DEFINING THE JUSTICE OF ENVIRONMENTAL JUSTICE: GLOBAL MOVEMENTS NORTH AND SOUTH

Abstract
While calls for ‘environmental justice’ have grown recently, very little attention has been paid to exactly what the ‘justice’ of environmental justice refers to, particularly in the realm of social movement demands. Most understandings of environmental justice refer to the issue of equity, or the distribution of environmental ills and benefits. But defining environmental justice as equity is incomplete, as activists, communities, and NGOs call for much more than just distribution.

This paper examines how definitions beyond the distributive in these movements can help us develop conceptions of global environmental justice. The argument is that the justice demanded by global environmental justice movements includes a variety of conceptions: equity in the distribution of environmental risk, recognition of the diversity of the participants and experiences in affected communities, the protection of individual and community capabilities and functioning, and participation in the political processes which create and manage environmental policy. The existence of these different notions of justice in the movement, simultaneously, demonstrates the plausibility of a plural yet unified theory and practice of justice.

David Schlosberg
Department of Political Science
Northern Arizona University
David.Schlosberg@nau.edu

[This version is still very drafty; please do not cite.]

1 An earlier version of this essay was previously published in Environmental Politics 13, No. 3, (Autumn 2004): 517-540, and reprinted in Jouni Paavola and Ian Lowe, eds., Environmental Values in a Globalizing World (London: Routledge 2005). Thanks to Andy Dobson and the anonymous referees for Environmental Politics, as well as Jouni Paavola, Ian Lowe and participants of the Reconceiving Environmental Values workshop for helpful feedback and insightful assistance.
The question I explore here starts off in a rather straightforward way: how can the demands of global movements for environmental justice, or movements that articulate environmental concerns in their broader arguments, help in developing a definition of ‘environmental justice’ at the global level? Defining environmental justice has been attempted by numerous academics in environmental political theory. But my argument is that given movement demands, and the theoretical innovations of some social justice theorists, most theories of environmental justice are, to date, inadequate. They are incomplete theoretically, as they remain tied solely to the distributive understanding of justice – undertheorizing the integrally related realms of recognition, capabilities, and political participation. And they are insufficient in practice, as they are not tied to the more thorough and integrated demands and expressions of the important movements for environmental justice globally. The central argument here is that a thorough notion of global environmental justice needs to be locally grounded, theoretically broad, and plural – encompassing issues of recognition, distribution, participation, and capabilities.

In the following essay I begin by examining a variety of theoretical approaches to justice, focusing on those that move beyond a sole focus on distributional equity. I then examine current notions of environmental justice as they are applied in key movements that use the phrase in their organizing – specifically, anti-globalization, food security, climate justice, and indigenous rights movements. That empirical examination is then used to critique existing academic theories of environmental justice. I conclude with thoughts regarding the political potential of a complex, multifaceted understanding of environmental justice.

**Justice Theory: Distribution and Beyond**

In the past three decades of political theorizing, the question of justice has been examined almost exclusively as a question of the equity and/or fairness in the distribution of social goods. As justice is conceived of as the set of rules that govern the distributional relationships in a political society, the focus of this school has overwhelmingly been on the premises and processes necessary for a proper distribution of goods and benefits. Rawls (1971), for example, focuses on the fairness of the process of developing a scheme of justice, and concludes with the key principles that everyone would have the same political rights as everyone else, and the distribution of economic and social inequality in a society should benefit everyone, including the least well off. Rawls spawned a generation of liberal justice theory with his insistence that fair distributions must be developed away from any substantive agreement on what we each believe as our own pictures of the good life.

Following the Rawlsian tradition, authors (such as Barry 1995) have focused on the development of the rules of distributive justice while remaining impartial to different notions of the good life held by individuals. The definition of justice, in this reading, continues to be the impartial set of rules that govern distributional relationships. Concerns beyond the distributional, were simply off the table – but this approach has been increasingly challenged.

**The Role of Recognition and Participation in Justice**

Beginning in 1990 with the publication of Iris Young’s *Justice and the Politics of Justice*, and continuing with the work of Nancy Fraser (1997, 1998, 2000, 2001) most forcefully, the distributinal approach – or more specifically the sole emphasis on distribution without an examination of the underlying causes of maldistribution – has been under attack. Young argues that while theories of distributive justice offer models and procedures by which distribution may be improved, none of them thoroughly examine the social, cultural, symbolic, and institutional
conditions underlying poor distributions in the first place. Young is critical of the way distributive theories of justice simply take goods as static, rather than due to the outcome of various social and institutional relations. The claim here is straightforward: ‘distributional issues are crucial to a satisfactory conclusion of justice, [but] it is a mistake to reduce social justice to distribution’ (Young 1990: 1). In moving toward justice, issues of distribution are essential but incomplete. Recognition is key here, as Young contends that a lack of recognition, demonstrated by various forms of insults, degradation, and devaluation at both the individual and cultural level, inflicts damage to both oppressed communities and the image of those communities in the larger cultural and political realms. The lack of recognition, in this view, is an injustice not only because it constrains people and does them harm, but also because it is the foundation for distributive injustice.

Likewise, Nancy Fraser’s project has been focused on demonstrating that justice requires attention to both distribution and recognition; justice is ‘bivalent’ in this sense. Fraser argues that culture is a legitimate, even necessary terrain of struggle – a sight of justice in its own right and deeply tied to economic inequality (2000: 109). For Fraser, misrecognition is tied to institutional subordination and inequity; her focus is on both the structural nature of the construction of subordinate and disrespected identities and communities, and on the maldistribution experienced by these subjects. Fraser insists that we have to look at the ‘why’ of inequity, and how the social context of unjust distributions is a unique and necessary subject of justice theory; this is key in order to both understand and remedy existing injustices. Rawls and other liberal justice theorists focus on ideal schemes and process of justice in liberal societies; Young and Fraser explore what the real impediments to such schemes are, and how they can be addressed.2

These theorists also note the direct link between a lack of respect and recognition and a decline in a person’s membership and participation in the greater community, including the political and institutional order. If you are not recognized, you don’t participate. In this respect, justice must focus on the political process as a way to address both the inequitable distribution of social goods and the conditions undermining social recognition. Democratic and participatory decision-making procedures are then both an element of, and a condition for, social justice (Young 1990:23); they simultaneously challenge institutionalized exclusion, a social culture of misrecognition, and current distributional patterns.

