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Grounding claims for environmental justice in the face of natural heterogeneities

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Abstract

The article wishes to analyze the ethical foundations of claims for environmental justice. By doing so, it addresses the contested relation between equality and justice. The article also wishes to shed some light into the deep religious background of egalitarian justice. Two sections deal with basic distinctions in theories of justice, as the 'equality of what?'-debate and the problem of intrinsic value of equality. Three normative pillars of environmental justice are proposed: a) legal and political equality, b) sufficiency-thresholds, and c) obligations against victimization. These pillars are to be applied to environmental geographical topics, facing the problem of natural heterogeneities, unequal environmental endowments and economic structures. The article intends to provide the reader with conceptual ethical devices and, by doing so, to enable her making solid claims for environmental justice.

Zusammenfassung

Der Artikel behandelt die ethischen Grundlagen von Konzeptionen von Umweltgerechtigkeit sowie das umstrittene Verhältnis von Gerechtigkeit und Gleichheit. Zunächst wird ein Blick in den religiösen Hintergrund des Egalitarismus geworfen und es werden grundlegende Unterscheidungen der Gerechtigkeitstheorie expliziert. Zwei Abschnitte behandeln unterschiedliche Gleichheitshinsichten und die Frage nach einem intrinsischen moralischen Wert von Gleichheit. Im Verlaufe des Artikels werden drei normative Grundsätze von Umweltgerechtigkeit entwickelt und verteidigt: a) rechtliche und politische Gleichheit, b) eine Suffizienz-Schwelle guten Lebens und 3) Verpflichtungen, andere Personen nicht zu schädigen und zu benachteiligen. Diese drei Grundsätze lassen sich auf geographische Umweltbeziehungen anwenden, die sowohl von unterschiedlichen Naturausstattungen als auch von ökonomischen Strukturen geprägt sind, die Ungleichheiten begünstigen. Der Artikel möchte den Leser*innen ermöglichen, Geltungsansprüche zu erheben und zu prüfen, in denen Umweltgerechtigkeit gefordert wird.

Keywords justice, equality, 'equality of what?', victimization, environmental justice

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1. Introduction

Demands for justice are pervasive through history since ancient times and they are also alive in our present age. In recent decades, justice claims have been conjoined with environmental concerns. As a result, a new field of intellectual scholarship has emerged under the headline of 'environmental justice' (EJ). EJ-scholars can deal with claims for environmental justice (CEJ) being made by indigenous people, social movements, NGOs, international agencies, and political parties. If they do so, they should *strictly* separate own beliefs about environmental justice from CEJ under study. Such separation is mandatory within a Weberian concept of intellectual honesty (*Ott 1997*, chapter 3). Quite often, EJ-studies aren't neutral with respect to conflicting parties, but are sympathetic with indigenous people, trade unions, peasant farmer associations, vulnerable groups, women, migrants etc. Such sympathies should be substantiated. If scholars make EJC on their own, they should reflect upon how to justify such claims.

EJ and CEJ bring general concepts and principles of justice down to earth with respect to environmental issues. A nice overview of EJ is given in *Agyeman et al. (2016)*. EJ has originated in the fight against 'eco-racism' especially in the U.S. (*Bullard 2005*), but meanwhile it covers a broad spectrum of topics worldwide. It conjoins with the environmentalism of the poor (*Martinez-Alier 2002*), including African environmentalism (*Chemhuru 2019*), and many studies in political ecology (*Dünckmann 2016*). From an epistemological perspective, EJ combines and blends geography, political science, cultural anthropology, economics, and ethics. EJ is a hybrid, interdisciplinary field of study because it consumes theories of society, discourse and power (often inspired by Michel Foucault, see *Rabinow 1984*), and it often also consumes economic theories for case studies being presented in narrative modes.

Ethics, as distinct from morals, takes the role of an analytical enterprise within EJ wishing to be helpful with respect to both justification and rejection of CEJ. This analytical and conceptual ethical focus comes at the price of abstracting away specific geographical topics which fall outside of the expertise of ethicists. From an ethical perspective, the question is which general principles of justice are valid, and how valid principles are applied to particular cases. Since EJ is both an academic topic *and* a political demand, ethics should shed some light on principles. Analysis should

also tackle the problem of how to distribute natural resources fairly that are highly unequally dispersed around the planet (natural heterogeneity).

The article is organized as follows: the next section introduces the contested relation between justice and equality (2). Section (3) reminds of the theological background of egalitarianism. The fourth section offers distinctions within concepts of justice (4). The 'equality of what?'-debate is conjoined with some logical remarks on the presumptive intrinsic value of equality in this section. Section (5) critically examines and rejects intrinsic value of equality. Section (6) applies the results of previous sections onto environmental justice topics and it argues for a principle of non-victimization. Section (7) deals with natural heterogeneities and the problem of geo-determinism. Section (8) concludes.

2. Justice and equality

Many CEJ stemming either from social movements or from academic scholars rest upon implicit correlations between (in)justice and (in)equality. Such correlations are a crucial topic in ethical reflections about justice since *Aristotle*. To *Aristotle* in his "Nicomachean Ethics" (1999), they play a pivotal role in the domain of *distributive* justice. Within this domain, scarce goods shall be distributed among claimants according to their entitlements (desert, property rights, honor). *Aristotle* (1999: 1131) recognized that there has been always contest about such entitlements. Since environmental resources are scarce in our contemporary world and may become even scarcer in the future due to climate change, overexploitation, and population growth, contested correlations between justice and equality are at the core of CEJ.

In contemporary debates about justice (fairness, equity) in general and EJ in particular, there is a camp of *egalitarianism*. To members of this camp, less inequality among humans is seen as desirable or even as mandatory. This egalitarian attitude fits within the SDG target No. 10 to reduce existing inequalities. Some philosophers, however, cast doubts on strong variants of egalitarianism (*Krebs 2000; Frankfurt 2015*; see section 5). The contest over the value of equality is of paramount relevance to approaches in EJ. The article wishes to provoke egalitarians to sharpen their arguments.

