

# ARE CONCEPTS OF JUSTICE IN POLITICAL AND ENVIRONMENTAL PHILOSOPHIES COMPATIBLE?

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## Abstract

The paper deals with questions of extending the scope of justice to environmental problems. In investigating the available political and environmental philosophies the author comes to the following conclusion: for the proper theoretical handling of environmental problems ethics integrating social and environmental aspects should be worked out.

*Keywords:* social justice, environmental justice, ethics, environmental ethics.

## 1. Introductory Remarks on Extending the Use of the Notion of Justice

In my opinion justice is a notion of central importance for understanding some main problems of our time and in analyzing what a theory says about justice with regard to future generations and to the rest of the nature we can test its ability to cope with the challenges of our time.

These issues can be formulated from several points of view. But I think it is acceptable to emphasize two of them: One is the problem of extension of the notion 'justice' that is whether it is necessary (possible) to extend this traditionally anthropocentric notion to non-human beings, to the rest of the nature. And if it is possible and necessary how can we do it and what are its consequences? (John RAWLS).

Another approach is searching for reconciliation and, if possible, integration of new environmental philosophies with accepted (anthropocentric) political philosophies. If you consider that the notion of social (distributive) justice is far from being evident, we must go beyond approaches taking the notion of justice simply as granted.

It has become a commonplace speaking about 'shift in paradigm' in our world view, in our concepts with regard to development (ENGEL, J. R. and ENGEL, J.G., 1993). I think that this is right and Thomas KUHN's idea of scientific paradigm (KUHN, 1970) can be applied to the notion of 'ethical paradigm' and to that of 'world view paradigm' analogically.

## 2. Comparison of Individualism and Ecocentrism

The notion of GNP is the main symbolic generalization of individualism. Besides, GNP is the measure of economic performance. Although the notion of GNP satisfies the requirements of the homo economicus, it neglects important dimensions of human economic activities. And if we want to measure our economic welfare then it turns out that some dimensions are missing. These are: products and services of our leisure activities, and those of the underground economy. (These are pluses). And the environmental damages are to be taken into account as minuses.

The basic assumption of homo economicus concept is the (extreme) individualism. It has ontological (anthropological) character. Its consequences are: exclusion of morality, justice, that of community in general, of the gifts of nature. According to it society consists of isolated individuals (some kind of <social>atoms) seeking maximization of their economic gain. In its disciplinary matrix individual self-interest, economic growth are values in-themselves. Its shared example is: the behaviour of the entrepreneur on the market.

A good overview of the 'deep ecology platform' is given by Arne NAESS. From his summary we can get its main (shared) values and ontological commitments (NAESS, 1993, pp. 87-96, 88).

At first it should be mentioned that non-human living beings have value in itself, which is a turning point in the morality: it is about the extension of moral considerability to non-human living beings. Now we must interpret this view. Naess says that if the life of non-human beings has not intrinsic value then 'satisfaction of non-human needs and the improvement of the life quality of any non-human kind of being cannot possibly be a part of development in a *direct* way' (ibid. p. 89).

If we regard development as a value for people only, then we are interested in non-human beings from the point of view of their usefulness. Then these beings have only use value from point of view of human beings only.

According to Naess we have a need to protect nature for its own sake (ibid.). In his opinion that is compatible with utilitarianism. I think he is right but it should be made clear that utilitarian calculation can be made in several ways. Costs and benefits can be calculated not only in financial, but in other terms, too. For example rights can also be costs or benefits, that is they can be variables of the counting.

The respect for ecosystems and even for the whole ecosphere is an important feature of deep ecology. Its implementation will change basic economic, technological and cultural structures: the future society 'will be greatly different from the present'. That is deep ecology is an ideology of changing the world.

The precondition of any environmental ethics is: going beyond anthropocentricity. It should be mentioned that there are several varieties of environmental ethics. Deep ecology is an ecocentric view: it regards ecosystems and the whole ecosphere as a value in itself.

NAESS refers to the economic aspect of deep ecology: it prefers high quality of life against high standard of life. Behind this statement there is an elaborated criticism of the notion of GNP (NAESS, 1989, pp. 111–116).