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2 Importantly, there are different ways of defining the concept of recognition, and it deserves a note here. For Axel Honneth and Charles Taylor, the concept is based on the psychological necessity of the authentic recognition of others. For Honneth, our own dignity is linked to the recognition we receive from others; for Taylor, recognition is a vital human need. For both, non-recognition, misrecognition, or malrecognition can inflict oppressive psychological harm, and keep individuals from full participation in a community of citizens. Fraser, however, wants to lessen the dependence on the psychological state of individuals and focus rather on the social status of various individuals and communities. Recognition needs to be treated as a ‘status injury’ (Fraser 1998: 25), based in social relations rather than individual psychology. For thorough (though differing) examinations of recognition as an element of justice see, for example, Fraser 1997, 1998, 2000, 2001; Honneth 1992, 1995, 2001; Fraser and Honneth 2003; Lash and Featherstone 2001, Taylor 1994; Young 1990, 2000. Importantly, both the psychological and the status-based arguments appear in the discourse of environmental justice movements.
While many traditional theorists have offered support for the notion of procedural justice (for example, Miller 1999), there has been quite a resistance to the argument for recognition as an element of justice. They argue that recognition is not a distinct issue of justice, but simply the inherent precondition for distributive justice. This is not the place to rehash such arguments, but my critique is straightforward. Recognition may be accounted for in distributional theory, but what is to be done when that is not the case in practice? The distributional approach offers no pragmatic discussion of recognition, and no link between a lack of recognition and existing maldistributions. Justice in theory may happen in isolation, neutrality, or behind a veil of ignorance, but that is simply not the case in practice were we start with existing injustice. If the interest is about attaining justice, rather than attaining a sound theory of justice, recognition is central to the question and the resolution – and is not simply to be assumed. Again, the point here is that a study of justice needs to focus on the reasons and processes behind and determining maldistribution; recognition and exclusion, or the lack thereof, are key.

The Capabilities Approach

Amartya Sen and Martha Nussbaum (Sen 1985, 1999a, 1999b; Nussbaum and Sen 1992; Nussbaum 2000) have developed another approach to move beyond the limitations of standard distributional theory. Their central argument is that we should judge just arrangements not only in distributive terms, but more particularly in how those distributions affect our well-being and how we “function.” The approach examines our “capabilities”, those things that allow or assist us to translate basic goods into the functioning of human life. Sen uses capabilities to compare quality of life in different places; he sees this attention as a much better indicator of such quality than a simple GNP rating – and won a Nobel Prize for the innovation. “The central feature of well-being is the ability to achieve valuable functionings. The need for identification and valuation of the important functionings cannot be avoided by looking at something else, such as happiness, desire fulfillment, opulence, or command over primary goods” (Sen 1985: 200). Functionings refer to various doings and beings: these could be activities (like eating or reading or seeing), or states of existence or being (being well nourished, being free from disease) (ibid: 197). The capabilities approach, Nussbaum (2004: 306) argues, is based in wanting to “see each thing flourish as the sort of thing it is.” So the central measure of justice is not just how much we have, but whether we have what is necessary to enable a more fully functioning life.

While such functioning is central, both Sen and Nussbaum are more directly interested in the capability of functioning – on the qualities that enable individuals to have a fully functioning life.

3 Equality of persons, which is at the center of liberal theories of justice, starts with an assumption of equal respect for all citizens. Rawls calls self-respect a primary good (1971: 440), even, perhaps ‘the main primary good’ (p. 544, though that was dropped to the end of a list of five in 1993:181). Rawls notes many of the same psychological needs attached to recognition as later theorists such as Taylor and Honneth (1971: 440). He insists that self-respect is both a precondition and a result of his two principles of justice (1993: 318-20). So it is clear that respect is crucial to Rawls and his theory of justice. Miller (2003) makes a similar argument, and also claims that recognition is an integral part of procedural justice. Given recognition’s inclusion in the definition of ideal types of distribution and participation, Miller dismisses the key claim of recognition as a distinct category of justice. Here he represents the position of many liberal theories of justice, where recognition is assumed, and subsumed, within the distributive or procedural spheres of justice.
life. Here, the focus is on what it is that either enables or interrupts a living system in its ability to transform primary goods (if they are available) into functionings. Sen remains rather vague on the specific capabilities, noting only five basic political freedoms that help advance the general capability of people. Nussbaum, in much more detail, defends a basic “capability set” necessary for this functioning and flourishing; it includes crucial notions such as bodily health and integrity, and having the social bases of respect and non-humiliation. The approach bases ethical significance in the unfolding and flourishing of these basic capabilities, and finds harm – injustice, in fact – in the limiting of them. In a sense, Sen and Nussbaum expand the distributional realm as they focus not just on the distribution of goods we need to flourish, but the processes we depend on for that flourishing to occur. They focus on a threshold level for each of these capabilities, under which basic functioning would not be possible. Justice then, is not just about distribution, but about what it takes to be able to function within that distribution.

Importantly, Nussbaum’s inclusion of the social bases of respect and non-humiliation ties into discussions of recognition. In this, the approach also makes a key link between the distributional and the cultural and institutional components of justice theory. Nussbaum declares recognition itself a necessary capability on her explicit list, and so creates a structure in which recognition is considered on par with bodily integrity and others in a larger conception of an environment of human justice. In other words, the capabilities approach can be seen as fully incorporating recognition in a broad theory of justice. Taking this one step further, the claim here is that these varied theoretical arguments regarding justice bring us to understand the way that numerous elements of justice, including distribution, recognition, participation, and capabilities, are interlinked in a broad understanding and conception of justice. The argument here is that movements for environmental justice have offered a picture of just such an integrated approach.