As matter of fact, there is much economic inequality among humans (*Bourguignon* 2013; *Milanovic* 2016; *Alvaredo et al.* 2018; *Piketty* 2014). Economists analyze how economic inequalities fluctuate over time and regions. Some recent books inform about long-term tendencies with respect to inequalities of income and wealth within and between nations (*Milanovic* 2016). According to *Milanovic*, inequality peaked before the First World War. From 1914 until 1990, inequality has been reduced due to either malign factors (as war) or benign factors (as education and welfare transfers). After 1990, inequality has been on the rise again due to the collapse of Soviet communism and the liberal post-Mao policies in China. In the U.S., inequality reached a plateau quite as high as before Roosevelt's new deal. Economic inequalities, as such, inform about differences in income and wealth, but they don't tell you how good or bad the poor people and the (lower) middle-class live in given societies. Growing inequality is compatible with general progress in term of literacy, life expectancy, nourishment, gender relations, and even incomes. UN-reports relying on the Human Development Index (HDI) indicate that the lot of many very poor persons in the Global South has been improved (*UNDP* 2013; see also *Rosling* 2018). Despite the dire situation of the bottom billion (*Collier* 2007), a global lower middle-class is emerging. High levels of inequality, as measured by GINI, and rising average standards of life, as measured by HDI or other sets of indicators can go hand in hand. GINI measures economic relations in terms of income and wealth, while HDI measures qualities of life (*Sen* 1999). Quite often, people make a wrongful inference from growing economic inequality to impoverishment of lower-class people because they confuse relative and absolute measures. One can't, however, derive the level of average food security from GINI-numbers. To be bold about this point: inequalities are about *relations* between people in terms of access, income, wealth etc., while the quality or standard of life is measured in *absolute* terms (life expectancy, literacy, child mortality, food security, access to health services, political rights etc.). If so, egalitarian justice must demand to change relations between persons and groups. This also holds for EJ.

From the moral point of view, one has to reflect upon the question what really or mostly matters in terms of justice. Are we (and who is 'we') worried about dire poverty, illiteracy, malnourishment, short life expectancy etc., or do we feel repugnant about economic or other kinds of inequality *as such*? What, for instance,

if foreign trade improves living standards of many people in the longer run in the Global South, but increases economic inequalities in the short run, because some people get (very) rich by exports of cash-crops? Are we complaining about excessive economic inequalities as such or are we rather afraid that they are converted into illegitimate political power? Such differences seem of paramount relevance to all ideas, claims and concepts within EJ.

3. The spiritual background of egalitarian justice

The declaration of independence of the United States opens as follows: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness." (*US* 1776). In the spirit of theological natural law, the authors of the constitution refer explicitly to a Creator, seen as a personal God ('monotheism'). St. Paul writes in his epistle to the Romans: "(...) for there is no respect of persons with God." (Rom 2, 11, King James Version). As the German translation says, all humans are equal before God. St. Paul states (Gal. 3, 28) that all differences between humans collapse into unity before God and within Christ. In the Hebrew Bible (Gen 1), all humans are created in the image of God. Each human holds such status which can't be graded. Christian theology also emphasizes the equality of all humans before God on the final judgement at doomsday. This is 'apocalyptic egalitarianism'.¹

Few, if any philosophers would subscribe to theological propositions as "All humans are equal before God on the day of final judgement". What may happen to such propositions under secular conditions? One can deny the theological part of the proposition or can deny the proposition *in toto*. Choice matters:

~~"All humans are equal before God on the day of final judgement".~~

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The first option leaves the relation between equality and justice completely open. The second option denies theology, but keeps basic egalitarian morals alive. Since humans are unequal in properties, features, and

traits, the second proposition must be transformed into a normative validity claim. In secular natural right theories, it is stated that 'all humans are *borne equal*'. Such egalitarian claims look secular on its surface, but a Christian background remains. This basic egalitarianism isn't shared by other doctrines, as Vedic wisdom, authoritarian Confucianism, or indigenous parochialism. If one believes in rebirthing according to 'karma', or if one believes that a social order should mirror the hierarchical cosmic order, there is no conceptual space for egalitarian claims. If any social order conceives symbolic correlations between natural entity and forces, deities and rituals, individual humans and societal governance (Voegelin 1956), claims for egalitarian justice must be rooted within this conceptual-symbolic space. As Habermas (2019: 480-758) has argued, the Christian doctrine paves the way toward modern egalitarian and universal morals. Within history of law, there is evidence that the Christian doctrine of basic equality among humans before God has grounded modern concepts of law (Berman 1983). This Christian egalitarian perspective includes commitments to help, assist, and providing aid to people living under miserable conditions (poor, sick, alien, marginalized, oppressed etc.).

This deep Christian background still shapes our contemporary Western moral sensibilities and sentiments. Many persons have the feeling that social inequality is, as such, morally offensive. Since a bad conscience is part of Christianity (see Nietzsche's "Genealogie der Moral" (1887)), bad gut feelings and moral shame belong to our moral legacy with respect to inequalities. Thus, we are inclined to look shameful upon our overall way of life, if we live academic lives in wealthy Northern countries. Our own position in the global village looks 'privileged'. We do not deserve such position from merit, since contingencies of birth are arbitrary from the moral point of view, as Rawls argues in his "Theory of Justice" (1971). As Milanovic points out (2016: 132-134), the citizen premium is very high in the North. "Just by being born in the United States rather than in Congo, a person would multiply her income by 93 times" (Milanovic 2016: 133). Within 'green-leftist' egalitarian mindsets, a turn to nationalistic defense of such privileges is not a moral option. One *intellectual* and *psychological* escape route out of this shameful situation of living privileged or even imperial lifestyles is to adopt a kind of cosmopolitan egalitarianism in the theory of justice and in EJ.

