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A Reply to My Critics

Introduction

It is a real pleasure to reply to so many thoughtful and probing responses to my book. In what follows, I will focus on six key themes that emerge across the various pieces. Some of them call into question core commitments of my theory, and in those cases I will try to show what might be said in its defence. Quite a number of the critics, however, present what we might call expansionist arguments: though they endorse some of the arguments I make, that is – or pick up some of its key concepts – they seek to push them in new and interesting directions. I will suggest that many of those arguments look likely to be successful, though I will also express caution about one or two of them. I doubt, however, that I will be the final judge of their success. Early on in the book I express the hope that it might provide a set of conceptual tools capable of advancing discussions about resource justice more broadly, even for scholars who reject my own idiosyncratic approach. Having made that gambit, I cannot now claim to have a monopoly on the use of the tools in question. Witnessing the use that others have already made of them has been a refreshing and rewarding experience.

Attachment

Alejandra Mancilla's thought-provoking essay provides a good example of the expansionist approach, inasmuch as she takes on some of the key terms of the theory but asks whether we might not employ them more broadly and imaginatively. She wonders, for instance, whether we might not endorse a broader account of attachment than the one I canvass in the book. Aside from our life-plans, our attachment to resources might be instantiated in emotional connections, in beliefs, activities, in forms of production, or even in our aesthetics. In principle, she suggests, each of these forms of attachment could be normatively weighty in their own right. I agree with Mancilla that taking a broad approach to attachment can underpin an account of resource justice which is less impersonal, and more cognisant of individual and communal relationships with resources, than some of its egalitarian competitors. In practice, accepting a more multifarious account of attachment will likely mean that many agents

have a stake in how a particular resource is governed. But that is not, in and of itself, a reason to resist such an account.

I am tempted by Mancilla's broad reading of attachment, then; but such a reading runs directly into the challenge posed by Laura Lo Coco and Fabian Schuppert in their carefully-argued response. Lo Coco and Schuppert caution against adopting a wide view of attachment, and especially one so wide that 'mere preferences' would qualify as instances of it. They worry, in fact, that my own account of attachment already threatens to be so wide that it will mistakenly construe processes such as aesthetic appreciation as a valid source of attachment-based special claims. The risk of such an approach, they warn, is that we will dilute the idea of attachment and hence rob it of its normative force.

I am not sure that construing attachment quite widely – as widely as Mancilla does, for instance – necessarily means that the concept loses its normative force. But the suggestion that we should be somewhat discriminating in our approach to putative attachment-based special claims has some plausibility. We might want to say, for instance, that while a variety of relationships or attitudes towards a given resource can *count* as instances of attachment, they need not all be counted equally. We could provide an account of deeper or more shallow forms of attachment, or of attachments which were relatively central to a life and of others which were more peripheral; in principle the first type in each pairing could be treated as weightier than the second. We could also say, following Lo Coco and Schuppert, that some instances of what ostensibly look like attachment simply lack the normative weight that would enable them to ground special claims. Imagine that I would feel disappointment on learning that the Sarcastic Fringehead (*neoclinus blanchard*) had gone extinct. If my interest in this fish of the Eastern Pacific was really based on nothing other than the fact that I found its name amusing and liked to bore my friends with jokes about it, we might well ask: could *that* kind of attachment ground a special claim of any normative significance? Presumably not.

But on what basis can some varieties of attachment be judged to be deeper, or more central to a life, than others? It looks as though our answer to this question should be grounded upon – or at the very least congruent with – our account of the nature of welfare, which is an issue that I largely bracket in the book. Someone holding a preference-satisfaction view might be forced to bite the bullet and maintain that just *any* preference contingent on rights over a resource ought to be considered the basis for a potential special claim from attachment. They might, perhaps, narrow the field to 'rational' preferences, but it is not obvious why they would narrow it any further. If so, attachment could end up being construed in the very wide way that Lo Coco and Schuppert find