From this we can see that Arne Naess does not tell us a brand-new story about the problems with GNP.

The dilemma of deep ecologists is formulated by Naess: 'If green policy does not support a reduced GNP but a programme for the change of the individual entries, exactly what changes are to be suggested?' (ibid. p. 114).

One thing is certain that Naess is skeptical about zero-growth philosophies and about any single index for measuring economic welfare or life quality.

I think his skepticism is not fully established concerning some works dealing with the problem; probably he has not considered the conception of Herman E. DALY (DALY, 1992). In my opinion Daly's idea of a 'steady-state economics' gives an adequate answer to the questions with regard to problems of economic development: The growthmania and the idea and practice of unlimited economic growth should be abandoned and instead of (quantitative) growth economy we should be oriented towards qualitative (sustainable) development.

His 'Index of Sustainable Economic Welfare' (DALY and COBB, 1989, pp. 401–455) should be regarded as an expression of his idea. We can regard it as a symbolic generalization of ecocentrism in matter of economic welfare.

If we compare the 'world' of the ISEW and that of the GNP we can say that these are substantially different. What is important for us is that ISEW has several dimensions lacking in GNP. The new dimensions can express the concept of sustainable economic welfare. The classical, neoclassical and mainstream economics are based on 'Homo economicus as self-interested individual' whereas Daly's steady-state economics is based on 'homo economicus as person-in-community' (ibid. pp. 164–165).

Daly and Cobb in their book say that they agree with the eight principles of deep ecology movement. But they disagree with its idea of 'biocentric equality' (pp. 377–378).

In their opinion different species of living beings can have intrinsic value of different degree (p. 378): 'They represent a community-centered view (ibid. p. 385)'. They say that biocentric and geocentric views have limited understanding *with regard to the value of individuals and that of the whole*. In their opinion this understanding 'can be best grounded' in 'the God of the prophetic tradition and that this prophetic theism can lead beyond some of the costly conflict among those seeking to break out of the anthropocentric heritage which continues to bind culture' (ibid. p. 387). So we can see that their view is a biosphere-centered conception (ibid. p. 395)

established by theocentric world view. In their opinion the problem with the biocentric view of deep ecology – and with the geocentric view of Lovelock, too – is that the relation between individual and community is confused in them.

### 3. Justice in Context of Environmental World Views

First of all it should be mentioned that managers (and businessmen) share the view that economic growth is a panacea for all economic and social problems: By ever-increasing level of personal consumption everybody can satisfy her/his interests: By means of mass production present luxury goods will be available for all in the foreseeable future. So the process of redistribution of wealth (of goods) as a mechanism of distributive justice is replaced by the ever-increasing level of mass consumption. Another option is denying acceptability of any concept of social (distributive) justice. This standpoint was theoretically developed by libertarian thinkers (Hayek, Friedman and others) in the sixties. Politicians accepted it in the seventies. They have since put it into practice. This practice can be regarded as a kind of negative response to challenges of the new state of the world. Therefore there is no place for them for such thing like distributive justice.

Anyway, Daly and Cobb say that they ‘distinguish between localized and pervasive externalities’ (ibid. p. 55). For the illustration of localized externality a ‘standard example is a factory whose effluent into a river spoils fishing downstream’ (ibid. p. 54).

Localized externalities can be handled by adjusting prices, by imposition of taxes, that is, by a practice based on neoclassical economic theory.

But there are ‘pervasive externalities’ which do not fit into the framework of the neoclassical economics. Let’s ‘consider the problem of calculating the proper tax for internalizing the external costs of the greenhouse effect... Since the changes involved in pervasive externalities are by definition not the kind of things that can be purchased piecemeal on markets and valued at any meaningful margin, citizens will have to express their valuations in terms of answers to hypothetical questions, rather than by the actual behavior of buying and selling’ (ibid. pp. 141–142).