From this Nietzschean moral psychology perspective, it does not come as a surprise that egalitarian cosmopolitanism is mainstream in Western academia. In the emerging field of EJ, some variant of egalitarianism is mostly presupposed (as proposed by Beitz 2001 and Caney 2001). Ethics, however, reflects on presuppositions even if a majority takes them for granted. To ethics, it makes a difference whether emotions, as shame or guilt, are grounding our moral beliefs or whether such emotions are outcomes of reasonable judgement. Ultimately, CEJ should be grounded in reason.

To sum up this section: EJ-scholars should recognize that egalitarian CEJ are rooted in a Christian ethical tradition which is not shared by other religious belief-systems. Such deep roots resonate with the uneasy feeling to live a 'privileged' or even 'imperial' Western academic life. Dialectically, the Western moral traditions run counter to the Western way of life.

4. Approaches to justice: basic distinctions and 'equality of what?'

It is a proper ethical requirement for any CEJ to make its theoretical grounding explicit. Such grounding can't be substituted by narrative details within geographically situated EJ-case studies. This section deals with options of how to conceive and ground CEJ. EJ-scholars should be aware of such options if they reflect upon CEJ.

There is no well-established unified theory of justice. CEJ always have to be embedded into larger frameworks on justice, be they Rawlsian (Rawls 1971; Pogge 2001; Hirsch 2001), capability-based (Sen 1999, 2009), cultural (Walzer 1983), or right-based (Dworkin 1977).

There are different societal domains ('spheres', 'sub-systems') within which material and immaterial goods are produced, reproduced, shared, distributed, recognized, and consumed. Patterns of distributions are fair or unfair with respect to moral and cultural standards being valid within such spheres (Walzer 1983). Such standards are or should be open for reflection and reforms. Economic goods (income, wealth, commodities) are only one set of goods beside reputation, education, spiritual authority, environmental services etc. Environmental goods (as resources and sinks) and bads (as pollution) constitute a specific sphere of justice. This sphere, however, is never iso-

lated from the general fabric of given societies. Thus, CEJ are always embedded in beliefs how just or unjust a society looks in its entirety. If so, CEJ can be either *holistic* or *isolationistic*. Holistic EJC are connected to larger claims for justice, while isolationistic EJC focus on specific matters (as dealing with commons, reduction of pollution, empowerment of women etc.). Seen holistically, environmental justice is just a part of an overall distribution of goods and bad which is just or unjust in its entirety within a national state or a world order. Generally, Marxists are rather holists (see *Albritton et al.* 2007), while environmental pragmatism (*Norton* 2005) is more isolationist. A Marxian theory assuming the pervasive injustice of (neoliberal) global capitalism is a kind of super-holism.

Any approach in EJ also has to distinguish between *scope*, *currency*, and *patterns* of justice. *Scope* is about the extension of communities of justice. Do, for instance, sentient animals, alien persons, and human marginal cases belong to such communities of justice? *Currency* is about items that matter: *needs*, *capabilities*, *entitlements*, *access to resources*, *welfare* etc. *Patterns* are about normative standards, as *sufficientarism*, *prioritarianism*, and *egalitarianism*. Sufficientarism asks for a safe and decent minimum in terms of a given currency, prioritarianism asks for well-justified priorities (often: pro-poor policies), while egalitarianism gives special moral weight to equality. Local people under study can hold highly different beliefs about scope, currency, and pattern than Western scholars.

Any approach to justice can search for *ideal* justice (as final yardstick) or can be content with solutions being 'fair enough' (to local people, stakeholders or to all affected persons). This point divides *idealism* and *pragmatism*. Pragmatic approaches, as *Sen's*, wish to identify the most pressing cases of injustice and combat them. As *Sen* has pointed out in his "Idea of Justice" (2009), such cases are radical poverty, illiteracy, slave-like working conditions, sexual abuse, eviction, atrocities, and severe environmental victimization. According to *Sen*, our common moral sense is able to identify the most pressing cases of human misery which also count as injustice. *Kalu* and *Ott* (2019) have applied the capability approach to the case of the Niger Delta arguing that environmental victimization deprives crucial human capabilities.

Idealistic approaches divide between ideal and non-ideal layers of inquiry. They point out some principles of ideal global justice that are somehow to be applied

onto a non-ideal world. A paradigm example is *Carens's* conception of a "Just World Presupposition" to be found in the appendix of his "Ethics of Immigration" (2013: 301-303). *Carens* states than any claim for justice "implicitly invoke(s) the idea of justice in some sort of unqualified or absolute sense" (*ibid.*: 301). This implicit invocation of 'absolute' justice would hold for each and any CEJ claim as well. Such absolute idealism enlarges the distance between demands for justice, including CEJ, and the actual state of the world. Second-order considerations, then, are about obstacles to ideal justice and viable transition towards the absolute and ideal. From such approach, protest, combat, civil disobedience, resistance, non-compliance, or even revolutionary activities seem legitimate means in the name of (global) (environmental) justice (see *Caney* 2015).

According to section 3, the slogan: 'all humans should be equal!' is abstract, since the original relation 'before God' has been abstracted away. Thus, egalitarians have to re-add a secular relation: 'all humans should be equal with respect to x'. In technical terms, x is the 'equalisandum' (E). For reasons of justice, E should be equalized. Some reasons R must be given with respect to any such claims. This results in the following scheme: *all humans should be equal with respect to equalisandum x because of R-1, R-2...R-n*. If, for instance, a person wishes to argue for strict population control in order to relieve pressure on the natural environment, she can restrict the legitimate number of children to 1, making such number her *equalisandum*. Any claim of the type 'equality E of x because of R' can be represented by the formula: $\{R\} \rightarrow !E(x)$. {R} represents an open set of reasons, the arrow indicates conclusive inference, the exclamation mark represents normativity, while x represents the *equalisandum*. The formula $\{R\} \rightarrow !E(x)$ indicates how specific egalitarian claims might be substantiated or rejected.