objectionable. Hedonists would presumably be committed to a view which was structurally quite similar: what would matter on their account would be the happiness one could derive from a resource, rather than the precise manner in which one was engaged with it. The third prominent view of welfare, however – the objective list account of well-being – need not endorse such an indiscriminating conclusion; and it is to that view that I am attracted. Adherents of the objective list account believe that it is possible to delineate a set of valuable relationships, achievements, or states of being which are constitutive of a flourishing life.¹ Such a list might include components such as health; friendship and deep personal relationships; significant achievement; autonomy; the ability to come together with others in order to determine the shape of our common life; living within a secure and diverse environment; knowledge; creativity and play; the appreciation of beauty; and so on. Such a list would be objective inasmuch as it picked out elements of well-being which we are confident make a life go better rather than worse, irrespective of the desires or attitudes of the person living that life. I suspect that our account of well-being should be largely objective – but not wholly, since it seems plausible that the value *to us* of some activities or states of being can depend upon our attitudes towards them. On the whole, though, what the egalitarian ought to care about is the ability of each of us to enjoy these various elements of well-being.

Though I mainly avoided leaning explicitly upon such an account in the book, that may have been a mistake. For by drawing upon a largely objective account of well-being we *can* find the resources to distinguish morally weighty forms of attachment from less or even non-weighty forms. Scrutinising our various relationships with resources, we can identify cases where that attachment is central to our well-being, and others where it appears not to serve some key component of our well-being at all (as in the case of ‘mere preferences’). As it happens, I find Lo Coco and Schuppert’s own suggestions here eminently sensible, although they do not themselves adopt the language of an objective account of well-being. Weighty attachments, on their account, are those that serve fundamental interests which are in turn core to a good life. I do not know if I would accept that these interests can necessarily be captured by the ‘identity-defining,’ ‘purpose-or meaning-giving,’ or ‘connected to a feeling of belonging’ typology.² That would depend upon how broadly those ideas were understood. Like Mancilla, for instance, I believe that the scientist’s engagement with natural resources can be morally weighty inasmuch as it serves her interests in the attainment of knowledge and significant achievement. If that is a ‘meaning-

1 For a good discussion of objective list theories, see Fletcher (2016) chapter 3.

2 This typology is drawn from Reibold (2019).

giving' activity, so be it. But rather than quibble about categories, I want to affirm my sympathy with Lo Coco and Schuppert's attempt to provide a fine-grained rather than indiscriminating account of the attachments that matter, and my belief that a largely-objective account of well-being can sustain such an account.

Like Mancilla, Kim Angell wants to argue for an expanded range for attachment-based claims – but on different grounds. My suggestion in the book was that special claims from attachment are necessarily specific in two ways: they will be claims that *particular people* can lay down over *particular tokens* (rather than types) of resources. But why, Angell asks, can't there be attachment-based special claims over certain *types* of resource? In pressing his case, Angell provides the compelling example of the fisherman who wants to catch a particular type of fish, rather than a specific fish or even set of fish. If that is, as it seems to be, a plausible case of attachment, then we are pushed to accept the existence of something like a 'generic' special claim to certain *varieties* of natural resource. This is an expansionist point that I should, I believe, concede. Indeed, as Angell points out, examples I discuss in the book (including the fisherman case) are plausibly best thought of as involving quite a generic special claim in any case (but a special claim rather than a general one nevertheless, since it is a claim that *only* some people will be able to lay down over *only* some kinds of resource).³

Angell wants to push the attachment framework still further, however, in order to suggest that individuals or communities can possess sound special claims to certain goods which they are not attached to *per se*, just so long as control over them, or perhaps the ability to derive income from them, is a necessary support for their ability to act on the life-plans which they hold dear. If Angell's argument goes through, the implication appears to be that communities which currently command large pools of natural resources – such as Norwegian gas and oil – have a claim to retain the proceeds from selling them. Norwegians are not, presumably, attached to oil and gas as such (if they were, they would presumably refrain from extracting and selling them). But they do appear to be committed to the various life-plans that selling oil and gas make possible. These plans might include, say, outdoor sports and generous social services. Perhaps, Angell wonders, this means they have a sound attachment-based special claim over those resources, *if* the proceeds from selling them are key to maintaining the projects in question.

3 Does acknowledging the existence of generic special claims from attachment strengthen the case for giving communities more or less exclusive rights over local resources? That question is difficult to answer in the abstract. Some attachments might be satisfied, in principle, by allowing access to the relevant type of resource *anywhere*. The case for granting rights over specifically local tokens of a particular type would seem to require support from additional (presumably pragmatic?) principles.

