THE LIBRARY OF ESSAYS ON JUSTICE - SECOND SERIES

ENVIRONMENTAL JUSTICE

STEVE VANDERHEIDEN

Environmental Justice

Edited by

Steve Vanderheiden

University of Colorado at Boulder, USA and Centre for Applied Philosophy and Public Ethics, Australia

ASHGATE

© Steve Vanderheiden 2015. For copyright of individual articles please refer to the Acknowledgements.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publisher.

Wherever possible, these reprints are made from a copy of the original printing, but these can themselves be of very variable quality. Whilst the publisher has made every effort to ensure the quality of the reprint, some variability may inevitably remain.

Published by Ashgate Publishing Limited Wey Court East Union Road Farnham Surrey GU9 7PT England

Ashgate Publishing Company Suite 3-1 110 Cherry Street Burlington VT 05401-3818 USA

www.ashgate.com

British Library Cataloguing in Publication DataA catalogue record for this book is available from the British Library

Library of Congress Control Number: 2014956050

ISBN 9781472439291



Environmental Justice

The International Library of Justice - Second Series

Series Editor: Tom Campbell

Titles in the Series:

Transitional Justice Christine Bell

Restorative Justice

Theo Gavrielides

Victimology

Joanna Shapland and Matthew Hall

Environmental Justice

Steve Vanderheiden

Acknowledgements

Ashgate would like to thank the researchers and the contributing authors who provided copies, along with the following for their permission to reprint copyright material.

Berghahn Books for the essay: Brian Barry (1999), 'Sustainability and Intergenerational Justice', in Andrew Dobson (ed.), *Fairness and Futurity*, New York: Oxford University Press, pp. 93–117. Copyright © 1999 Brian Barry.

Cambridge University Press for the essays: Dale Jamieson (1994), 'Global Environmental Justice', *Royal Institute of Philosophy Supplement*, **36**, pp. 199–210. Copyright © 1994 Royal Institute of Philosophy and contributors, published by Cambridge University Press, reproduced with permission; Simon Caney (2005), 'Cosmopolitan Justice, Responsibility, and Global Climate Change', *Leiden Journal of International Law*, **18**, pp. 747–75. Copyright © 2005 Foundation of the Leiden Journal of International Law, published by Cambridge University Press, reproduced with permission.

The MIT Press for the essay: Kevin Michael DeLuca (2007), 'A Wilderness Environmentalism Manifesto: Contesting the Infinite Self-Absorption of Humans', in R. Sandler and P. Pezzullo (eds), *Environmental Justice and Environmentalism*, Cambridge, MA: The MIT Press, pp. 27–56. Copyright © 2007 Massachusetts Institute of Technology, by permission of The MIT Press.

Oxford University Press for the essay: Kristin Shrader-Frechette (2002), 'Distributive Justice, Participative Justice, and the Principle of Prima Facie Political Equality', in *Environmental Justice: Creating Equality, Reclaiming Democracy*, New York: Oxford University Press, pp. 23–47. Copyright © Oxford University Press Ltd. By permission of Oxford University Press, USA; David Miller (1999), 'Social Justice and Environmental Goods', in Andrew Dobson (ed.), *Fairness and Futurity*, New York: Oxford University Press, pp. 151–72. Copyright © 1999 David Miller. By permission of Oxford University Press.

Sage Publications for the essay: Graham Haughton (1999), 'Environmental Justice and the Sustainable City', *Journal of Planning, Education and Research*, **18**, pp. 233–43. Copyright © 1999 the Association of Collegiate Schools of Planning.

Springer for the essay: Celene Krauss (1993), 'Women and Toxic Waste Protests: Race, Class and Gender as Resources of Resistance', *Qualitative Sociology*, **16**, pp. 247–62. Copyright © 1993 Human Sciences Press, Inc.