E(x) must not be part of {R} to avoid circular reasoning. By way of example: 'all persons should enjoy equal welfare, because inequalities in welfare are unjust.' The justification only gives the claim just another wording. Two equality claims (C(E)-1 and C(E)-2) regarding ($\{R\} \rightarrow !E(x)$) can be either logically dependent or independent. Can C(E)-2 be derived from C(E)-1 or would such derivation count as 'non sequitur' without further premises? Or might count C(E)-1 (not) as reason in favor of C(E)-2? If two equality claims are logically independent, each substantiation must be 'freestanding'.

Debates on such claims about $\{R\} \rightarrow !E(x)$ can be headlined under the headline ‘equality of what?’.² This debate was mainstream in many theories of justice since Rawls (1971). Rawls adopted a general presumption in favor of equality, which holds unless inequalities are beneficial to all members within schemes of cooperation.³ Basic societal goods (rights, income, chances etc.) should be distributed equally among all members of such scheme unless an unequal distribution would be beneficial to all, including the worst-off. To Rawls, however, such schemes of cooperation remain particular. According to Pogge (2001), the real process of economic globalization has emerged a global scheme of cooperation. If so, Rawlsian principles of justice should hold also on the global scale, including the safe-minimum-principle (‘principle of difference’). The outlook of this proposal is a globalized welfare state serving as holistic frame for EJ. A globalized Rawlsian principle of difference looks as attractive candidate for EJ.

The post-Rawlsian ‘equality of what?’-debate may serve as an important analytical tool for EJ. The following claims to the ‘equality of what?’-debate have been proposed in a huge bulk of literature, originated by Sen (1982), Dworkin (1981a, b) and Carter (2001, 2002):

- equality before the law (legal equality)
- equality in discourse (communicative equality, see Habermas 1981)
- one person, one equal vote at elections (political equality)
- equality of rights (independently from the extension and content of a system of rights, see Rawls 1971)
- equal payments for the same kind and duration of labor
- social status equality (Schuppert 2014)
- equality of opportunities to reach attractive positions (Caney 2001)
- equality of fractions (as women, indigenous people, migrants, GLBTIQA) in organizations (universities, parliament, superior management)
- equality of resources and endowments (distributive egalitarianism)
- equal access to advantage (Cohen 1989)
- equality of welfare (Armstrong 2017).

Since egalitarian CEJ must select a substantial $E(x)$, the list may be a helpful tool to do so.

This non-exclusive list can be grouped into types. It makes sense to distinguish a more legal and political type of egalitarianism from a more economic and welfare type, the former being less controversial than the latter. All people are equal before the law and as citizens of (hopefully democratic) states. Without further debate, these kinds of ‘republican’ equality are taken for granted as a first pillar within EJ. As long as states are the decisive units of law and politics, states have to safeguard this republican pillar of EJ.

Note, that recognition can’t be part of the ‘equality-of-what?’-list. Given some answers to the ‘equality of what?’ debate, people should recognize each other *as equals* in determined respects (as citizens, as participants in discourse etc.). Therefore, the list is conceptually prior to patterns of recognition.

The more equality claims one adopts, the more egalitarian concepts of justice turn out to be. The most comprehensive and ideal-type egalitarianism would double the all-quantifier: ‘All humans should be equal in all respects E that allow for equalizing’. This stylized ‘totalitarian’ position looks counter-intuitive. There are many instances in a human way of life in which equalizing people is unfair. We should not punish natural talents. We should not equalize bads, burdens, and evils. In principle, one can burden or level-down people in order to equalize them with other people. One can confiscate and destroy wealth in order to make people equal. Equal poverty and misery are not desirable. If a professor marks all student’s papers with ‘4.0’ because (s)he is unwilling to read them all, students have sound reasons to complain about this equal treatment. Division of labor can constitute fair unequal salaries. Free choice constitutes inequalities. If so, any reasonable egalitarian theory *must* move away from totalitarian egalitarianism. This insight looks trivial, but it opens a vast array of ways to do so. This is of relevance to CEJ.

Special attention should be devoted to reasons that are part of *any* $\{R\}$ and hold with respect to any *possible* E . If equality is valued for the sake of equality itself (= intrinsic value of equality), this intrinsic value holds with respect to any E and any $\{R\}$ and, as a consequence, for any CEJ. The intrinsic value of equality sets the bars (very) high for any legitimate kind of inequalities among humans. If so, we must give special ethical attention to the problem of the presumptive intrinsic moral value of equality with respect to CEJ (section 4 and 5). A critical analysis of this presumptive value is given by Krebs (2000).

Intrinsic moral value of equality is not derivative to functional considerations why equality of *x* might be desirable. One must distinguish *functional* and *intrinsic* values of equality. A typical functional argument may claim: 'a (more) egalitarian distribution of goods supports peace (or cohesion) in society.' The ultimate objective, then, is not equality, but peace (or cohesion). There are many reasonable functional arguments why less economic inequality might contribute positively to social cohesion, low criminal rates, or mutual recognition of citizens. Compliance with the legal and political order may rest on the belief that the order is not unfair in general. Scandinavian countries conjoin high levels of coherence, democracy, education, health, and average welfare levels with limited inequalities. On the other hand, high levels of inequality can be dysfunctional in many respects (as in the U.S.). In other cases, however, high economic equality did not help against political collapse (as in GDR). Functional arguments, however, are empirically contestable across societies, while the intrinsic value of equality rests on pure moral grounds. It demands equality for the sake of equality itself. It deserves a closer look since such intrinsic values of equality may (often implicitly) ground egalitarian CEJ.

One may argue that equality has some intrinsic value that must be balanced (weighed) with many other intrinsic values, as security, freedom, prosperity, environmental quality etc. This position suggests that a) there is a set of intrinsic values and b) that equality is only one element in such set among many. This approach would allow to prioritize values as prosperity and freedom over equality in cases of conflict. It keeps the intrinsic value of equality but it discards its moral emphasis. This approach is compatible with political liberalism which gives high value on legal and political equality but places a higher value on economic liberties bringing about long-term increase in prosperity.

