outcomes it creates. Just outcomes can be defined in various ways, ranging from “equality” to more broad understandings of “equity.” Equality refers to a strict requirement for equal distributions of some goods, while equity adapts to specific circumstances, conditions, histories, needs, etc. Generally, an appeal to equity refers to focusing resources toward those not already better off. Equity, in the words of urban planning scholar Susan Fainstein, “refers to a distribution of both material and nonmaterial benefits derived from public policy that does not favor those who are already better off at the beginning” (2010, pp. 35–36).

Even among scholars and activists who focus on outcomes, there are a wide range of views of what are just distributions of outcomes which deviate from pure equality. For instance, “sufficientists” feel that just distributions of goods are those that provide the minimum necessary for a productive life for everyone – having more than necessary is not a problem, so long as others have enough. Another approach to distributive justice is that of “communitarians” which starts from the conceptualization of society as a community in which people produce a variety of goods that differ in terms of the social meaning members of society attach to them. Given these differing meanings, there can be no single and just criterion by which all goods are to be distributed. Rather, each good should be distributed in a way corresponding to the social meaning of that good. According to Walzer, regular (relatively unimportant) goods can be distributed through the free market, where distribution is determined by individuals’ ability and willingness to pay. In contrast, goods to which a particular society ascribes a distinct social meaning “deserve” their own distributive sphere. Distributing such “special” goods would require a distributive principle different from market exchange, ranging, for example, from equality to distribution based on need (Trappenburg 2000). For example, many societies consider access to medical care too important to leave to the free market and provide care for everyone free of charge.

Ideas about just outcomes resonate clearly with various normative elements of sustainability. Strong arguments have been made that sustainability practice must strive for just distributions of outcomes and social equity (Gibson 2006; Dobson 1999).

1.1.3 Social Psychology of Justice

Philosophical debates about justice provide arguments about what we should do or how society might best accommodate the claims of all of its members, but it provides little insight into how people actually think about justice. In contrast, the social psychology of justice focuses explicitly on what people think about justice and how this contributes to their actions in ‘real-world’ justice dilemmas.

Two fundamental messages emerge from this research tradition. First, perceptions about justice (process and outcome) are shaped by moral boundaries. In order to consider another's interests in a justice dilemma, the "other" must be seen to have moral standing (Mikula and Wenzel 2000). People use a variety of arguments to draw moral boundaries between those whose claims count and those whose interests are deemed invisible. Second, since justice depends on our relationships and the types of obligations we recognize within these relationships, it is quite common for people to consider different notions of justice as appropriate in different social contexts (Fiske and Tetlock 1997; Wenzel 2004). For instance, the same person might simultaneously use multiple, different arguments about justice when negotiating relationships with her children, her co-workers, and her fellow corporate shareholders (Deutsch 1975).

As will be seen below, this fluidity of justice perceptions raises a range of complications for sustainability and is essential to bear in mind as a feature of both the normative and strategic aspects of sustainability.

1.2 Challenges of Integrating Sustainability and Justice

Justice may be deeply embedded in our notions of sustainability, but there are also theoretical and practical challenges to this integration. In this section, we highlight the multiscalar, multidimensional, and multigenerational nature of sustainability problems and the challenges they pose for justice.

1.2.1 Multiscalar

A classic characteristic of sustainability problems is their tendency to be multiscalar (Sassen and Dotan 2011; Wilbanks 2002). Accordingly, much of the sustainability literature stresses the importance of integrative, multilevel approaches for understanding and addressing sustainability problems (Geels 2010; Smith et al. 2010). Unfortunately, the multiscalar nature of sustainability problems causes profound challenges for the integration of justice and sustainability theory.

First, multiscalar problems raise questions about just process. If a problem necessarily involves people (and nonhumans) at many different scales, how is representation handled fairly? To date, systems addressing multiscalar issues feature jurisdictional divisions of authority between regional, national, or global level authorities and are not designed to integrate representation from multiple scales. What would a just multiscalar decision process look like and how would it be conducted?

Second, the multiscalar nature of sustainability problems can cause justice dilemmas between scales. It is entirely possible, as has been seen with debates about renewable energy siting (Wolsink 2007) or natural gas development (Lindseth 2006), that local and global evaluations of justice and sustainability can conflict.

What may appear just within a global scale may not appear just to those involved most locally and vice versa. At what scale is an outcome to be evaluated from a justice perspective? How should trade-offs between notions or evaluations of justice at different scales be evaluated?

Third, and underlying both previous complications, as a problem exists at multiple scales, it may invoke different understandings of social relationships and thus justice obligations. For instance, in one empirical investigation, people held multiple, occasionally internally inconsistent, ideas about the contours of just allocation of climate change mitigation efforts based on the different relationships they shared with people across social and physical distances (Klinsky et al. 2012). Which ideas of justice should be used to evaluate a multiscale sustainability issue if the rules of justice considered appropriate shift by social context and understandings of the social context itself vary as the issue is framed by location or scale?