Taylor & Francis for the essays: David Schlosberg (2004), 'Reconceiving Environmental Justice: Global Movements and Political Theories', *Environmental Politics*, **13**, pp. 517–40. Copyright © 2004 Taylor & Francis Ltd, reprinted by permission of Taylor & Francis Ltd, http://www.tandfonline.com; Joan Martínez-Alier (2012), 'Environmental Justice and Economic

Degrowth: An Alliance between Two Movements', *Capitalism, Nature, Socialism*, **23**, pp. 51–73. Copyright © 2012 The Center for Political Ecology, reprinted by permission of Taylor & Francis Ltd, http://www.tandfonline.com on behalf of the Center for Political Ecology; J. Timmons Roberts (2001), 'Global Inequality and Climate Change', *Society and Natural Resources*, **14**, pp. 501–9. Copyright © 2001 Taylor & Francis, reproduced by permission of Taylor & Francis Group, LLC, http://www.tandfonline.com.

John Wiley & Sons for the essays: Robert D. Bullard (1983), 'Solid Waste Sites and the Black Houston Community', *Sociological Inquiry*, **53**, pp. 273–88. Copyright © 1983 University of Texas Press, Copyright © 2007 John Wiley & Sons; David Harvey (1996), 'The Environment of Justice', in *Justice, Nature and the Geography of Difference*, Malden, MA: Blackwell, pp. 366–402. Copyright ©1997 John Wiley & Sons; Christian Hunold and Iris Marion Young (1998), 'Justice, Democracy, and Hazardous Siting', *Political Studies*, **46**, pp. 82–95. Copyright © 1998 Political Studies Association; Henry Shue (1999), 'Global Environment and International Inequality', *International Affairs*, **75**, pp. 531–45. Copyright © 1999 Royal Institute of International Affairs; Andrew Dobson (2006), 'Thick Cosmopolitanism', *Political Studies*, **54**, pp. 165–84; Steve Vanderheiden (2009), 'Allocating Ecological Space', *Journal of Social Philosophy*, **40**, pp. 257–75. Copyright © 2009 Wiley Periodicals, Inc.; Tim Hayward (2006), 'Global Justice and the Distribution of Natural Resources', *Political Studies*, **54**, pp. 349–69. Copyright © 2006 Tim Hayward.

Rowman & Littlefield for the essay: Peter S. Wenz (1995), 'Just Garbage', in Laura Westra and Peter S. Wenz (eds), *Faces of Environmental Racism: Confronting Issues of Global Justice*, Lanham, MD: Rowman & Littlefield, pp. 57–71. Copyright © 1995 Roman & Littlefield Publishers.

Every effort has been made to trace all the copyright holders, but if any have been inadvertently overlooked the publishers will be pleased to make the necessary arrangement at the first opportunity.

Publisher's Note

The material in this volume has been reproduced using the facsimile method. This means we can retain the original pagination to facilitate easy and correct citation of the original essays. It also explains the variety of typefaces, page layouts and numbering.

Series Preface

Historically, justice is a core concept in law and politics, and, after a period of neglect, has been to the fore in academic scholarship since the publication of the path-breaking John Rawls, *A Theory of Justice* (Oxford University Press, 1971). Rawls's book triggered a flood of work on theories of justice, which is reflected in the volume on Justice in the Dartmouth/Ashgate series entitled 'The International Library of Essays in Law and Legal Theory' (1991) in which the editor, Thomas Morawetz, divides his selection of essays into four parts: Rawls's Legacy, Recent Jurisprudence, Distributive Justice and Corrective Justice.

Since that time, theories of justice have been supplemented by more specific topics, each with its own burgeoning literature. This prompted a further Ashgate series entitled 'The Library of Essays on Justice' (2012), with volumes on Procedural Justice, Intergenerational Justice, Distributive Justice, The Capabilities Approach and Global Justice. This has now been extended into a 2nd series of 'The Library of Essays in Justice', to take in four further areas of intense practical and theoretical interest with flourishing literatures, namely Restorative Justice, Transitional Justice, Victimology and Environmental Justice.

The volume on Restorative Justice, edited by Theo Gavrielides, develops the pioneering work of John Braithwaite, with an emphasis on equality and empirical testing. *Transitional Justice*, edited by Christine Bell, deals with post war settlements after a range of conflicts, including sections on trials, truth commissions and reparations. *Victimology*, jointly edited by Joanna Shapland and Matthew Hall, contains a wide range of issues related to the recent move to focus more on victims and less on perpetrators of crimes, including the experience of victims in trials and compensation issues. The *Environmental Justice* volume, edited by Steve Vanderheiden, takes us to the relatively new and immensely important topic of Environmental Justice, concerning issues relating to the distribution of environmental risks, international and intergenerational issues and climate change.