Movement Definitions Of Justice

With this dispute regarding the proper realm of justice in the theoretical realm, I turned to movements for environmental justice to examine how movements themselves articulate these issues. The literature and demands of environmental justice movements, both in the US and globally, reveal that these movements are less enthralled with defining justice as solely distributional than are most theorists. A critique of the distribution of environmental goods and bads is certainly central to environmental justice movements, but unlike liberal theorists, movements tend to offer a more expansive and pragmatic notion of justice. The distributional paradigm is not the only articulation of justice, especially in practice. In the US, for example, the issue of distribution is always present and always key, but is always tied with recognition and political participation (Schlosberg 2003). The same goes for global movements, or those based in, or incorporating, the global south.

The most obvious and oft-cited evidence of environmental injustice is distributive – specifically the inequitable share of environmental ills with which poor communities, indigenous

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4 Political freedoms, economic facilities, social opportunities, transparency guarantees, and protective security (Sen 1999b: 10).
5 The full list includes life, bodily health, bodily integrity, senses imagination and thought, emotions, practical reason, affiliation, other species, play, control over one’s environment (Nussbaum. Nussbaum 2000: 78-9).
6 See the discussion of this bridge in Olson 2001 and Robeyns 2003.
communities, and communities of color must live. Here, the call for ‘environmental justice’ focuses on how the distribution of environmental risks mirrors the inequity in socio-economic and cultural status. But while distributional inequity is crucial to the definition of justice in the environmental justice movement, recognition is also a central concern. Environmental justice activists often see themselves as outside the cultural mainstream; as such, their identities are devalued. This question of recognition is discussed in the movement both at the personal level and at the level of community; misrecognition is experienced in both realms. Similarly, movements articulate a concern with the capabilities and functioning of both individuals and communities. Environmental injustice is seen as a process that takes away the ability of individuals to fully function, through poor health, destruction of economic livelihoods, and environmental threats generally. In addition, and as with recognition, this debilitation of capabilities is articulated at both the individual and community level. Additionally, the construction of inclusive, participatory decision-making institutions is at the center of environmental justice demands. Environmental justice activists call for policy-making procedures that encourage active community participation, institutionalize public participation, recognize community knowledge, and utilize cross-cultural formats and exchanges to enable the participation of as much diversity as exists in a community. Environmental justice groups consistently demand a ‘place at the table’ and the right to ‘speak for ourselves.’ The demand for this type of authentic, community-based participation comes out of the experience of disenfranchisement, a result of mis- or malrecognition and a frustration with the debilitation of individual and community capabilities. To challenge a range of cultural, political, and structural obstacles constructed by cultural degradation, political oppression, and lack of political access, communities are coming to demand a voice and authentic participation.

Rather than attempt an analysis of the thousands of NGOs and grassroots organizations doing some sort of work identified as environmental justice in the global realm, I want to briefly focus on a few of the most potent issues of the moment and illustrate how environmental justice is addressed in each. Certainly, recent actions against the most visible institutions of the new global economy – the World Trade Organization, the International Monetary Fund, and the World Bank – encompass themes of environmental justice. Related, movements for food autonomy and security are also articulated with the language of justice for both people and nature. Additionally, and again related, numerous movements for indigenous rights in both the North and South are imbued with these issues of justice. Finally, the cause of climate justice has been taken up by many groups over the past decade; their conception of justice is illustrative of all of the themes and concepts noted above. These movements encompass notions of environmental justice because in each of the individual foci, part of what is to be distributed are environmental goods and bads, part of what is to be recognized are cultural ways of living with nature, capabilities are threatened by environmental ills, and one aspect of participatory demands relate to environmental decision-making.

**Equity and distribution**

Certainly, at the center of the recent protests against global financial and trade institutions, against the globalization of the food system, and for climate justice and indigenous rights, is the issue of equity; economic or distributive injustice is a key and constant rallying cry. The most basic critique is that the currently favored model of development increases and exacerbates inequity, both between the North and the South and between elites and the impoverished in southern nations -- again, not just in economic goods, but in environmental
goods and bads as well. Public Citizen’s Global Trade Watch (1999), one of the major organizers of events related to the WTO meeting in Seattle in 1999 and after, makes the point quite directly: ‘the WTO has contributed to the concentration of wealth in the hands of the rich few, increasing poverty for the majority of the world’s population.’ Questions regarding who benefits and at whose expense, as well as a demand for the accounting of the full costs of trade to communities, workers, and nature, are key. This is also illustrated in Global Exchange’s ‘Top Ten Reasons to Oppose the IMF’ (Global Exchange 2000a). Here, another of the key leading NGOs of the recent protests argues that the IMF ‘caters to wealthy countries and Wall Street’ while increasing poverty and hurting workers, women, and the environment. This distributional element of the injustice of economic globalization is clear enough, and much has been written on the issue.7

Likewise, in the movements for democratic food security and indigenous rights, criticism is leveled at systems and processes that deprive people of their land-based livelihood while enriching others, particularly large corporations based in the north. The central critique of the institutions of this new world economy is that they promote an inherently inequitable distribution of economic goods and related social and environmental bads. Social justice, environmental justice, and ecological justice are tied together in these critiques, as the poor suffer both social and environmental inequity and nature is drained of resources for economic gain.

Finally, climate justice has often been articulated in the language of equity. Interestingly, it seems that equity is more central to the definition of climate justice in the academic literature (for example, Bullard 2000; Roberts 2001). Robert Bullard, a major figure in academic environmental justice in the US, wrote on his experience at the Sixth Conference of the Parties to the United Nations Framework Convention on Climate Change (COP6); there, his focus was on description of how the most adverse effects of changing climate “fall heaviest on the poor.” Key here is the language of differential impacts. But where the academic focus is often must centrally on this issue of equity, movements demonstrate that environmental justice has a broader meaning in practice.