Even if we assume that there is a Laplacean demon who is able to calculate everything, uncertainties arising from the character of the society cannot be excluded, therefore we should abandon the domain of the traditional economics:

‘Instead of beginning with the impossible task of full-cost prices and then letting the market determine the right quantities on the basis of these prices, we could begin with the ‘right’ quantities and let the market calculate the corresponding prices. But what do we mean by the ‘right’ quantities? Only that the economy is constrained to operate with volumes of resource

flows that are within the renewable biospheric capacities of regeneration and waste absorption. Environmental carrying capacity and sustainable exploitation rates of natural sources and sinks are roughly definable in physical terms... Imposing sustainable biophysical limits as a boundary on the market economy will lead to changes in market prices that reflect these newly imposed limits. These new prices would have 'internalized' the value of sustainability, the sacrifice of which had been previously an external cost. The market performs the complex price readjustments needed to reflect the newly counted value of sustainability, or better, of optimal scale... What we are really arguing is that economy has a proper scale relative to the ecosystem. By 'scale' we mean physical size, in other words, population times per capita resource use rates. As the economy grows it gets bigger!... The ecosystem, of which the economy is a subsystem, does not grow' (ibid. pp. 142-143).

We can see that in analyzing pervasive externalities we can get beyond neoclassical economic theory: Considering the impossibility of calculating the external costs of the greenhouse effects or those of ozone layer depletion we should choose the above-mentioned new way of calculation.

A paradigm shift has taken place: The ecological sustainability has become a guiding principle of the economics. It is necessary because the market can produce optimal (Pareto efficient) allocation of resources only: Its activity results neither in just distribution (social justice) nor in optimal scale (ecological sustainability) (ibid. pp. 142-146).

I think it would be proper to cite a definition of sustainable development given by the Brundtland report. According to it this is a development 'which meets the needs of present without compromising the ability of future generations to meet their own needs.' (WCED, 1987, p. 43). It is well-known that this notion can be interpreted in several ways.

But I think most of the interpretations agree on that this is a formulation of intergenerational justice. In the context of Daly's 'steady-state economics' sustainable development appears as a consequence of imposing sustainable ecological limits on market economy. These limits make possible flourishing and well-being of future generations of human and non-human living beings. They can be construed as connecting two kinds of justice: that for future generations of human living beings and that for future generations of non-human living beings as well.

Considering the dimensions of the 'ISEW' it is evident that this index integrates dimensions of social and environmental justice. Deep ecologists are stressing social responsibility and for them is 'very high priority' fighting 'bureaucracy' and 'undesirable ethical, social and cultural consequences of the unrestrained market economy'. They prefer equality to hierarchical structures (NAESS, 1989, p. 133).

The justice notion of deep ecology can be summarized in the following:

1. Equality of all living beings with regard to their intrinsic value (ibid. p. 166).
2. Society and nature are interconnected; they cannot be separated (ibid. p. 164).
3. Human and non-human beings have common long-term interests (ibid. p. 149).
4. There is a universal right of living beings to self-unfolding. This is an 'equal right for all life forms'. (According to it Naess recommends *Homo sapiens* to give up the role of 'dominant living being on earth'. If human beings will not do that then they would give up a part of their right to self-realisation; 'Human beings would lose something of their essential nature if they refrained from abdications.') (ibid. pp. 164, 166, 169).
5. The 'uniqueness of *Homo sapiens*' should not be used for 'domination and mistreatment', it should be used for 'universal care' (ibid. p. 171).
6. Justice applies to both nature and society (ibid. pp. 164–165).
7. The fundamental norm of 'Self-realization' of all living beings requires increasing levels of social justice (ibid. p. 207, NAESS, 1993, p. 95).
8. This relation makes it possible to speak about 'ecojustice' as SKOLIMOWSKI does it: '*Ecojustice* is a value specific to ecological cosmology. Ecojustice means justice for all... Ecojustice as justice for all is a consequence of our ecological cosmology, of the idea of responsibility for all, and of the perception of the interconnectedness of all.' (SKOLIMOWSKI, 1993, p. 101).

There are some problems connected to deep ecology. For example the way of handling of the relation between human and non-human beings, between individual and community in general, and that of between biotic and social community. And the equality of intrinsic value of all living beings can be regarded confusing. These factors degrade the value of the idea of extending the notion 'justice' to the ecosphere.

Besides the grounding of the world view of deep ecology seems to me rather rhetorical than convincing.