Each volume represents the selection of published essays and chapters made by major scholars in their respective fields and contains a substantial introduction to the literature selected.

TOM CAMPBELL Series Editor Professorial Fellow, Centre for Applied Philosophy and Public Ethics (CAPPE), Charles Sturt University, Canberra

Introduction

Environmental justice is cast as unequal exposure to environmental hazards or unequal access to environmental amenities in terms of social or distributive justice, drawing also upon analyses of inequities in participation or recognition around environmental issues. Originating in a United States domestic context with the 1982 protests against a proposed hazardous waste landfill in a predominantly African American county in North Carolina, the environmental justice (EJ) movement would go on to form the basis for other resistance movements as well as scholarly studies based upon their empirical and normative claims. Descriptive EJ scholarship has focused upon the demonstration of inequitable patterns of exposure to environmental risks or access to environmental goods and services on the basis of race and class, with normative EJ scholarship developing and applying justice theories to a growing set of environmental problems, with an evolving set of theoretical resources and remedial prescriptions at its command.

While EJ movements began by incorporating civil rights strategies of civil disobedience against policies cast as instances of 'environmental racism' and soon developed legal strategies based in anti-discrimination laws, their foci have expanded as the EJ frame has been used on behalf of a wider range of issues. The first generation of EJ movement appeals addressed the unequal imposition of risk from toxic waste, with a focus upon local rather than regional or global environmental harm and objections to particular decisions by identifiable authorities. In seeking to challenge those decisions on equal protection grounds, activists sought to identify patterns of racially disparate impacts of waste siting decisions, which might then be used to impugn such decisions as discriminatory. Given well-developed existing objections to such institutional discrimination within theories of racial or social justice, scholars in this period concentrated upon establishing the descriptive case, documenting these disparate impacts. Along with sociologist Robert Bullard's pioneering work (see Chapter 1 in this volume), the report of the United Church of Christ's Commission for Racial Justice, entitled *Toxic Wastes and Race in the United States* (1987), provided empirical bases and popular attention for further EJ protests.

A second generation of EJ movements and associated scholarly analyses is evident in the 1991 First National People of Color Environmental Leadership Summit's 'Principles of Environmental Justice' (PEJ) manifesto (Chapter 6 in this volume), which calls for 'universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons' and demands 'the cessation of the production of all toxins, hazardous wastes, and radioactive materials' (Principles 4 and 6). Characteristic of this second generation of EJ discourse, the PEJ shifts focus from demands for equity in exposure to environmental hazards to calls for reductions in the production of environmental risks, appeals for recognition and meaningful participation in processes by which environmental decisions are made, and expands its array of potential remedies to include compensation along with injunctive relief. Scholars developing normative bases for this second generation of EJ movement activism

followed suit, seeking out and applying expansive accounts of justice that included not only distributive equity principles but also restorative justice and claims to procedural equality and recognition. Casting a wider conceptual net than the prior generation of activism on environmental justice, second generation EJ movements incorporated an expanded account of justice in voicing demands and ideals, which was accompanied by a similar expansion in scholarly analyses, with normative inquiries into relationships among justice elements a key contribution by scholars included in this volume.

In a further generational expansion of the EJ conceptual frame to incorporate access to environmental goods and services as well as hazards, and an expansion in the scope of EJ demands beyond national borders and over generations, the concept of environmental justice has now been usefully applied to international and global environmental problems by both activists and scholars. EJ movements are now applying equity principles to remedial costs associated with environmental harm like climate change rather than concentrating upon equity in unmitigated impacts, and are seeking to mobilize international civil society on behalf of developing institutions and promoting actions on EJ concerns (as through the 'climate justice' movement). The framing of these new global issues in terms of justice within movement politics has again been accompanied by parallel developments within EJ scholarship. Drawing upon principles of global justice in its distributive and restorative senses, scholars have developed theoretical accounts of the demands of international or global environmental justice as these apply to natural resources or ecological space more generally, as well as to specific environmental issues like food, water and climate.