Recognition

Simply put, equity is not the only issue of justice addressed by various groups and movements identifying with the call for environmental justice. Other fundamental critiques include the relationship between social, cultural, and ecological misrecognition and devastation and, obviously, the lack of democratic participation in the construction and ongoing processes of governing institutions.

As for the first, there are many references, in the literature critical of the global economy, to the danger of a growing global monoculture. This is not just a critique of the singular vision of neo-liberal globalization, but a lament for the present and coming loss of diverse cultures.8

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7 See, for example, Greider 1996, or essays in Mander and Goldsmith 1996, as well as the websites of the leading NGOs involved in the protests: www.globalexchange.org, www.citizen.org/trade, and www.ourworldisnotforsale.org.

8 Here we come to another key issue needing further theorizing by liberal justice theory. Liberal theories were designed to allow individuals to pursue their own conceptions of the good; here, though, the claim is group conceptions, and ways of life. Kymlicka, among others (Kymlicka 1995, 1996, 2001; Shapiro and Kymlicka 2000), has addressed this issue of cultural preservation and loss at length, with reference to justice, citizenship, and group rights. The application of
The call for justice, in this instance, is a call for recognition and preservation of diverse cultures, identities, economies, and ways of knowing. The argument is that a process of homogenization both contributes to the breakdown of the cultural and social networks in local communities and also destroys the essence and meaning of local cultures. An anti-WTO declaration by the Indian group Peoples Global Action (1999) makes this position quite clear:

This unaccountable and notoriously undemocratic body called the WTO has the potential not only to suck the sweat and blood of the masses of the two-thirds of the world, but also has started destroying our natural habitats, and traditional agricultural and other knowledge systems developed over centuries and our cultural diversity by converting us into objects.

Certainly, a lack of recognition of the validity of local cultural identities is a key problem of the WTO specifically and the globalizing economy more generally, from the perspective of NGOs such as Peoples Global Action.

And again, cultural recognition is certainly central to the attainment of social and environmental justice by indigenous movements. For many native American environmental justice activists in the U.S. and other indigenous activists around the world, the defense of community is bound to recognition from majority culture and governments. Peña (1999: 6) argues that to ‘the extent that we construct our identities in place, whenever the biophysical conditions of a place are threatened, undermined, or radically transformed, we also see these changes as attacks on our identity and personal integrity.’

The same argument holds for other indigenous movements worldwide. A key statement by The Coordinating Body for the Indigenous People’s Organizations of the Amazon Basin (COICA) insists that both governments and NGOs ‘must recognize the existence of the population’ indigenous to the region (quoted in Conca and Dabelko 1998: 338). Indigenous groups such as COICA work to get both governments and NGOs to understand that nature is not empty and devoid of peoples and culture. A vision of the natural world devoid of the indigenous peoples that populate it simply makes those cultures invisible. COICA’s statement is full of demands for cultural recognition, autonomy, and respect for indigenous laws and practices. COICA insists that a recognition of the cultures of the region lead to an acceptance of indigenous organizations as legitimate and equal partners (342).

As for climate justice, two of the Bali Principles of Climate Justice (International Climate Justice Network 2002) directly address recognition. There, climate justice “demands that public
policy be based on mutual respect and justice for all peoples,” as well as “an appreciation of diverse cultural perspectives.” The principles also explicitly call for preventing the extinction of cultures and biodiversity due to climate change.

In these cases, as articulated by these environmental justice movements, the first step toward justice is recognition. The basic argument is that ways of life are being threatened simply because they are not recognized and are devalued as ways of life. That is an issue of recognition, not simply equity.

Capabilities and Functioning

The above cases, however, also illustrate how a lack of recognition is tied to the destruction of the capabilities and functioning of both individuals and communities. For example, one of the principle points regarding the injustice wrought by the WTO is a destruction of various cultural capabilities, which debilitating those cultures’ functioning and ties to the land. Vandana Shiva applies this same critique to the related issue of the globalization of the food production system. Shiva has spent much of the past decade criticizing the links between economic globalization and cultural threats, specifically by examining the development of the global food supply system and its effects on local communities. Shiva (1997, 2000) notes the crucial link between food diversity and cultural diversity; many cultures are defined by their particular local diet – for example, some are rice-based, others cereal-based or millet-based. But globalizing the food supply destroys local production and market practices, and local cultural identity and functioning suffer. Shiva cites the example of different Indian regions being defined in part by the base cooking oil used (which differs according to the local flora); the ban on the local production of oil and the move to imported soybean oil was, for Shiva, an outright attack on diverse local cultures, identities, practices and capabilities. Another important cultural injustice of the globalization of the food system is the destruction of the current localized culture of farming, to be replaced by a singular, corporate, and highly-engineered process. Local seed banks, for example are seen as saving not just biodiversity, but cultural diversity as well; but these banks are replaced with monocropping of seeds owned and controlled by multinational seed corporations. The complaint is that it is not just a livelihood that is to be destroyed (and a sustainable one at that), but various regional peoples’ and culture’s ways of life. In this view, globalization creates ‘development’ and ‘growth’ by the destruction of the local environment, culture, and sustainable ways of living (i.e. capabilities and functioning, though Shiva does not explicitly refer to Sen or Nussbaum’s framework).

For many indigenous movements tied to environmental justice, the issue is nothing less than a matter of cultural survival. Winona La Duke, a leading native American activist, cites sovereignty issues and cultural survival as key reasons for her participation in the environmental

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9 As with the more general question of liberal justice noted above, the capabilities approach, as embodied in the work of Sen and Nussbaum, can also be criticized for its focus on individual capabilities and functioning, without attention to that of communities. Given the articulations of various movements around issues of environmental justice, it seems quite obvious that a major concern, across a number of issues, is not just individual, but community capability and functioning – or more particularly, the threats to those capabilities and continued functioning of communities.