The world view of steady-state economics leaves open the problem of measure of intrinsic value of living beings, too. Having stated that there are differences in measure of intrinsic value of different species of living beings; especially that human beings have greater intrinsic value than insects, we ought to know how to make comparisons.

The ISEW integrates dimensions of social and environmental justice and so it can be regarded as a kind of formulation of ecojustice. (Taking into account its theoretical background of the steady-state economics.) But the previously mentioned problem of weighing intrinsic values of different living beings against one another remains unsolved. This process would be an important tool for settling environmental disputes.

Finally I must mention that the notion 'environmental justice' (not ecojustice!) can be used within the framework of an anthropocentric world view: It is about just/unjust distribution of environmental risks and benefits.

I can agree with Holmes ROLSTON when he says: 'Nevertheless, we are not seeking simply to apply human ethics to environmental affairs... Environmental ethics in the *primary*, naturalistic sense is reached only when humans ask questions not merely of prudential use but appropriate respect and duty.' (ROLSTON, 1988, p. 1).

Therefore it seems to be a realistic approach to work out an environmental policy compatible with both kinds of environmental ethics. We must seek agreement in environmental policy, although we have different values: One party protects ecosystems because we live in them and from them. Another party agrees with this idea for different reasons: for it ecosystems represent values in themselves.

And so we have the practical task of reconciling the standpoint of environmental justice with that of ecojustice if we want to have a working environmental policy. As Holmes Rolston pointed out, it is possible to work out such a policy on a basis acceptable for both kinds of environmental ethics (*ibid.* p. 259).

#### 4. Rawls's Concepts of Justice – And beyond Them

And now it is high time to turn to the most powerful theory of justice of our time - to John RAWLS's theory. Our investigation is intended to formulate tasks originating from the need to respond to new practical and theoretical challenges of our world. With regard to those Rawls says that the political conception of justice is to be completed. In this case it is about the 'problems of extension'. (RAWLS, 1993, p. 244) In his opinion 'these may seem unanswerable from within a political conception... One is extending justice to cover our duties to future generations (under which falls the problem of just savings)... and,... we may ask whether justice can be extended to our relations to animals and the order of nature'. (*ibid.* pp. 244-245).

Taking into account the above-mentioned paradigm shift we must emphasize that this kind of extension of a theory could be made in different ways.

After considering the process of extension it would turn out that 1. whether this extension is feasible and 2. if the answer is yes then whether this extension process goes beyond the 'paradigm' of the theory and 3. if it goes beyond the theory then whether we get a 'new paradigm' or not.

In Rawls's opinion his 'justice as fairness' concept can be extended to these problems (*ibid.* p. 245).

In his opinion the social contract tradition should be the basis of formulating and solving the problems. But with regard to problems connected to extending his theory Rawls has changed his position.

For example in his *'Theory'* he says that it is unlikely that the principles of justice would be 'perfectly general' (RAWLS, 1986, p. 9).

But the question of justice between generations should be answered (ibid. p. 128). In searching for its solution Rawls expresses his doubt about the problem-solving capacity of his 'difference principle' (ibid. p. 291). And in his *Political Liberalism* the solution of this problem given by the *Theory* has been replaced by a principally different one (RAWLS, 1993, p. 274).

I think that this has been enough to illustrate that these questions - which are relevant for testing this theory - cannot be regarded as settled ones. And if we want to know something more about their state within this theory, we should get an overview about the main idea of these justice concepts. So these questions should be formulated in the context of these theories of justice and then it should be done in other contexts as well.

#### *4.1. Assessing Some Aspects of Rawls's Theories of Justice*

At the beginning I must mention that Rawls's standpoint has changed during the period from 1971 (year of the publication of *'Theory'*) to 1993 (the year of the publication of *'Political Liberalism'*). An important difference is that in the *'Theory'* citizens 'accept... its two principles of justice'... and 'generally endorse that view as a comprehensive philosophical doctrine' (ibid. p. xvi). But in his later work he has changed his mind.