Throughout, the critical purchase of the EJ frame has been evident within movement politics as well as scholarly analyses, with the concept emerging as a major discourse within international environmental politics and being recognized by governments as an objective to be tracked within domestic policy institutions. Following the 1987 report of the World Commission on Environment and Development, *Our Common Future*, which successfully linked global efforts at poverty eradication with those for environmental protection under the rubric of sustainable development, and with the 1992 United Nations Framework Convention on Climate Change calling for remedial action on that global environmental threat on the basis of equity and the 'common but differentiated responsibility and respective capabilities' of nations, the linking of demands for justice with those of environmental protection became increasingly common, even if the complaints that give rise to EJ analysis were still rarely addressed adequately.

This volume explores these developments through its collection of early seminal as well as more recent innovative essays, with each declaring or substantiating some set of EJ claims or demands or else providing the normative basis for others to do so. In each of the essays, authors develop an account of justice designed to give voice to specific EJ demands, or in the case of one chapter offer a critique of such accounts and demands, with many mobilizing justice principles from other sources and then developing these for application to specific concerns, and most seeking to enlarge the conception of justice within EJ discourse such that a richer array of theoretical resources may inform it. In enlarging the conversation from one about equity in the allocation of environmental risk to one of equitable global resourcesharing with procedural and substantive elements for those affected by environmental change, the volume seeks to chronicle the origins and trace the development of environmental justice

as understood by normative scholars but also as wielded within social movements, and to explore the concept's critical potential in its original form as well as in several of its more recent applications.

Foundations of Environmental Justice: Race and the Distribution of Risk

As noted above, the concept of environmental justice originated in US movements for equity in environmental risk, first appearing in what could be termed NIMBY ('not in my back yard') campaigns against particular local hazardous waste siting decisions. For EJ movements, adopting as they did an oppositional stance against political authorities and a civil rights strategy, the objectives of environmental justice began as secondary to the identification of environmental *injustices*, the absence of which might be regarded as constituting the EJ vision. It did not take long for EJ movements to adopt a broader strategy and embrace a more positive vision, however, as the essays in Part I illustrate. Even while retaining a focus upon equity with regard to the distribution of environmental hazards or risks, these foundational essays explore alternative principles and applications to those first used within EJ movements, developing sophisticated ethical and structural analyses of the basis and implications of EJ demands.

Robert Bullard's pioneering work on environmental justice paired a careful mapping of hazardous waste and race with an activist sensibility through which empirical data demonstrating patterns of institutionalized discrimination might form an effective legal challenge to future siting decisions. Chapter 1 is Bullard's seminal work on hazardous waste facility siting decisions in Houston, where he began his decades-long environmental justice scholarship and activism, which he originally developed to support a legal challenge against one such waste facility. Although the challenge was ultimately unsuccessful in that it demonstrated patterns of inequality that suggested unequal protection of persons from environmental risk but failed to document intentional racism, and so was not accepted by the courts as a valid complaint against the siting decision, Bullard's first empirical study of waste and race would launch a new area of scholarly inquiry and contribute towards the development of the idea and early legal strategy of environmental justice, through which antidiscrimination law might be enlisted on behalf of challenges to waste siting decisions that put protected classes of persons at risk. In addition, the essay offers an early but rich sociological treatment of the historical chain of decisions made in Houston that eventually resulted in the inequitable patterns that Bullard documents.

Whereas Bullard identifies distributive equity as the relevant ideal in seeking to avoid disparate impacts upon poor communities of colour in the siting of hazardous waste facilities, in Chapter 2 Graham Haughton builds upon the ideal of distributive equity in applying EJ principles to urban planning and development, identifying intergenerational, intragenerational, geographical, procedural and inter-species equity as 'interconnected' principles for sustainable development. Viewing these five kinds of inequitable relationships as among the root causes of inequitable outcomes, Haughton develops a novel and influential vision for sustainable cities that is based not merely upon a conventional technical or infrastructural base, as with earlier work in sustainable urban planning, but also embodies social justice

norms. Haughton thus integrates insights from urban planning and design into conversations on sustainable development and environmental justice, identifying macro-level equity issues in the ecological footprints of cities as the linchpin of sustainability and fleshing out interactions between these various equity ideals and the structures and processes by which justice and sustainability objectives can be linked.