10 See, for example, Shiva 1997 and Shiva 2000, along with various publications at www.vshiva.net.
justice movement (Di Chiro 1992: 117). Native American activists have ‘a genocidal analysis rooted in the Native American cultural identification, the experience of colonialism, and the imminent endangerment of their culture’ (Krauss 1994: 267). For activists interviewed in another study of indigenous and Chicana women in the U.S. southwest, threats ‘to the environment are interpreted as threats to their families and communities.’ They see ‘toxic contamination of their communities as systematic genocide’ (Bretting and Prindeville 1998: 149). A recent decision by the Forest Service to allow reclaimed water (i.e. treated sewage) to be used for snowmaking on local mountains seen as sacred by thirteen tribes was described simply as “cultural genocide” by the President of the Navajo Nation – in other words a direct attack on the cultural capabilities and functioning of the tribe.

Indigenous movements in the south articulate the same demands around individual and, more importantly, community capability and functioning. For example, the U’wa campaign to stop oil drilling on traditional indigenous lands in Columbia linked the expected environmental damage to the cultural destruction of the U’wa. Communiqués publicized through the Rainforest Action Network11 focused on this very issue. The U’wa rejected the Columbian government’s support of Occidental Petroleum, ‘whose plan seeks to subdue the U’wa culture by spearheading an oil exploration project on our ancestral territory.’ The capabilities and functioning of a culture were the primary things to be defended.

On the issue of climate change, capabilities and functioning are also central to the definition of the justice of climate justice. The argument is that global warming reduces “peoples’ ability to sustain themselves” and that “[i]n the face of rapid change the integrity of community ties are of paramount importance (Miller and Sisco 2002: 1). In other words, both individual and community ability to function is threatened. The Bali Principles of Climate Justice also directly link the question of climate change to the capabilities of local communities to sustain their ways of life. “[T]he impacts of climate change threaten food sovereignty and the security of livelihoods of natural resource-based local economies,” and “threaten the health of communities…” (International Climate Justice Network 2002). They demand, as part of climate justice, fundamental rights to clean air, water, food, and healthy ecosystems – the essential capabilities necessary for individual and community functioning.

Bringing together the indigenous and climate change issues, the Inuit have recently threatened to sue the United States for its direct impact on the undermining, due to climate change, of Inuit culture. They argue that global warming, led by the practices of the US, is threatening their way of life and destroying Inuit sea ice culture. Overall, in all of these movement examples of environmental justice, capabilities and functioning are incorporated as part of the argument for environmental and social justice.

Participation and Procedural Justice

In all of these cases, in addition, justice includes a dimension of participation on environmental and other issues -- participation by those at the short end of distributional inequity, participation by those suffering the injustice of the lack of cultural recognition, and participation by those threatened by a loss of capabilities. For example, by far the most oft-discussed critique of the WTO, IMF, and World Bank beyond the issue of inequity is that of the

11 Information on the U’wa/Occidental Petroleum battle is available at <www.ran.org/ran_campaigns/beyond_oil/oxy/>. Occidental announced in May 2002 that it would pull out of its claim on U’wa lands.
lack of meaningful participation offered to the public, various opponents, or even the nations of the South in both the everyday practices of the organizations and their various attempts at meetings and negotiations. A statement signed by over 1120 organizations from 87 countries, and published by Public Citizen’s Global Trade Watch (1999) includes not only issues of equity (see above), but also crucial issues of participation. WTO ‘rules and procedures are undemocratic, untransparent and non-accountable and have operated to marginalize the majority of the world’s people.’ The statement calls for a review of WTO policies and impacts, with the full participation of civil society.

In fact, one of the under-reported events at the 1999 WTO was the rebellion of many smaller and southern nations. ‘We came here with high expectations from our countries in the Caribbean,’ said Clement Rohee, Guyana’s minister of foreign affairs. ‘We are very much disappointed over the fact that coming from small economies we ended up with a situation where we are totally marginalized in a process that has been virtually hijacked by the more wealthy developed countries.’12 Global Exchange (2000b: 2) argued that ‘developing countries have relatively little power within the institution, which through the programs and policies they decide to finance, have tremendous impact throughout local economies and societies.’ These nations are suffering not only growing impoverishment through the inequitable policies of these institutions, but also decreasing control over global decisions regarding their own economies, including their environments and natural resources. These criticisms, while marginalized in 1999, were central to the breakdown of negotiations in Cancun 2003.

The lack of democratic participation is also a major part of Shiva’s critique of the current transition of food production from the local to the global. The injustice is not just that cultures and ways of life are ignored, dismissed, disrespected, and ultimately destroyed; it is also key that local communities have no say in this process. Shiva’s conclusion in Stolen Harvest, after chapters of critique of the globalization of farming and the food supply, is a demand – expressed, she argues, by citizens’ movements North and South – for democratic control over the food system (2000: 117). Food democracy is ‘the new agenda for ecological sustainability and social justice’ (18).

Finally, on climate justice, both major sets of climate justice principles put forth by NGOs include demands for expanded and more authentic public participation in climate matters.13 The EJCC principles call is for people to have a say in the decisions that affect their lives, and insist that communities must be included in the policy process. In the Bali Principles, climate justice “affirms the rights of indigenous peoples and affected communities to represent and speak for themselves,” and “demands that communities, particularly affected communities, play a leading role in national and international processes to address climate change.” The principles are clear that such participation should be accountable, authentic, and effective at every level of decision-making.

*Linking Notions of Justice*

12 Quoted in *World Trade Observer*, December 3 1999, p. 1. This daily was published in print and online during the Seattle WTO meetings; it is now archived at http://depts.washington.edu/wtohist/Research/academic.htm.