The difference is that it is a political conception, worked out for a specific kind of subject, for the 'basic structure' of society, that is for its 'political, social and economic institutions. It is a kind of partial moral concept related to this structure. *Its further properties are: it is a possible part of several comprehensive doctrines and cannot be regarded as a general world view.*' (ibid. pp. 11-13). This is its distinguishing feature: In his opinion there is no general and comprehensive theory of justice acceptable for the whole society because in a democratic society there are several comprehensive and rational but conflicting and irreconcilable religious, moral, philosophical doctrines (ibid. p. 36).

So we can pose the question: What kind of function has the (political) conception of justice in a pluralistic society?

Rawls's answer is that this conception - 'limited to the domain of the political' (ibid. p. 38) - effectively regulates the society 'as a fair system of cooperation over generations' (ibid. p. 35).

Besides it should be mentioned that some substantial questions are not elaborated by his theories of justice: Among them there are such problems like 'the protection of the environment or the preservation of wildlife'



(ibid. p. xxviii).

On the one hand, there is a change in his ideas, on the other hand, there is a continuity in them. If we look at the formulation of the two principles of justice we can find only minor changes in the text. But – as we have seen – its theoretical context has changed considerably.

They can be cited according to the text of *Political Liberalism* as follows:

- a. 'Each person has an equal right to a *fully adequate scheme* of equal basic liberties *which is* compatible with a similar scheme of liberties for all.
- b. Social and economic inequalities are to satisfy two conditions. First, they must be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they must be to the greatest benefit of the least advantaged members of society.'<sup>1</sup> (ibid. p. 291).

It should be emphasized once again that Rawls's theoretical position has changed after the *Theory*. This raises the next question: What is the reason of this change?

Therefore we must ask once again: Is it possible to extend his conceptions of justice to new areas? Which version of them should be preferred in this process: that of the *Theory* or that of '*Political Liberalism*'? Or – because of theoretical inadequacy – neither of them is capable of extension in its present formulation?

What we need is an acceptable conception of justice replying to newly formulated challenges of our time; this will be able to handle the problems of future generations, those of environment and 'traditional' social justice problems, too. I think we can construct it from different directions, that is, from different theories. On the one hand, it is possible to formulate it within the framework of an anthropocentric theory by extending that. On the other hand, non-anthropocentric theories should be modified, too: taking ecojustice seriously means working out its social and political dimensions. I think that a new type of paradigm, a new disciplinary matrix is needed: the existing theories should be integrated.

#### 4.2. *Two Conceptions of Justice within 'A Theory of Justice'*<sup>2</sup>

I recall the two principles of justice. (RAWLS, 1986, p. 302). With regard to them some things should be noted:

<sup>1</sup>Rawls tells us that 'the words 'a fully adequate scheme' replace the words 'the most extensive total system' which were used in *Theory*' (p. 302). 'This change leads to the insertion of the words 'which is' before 'compatible' (ibid.).

<sup>2</sup>My analysis of Rawls's conception of justice is based on Brian BARRY's analysis in: Brian BARRY (1989).

1. They are guiding principles for the basic structure of society; they regulate functioning of its institutions (ibid. p. 54).
2. These 'principles regulate all further agreements; they specify the kinds of social cooperation that we can enter and the forms of government that can be established' (ibid. p. 11).
3. This theory is not a complete theory (ibid. p. 17).

Considering these principles it seems to me evident that these are principles of a normative theory. What can we do with them? Rawls says that this conception of justice 'is to regulate all subsequent criticism and reform of institutions' (ibid. p. 13). We are mainly interested in the way and reason of choosing these principles. As you probably know it these are parts of a new version of a social contract theory (ibid. p. 11). According to it these are chosen by 'free and rational persons concerned to further their own interest would accept in an initial position of equality as defining the fundamental terms of their association' (ibid.).

This 'initial position' is not 'an actual historical state of affairs... It is... a purely hypothetical situation' (ibid. p. 12).

This theoretical construction is intended to produce the planned result: an agreement on guiding principles of social cooperation, on two principles of justice. The success of agreement is guaranteed by the 'veil of ignorance' (ibid.).

The restrictions on information in the initial position exclude significant differences in bargaining power of the parties. Their function is to create a situation of artificial impartiality.

If free and equal citizens negotiate one another, the outcome will depend on their social and cultural position, their capabilities, their wealth and income, etc. Even though if it is about principles and not about social and economic advantages.