Expanding the explanatory scope of EJ theory, in Chapter 3 David Harvey presents an early structural analysis of the role of neoliberalism in the gravitation of environmental risk towards the world's disadvantaged, applying the EJ frame to international political economy and exploring the economic logic through which patterns of disparate environmental impacts emerge. Setting the stage for his analysis through reactions to the infamous Lawrence Summers memos that appeared to recommend on economic grounds the intentional exposure of poor people in the global South to toxins produced by or on behalf of affluent nations and consumers, Harvey explores the logic of efficient pollution along with the compelling environmental justice responses to it, asking why the former has taken on the status of a dominant discourse while the latter remains marginalized in comparison, as a voice of the powerless. Not only does Harvey call effective attention to the class dimension of what activists term environmental racism, which he grounds in structural and institutional forces rather than in social attitudes or beliefs, but he impugns neoclassical economics and much of the apparatus of international development in his critique. At a time when the US EJ movement was just beginning to broaden its purview of concern beyond local pollution issues, this essay paved the way for an internationalist EJ with a structuralist rather than behavioural focus, ushering in the next wave of EJ theories and activism.

In the first chapter by a philosopher in this volume, Peter Wenz (Chapter 4) considers whether the disparate imposition of risk upon poor people of colour that results predictably but unintentionally from economic and political processes can be excused as blameless, in parallel to those bad outcomes excused by the doctrine of double effect. Since the poor and marginalized are least able to resist decisions to locate hazardous facilities near their homes, and are cheapest to compensate if victimized by those hazards, structural economic incentives rather than conscious racism explain much of the observed patterns of the early environmental justice movement. Wenz rejects such an objection to the use of terms like 'environmental racism' in description of such phenomena, since these imply intentional discrimination, arguing on distributive grounds that the disproportionate exposure of poor people of colour to environmental risk constitutes an environmental injustice regardless of intention. After surveying several ethical and economic approaches to hazardous waste siting decisions, Wenz defends a version of the beneficiary-pays principle that applies the 'principle of commensuration between benefits and burdens' (p. 74) to the distribution of such hazards, which entails that the affluent bear risks in proportion to their responsibility for the production of those risks. His proposal for requiring affluent communities to accept their share of locally undesirable land uses (LULUs) may not have gained much traction, but his exploration of the role of structural or institutional racism and mobilization of incentives on behalf of curbing it offers innovative policy analyses that address the root causes of environmental justice rather than merely seeking to treat its most common symptoms.

Offering a critical perspective on the EJ movement, which he argues 'is better conceived as the human justice movement' (p. 87), Kevin DeLuca, in Chapter 5, takes a non-anthropocentric

perspective upon the political objectives and theoretical basis of environmental justice. Given the focus of EJ upon human health and well-being within built environments. DeLuca charges EJ activists with unpardonable sins of omission for failing to defend wilderness or nonhumans, as well as sins of commission for their 'assault' upon the mainstream environmental movement and its wilderness and wildlife conservation aims, which they allegedly regard as racist and classist. While acknowledging the EJ movement's 'extraordinary success' (p. 88) in calling public attention to the disparate impact upon poor people of colour of pollution and environmental degradation, DeLuca accuses the movement of a tendency to 'challenge and berate' (p. 90) mainstream environmentalists into shifting their focus from nature to people. Whether fair or not, DeLuca's polemic reflects a lingering suspicion among some mainstream environmentalists about the viability of social justice as an environmental objective, a potentially troubling hostility among them to the prospect of a wider environmental agenda or more diverse constituency, and a defensiveness about earlier critiques about the white and male privilege that long characterized the US conservation movement and continues to be reflected in the homogeneity of the membership and staff of mainstream groups. Responding also to perceived threats by 'postmodern' wilderness thinkers like William Cronon, DeLuca's view illustrates the challenges that environmental justice theorists and activists continue to face from what some might have mistakenly assumed to be a natural ally, and his impassioned plea for retaining a 'wilderness-centered environmentalism' (p. 109) at the core of what would as a result be a demographically narrower movement highlights a point of tension in EJ's coalitional politics.