To sum up this section: approaches in EJ can endorse different scopes, currencies, and standards. They can be either pragmatic or idealistic, and they can be either isolationistic or holistic. Egalitarian CEJ must either select an *equalisandum* from the list or they can opt for the intrinsic value of equality in general. One should distinguish functional and intrinsic arguments in favor of equality. Such intrinsic value of equality can either trump other values or be allowed to be balanced with other intrinsic values. The difference between 'trumps' and 'balance' marks the difference between radical and moderate egalitarianism. EJ proponents should be explicit about such building blocks of any substantial CEJ.

5. Intrinsic value of equality reconsidered

Chris Armstrong's book on "Justice and Natural Resources" (2016) is a paradigm case of egalitarian EJ giving intrinsic moral value to equality. *Armstrong* (2016: 40), however, does not provide an elaborated argument. Perhaps, *Armstrong* wishes the following statement to be taken as argument: "Inequality is objectionable simply because it involves some people's lives going better than others" (ibid.). It isn't as simple. First, take the proposition: 'inequality involves some people's lives going better than others'. This seems analytically true. Take now: 'it is objectionable if some people's lives are going better than others'. This is not a generally valid moral claim⁴. *Armstrong simpliciter* combines an analytic truism with a '*non sequitur*' to an axiom. Ethically, this axiom is *stricto sensu* misleading. It misleads our moral attention to the many ways by which some human lives perform better than others. A human life can perform better than another life in terms of natural talents, family, reputation, love, friendship, physical and mental health, career, good and bad fortune, income and wealth, self-esteem, intensity of experience, and the like. Such differences in between different human lives can't be the rationale why inequality is objectionable. As a consequence, freedom of choice looks objectionable since it constitutes inequality.

Taking such (unfounded) axiom for granted, *Armstrong* shifts the burden of proof: Unequal distribution requires "powerful reasons" (2017: 42). *Armstrong* offers no sound reason himself, but he becomes highly demanding on counter-arguments after having shifted the burden upon others. No reflection upon the epistemological status of 'burdens' is given (see *Walton* 2007). In the rest of his book, *Armstrong* derives far-reaching consequences from his poor justification.

There are three reasons against the intrinsic value of equality. First (1), intrinsic value egalitarianism might allow for levelling-down policies. It might be better if people were equally poor, equally burdensome, equally punished etc. Making people equal for the sake of equality may make people equally worse-off, unhappy, and frustrated. Imagine two societies A and B as a thought experiment. Suppose that 100 units are needed annually to live a decent life that can be spiritual, aesthetic, biophilic, virtue-oriented in its non-material dimensions. 100 units define the threshold line. In A, some people are a bit over 100,

some fall below the line, but the difference is low: the richest group has 140 units, while the worst-off group only reaches 75, living in poverty and facing hard household decisions on a daily base. Difference in A equals 65 units. In B, all persons live above the threshold line, but there are rich and wealthy people as well. The worst-off reach 150, and the happy few on the top reach 5000. Difference B equals 4850. A is a far more egalitarian society than B. Is a person who gives intrinsic moral value to equality, committed to the claim that A is better than B? Might there be other arguments in favor of A: 'A might be more cosy, while B might be far too competitive etc.' I am skeptical whether there will be more generosity, more charity, more sharing, more gifts, and more helping hands in A than in B. I would strongly prefer to live in B. If this counts as a reasonable choice, the idea about intrinsic value of equality loses credit.

Second (2), egalitarian policies for the sake of equality may impair freedom and liberty. According to Kantians, Hegelians, and Rawlsians, personal liberty is a more basic value than equality. If many million people make economic and personal choices on a daily base, inequalities will always emerge as result. According to *Hegel* (1821, § 200), the value of equality emerges as result from abstract reasoning. Such reasoning, first, abstracts away all sources of inequality as entailed in the performance of freedom and, second, reifies its own abstractions to a justice principle. If equality becomes a demanding principle, it must curtail freedom. To enhance egalitarian opportunities among children, egalitarians may demand prolonging school hours per week at the expense of family life. To stabilize equality, incentives to gain private prosperity must be curtailed. Free choice of professional careers, patterns of consumptions, marriages and divorce, number of children, budgetary decisions, taking economic risks, investments, saving rates, gambling, taking and quitting jobs, etc. create myriads of influences on social inequality. Suppressing these ever-emerging inequalities requires the rigid suppression of free choices in economic, cultural, and personal life. Social equality always comes at the price of enforcement.⁵ To rephrase *Orwell*: one must 'make' all animals equal. We should not be forgetful that there have been harsh cases of victimization (see section 6) in the name of egalitarian justice.

Third (3), egalitarianism compares different lives. To *Armstrong*, it matters, if some lives "are able to flourish to a greater extent than others" (2017: 45). Egali-

tarianism is, therefore, *essentially comparative* ('better/worse than others'), as it compares different lives under an egalitarian ideal. It complains about differences between lives. A counter-argument has been made by *Harry Frankfurt* in his book "On Inequality" (2015). To *Frankfurt*, comparing often nourishes discontent with one's own life and resentment, because there will be always some people with better fortune. Comparisons impair the quest for a good life on one's own terms. To *Frankfurt*, one's own life matters more than its differences to other lives. *Frankfurt* does not deny that there might be a widespread mental disposition in humans to compare lives with each other. *Frankfurt*, however, relies on ethical doctrines having argued that such disposition to compare is not helpful in the quest for personal authenticity and satisfaction with one's own life. Moreover, comparisons may nourish envy and resentment.