13 The 10 Principles for Just Climate Change Politics in the US (Environmental Justice and Climate Change Initiative, no date), and the Bali Principles of Climate Justice (International Climate Justice Network 2002).
Beyond simply indicating that demands for social and environmental justice include elements of equity, recognition, capabilities, and participation, this exploration of articulations of global environmental justice on the part of global and southern NGOs illustrates that these conceptions are thoroughly linked. It is not simply that the justice of environmental justice in political practice includes these varied issues and conceptions; the broader argument here is that the movement represents an integration of these various claims into a broad call for justice. In fact, I failed to discuss calls for participation by indigenous groups because I simply could not find such calls distinct from the calls for recognition. For the indigenous movements calling for environmental and social justice, equity, recognition, individual and community capabilities, and political participation are intricately woven together.

In the various organizations that make up the global environmental justice movement, such as those I have discussed here, one simply cannot talk of one aspect of justice without it leading to another. Not only are the three different conceptions of justice apparent in the movement, the literature and actions of the groups imply that these notions of justice must be interrelated. In both the U’wa and COICA cases noted above, the indigenous organizations insist on not only cultural recognition, but also the democratic and participatory rights that come with that recognition; the two are inseparable elements of justice. Kiefer and Benjamin (1993) note that in a meeting of NGOs dedicated to indigenous issues in 1992, a list of critical needs was developed; those included attention to existing indigenous knowledge and skills in relation to nature, representation at various levels of government, and respect for indigenous self-government. Again, the issue is not just that of equity, but of recognition and participation as well. Indigenous nations in North America argue that there are numerous barriers to participation by indigenous peoples in the governance of environments. ‘These obstacles preclude the articulation and acceptance of Indigenous knowledge’ (Borrows 1997: 426). Borrows argues that bringing in indigenous ways of knowing nature would not only expand participation, but also demonstrate the ‘socially constructed notions of space’ and the cultural contingency of these ways of knowing the land. In other words, broadening participation would bring a recognition of, and validity to, diverse ways of understand and valuing (in numerous senses) the land. Likewise, in the case of the transition of food production, the affront to culture, the debilitation of community functioning, and the violation of basic democratic processes are linked; there is a direct relationship between the destruction of local cultural practices, the domination of food production systems, and the lack of local participation.

In the climate justice discourse, the links between distributive inequity and other notions of injustice are constant. An ongoing complaint is that the cultural disruptions predicted for climate change will only happen to some; some communities will be denied the capabilities necessary for ongoing survival. “The economic, cultural, and health costs associated with global warming also fall hardest on those with the least resources” (Miller and Sisco 2002: 1). This combination of equity, recognition, and capabilities themes continues in the discussion of remedies. There, an attempt at equity through redistribution is not seen as enough to remedy injustice; compensation is dismissed if it does not contribute to lowering the vulnerabilities of communities – i.e. protecting their capability to function – as the globe warms.

In the WTO/IMF/World Bank case, the critique of these institutions follows the complex nature of justice I have been discussing. Obviously, the issue of equity is central, but other key critiques include the social and ecological devastation the development model engenders – the destruction of nature, culture, and existing modes of relation between the two – and, obviously, the lack of democratic participation in the planning of development. Protesters from Seattle to
Cancun were quite clear that there would not be satisfaction with minimal participation -- a seat at the table or participation in an unempowered working group on one issue or another. The current development model cannot be ‘fixed’ simply by letting some folks speak at WTO meetings, as that would not guarantee full participation, let alone the recognition and validation of other cultures or ways of living or economic equity. Ultimately, there is a direct link between justice as equity, cultural recognition, capabilities, and democratic participation; focusing on one notion at the expense of others, or while ignoring others, simply cannot satisfy the multiple and complex nature of justice sought by the movement. Justice, as defined by the movements present at the protests, will not be fully reached without addressing justice in each realm.

The point here is that these various forms of injustice are intricately linked, and all must be addressed simultaneously. It may be the case that improved participatory mechanisms can help meliorate other forms of injustice; but those forms of injustice must be addressed in order to improve participation. Justice, then, requires not just an understanding of unjust distribution, limited capabilities, and a lack of recognition, but, importantly, the way they are tied together in political and social processes. These notions and experiences of injustice are not competing notions, nor are they contradictory or antithetical. Inequitable distribution, a lack of recognition, destruction of capabilities, and limited participation all work to produce injustice, and claims for justice are integrated into a comprehensive political project in the global EJ movement.

The Inadequacy of Environmental Justice Theory

Given theoretical and movement calls to extend an analyses of justice beyond the distributive realm, and the implication that three dimensions of justice need to be integrated, theories of environmental justice have been disappointing to date.

David Miller (1999), one of the major figures writing in the liberal tradition, examines the possibility of including environmental goods along with other primary goods in calculations of distributive justice. Miller divides environmental goods into three categories. There are some environmental goods that can be easily and directly attached to other primary goods. Ill health, caused by pollution, for example, would reduce the value of (not to mention access to) other primary goods. There are other environmental goods about which we can generate, through democratic procedure, enough public agreement that they would not generate issues of distributive justice. And finally, there are a number of environmental goods that are valued differently by different people, and would have to be counted as primary goods only by those who value them as such.

Still, this whole debate over what sort of environmental goods should be considered, and how, in distributional considerations is limited. Certainly, it is an interesting and crucial debate within the conception of distributional considerations of environmental justice – and it does move beyond the environmental ethicists insistence on the intrinsic value of nature. But all of this misses broader issues of environmental justice in an era of globalization: the articulations of those losing traditional and existing relationships with an endangered natural world. Justice, to these movements, is not just simply about categorizing environmental goods, or debating whether they should be included in a calculus of distributive justice; rather, at issue is the

14 There are some significant differences between Fraser and Young on this integration of equity and recognition, especially given Young’s desire to downplay distribution and Fraser’s concern that inequitable distribution is at the heart of much oppression. See Fraser’s discussion of Young in Chapter 8 of Fraser (1997).
preservation, and self-determination, of ways of life that relate to nature in a particular way. While distributive justice theorists such as Miller might agree with the principle of participation and self-determination in a scheme of global justice (2003: 367), it is the recognition of various identities and cultural practices which is crucial to gaining that self-determination and, so, procedural justice.