1.2.2 Multidimensional

Recognition of the multidimensional nature of sustainability, and the need to assess multiple aspects of a given problem simultaneously, is another central concept within sustainability thought. At a minimum, sustainability forces us to consider the economic, social, and environmental impacts for any given action or practice. From a social psychological perspective, this multidimensionality deeply complicates justice. If people identify with different dimensions of the same overarching issue, they are likely to hold different notions about what the “just” process or outcome would look like.

The conflicts that emerge from the multidimensionality of sustainability problems are commonly observed in the literature. For instance, questions over resource use often include: is a particular forest, mountain, desert, river, or valley a well-spring of cultural value or spirituality; a place with an inherent value or right to exist; a natural resource to be managed for future consumption; or a crucial link in the economic vitality of a region in the present? While debates about value differences in multidimensional problems are widely acknowledged (Fischhoff 1991; Gregory et al. 1993), the theoretical challenge multidimensionality poses to the integration of justice and sustainability is less commonly addressed. Each of these dimensions may stimulate the use of different justice frameworks. If justice is supposed to arbitrate the relationships of those across a system, how should it deal with sub-systems or dimensions that pull on multiple human relationships?

1.2.3 Cross-Generational

Building on a central concern of long-term health for future human generations and other species and ecological systems, intergenerational equity is a central concept in sustainability thought. Intergenerational equity is commonly associated with *Our Common Future's* definition of sustainable development as, “development that

meets the needs of the present without compromising the ability of future generations to meet their own needs” (Brundtland 1987, p. 19). In the literature, various forms of intergenerational equity appear in nearly all conceptions of sustainability and sustainability science (Bebbington 2000; Kates et al. 2005; Gibson 2006; Jurneck et al. 2011). With Brundtland-inspired and future-focused language, Robert Gibson’s oft-cited criteria for sustainability assessments include this passage on intergenerational equity: “Favour present options and actions that are most likely to preserve or enhance the opportunities and capabilities of future generations to live sustainably” (2006, p. 174). Golub et al. (2013) argue that intergenerational concerns would also implicate a concern for injustice enduring from past practices which have not been addressed properly. In particular communities, these past injustices, they argue, are significant and would hamper efforts to move forward toward a more sustainable future.

There are significant challenges in addressing intergenerational justice in practice. Intergenerational equity presents significant methodological challenges, for example, for economic discount rate modeling (Asheim and Mitra 2010; Endress et al. 2009). “Equity” between generations might imply a reduction of the welfare of current or future generations in order to balance opportunity with prior generations, a proposition Beckerman (1999) questions. Further, it’s impossible to know in advance the preferences of future generations, meaning the exact configurations of what is to be sustained remain contested between different conceptions of the future and the good (Yabareen 2008).

1.3 Solution Options: Lessons on Integration from Environmental Justice and Climate Change Action

While there are intuitive connections between justice and sustainability – and good reasons for placing justice at the heart of sustainability efforts – fully integrating the concepts faces a range of theoretical and practical challenges. Despite these difficulties, several areas of practice have invested efforts toward integration. Two such areas, environmental justice and climate change action, are presented here.

1.3.1 Environmental Justice

The environmental justice (EJ) movement was born in response to environmental and spatial injustices resulting from both unjust processes and unjust outcomes (see inset). It was increasingly recognized that race and class are strongly linked to not only environmental quality but also the strength of environmental regulations, permitting, and site selection (Aygeman et al. 2003). Even where rules were in place to prevent unequal burdens, there were often failures of reporting and enforcement in low-income and minority communities.

Successful struggles by the Civil Rights Movement of the 1960s and later the EJ movement eventually led to the creation of legal protections for civil rights and environmental justice and the extension of the obligations of public agencies to both the inclusiveness of the process itself and the fairness of its substantive outcomes, including environmental issues (Bryner 2002; Lee 1997). These protections arise under the National Environmental Policy Act of 1969 (NEPA), Title VI of the Civil Rights Act of 1964, President Clinton's Executive Order 12898, and subsequent implementing orders from federal agencies. Title VI of the Civil Rights Act provides that: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. § 2000d, emphasis added). The prohibition on exclusion extends not only to the substantive benefits that federally funded state and local agencies provide through their programs but also to the inclusiveness of participation in the decision-making process itself. These legal protections have been used to address environmental injustices in a variety of contexts (Bryner 2002).

1.3.2 Climate Change Action

The justice dimensions of climate change negotiations are well recognized (Gardiner et al. 2010) and epitomize many challenges of integrating justice and sustainability. A vast literature has explored the implications of different justice arguments for dividing global mitigation requirements. Some scholars and international negotiators have stressed the importance of per capita allowances of emissions (Baer et al. 2009); others have debated the relevance of historical emissions for determining future commitments (Winkler et al. 2011); still others have focused on the questions of need and access to energy for development (Ott et al. 2004; Winkler et al. 2011). Simultaneously, other scholars have discussed the most appropriate way to evaluate policies across generations (Cole 2008; Howarth 2003) and the definition of "dangerous" climate change. Each of these debates about justice can be tied to different ideas about the relationships – and the obligations that stem from these relationships – among people across both space and time.