New Directions in Environmental Justice: Beyond Equitable Risk

As the concept of environmental justice matured, rather than fixing upon a single narrow ideal or set of remedies by developing consensus around its core meaning, it has instead been interpreted more ecumenically, drawing upon a wider range of justice conceptions and incorporating a greater variety of remedial strategies. Running parallel to developments in justice theory that have challenged the dominance of egalitarian distributive justice as capturing the whole of the social justice ideal, EJ principles and claims have likewise expanded in scope and drawn upon accounts of procedural justice, group-based approaches to social justice that seek recognition rather than distributive equity, and retributive or restorative justice approaches that seek to respond to existing injustice with remedial mechanisms or actions. The collected essays in Part II illustrate these new directions, connecting the first generation of EJ ideals and movements with contemporary applications of the concept that go considerably beyond the domestic focus upon equity in exposure to hazards that characterized early EJ scholarship.

Chapter 6 is a seminal activist statement on US domestic EJ goals and principles, broadening the scope of both by expanding the concept beyond equity in exposure to toxic waste. As declared in the 'Principles of Environmental Justice' adopted at the October 1991 First National People of Color Environmental Leadership Summit, environmental justice requires not only equity in the distribution of environmental hazards but 'the cessation of the production of all toxins, hazardous wastes, and radioactive materials' (Principle 6). Among

the 16 other adopted principle are commitments to equity in recognition (Principles 2 and 11) and participation (Principles 5 and 7), along with claims to compensation for victims of injustice akin to those later claimed on behalf of those adversely affected by climate change (Principle 9). At a time when the US domestic environmental justice movement was still largely focused upon seeking equity in environmental risk, with hazardous waste viewed as the primary threat, leaders in that movement adopted principles that anticipated the EJ movement's evolution into one embracing not only the facets that Schlosberg notes in Chapter 9, but also the globalization of its purview and of compensatory remedies of the kind that would later be embraced by theorists and activists of climate justice. The summit from which this document emerged has thus served as a watershed event that consolidated thinking from existing environmental justice movements and helped to usher in the normative claims made by ones to follow.

In Chapter 7 Christian Hunold and Iris Marion Young identify procedural as well as the more frequently observed substantive injustices in siting of environmental hazards. At issue in such decisions is not only the distribution of risk, with poor people of colour more likely to be exposed to environmental hazards, but also the processes by which such decisions are made. Hunold and Young argue for a principle of democratic inclusion, whereby it is unjust to impose risk upon persons through elective waste siting decisions that deny potential victims the right to participate in such processes. They reject accounts of pluralism in which more affluent interests frequently prevail over society's socially and economically disadvantaged, which have led some to call for waste siting decisions to be made by politically insulated administrators rather than through the communicative democratic procedures that they recommend, and broaden the construct of environmental justice arising from hazardous waste politics beyond equity in the distribution of risk, urging a form of inclusive rather than oppositional democratic participation not found in earlier work that viewed EJ as a resistance movement.

Like Hunold and Young, Kristin Shrader-Frechette (Chapter 8) argues for a link between distributive equity in social benefits and burdens and participative justice, defending what she calls the principle of prima facie political equality (PPFPE). Drawing upon her earlier work on the ethics of risk, Shrader-Frechette views the PPFPE as instrumentally useful in discouraging substantively inequitable impositions of risk, as when authorities locate hazardous waste facilities near politically marginalized communities without consulting them, but also as constituting an important expression of justice in its own right. Shrader-Frechette illustrates the policy relevance of her principle in several applied cases, including an extensive case study of offshore oil development, grounding substantive and procedural EJ norms in law and policy and contrasting her expansive vision of environmental justice with alternative views of risk management based in technology or expertise that fail to account for either kind of inequity. More than any other work in this volume, this essay illustrates the potential for EJ principles to be meaningfully incorporated into institutions and policy analysis without losing their critical value or normative force, developing mechanisms by which EJ objectives can be institutionalized and its ideals more effectively pursued from within rather than outside of state authority.