Historically, comparing lives has often be done 'from below' by the poor facing the luxury lives of the 'happy few'. In principle, however, comparing lives can also take *inverted* forms: privileged people (see section 3) just presume to take the perspective 'from below'. The famous example are upper-class students taking the perspective of proletarians or peasant farmers. If wealthy academic people feel ashamed facing global poverty, they compare their good lives with poor lives *from above* ('top down'). By doing so, they presume to take the role of the others, *as if* their good lives would be perceived by poor people ('bottom up') from a cosmopolitan egalitarian justice theory.

According to *Frankfurt*, however, the actual moral scandal is not inequality, but absolute poverty, misery, and rigid political suppression. *Frankfurt* defends a variant of ethical *sufficientarianism*: everyone *should have enough* to live a decent life, worth of the human being, to rephrase *Martha Nussbaum* (2011). We should do our best to lift all humans above threshold lines by which such decent life might be defined. This is in line with globalized Rawlsianism.

With respect to social and environmental inequalities, we should rephrase the guiding question. *The crucial question should be: 'enough of what?'* Enough means "more than barely enough" (*Frankfurt* 2015: 49). Enough can be quite demanding. We, then, might become rather demanding satisfiers than ideal maximizers, fulfilling the human desire "to be happy, content or satisfied" (*ibid.*: 58). *Frankfurt's* approach resonates well with the results of global opinion

polling with respect to experienced personal happiness in countries of the Global South. People in the Global South often show a high degree of content with their lives according to expectations they reasonably have. People should have a dignified, good and free life under the conditions of their countries of origin, be it Nepal, the Philippines, or Peru, but why should we compare heterogeneous lives. Why compare Caribbean fishermen with German lawyers? Mongolian herdsmen with Parisian artists? I don't suppose idyllic pastoral ways of life, but only cast doubts on the ethical significance of such comparisons. Perhaps, by way of (inverted) comparisons, we may unintentionally transport the Western bias that our urbanized, individualized, convenient way of life is superior.

In any case, sufficiency should become a second pillar within EJ. The moral idea is this: a globalized Rawlsian principle of difference should be fleshed out in terms of threshold lines with respect to basic human capabilities (Ott 2014). To specify and determine the many threshold lines is beyond the scope of this paper, because it must conjoin general patterns and hierarchy of needs with cultural leeway for interpretation. To determine the thresholds of food security only ('enough to eat in good quality to be well nourished') would require a book. Within the ethical background of this pillar, Rawlsianism and Sen's capability approach are to be reconciled.

To sum up this section: we have shed some critical light upon the claim that equality has intrinsic value. We have outlined three reasons against the intrinsic value of equality, one of them resting upon comparing lives. If egalitarian CEJ are based on comparing lives and/or intrinsic value of equality, one should be explicit about the reason to do so. This criticism leaves intact all functional arguments in favor of equality. It also allows to direct justice claims against miserable conditions of human lives as a second 'sufficiency'-pillar of EJ.

6. The non-victimization principle

Results of section 2-5 are general conceptual equipment and devices of how to conceive CEJ. Within the course of analysis, we already identified two pillars of CEJ which are open to augmentation. Here comes my proposal in favor of a third principle: at the interface in between environmental ethics and theories of justice, a concept of *victimization* has emerged since

the 1980s. Ethically, it can be grounded in a 'no-harm'-principle. Non-victimization should be within the set of EJ-principles. Victimization is an evil and unfair practice being performed intentionally or out of ignorance (as in the case of historical CO₂-emissions). Within a globalized economy, ignorance might be more pervasive than evil intentions. If so, there are good reasons to combat ignorance of consumers about modes of production (textiles, cotton, grapes, carpets, jewelry etc.) by which people are victimized.

Any instance of victimization is, *ipso facto*, burdensome to the victims, but not any burden or disadvantage is a case of victimization. Natural environmental burdens or disservices are floods and droughts, hurricanes, earthquakes, pests, diseases, landslides etc. They should be minimized, not equalized. There can, in principle, be hard, risky, and burdensome lives without victimization.⁶ The concepts of burden and disservice are distinct from the concept of victimization.

To identify environmental victimization is highly complex, since the traditional distinction between natural bads ('*malum physicum*') and man-made evils ('*malum ethicum*') is blurred, just because environmental bads are triggered by human activities (as climate change, noise, pollution, soil erosion, deforestation and the like). In any case, CEJ have to conjoin the principle of non-victimization with long chains of causes and effect on different spatial and temporal scales. It would, however, take another article to reflect upon causal concepts within CEJ, as 'drivers', 'triggers', 'incentives', 'proximate cause', 'structural causalities' etc.

A principle should define some paradigm cases first, and move to complex cases in EJ later. To put environmental burdens upon others without consent and compensation should generally count as *victimization* being unfair. Eco-racism, then, is a harsh case of victimization. A scheme of distribution counts as 'eco-racism', if some underlying criteria for 'racism' are fulfilled.⁷ Colonialism and all kinds of slavery also count as paradigm cases of victimization. To impose negative external effects upon others, should also count as victimization. The concept of victimization explains why it is unfair to externalize negative effects even if this is perfectly rational for '*homo oeconomicus*'. If victimization increases inequality, the emerged level of inequality is unfair out of victimization, not out of the ideal of equality. The non-victimization principle provides moral entitlements against polluters. Accidents,

however, may count as victimization. If a dam of a gold mine busts, people living downstream are victimized. If people are resettled in steep hills, landslides may be instances of victimization.

Victimization is *ex definitione* unfair, irrespectively how wealthy or poor victimized persons are. If a wealthy person is robbed, she has been victimized. If victimization is generally wrong and unfair, victimizing the poor is wrong *a fortiori*. If persons or groups live at the expense of others or transfer negative external effects upon them, we also face instances of victimization. Nobody is victimized, if some people enjoy better lives than others, but the principle of non-victimization implies that no one should live at the expense of other people. Such conceptual implication opens a route for questioning Western patterns of consumption. Does one, for instance, live at the expense of others if one consumes luxury organic cash-crops being produced outside of Europe (coffee, peanuts, shrimps)? Does the 'fair trade'-labelling always guarantee environmental justice?