The closest distributional theorists of justice get to the arguments of environmental justice movements is in the discussion of future generations of humans (for example, Barry 1999, de-Shalit 1995). But those arguments do not address the issue raised by movements of the recognition of particular ways of life and ways of relating to nature. Rather, the point of the focus on future generations is to find a way of using liberal theories of distributional justice to justify the protection of the natural world. Environmental philosophers may use the argument that nature has intrinsic value, but liberal justice theorists must avoid such a claim, lest they enter the liberal no-fly zone of individual notions of the good. Rather, the argument is made that we need to leave future generations of humans the same range of opportunities for the good life that we ourselves have. While this is an admirable way of opening a theory in a direction many thought it could not go, it remains squarely limited to articulating the issue strictly within the distributive paradigm – distant from many of the demands and articulations of movement groups.

Unfortunately, the framing of justice in solely distributive terms has also thoroughly captured Andy Dobson’s otherwise groundbreaking attempt to find common ground between social justice and environmental sustainability. Dobson begins with the claim that ‘all justice is distributive,’ and argues that issues of respect are simply not issues of justice, as they go beyond distribution. As such, he simply does not address key issues of how identity, recognition, capabilities, and political process play into environmental justice. All environmental injustice, then, is a matter of the maldistribution of environmental goods and bads. Dobson agrees with the Brundtland Report in its claim that ‘inequality is the planet’s main ‘environmental’ problem’ (WCED 1987: 6; Dobson 1998: 14). He offers a thoroughly comprehensive examination of the relationship between distributive justice and environmental sustainability. He takes apart various elements of the distributive model proposed by a wealth of authors in political and social theory, examining the ‘community’ of justice (dispensers and recipients), what is distributed, the principles of distribution (utility, need, desert, entitlement, etc.), and whether the theory is partial or impartial, proceduralist or consequentialist, and particular or universal. The central task of the book is a comparison of possible relationships between different pictures of distributive justice and various ideas regarding environmental sustainability, with an eye toward discovering some compatibility; Dobson finds very little common ground.

Dobson’s work is much more of an examination than a prescription, as it explores the possible relationships between the varied discourses of distributive justice and environmental sustainability. The comparisons and matchups are thorough and exhaustive, and the myriad relations make for a complex, though illuminating, matrix. Still, by remaining in the distributive paradigm, Dobson misses important related realms of justice, including those examined by theorists such as Young and Fraser, as well as notions articulated under the broad banner of the environmental justice movement -- including academics and activists he cites in his text.

For example, Dobson addresses Sen’s capability-based conception of justice, but his interpretation limits the potential promise of the approach. For Dobson, Sen demonstrates that “concern for human welfare need not necessarily lead to a concern for environmental sustainability…” (Dobson 1998: 132). The problem, as Dobson sees it, is that Sen focuses on capabilities rather than goods; as such, Dobson argues, Sen’s approach only appreciates natural
capital instrumentally, as it enables the realization of human capabilities. But this interpretation is problematic in a two key ways. First, even if Sen has an instrumental view of nature, he has shown a keen interest in sustainability, especially as it is linked to the potential of just development (see for example, Sen 2002). The capabilities approach allows for consideration of human agency and participation in environmental decision-making, something key in most definitions of sustainable development. But more importantly for this discussion, Dobson misses the opportunity to apply Sen’s language and conception of justice to the central questions of environmental justice he addresses. This needlessly limits the possible convergences between social justice and environmental sustainability. If one’s main concern is the lack of discourse between environmentalists and social justice activists, it seems counterproductive to ignore additional theoretical and discursive realms where the two might find space to talk (especially if that discursive realm has already been opened by environmental justice movements).

Low and Gleeson (1998) offer another thorough and admirable environmental examination of distributive justice. Unfortunately, like Dobson, they are also unable to move beyond the distributive paradigm, and proudly so. ‘The distribution of environmental quality is the core of ‘environmental justice’ – with the emphasis on distribution’ (Low and Gleeson 1998: 133). Through their analysis of notions of justice, Low and Gleeson develop two key principles of environmental justice (156), three ‘rules of thumb’ (156-57) and two international environmental institutions along the lines of Held’s cosmopolitan democracy (191).

Low and Gleeson also miss an obvious opportunity to move beyond a narrow conception of distributive justice. This is especially frustrating given the fact that their two key principles of environmental justice (‘Every natural entity is entitled to enjoy the fullness of its own form of life,’ and ‘all life forms are mutually dependent and dependent on non-life forms’) are not focused on distribution. They are really about recognizing and respecting 1) the potential of nature and 2) the dependence of humans on the realization of this potential in nature. While they proudly declare their adherence to a tradition of distributive justice, these central principles demonstrate the centrality of cultural practices and beliefs that lead to the distribution of environmental ills – and the centrality of recognition in addressing those ills. Again, I am not arguing that we replace a concern with distribution with a focus on recognition; but we also cannot simply discuss recognition in distributive terms. There is an intimate connection between recognition and distributive justice; they are overlapping circles of concern, yet we cannot simply collapse one into the other. We may be able to discuss a poor ‘distribution’ of recognition, but we cannot address or remedy that lack solely on distributional grounds; such a task lies outside the distributive circle.

As for the other key element of justice, Low and Gleeson are supportive of political participation as a means toward environmental justice – they clearly make links between participation, inclusive procedures, and public discourse on the road to environmental justice. Yet these realizations are not incorporated into their ideal principles or practices of ecological justice; the focus is on global, cosmopolitan institutions rather than those at the local, community level.