Like social contract theories in general people realize that everybody will be better off in case of mutually advantageous agreement than without it. So this new situation created by mutual self-restraint is a result of rational choice. This justice conception is anthropocentric (ibid. p. 13).

The dramatis personae of this scene staged by Rawls establish a 'conception of social cooperation among equals for mutual advantage' (ibid. p. 14). But these principles are valid under certain conditions only. The circumstances of justice are necessary preconditions for initial agreement on principles of justice. The most important of them are: 'moderate scarcity' and 'mutual disinterest of individuals' (ibid. p. 128).

I could pose the question: And about the extreme scarcity? Considering problems of malnutrition of children in black Africa? And what about different kinds of actual and potential catastrophes threatening us? I do not think that *these* circumstances are adequate for formulating background conditions for principles of justice. Besides I think it is the time to tell you that the theoretical framework of these considerations is a kind of

'justice as mutual advantage' or 'justice of circumstances' (BARRY, 1989, pp. 268-269).

This kind of theory of justice is based on the notion of 'circumstances of justice.' Its main idea is that the representatives of the parties agree to cease the situation of free for all fight.

Their choice is rational because the new situation makes everybody better off compared to the previous state of affairs.

The gain from this decision is the rational motivation of these self-interested people. Taking up this contractarian view Rawls holds that under the (by him determined) circumstances of justice, in the original position, behind the veil of ignorance these representatives of the parties can agree on principles of justice.

These self-interests restrained in this way work under given circumstances as if they were altruistic motivations.

And I think it will be proper to see how this model works applied to intergenerational justice.

#### *4.2.1. Intergenerational Justice - End of Mutual Advantage?*

The sustainable development has recently emphasized problems connected to extending moral responsibility to future generations. Reconsidering the issue we must admit that behind that there is an enormous problem: In the world of high-tech there are dangerous technologies with long range impact. The nuclear industry should be mentioned among them. The issue of unjust distribution of risks and benefits should be formulated with regard to future generations, too. A proper conception of justice should include these and environmental questions as well.

The just saving issue is a well-known topic from several types of discussions. But I would not say that there is a consensus about it. Anyway, we must see whether the 'mutual advantage' justice works here.

In the original position behind the veil of ignorance 'questions of social justice arise between generations as well as within them, for example, the question of the appropriate rate of capital saving and of the conservation of natural resources and the environment of nature' (RAWLS, 1986, p. 137).

The first question is whether Rawls gives us adequate conceptual tools for the problem-solving: 'the persons in the original position... can favour their generation by refusing to make any sacrifices at all for their successors; they simply acknowledge the principle that no one has a duty to save for posterity. Previous generations have saved or they have not; there is nothing the parties can now do to affect that. So in this instance the veil of ignorance fails to secure the desired result.' (ibid. p. 140).

As we have read Rawls admits that the 'veil of ignorance', his important theoretical device fails with regard to intergenerational justice.

Then in assessing the second principle of justice, the 'difference principle' – according to it the position of the least advantaged (generation) should be made better off – we can agree with Rawls when he says: 'It is now clear why the difference principle does not apply to the savings problem. There is no way for later generations to improve the situation of the least fortunate first generation. The principle is inapplicable and it would seem to imply, if anything, that there be no saving at all.' (ibid. p. 291).

Rawls considers different options of solving difficulties with original position. The one of them would be extending the range of the contractors: Representatives of all actual generations should be included, (ibid.) or 'at one moment everyone who will live at some time; or, much less, ... everybody who could live at some time' (ibid. p. 139).

But this way out seems for him absurd (ibid.). I think we can agree with him. The next option is to change the motivational assumption of the original position. According to that parties in the original position are disinterested, that is, they do not care about others' interests. This assumption should be changed and replaced by another: 'we may think of parties as heads of families, and therefore as having desire to further the welfare of their nearest descendants' or as a minimum: 'each person in the original position should care about the well-being of some of those in the next generation' (ibid. p. 128).

And what about the fifth, sixth and so on generations? It is possible that we care about our children and grandchildren but we are not interested in our great-grandchildren at all.