To sum up previous sections 4-6: if one adopts the principle of non-victimization, EJ can and should rest on three independent and robust pillars of justice: a) legal and political equality (equal liberty and political rights), b) sufficientarian threshold lines being based on globalized Rawlsianism, and c) a general obligation against victimization. For the sake of transparency, one might add d) the principle not to live at the expense of others irrespectively of whether it is conceptually entailed in the non-victimization principle. This set of principles should ground CEJ and it should be applied to EJ-case studies. The set of principles enable to judge severity of environmental injustice. Compound severe injustice occurs, for instance, if persons fall below given threshold lines by way of victimization and have no political rights to protest against being victimized. By way of judgements based on principles, we can harbor the intuition that environmental injustice comes in degrees of severity.

7. Natural heterogeneities

Application of principles should not be a schematic recipe, but should be sensitive to localized conditions. EJ is, by definition, devoted to environmental topics. Most EJ-studies have learned the lesson not to dichotomize nature and culture, but to conceive different interests in the use of land and natural resources as

political and economic struggles. EJ often deals with property rights over land and over natural resources. EJ also deals with distribution of environmental goods and bads, some bads being evils ('external effects') being produced by polluters.

In EJ, one must distribute a) environmental benefits and burdens as well as b) benefits and burdens of environmental protection. Nature conservation has opportunity costs and might be perceived as burdensome and unfair. This makes EJ critical against nature conservation because some conservation strategies (as protected area management or high-end eco-tourism) are often regarded as instances of victimization of indigenous people. To local people, it may seem highly unfair if new regulations define traditional hunting as illegal poaching. If indigenous people are displaced from a National Park, they bear the costs of wilderness being valued by Western conservationists. They might be either entitled to compensation or might be entitled to stay on their land. Here, legal equality might demand equal land tenure rights for First Nations, which often refuse legal privileges or Western-types of property rights (see the inspiring case study of Haida Gwaii in *Takeda* 2015). EJ-scholars and environmental ethicists might come to different conclusions about policies in National Parks, biosphere reserves, and restoration projects.

EJ-scholars can and should apply the set of principles onto environmental case-studies as, for instance, aquacultures, mining, large-scale land acquisition, climate adaptation financing, migration, and the like. If they do so, they must conjoin normative principles with causal concepts and environmental and territorial givens to "thick descriptions" (*Geertz* 1973). Natural environments are not just space, but complex territories. While principles are general, territories are particular. In ethics, general principles are often applied to individual humans, but EJ is different because it always presupposes the mediating category of particular territorialities (locations, sites, landscapes).

If so, CEJ must accommodate with the matter of fact that environmental goods and bads are distributed unequally among different regions of planet Earth. Planet Earth is a 'cosmic pearl', but its territories are not a homogenous space. This seems trivial truth for geographers but it creates problems for EJ. Take for instance:

Grounding claims for environmental justice in the face of natural heterogeneities

- long winter nights, ice, snow, glaciers in the High North
- monsoon, draughts, floods, proneness of landslides
- poor, degraded, and fertile soils
- fish, game, wildlife, hunting grounds
- proneness to earthquakes, tsunamis, thunderstorms
- malaria, dengue-fever, other diseases
- freshwater supply, groundwater tables, precipitation patterns
- beautiful sceneries as tourist destinations
- minerals, fossil fuels, sink capacities
- access to ocean or being land-locked.

Since humans are settlers on the global scale, they constitute their niches from ice to desert. Different natural environments have different patterns of scarcity, harshness, and amenities. Locations are unequal in many respects according to a-moral natural conditions. Natural heterogeneities run counter to egalitarian justice. How can and should EJ address such many inequalities? Does it make sense to see them as presumptive *'equalisanda'*? How to apply **{R}→!E(x)** to such geographical givens which clearly have impacts on life prospects and livelihood? No one is victimized by natural heterogeneities as such. How might natural heterogeneities support claims for redress, as they create unfavorable boundary conditions for societies?

In former times, geography often took natural inequalities as 'givens' or it appreciated them as constitutive for the diversity of human cultures.⁸ Distribution of environmental amenities and hardship has been seen as matter of good and bad luck, not as a matter of justice. This traditional, some would add 'geo-deterministic' approach looks outdated, if one takes fully into account history, politics, and economics. A historical line of reasoning argues that environmental conditions have been shaped since centuries by Western colonialism and capitalism. In dependency theories, the Northern countries exploit the Global South via terms of trade and colonialize non-Western environments. A political line of reasoning points to many case studies indicating that people were forced by powerful groups into marginal areas and badlands. An economic line argues that natural resources are acquired via colonial property rights. Finally, high levels of human prosperity have been reached in cold Northern countries, as in Norway or Iceland due to welfare policies while other countries suffer from the 'curse of the resource-rich'. Any kind of geo-determinism is at pain to explain, why both standard and quality of

life are higher in Sweden than, say, in Malaysia. These arguments are sufficient to reject geo-determinism as doctrine.⁹

In many EJ-studies, political macro-economy has replaced geo-determinism, bringing geographers in contact with theories of political economy.¹⁰ Political economy studies distributive effects of investments, trade, extractions, consumption, waste disposal etc. There are many open questions: to which extent did Western countries source out their environmentally harmful production? How does the curse of the resource rich countries affect their environmental policies? Why did some countries escape poverty and some didn't? There are many open questions about official development assistance (ODA), donorship, corruption and bribery, rent seeking behavior, licenses, borrowing privileges, impacts of foreign direct investments (FDI), tariffs etc. Answering such questions is not a purely philosophical enterprise, but it demands political economy of poverty and development (see for instance *Burgis* (2015) on African economies). Within EJ, one might agree on general principles of justice, but may sharply disagree on empirical matters on political economies within countries of the Global South.