Finally, Low and Gleeson acknowledge the contextual and cultural bases of the meanings of both of the terms ‘environment’ and ‘justice’ (46, 48, 67), but cannot bring this notion of

15 Interestingly, Low and Gleeson’s pragmatic and incremental solutions for both environmental and ecological justice focus on global political institutions, rather than organization in civil society (where, presumably, the demand for environmental justice originates).
cultural difference into their definition of either environmental or ecological justice. Justice is understood as a ‘universal moral relationship we share with other humans’ but one that ‘has to be interpreted through culturally specific institutions which will vary’ (67). So they seem to see the importance of acknowledging the variety of cultural contexts from which meaning is derived, and insist that autonomy is a key principle of justice (199). Yet Low and Gleeson are blinded by their fear of ‘postmodernism,’ which they simply equate with relativism. Acceptance of different notions of justice, to them, means accepting that ‘your conceptions of justice are true for you, in your cultural context, but mine are true in my context;’ this makes justice ‘meaningless’ (197). There is no middle ground for Low and Gleeson; there is only universalism or relativism. No matter that this supposed dichotomy has been denied from William James (1909) to Richard Bernstein (1983) and, most recently, David Miller (1999, 2003) specifically on justice. Low and Gleeson, in their focus on justice in the distributive paradigm, fail to see the possibility of engagement across notions of justice – something crucial to notions of justice as recognition and political process. As I will argue, there is still the possibility of unity on notions of environmental justice, even if there is not uniformity of cultural definitions of the term.

Conclusions: Context, Plurality, and Unity in Environmental Justice

So how are we to think of all of these co-existing, yet differing, conceptions of environmental justice in a way that makes sense both theoretically and in practice? A critical and contextualist pluralism, I think, offers us a possible framework for thinking about global environmental justice.

In the theoretical realm, Peter Wenz used this approach in one of the earliest discussions of environmental justice. For Wenz (1988) such pluralistic notions of justice are welcome on a theoretical level. Environmental justice, he argues, is understood in numerous ways, depending on context. Wenz (1988: 313) sees value in the fact that we are ‘attracted to using one theory in one kind of situation and a different theory in a different kind of situation.’ He argues that we need a pluralistic theory of environmental justice ‘that enables us to appeal in a consistent manner to principles featured in a variety of theories, even when those principles can not all be reduced to or derived from a single master principle.’ More recently, an argument for this type of contextualization in environmental political theory more broadly is made by Dryzek and Hunold (2002), though their focus is on movement strategies in the context of different types of states.

This contextualist and pluralist approach works not just theoretically, but as a movement strategy as well. In practice, various groups and organizations that appeal to notions of environmental justice address differing and multiple, yet integrated, notions of justice. Simply put, priorities change according to context; so to, then, do articulations of grievances and strategies. The principles articulated by movements partly comes out of the claims of particular types of social groups (such as indigenous communities) or their relation with states or the international community. It also comes out of the lack of recognition from, for example, economic regimes such as the World Bank, WTO, or Occidental Petroleum. So a more broad contextualist approach works – there may be certain principles of justice that apply in different types of situations, or different emphases groups may have in those situations.

16 For more on critical pluralism and its relationship to environmental justice, see Schlosberg 1998, 1999a.
This may be both a theoretical and a practical reality, but the question then becomes one of strategy. Can such a diverse movement with varied notions of justice, many of which are locally-centered, retain its cohesion as a movement and accomplish its stated aims?

I believe many in environmental justice movements understand that the achievement of environmental justice will come only with confronting the fundamental and underlying processes that generate environmental and social injustices. Given the nature of the varieties of injustice, plural and networked movements can address the localized, particular places where that injustice is experienced, known, and resisted.¹⁷

A definition of environmental justice – and an environmental justice movement, for that matter – can be unified, but it cannot be singular and uniform. An insistence on uniformity will limit the diversity of stories of injustice, the multiple forms it takes, and the variety of solutions it calls for. The movement demonstrates the power of what Mary Parker Follett (1918) long ago called a ‘unity without uniformity’ as it illustrates environmental justice on so many dimensions simultaneously. She discussed a form of unity that would have people recognize differences rather than dismiss them by differentiating quite clearly the terms ‘unity’ and ‘uniformity.’ ‘Unity, not uniformity, must be our aim. We attain unity only through variety. Differences must be integrated, not annihilated, nor absorbed’ (p. 29). There is no contradiction, in this form of unity, between unity and differentiation; in fact, heterogeneity is the only way to construct unity, she argued (p. 40).

The environmental justice movement demonstrates the power of a unity without uniformity as it illustrates environmental justice on so many dimensions simultaneously. The issues that I have discussed regarding resistance to the global economy, the globalization of food production, and the continued disregard for indigenous rights illustrate both the diverse ways issues such as equity, recognition, capabilities, and participation are articulated and the possibility for unity across this diversity. As demonstrated by these battles, the environmental justice movement has been successful in bringing together such disparate issues and experiences of injustice behind a unified, but not uniform banner. An insistence on uniformity behind that banner, to an identity, critique, or singular program, is not only counter to the movement itself, but also a violation of justice as based in recognition and democratic process. It is also a denial of the plural and contextualist understanding of justice. It is important that environmental justice organizing – US or global – has never been about establishing a major, single NGO based in DC or London or anywhere. Environmental justice organizing has always been network-based, and those networks have recognition and democratic process at their core.¹⁸ Nor has environmental justice ever been about one issue, outlook, critique, demand, or strategy. Unity comes with the recognition of both similarities and differences, and an understanding of how different contexts define various groups.

The argument here has been that justice itself is a concept with multiple, integrated meanings. A singular focus on justice as distribution, and only distribution, is not only limited in theory, but it cannot encompass the broad and diverse demands for justice made by the global environmental justice movement. Demands for the recognition of cultural identity and for full participatory democratic rights are integral demands for justice as well, and they cannot be separated from distributional issues. A look at the global environmental justice movement not

¹⁷ And here, refer to the many works in global environmental politics that focus on the power of civil society and networks, such as Wapner (1996) and Keck and Sikkink (1998).

¹⁸ For more on this point with respect to the US movement, see Schlosberg 1999a, 1999b.
only illustrates this, but also demonstrates the limits of insistence on a universalism or uniformity in movements. The global environmental justice movement embodies the potential of a comprehensive, integrated movement for justice in multiple, overlapping forms.

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