

CLARE HEYWARD &
LAURA LO COCO

INTRODUCTION

Theories of distributive justice aim to set out individuals' entitlements to social goods and delineate their duties to others. Natural resources are taken to be one of the primary sources of wealth and therefore their fair distribution has been frequently discussed in many different contexts. For some theorists, holdings of resources, including natural resources are the very metric of justice (Dworkin 2000; Beitz 1990; Hayward 2006). Those who rejected patterned theories of justice nevertheless drew on one of the earliest discussions of claims to natural resources (Locke, 1690) to argue that after an initial just appropriation of resources, a just distribution was one in which holdings of resources were freely transferred (Nozick, 1974).

The turn towards global justice began with discussing whether states are entitled to the resources in and across their territory, with most accounts arguing that some form of redistribution is required. (Beitz, 1999; Miller, 2007; Pogge, 2002; Steiner, 2005). The relation between territorial and resource rights has also been re-examined. Some theorists have argued that territorial rights of a state stem from their citizens' individual claims to resource rights (Simmons, 2016; Tésou, 2015), whereas others have defended collective rights to territory (Kolers, 2009; Moore, 2015; Nine, 2012). These accounts generate more or less extensive claims to resources upon, under or otherwise associated with that territory.

Until recently, such discussions tended to exhibit the following three features. First, discussions tend to assume that a claim to a resource must take the form of 'full ownership,' where the resource is under the exclusive control of an agent, who may act as he chooses with regard to it, provided he harms no-others in doing so. However, it has been pointed out that there are many different 'incidents' to ownership (Honoré, 1961). Indeed, this assumption of 'full ownership' at the theoretical level is at odds with both geography and history, where different types of rights to various resources are/were assigned to various agents. Finally, those theorists who give credence to 'special claims' to natural resources have generally focused on the extent to which 'improvement' can generate those claims. An alternative ground – termed 'identity,' or more recently 'attachment,'

is either quickly dismissed (Waldron, 1985) or considered as an improvement (for example, Miller claims that increasing ‘symbolic value’ can count as a type of improvement). Finally, the very concept of natural resource is rarely examined¹, but simply taken for granted.

Chris Armstrong’s new book develops a theory of justice in distribution of natural resources which explicitly deals with these three points. Hence, it is a novel approach to answering one of the central questions of political philosophy and an issue of overwhelming importance in global politics). Armstrong provides the most comprehensive and systematic account to date of the concept of a natural resource, argues in favour of ‘disaggregating’ rights to natural resources and discusses both ‘improvement’ and ‘attachment’ as potential grounds of special claims. He defends an egalitarian theory of natural resources which calls not for an equal redistribution of the natural resources themselves - or their value, but rather for equal access to wellbeing. Because natural resources are ‘tremendously important but nothing special,’ their redistribution must be guided by how control over resources facilitates equal access to wellbeing across the world. This way Armstrong contributes to the liberal egalitarian tradition making it compatible with special claims on resources based on both attachment as well as improvement. For Armstrong, improvement may justify departures from a global egalitarian principle, but only in highly constrained circumstances. Attachment, by contrast makes no difference concerning the share of resources an agent is entitled to, but it can be brought to bear on the *content* of the precise bundle of resources that make up that fair share.

This Special Issue examines the key issues raised in the book with a critical and constructive debate of Armstrong’s analysis and theory of resource rights.

The contributions investigate Armstrong’s conceptual framework, and bring to their full extent its implications, as well as untapped potential, for key normative issues such as territorial jurisdiction, the role of the concept of welfare in an egalitarian theory of justice, the claims of indigenous communities, the burdens of conservation, and the challenges of climate change and transnational resource governance.

David Miller’s contribution focusses on the Armstrong’s egalitarian proposal at large and points at the risk that thinking of resources as object of egalitarian distribution prompts us to look at them as objects of consumption. This however obscures the fact that often ‘natural’ resources are also ‘objects of enjoyment’ or ‘of production.’ Based on a wider concept of natural resources, he then suggests, in contrast with Armstrong, that improvement based special claims are better

¹ Kolers (2009) offers a notable exception.

understood as giving rise to rights to control, rather than a claim to the added value. As he endorses the principle that resources should go to whoever will make the best use of them, he suggests that a theory of global redistribution of natural resources must also face the challenge of resolving conflicts between efficiency and equality.

Clare Heyward and Dominic Lenzi also focus on Armstrong's discussion on arguments from improvement. In particular, they take issue with Armstrong's discussion of the added value principle. Armstrong suggests that the changes to a resource cannot count as improvements unless they are perceptible to others. Heyward and Lenzi take issue with what they call the perceptibility condition, as they highlight the need for a finer grain definition of what counts as improvement. The second point that Heyward and Lenzi bring to light is whether the value for improvement on the basis of which claims should be assessed is the exchange value, as Armstrong suggests, or use-value, which they find better tracks special claims from improvement. Doing so, they argue means that there remains the normative distinction between 'improved values' and unimproved values that Armstrong sought to dismiss.

Kim Angell mounts a two-pronged challenge, criticising both Armstrong's discussion of improvement as well as that of attachment. Angell argues that Armstrong's discussion of the added value principle allows for a greater departure from an egalitarian distribution than Armstrong anticipates. The reason, Angell argues, is that Armstrong talks as if we can separate improved value created by a set of agents and improved value that depends on factors outside of the control of those agents, the latter being available for redistribution on simple egalitarian grounds. This, Angell argues, is false. All improved value is socially created and so if any specific agent is not fully responsible for all the additional value, it simply follows that other actors are, and they too should get their reward. Consequently, there is nothing left to redistribute for the broader goals of achieving distributive justice. Second, Angell argues that a form of attachment to natural resources can be predicated of nation states (an issue which Armstrong does not explore). Citizens of nation states can have a collective plan, e.g., sustaining state institutions or policies, which is achieved using resources within their territory. However, this results in a nation-state's claims being closer to 'permanent sovereignty' a key target of Armstrong's book. Angell makes his case by way of a discussion of different types of relationships an agent may have to natural resources.