Another problem is that this change in the motivational assumption is ad hoc and if we accept this new assumption then the following fundamental thesis of 'circumstances of justice' does not hold: 'a society is a cooperative venture for mutual advantage' (ibid. p. 126).

It is worth mentioning the option of combination of 'the just savings principle with the two principles of justice'.

It would be a good solution of the problem: the only matter with it that the representative men from the least advantaged are to specify the rate of accumulation (ibid. p. 292).

Why does it matter? Because it supposes that people know the identity in the original position, but this is by definition excluded from its notion' (ibid. p. 140).

Summarizing the above-mentioned analysis we can say that the 'justice of circumstances' or 'justice of mutual advantage' theory fails in applying to intergenerational relations.

In looking back at this version of justice between generations Rawls represents a new position in his *Political Liberalism*: Let's 'consider the case of just savings: since society is a system of cooperation between generations over time, a principle for savings is required. Rather than imagine a (hypothetical and nonhistorical) direct agreement between all generations, the parties can be required to agree to a savings principle subject to the further

condition that they must want all *previous* generations to have followed it. Thus the correct principle is that which the members of any generation (and all generations) would adopt (to be followed by their generation) and as the principle they would want to be followed by the next generation, no matter how far back (or forward) in time.' (RAWLS, 1993, p. 274).

In these thoughts there is a new feature of contrafactual statements. Their function is to emphasize the general character of the recent principle to be agreed by all generations. This is a new conception of justice, 'justice as impartiality' (BARRY, 1989, pp. 8, 148–152, 199–203).

*I must say that the two conceptions of justice are too many to be accepted. And the 'circumstances of justice' (or 'justice of mutual advantage') concept does not work in an important case.*

#### 4.2.2. *Can Animals be in the Original Position?*

'Last of all, we should recall here the limits of a theory of justice. There are not only many aspects of morality left aside, but no account is given of right conduct in regard to animals and the rest of nature...

They are outside the scope of justice, and it does not seem possible to extend the contract doctrine so as to include them in a natural way.

A correct conception of our relations to animals and to nature would seem to depend upon a theory of the natural order and our place on it. One of the tasks of metaphysics is to work out a view of the world which is suited for this purpose; it should identify and systematize the truth decisive for these questions. How far justice as fairness will have to be revised to fit into this larger theory it is impossible to say' (RAWLS, 1986, p. 512).

As we can see from these sentences Rawls does not deny a need of justice for animals or for the rest of nature. But in his opinion the theory of justice in its present form – as a contract doctrine – cannot be extended to them.

His standpoint is not fully negative: In his opinion the solution of the problem depends on working out a new 'theory of natural order and our place on it'.

I think if we include in the contractors children, infants, and 'those more or less permanently deprived of moral personality' (ibid. pp. 509–510) then we can try to do the same with animals or with rest of nature.

Let's consider the following: We want to extend this conception of justice to our relations with ecosystems. If we imagine these relations as a cooperative game then we can extend the definition of society. According to Rawls: 'a society is a cooperative venture for mutual advantage' (ibid. p. 126). Changing this definition we can get the following one: 'The relation between society as a – transformed by people – part of ecosystems and the rest of ecosystem is a cooperative game for mutual advantage.'

In this aspect I refer to anthropogenic ecosystems; these are villages fitting in their natural environment by agricultural activity. The *anthropogenic* ecosystems are in a middle position between *artificial*, by human beings organized ecosystems (these are urbanized and industrialized areas) and *natural* ecosystems. The borderlines between these types of ecosystems are not hard and fast lines; they are changing in time.

Although modern societies live mainly in artificial ecosystems, it does not mean that people are independent of natural ecosystems.

The 'circumstances of justice' are to be completed by the fact that human beings live in ecosystems and their existence depends on them, that is, by '*ecosystem-dependency*'.

Considering this fact we can say that one of the greatest errors is if we want to play with nature a non-cooperative game, that is, we want to conquer nature. If this succeeded then it would result in destruction of the carrying capacity of ecosystems, in a kind of self-destruction.

Knowing how serious the unsolved environmental problems are we can say that an agreement on the principles of cooperation with nature makes all partners better off than without it (mutual advantage).