Several important lessons about the integration of justice and sustainability have emerged from this complexity. First, justice perceptions are pragmatically central for resolving the collective action dilemma embedded in the challenge of climate change mitigation: no nation is likely to agree voluntarily to actions that it thinks are fundamentally unfair to its interests. Second, no single definition of justice is likely to meet every nation's perception of fair treatment. Instead, current negotiations are focused on assembling packages of actions that are "fair enough" to accommodate a broad range of perceptions.

Defined from this single perspective, justice is likely impossible due to the multiple dimensions in play, and yet perceptions of fairness are essential for resolving the collective action dispute at the heart of negotiations. These observations suggest that this "fuzzier" framework, which acknowledges both the diversity of contexts

and the social psychological aspects of justice, may offer scope for the integration of justice and sustainability theory in other contexts as well.

2 Contributions of Justice to Sustainability

This chapter has suggested that, although deeply entwined, fully integrating the concepts of justice and sustainability is difficult for both theoretical and practical reasons. This difficulty does not, however, mean that concepts of justice should be ignored or excluded from sustainability efforts. We suggest that a focus on justice is essential for sustainability even if it is impossible to achieve in multidimensional, multigenerational, and multiscale contexts. This argument comes from an appreciation of both the normative and strategic elements of sustainability.

From a normative perspective, justice has long been central to sustainability, as has been reflected in common statements about the principles and goals of sustainability (Brundtland 1987; Kates et al. 2005; Gibson 2006; Jerneck et al. 2011). The centrality of justice to the normative claims of sustainability is highlighted by the difficulties one would have in imagining and describing an ideal form of sustainability that actively ignored fairness. For instance, intergenerational justice in the form of efforts to maintain social and ecological integrity for future generations is a central component of the underlying rationale for sustainability. Similarly, if sustainability is, to some extent, an expression of our visions of a “good life” now and in the future, excluding justice from this definition raises pointed questions. Can a “good life” be envisioned, created, and sustained without attention to intragenerational justice? Even if justice is not absolutely possible, recognizing its centrality to sustainability encourages a deeper reflection on the status quo and provides a reasoned set of concepts for suggesting alternative ways of changing the world.

The centrality of justice to sustainability thinking is also apparent from a strategic perspective. If sustainability challenges are at least partially composed of collective action, problems then addressing justice can be essential from a strategic perspective. No one is going to contribute voluntarily to an effort that is seen as a burden if the premise does not have some elements of fairness: in other words, some level of fairness is a requirement for action. Similarly, as seen in the example of environmental justice, taking justice seriously draws attention to stakeholders who may have been systematically excluded from prior consideration and may lead to forms of sustainability that are more genuinely able to integrate social, economic, and environmental components.

The challenge identified in this chapter is that justice is both impossible and essential for sustainability. Due to the theoretical and practical complexities of sustainability and justice across time, space, and dimensions, it is extremely difficult – likely impossible – to fully integrate the two concepts. However, sustainability without a consideration of justice would be nonsensical from a normative perspective and difficult to achieve strategically. We suggest that this leaves us with a strong rationale for including justice as a central component of any sustainability effort,

but for doing so in full recognition of the need for careful definition, thought, and attention to the complexities of integrating sustainability and justice.

Questions

1. What does it mean for something to be normative? Why are norms central to the concept of sustainability? What are some core sustainability norms?
2. Why is it argued that justice cannot be defined independently from its social context? Do you agree?
3. Do you think that just processes necessarily make the outcomes just? Why or why not?
4. What is meant by the idea of a “moral boundary”? Can you identify some examples that may occur in a sustainability context?
5. Why does the multiscalar nature of sustainability pose challenges to justice? Can you think of ways of addressing these challenges?
6. What do you think is meant by the suggestion that “fuzzier” ideas of fairness could help resolve complex sustainability dilemmas? Can you think of any other examples in which this may (or may not) be the case?

Box 14.1: The Birth of the Environmental Justice Movement

Significant patterns of disproportionate exposure to environmental hazards in low-income communities were first recognized in a study by the Federal Council on Environmental Quality in 1971. These patterns define the environmental justice frame and led the environmental justice movement to recognize and correct these injustices. Many trace the movement to a particular struggle over environmental harm and remediation in rural North Carolina. In 1973, dumping of polychlorinated biphenyl (PCB) by Ward Transformer Company contaminated the soil along hundreds of miles of roadways in North Carolina. When the state proposed to move the contaminated soil to a waste facility in Warren County, it caused an uproar. Warren County happened to be 75 % African-American, among the highest rates in the state, and had the 97th lowest, out of 100 counties, gross economic product in the state. The uproar turned to protest and civil disobedience, attracting support and attention from across the country and the world. The protests raised awareness of both the spatial and institutional nature of environmental injustices and inspired a US General Accounting Office analysis (1983) which showed that race was the most significant predictor of where toxic waste facilities were located. These results were further confirmed by the landmark work by sociologist Robert Bullard (1983) and the study “Toxic Waste and Race” by the United Church of Christ Commission for Racial Justice in 1987.

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