Laura Lo Coco and Fabian Schuppert focus exclusively on Armstrong's idea of attachment and its consequences for resource claims. Their worry is that

Armstrong widens the idea of attachment at times, in a quest to be ecumenical and to avoid complicated discussions about identity. However, the result of this is that it can be difficult to distinguish between attachment and simple preferences. For attachment to be normatively significant, it must be meaning-giving, connected to a feeling of belonging or identity-conferring. They argue that there is a pressing need to do this in order to deal with cases where two agents' make an attachment claim over the same resource. The way to begin resolving these, they argue, is to consider the nature and quality of the competing agents' attachment to the resource in question. Finally, they argue that all attachment-based claims, regardless of their strength, should be circumscribed by a principle of sustainability.

Margaret Moore addresses issues raised by the previous two papers. Like Angell, she takes issue with Armstrong's discussion of permanent sovereignty. She argues that Armstrong misattributes this view to some theorists and in doing so distracts from the question of whether 'peoples' can have attachment claims. In a similar vein to Angell, Moore argues that members of all sorts of communities – including larger political communities have 'place-based interests.' However, recognition of this, Moore argues means that Armstrong's project of 'accommodating' attachment claims in a global egalitarian theory will suffer a severe set-back. Attachment-based claims are much more numerous – and come with higher opportunity costs for others – than Armstrong imagines.

The final two papers might be considered extensions of Armstrong's theory as much as criticisms of it. Kerstin Reibold takes issue with Armstrong's brand of egalitarianism. She argues that Armstrong focuses exclusively on material inequality, to the detriment of status equality. In particular, indigenous peoples (members of which Armstrong gives as paradigmatic examples of agents with attachment-based claims) have historically been denied this status equality. The taking of their land in the colonial era was one expression of this denial of status equality, with effect that persist until this day. Given this relationship, Reibold argues that reaffirming status equality provides another ground, along with attachment and improvement, for special claims to particular land areas and resources.

Finally, Alejandra Mancilla considers the potential of 'greening' Armstrong's theory. She asks what the place of animals within a theory of natural resource justice should be, asking whether non-human animals may also possess attachment-based special claims over resources. Her arguments support an expansive interpretation of attachment, and she offers some suggestions on the implications of accepting non-human animals' special claims. Relatedly,

Mancilla discusses how to deal with unsustainable attachment-based claims, suggesting that the well-being of non-human animals rests on the conservation of some spaces and resources.

There are several important questions raised in this collection of criticisms, and Armstrong makes a careful and considered reply to his critics on all of them. Rather than going into the fine details of his reply, we end by emphasising what we take to be the key message from these contributions. For too long, the diverse ways in which humans understand and relate to so-called ‘natural resources,’ has been overlooked. The papers in this collection have already started to consider how human agents, both collective and individuals understand *their* environment and its constituent parts and what follows, normatively speaking, from taking all forms of human-environment relationships seriously.

Clare Heyward
Professor in Philosophy
Department of Philosophy
UiT: The Arctic University of Norway
email: jennifer.c.heyward@uit.no

Laura Lo Coco,
Senior Lecturer in Law
School of Law
University of Hertfordshire
email: l.lo-coco@herts.ac.uk



References

- Beitz CR (1989) *Political Equality: An Essay in Democratic Theory*. Princeton: Princeton University Press.
- Beitz CR (1999) *Political Theory and International Relations* 2nd edition. Princeton: Princeton University Press.
- Dworkin R (2000) *Sovereign Virtue. The Theory and Practice of Equality*. Cambridge, MA: Harvard University Press.
- Hayward T (2006) Global Justice and the Distribution of Natural Resources. *Political Studies*, 54(2): 349-369.
- Honoré A M (1961) Ownership. In: Guest, AG (ed) *Oxford Essays in Jurisprudence*. Oxford: Oxford University Press: 107-147.
- Kolers A (2009) *Land, Conflict, and Justice*. Cambridge: Cambridge University Press.
- Locke J (1980 [1690]) *The Second Treatise of Government*. MacPherson, CB (ed). Indianapolis: Hackett.
- Miller D (2007) *Nationalism and Global Responsibility*. Oxford: Oxford University Press.
- Miller D (2012) Territorial Rights: Concept and Justification. *Political Studies* 60: 252-68.
- Moore M (2015) *A Political Theory of Territory*. Oxford: Oxford University Press.
- Nine C (2012) *Global Justice and Territory*. Oxford: Oxford University Press.
- Nozick R (1974) *Anarchy, State, and Utopia*. New York: Basic Books.
- Pogge T (2002) *World Poverty and Human Rights*. Cambridge: Polity Press.
- Simmons A J (2016) *Boundaries of Authority*. Oxford: Oxford University Press.
- Steiner H (2005) Territorial Justice and Global Redistribution. In: *The Political Philosophy of Cosmopolitanism*. Brock G and Brighouse H (eds) Cambridge: Cambridge University Press: 28-38.
- Téson F (2015) The Mystery of Territory. *Social Philosophy and Policy* 32(1): 25-50.