In Chapter 9 David Schlosberg seeks to understand the content of calls within social movements for environmental justice, challenging the received view that justice in this

context refers primarily to the distribution of environmental risks or hazards. As he argues, drawing upon both popular discourse and scholarly theories on the demands of justice, also relevant are claims to the recognition of affected persons in their diversity and for meaningful participation by those affected in decision-making processes. Those focusing only upon equity issues in the distribution of environmental risk, or of access to environmental goods, would according to this account be overlooking important aspects of environmental justice demands in theory and practice. Schlosberg illustrates these demands for equal participation and recognition through examples from contemporary EJ discourse and takes to task those (for example David Miller and Andrew Dobson, according to their chapters in this volume) embracing this narrower distributive model for the inadequacy of their conceptions and the remedies they imply. In addition to his appeal to movement discourse as a valid source for normative ideals to be embraced by EJ theorists, Schlosberg's case for embracing a pluralistic foundation for environmental justice theory has challenged mainstream accounts of global justice and redirected attention towards aspects of EJ objectives that are not well captured by distributional analyses alone.

Celene Krauss, in Chapter 10, highlights the initially overlooked role of women within environmental justice protests, along with race and gender in the movement's animating ideals and core critique. As she notes, women like Lois Gibbs were at the forefront of EJ movements well before they were regarded as such and as activists have had to differentiate themselves and their strategies from the predominantly white, male, middle-class mainstream environmental movement. Krauss explores the role of subjectivity from feminist analysis in identifying the distinctive approaches of working-class women in toxic waste politics, where motherhood and family serve as a 'spur to action' (p. 202) rather than being the privatizing influence that others have asserted. Comparing experiences of white, African American and Native American women in such protests, Krauss expands the EJ frame to include gender while remarking the subtle nuances of race in examining different EJ narrative principles and their influence on different strategies for advancing them adopted by different communities. During a time in which the domestic US environmental justice movement was defining itself in terms of racial inequities in risk exposure, Krauss broadened its purview by incorporating a gender element and offering a cultural account of the values and motives of its activists.

Finally, in Chapter 11, David Miller considers whether and how environmental goods can be incorporated into theories of distributive justice. Since protecting certain environmental goods or serves through public policy may benefit some citizens at the expense of others, Miller regards the state protection of such goods as legitimate only insofar as such objectives are properly endorsed through deliberative procedures rather than guaranteed as matters of justice. But with other environmental goods, he argues, an instrumental relationship with other primary goods (for example those goods or services essential to a healthy life) warrants their inclusion among the primary goods that society is obliged to guarantee to all in equitable shares. For both categories of goods, Miller argues, the state must provide such goods to all citizens as a matter of justice, with the latter including such erstwhile EJ demands as a local environment free of toxins and the capacity to emit finite quantities of greenhouse emissions without causing climate change, and the former including other environmental goods or services that polities opt to guarantee to their members as important to them. By developing different categories of environmental goods and comparing these with conventional

entitlements of egalitarian justice, Miller not only grounds an EJ conception within Rawlsian justice theory but also reorients the normative EJ agenda away from a focus upon hazards or risks and towards the allocation of valuable goods and services.

International and Intergenerational Environmental Justice

Where the essays in the previous section illustrate the broadening of EJ analysis beyond equity in the distribution of risk, those in Part III broaden it further, now beyond the scope of domestic environmental harm occurring within a single generation. The extension of justice principles across national borders and generational lines has been controversial within political theory and philosophy, and such controversies are acknowledged in several of the essays included in this section. Notably, analyses of issues of global environmental harm have been used to challenge restrictions of justice theory to domestic and contemporary settings, as global or transboundary problems like resource depletion and climate change illustrate the global interdependence that is often seen as defining the circumstances of justice among states and persons in the world. In movement politics, the extension of the EJ frame to international environmental issues has built upon the normative force of the domestic analysis and its condemnation of structural and institutional racism, but has added a powerful political and economic dimension to natural resource and pollution related conflicts between the global North and South.