Even if geo-determinism is to be corrected by history, politics, and political economy, planetary heterogeneities remain. It seems impossible to get rid of heterogeneity both in theory and practice even if heterogeneities are seen as result of an interplay between natural endowments, history, politics, and economics. Heterogeneities imply inequalities of life prospects which are not in line with egalitarian moral ideals. Planet earth has not been ready-made for egalitarian justice. The underlying ethical problem is about the relationship between randomness (contingencies of birth, lotteries of life, choice, sad events, bad luck), natural heterogeneities, and demands for justice. In our ordinary language, we sometimes regret bad luck of persons, but sometimes complain about injustice (*Shklar* 1990). If a child dies in a traffic accident, this event is equally sad in Norway and India. The likelihood to die in a traffic accident, however, is far higher in India than in Norway. Does such different likelihood count as injustice against Indian children?

Moreover, we quite often argue that people remain responsible for the consequences of the choices they made voluntarily (so called 'luck egalitarianism', see *Rakowski* 1991), but sometimes we wish to relieve them from such consequences out of moral reasons.

Even states in the Global South made domestic policies in the decades after de-colonialization (Menzel 1992). It would be far too simplistic to blame 'the West' for all misery and inequality in the Global South. EJ should not leave the Southern elites off the hook.

To sum up: CEJ can rest on solid principles but to apply them to specific geographical cases remains thorny business. Planetary heterogeneities also remain a problem to EJ. This is to say that drawing lines in EJ-studies between natural givens, history, deliberate policy making and their outcomes, economic affairs, sad events, randomness, consequences of deliberate actions and policies on the one hand, and injustice, corruption, externalizing bads, and victimization on the other hand seems unavoidable to EJ. Drawing such lines constitutes fine-grained moral puzzles for EJ even after the demise of geo-determinism. Overcoming geo-determinism comes at the price to integrate history, politics, and economics into EJ.

8. Conclusions

Previous sections should have fulfilled the basic intention to equip and enable EJ-scholars with respect to CEJ. Requirements of solid CEJ haven been outlined. Moreover, a set of substantial principles of EJ has been proposed. EJ-scholars are free to endorse the conceptual equipment (devices, tools), but select and choose different principles. If so, they are forced to argue why such different principles of justice are chosen. Thus, disputes over conceptual equipment and sets of principles may improve CEJ both by form and content. Or so I hope.

There can be different concepts in EJ. The concept I wish to defend, is *pragmatic* in as far it asks 'how fair is fair enough?' It is *analytic*, in as far it offers conceptual distinctions as 'equality-of-what?' via which CEJ are to be proposed and rejected discursively. As outlined, my EJ-concept rests on three pillars: a) legal and political ('republican') equality, b) sufficientarian threshold lines based on Rawlsianism, and c) an obligation against victimization, including a (fourth) principle not to live at the expense of others. My approach to distributive justice is *sufficientarist* ('how much is fairly enough of what'). It gives no intrinsic moral value to equality, but allows for many functional arguments against excessive economic inequalities. Functional arguments must be contextualized to specific societies and to different spheres of justice. With respect to

the isolationist/holism-debate, my approach allows for making conceptual and empirical connections between environmental and other societal injustice. Pragmatic approaches focus on severe and compound environmental victimization, miserable living conditions, and political despotism. I do not take Western lifestyles as measures of decent ways of life. Finally, my pragmatic concept accepts natural heterogeneities and freedom of choice as two inescapable sources of inequality. EJ must, first, find ways to accommodate with natural heterogeneities, and it should not curtail human liberties without strong reasons to do so.

Notes

- ¹ An overview on Hebrew and Christian concepts of justice is given in *Moltmann* (2008), Part III.
- ² The average life span of persons might be a sound '*equalisandum*'. It seems unfair if life expectancies differ according to wealth. I did an experiment with students: most students regard it being unfair that wealthy people, on the average, live longer than poor people. If the same students are, however, are informed that females, on the average, live more than six years longer than males, not many feel embarrassed about such inequality being unfair against males (see *Kekes* 1997). It was argued that males better should smoke and drink less, drive more safely, should enjoy more healthier diets etc.
- ³ Commitments to non-members of such scheme must, according to *Rawls*, rely on other moral sources, as mercy, or solidarity. To *Rawls*, domains of justice are just a part of the overall field of practical philosophy.
- ⁴ If a person is sentenced to jail in a fair trial, her life is worse than the life of a free person. If a candidate is elected to parliament in fair elections, her life might be better than the life of a non-elected candidate. If one can marry one's beloved one, her life is better than the life of a person having to live in involuntary solitude.
- ⁵ Here, we should ask whether communism deserves a second chance.
- ⁶ If there are shark attacks within some coastal areas, should one introduce sharks into other coastal areas to equalize the risk? Clearly not. Do people living in areas being prone to earthquakes (or malaria) hold a claim for compensation against people living in more safe regions? Probably not.
- ⁷ I will not enter the debate on the proper definition of 'racism' within the spectre between narrow and broad definitions. Since to accuse a person as being a 'racist' is a sharp attack on his moral integrity, one should be careful with the definition.

⁸ There are tropical, subtropical, temperate, boreal and arctic zones that enable and restrict modes of production and generation of wealth. In former times, the temperate zones have been praised over both the tropics and the borealis.

⁹ Even if one concedes that geographically given environmental inequalities are, indeed, a kind of fate, one is not committed morally to endorse them. To cosmopolitan egalitarianism, geography should not be destiny. Unequal givens call for redistribution of global wealth. This, of course, opens a can of worms to international policy-making. Redistribution proposals might be nice 'food for thought' for ideal global justice proponents, but looks 'utopian' from a pragmatist perspective.

¹⁰ Presumed expertise in political economy may explain the inclination of many critical geographers to Marxism, because Marxism provides a unified theoretical frame embedding history, politics, economics, and ideas about egalitarian justice (Morina 2017). To explain theoretical inclinations is, however, distinct from endorsement.

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