In this extended original position there are representatives of ecosystems, too. It has the consequence that the parties agree on principles for a cooperative game between society and ecosystem, on principles of environmental justice. This is a kind of justice of 'circumstances' or 'mutual advantage'.

Another option is to accept that the good of ecosystems is a good in common for society and ecosystem; with other words for culture and nature. The good of ecosystems is a part of the common good of society. Therefore we can assume that ecosystems have inherent value, they are valuable in themselves. In this case we can work out the principles of 'justice of impartiality.' These are principles of a non-anthropocentric environmental ethics.

We are facing the task to develop a new kind of non-anthropocentric ecosystem-centered environmental ethics. And now we can pose the question whether the principles of justice developed by Rawls can be extended. My answer is: yes, and this is the case with regard to both concepts of justice. But in this case his theory will be transformed. I think he noticed that and developed a new variety of his concept of justice, which does not help in this case. Describing the 'fair terms of cooperation' he says that these 'specify the idea of reciprocity' (RAWLS, 1993, p. 16).

In his definition 'the idea of reciprocity lies between the idea of impartiality, which is altruistic (being moved by the general good), and the idea of mutual advantage understood as everyone's being advantaged with respect to each person's present or expected future situation as things are.

As understood in justice as fairness, reciprocity is a relation between citizens expressed by principles of justice that regulate a social world.' (ibid. pp. 16-17).

In a footnote to these ideas Rawls speaks about his motivation of introducing this concept. It is about Brian Barry's criticism. As you know Barry has pointed out that Rawls has two different kinds of conceptions of justice. Rawls says about Barry's criticism: 'Barry thinks justice as fairness hovers uneasily between impartiality and mutual advantage, where Gibbard thinks it perches between on reciprocity. I think Gibbard is right about this.' (ibid. p. 17. Note 18).

I think this is not a proper way to reply it with a short footnote.

But if Rawls and Gibbard are right then the situation is worse, because this notion of reciprocity confuses the whole theory.

### 5. Summary

With regard to Rawls's conceptions of justice I can say that he has two different conceptions of justice: 'justice of circumstances' or 'justice as mutual advantage' and 'justice as impartiality'. These belong to different paradigms of ethics. The 'justice as mutual advantage' is a part of an ethics of self-interest, ethics of egoism. If we try to apply this to the environment then we must restrict it on behalf of a kind of enlightened egoism.

Its concept of man is the well-known *Homo economicus* pursuing his self-interest. This *homo economicus* recognizes that the unbridled exploitation of nature leads to a catastrophe and it seems to him that the way out is a kind of self-restraint.

As we have seen if this attempt does not fail then we can develop a secondary environmental ethics: an application of traditional anthropocentric ethic to nature, to the environment.

The conception of 'justice as impartiality' is an expression of a change in attitude towards nature. The self-interested *Homo economicus* regards nature, the environment as means to his ends. But from point of view of 'justice as impartiality' nature has value in itself. As a consequence of this change people do not want to exploit or 'conquer' it any more: They are intended to avoid unnecessary tensions in their relations to nature; to play with it a cooperative game. This new attitude rests on the insight that the good of nature is a part of the common good of the society.

In a democratic, pluralistic society it cannot be expected that people share their attitude towards nature. Therefore our task is to take this fact as granted for developing an effective environmental policy.

But taking the available forms of environmental ethics we should take into account that two kinds of view are feasible for grounding an environmental policy: One of them is an ecosystem-centered environmental ethics, another is a restrained anthropocentric ethics (as secondary environmental ethics).

The concept of man behind the former is the *Homo economicus* re-

straining himself, that behind the latter is the man as a member of (ecological and social) communities.

Both theories appreciate ecosystems: the anthropocentric view takes them important because we cannot live without them; for it these have use value. According to the ecocentric approach ecosystems area values in themselves and we have to respect for them.

A reasonable ecosystem-centered environmental policy can use their common denominator and this policy can apply it to establish practical principles compatible with both attitudes to nature.

So we can reconcile environmental justice with ecojustice.

*Another option is to work out ethics integrating social and environmental aspects. This will be a new paradigm of ethics, too. On this basis maybe the notions of environmental and ecojustice will be integrated.*

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