Dale Jamieson, in Chapter 12, argues for the extension of the equity concerns with which the domestic environmental justice movement had been concerned beyond national borders. At a time when the environmental justice frame was primarily used to characterize inequitable outcomes in the domestic distribution of environmental risk, Jamieson anticipated its critical purchase in capturing North–South conflicts over natural resources, in giving rise to the notion of ecological debt and requiring more of environmental goods than was conventionally expected by early theorists of cosmopolitan justice, which largely viewed the environment as a commodity to be lumped together with others and subjected to international or global equity principles. In rejecting this view, Jamieson paves the way for a genuinely environmental justice, rather than a role for environment within an ecumenical conception of global justice. Against the view that global justice obtains only between states and thus specifies duties held by and owed to states, Jamieson urges a 'more inclusive ecological picture of duties and obligations' (p. 254) that includes persons in their various capacities as well as groups and organizations not mediated by states.

In Chapter 13 Henry Shue explicitly links environmental justice concerns with inequality in the distribution of risks with global environmental threats like climate change, examining three equity principles as candidates for allocating the burdens associated with international remedies to such threats. These principles – assigning greater remedial burdens on the basis of greater contribution to the problem, from greater ability to pay and in order to ensure a guaranteed basic minimum for all – would go on to be invoked by scholars and activists seeking to formulate the normative terms of climate justice. Shue's influential early work on climate justice principles not only demonstrated the evolution of the environmental justice frame to include equity in the assignment of remedial burdens rather than only in exposure

to risks, but also broadened the field of justice theories to include considerations of capacity and responsibility, both of which have been widely embraced since the original publication of his essay in 1999. Pointing out both the moral logic behind each principle or criterion as well as its limitations in application to burden-sharing within international climate policy, Shue pioneered the development of climate justice as perhaps the most fully articulated application of international environmental justice theory.

Andrew Dobson, in Chapter 14, engages the extension of distributive justice principles across national borders, noting that several contemporary versions of ethical cosmopolitanism provide only a weak motive for viewing distant others as recipients of justice obligations. Given that international conflicts over several natural resources and pollution problems have raised distributive conflicts of the kind that cosmopolitan justice theories aim to treat, Dobson seeks to articulate an account of justice built around chains of causal responsibility and what he terms the 'political spaces of obligation' (p. 283) made evident by analysis of ecological footprints. In developing a theory of international environmental justice premised upon equitable footprints, or relatively equal individual or per capita claims upon natural resources and production of waste, Dobson helps to develop the conceptual basis for an international EJ analysis, and one that applies not to specific environmental concerns like climate change only, but rather to international environmental politics more generally. In this essay, Dobson argues for the instantiation of this idea both within global justice theory and in the various institutions that structure international relations.

Like Dobson, Steve Vanderheiden, in Chapter 15, examines the concept of ecological space derived from ecological footprint analysis to provide relevant content for theorizing the obligations of international or global environmental justice. Grounding the obligation to use only one's fair share of ecological space in the duty to avoid harming, Vanderheiden seeks to challenge conventional liberal accounts of sovereignty and other theoretical bases for the resistance to applying distributive justice principles beyond national borders. Against the view that distributive justice is concerned primarily with equity in holdings of social and economic goods, and that environmental goods and services are fungible with or reducible to the kinds of goods or resources that egalitarian liberals have assumed to be the subject of justice obligations, Vanderheiden offers ecological space as a unique and non-substitutable bundle of goods that can serve the function that Brian Barry describes in Chapter 17. In doing so, he provides a theoretical basis for applications of justice principles to problems of international environmental justice, including the problems surrounding climate change towards which the climate justice literature is directed.

Joan Martínez-Alier examines the foundational ideals of environmental justice movements in a global context (Chapter 16), viewing them as compatible with social movements advocating degrowth within the global North in response to ecological limits. Whereas mainstream groups tend to view environmentalism 'as a luxury of the rich rather than a necessity for everybody' (p. 318), Martínez-Alier portrays international activists developing an 'environmentalism of the poor' (p. 318) that advocates sustainable degrowth in response to resource colonialism, industrial agriculture and climate change. Articulating a more radical vision of sustainable development through which international equity and ecological limits play more prominent roles than either did in the 1987 Brundtland Commission report, Martínez-Alier's proposal for