This is a suggestion that we should treat with some caution. Let us grant that there is an attachment to the *activities* that the sale of natural resources makes possible. Nevertheless, this is not quite the same thing as an attachment to the resources themselves: these appear, in the case at hand, to be a purely instrumental – and, more importantly, wholly interchangeable – support for what matters. This forms a contrast with other cases that Angell and I consider. A swimmer is attached to the water (which, following Angell, may be water anywhere, or the water in a specific place). A hunter is attached to a given prey (whether this means just any members of a given species, or certain tokens of that species). But the Norway case does not appear to function in the same way. The Norwegian citizen is attached to outdoor sports and to decent social provision, and what those activities seem to require is access to *some* all-purpose means. But even if we accepted that there was a claim to the all-purpose means capable of underpinning the relevant life-plans, we would need some additional argument if we wanted to conclude that revenues from selling *local natural resources* should be *the* means in question. Those plans could presumably be supported by any money, from any source, and as such it is not obvious why we would believe that identifying Norwegians' life-plans by itself adds anything to the claim for state control over local natural resources. Although those resources currently support the activities involved, in principle many other sources of funds could substitute for them. When that is the case, it feels forced to stipulate that there is an attachment-based special claim to the resources in question.

This is not to say that Norwegians cannot have a claim to the all-purpose means capable of supporting their most cherished projects. But if they do, it is not obvious that this claim has much to do with attachment to natural resources.⁴ Moreover, once conceived of as claims on all-purpose sources with which to support their life-plans, any claims the Norwegian people had would have to compete with the claims of many others to the wherewithal with which to pursue *their own* cherished life-plans. Since Angell accepts my distributive proviso on attachment-based special claims (to wit, that those claims should not be allowed to upset the broader goal of equal access to well-being), it is likely that in practice that Norwegians' claims to all-purpose supports for their

4 One possibility is that we can lean on a pragmatic argument here, along the lines that people should be granted rights over nearby resources, provided they are sufficient supports for the life-plans that matter to them. Angell parses my argument as suggesting that we typically do have pragmatic reasons for favouring outcomes along these lines. But the argument I make is much more limited than that. I suggest we will typically have grounds for allowing people to make use of local resources when this enables them to meet their *basic rights*. See Armstrong (2017: 125). To prevent people from doing so would probably leave them objectionably dependent on others. Whether we should endorse such a principle when basic rights are not at stake is much less clear.

life-plans would be outcompeted by the claims of others.⁵ As such, it is not clear to me what follows, for the question of control over natural resources, from the fact of Norwegian attachment to outdoor sports and decent social services, admirable though those pursuits might be.

Attachment and Equality

In her thoughtful response, Margaret Moore raises a number of questions about the nature of my egalitarian theory, and the ways in which it can or cannot accommodate the attachment many people feel towards the land and resources where they live. One foundational question she raises relates to the precise nature of my egalitarian framework, and how it relates to the basic rights constraint I adopt; as a result it will be helpful, I hope, if I briefly recap some of the key elements here. The basic rights constraint is an essential element of any plausible account of resource justice, at least under conditions of moderate scarcity. Among other things, it operates as a check on the degree of egalitarian redistribution we can tolerate: although we may often have reason to seek to shift benefits away from the advantaged, we should not do so in cases where this would leave them unable to meet their basic rights. Once basic rights are secured, however, I argue that the benefits and burdens flowing from resources may well be available for egalitarian redistribution. Call this basic rights constraint Element 1 of the package.

Consider next the value of equal access to well-being. This value does not prescribe equal shares of natural resources: in fact, given people's divergent abilities to convert resources into well-being, insisting on equal shares would serve the value of equality poorly. Moreover, in a context where other supports for well-being are allocated very unequally, insisting on equal shares of resources would be still less plausible. To the contrary, when we have the potential to steer the benefits and burdens flowing from natural resources in one way or another, we should attempt to advance the wider goal of equal access to well-being more broadly. Granting the disadvantaged access to a great-than-equal share of natural resource benefits may, in many cases, be an effective way of advancing the goal of equality. Call this claim – that we will often have reason to favour equalizing or equality-promoting shares of natural resources, as opposed to strictly equal shares – Element 2. Although it suggests we should not generally stick rigidly to any particular pre-conceived distribution of resource benefits

5 Angell also raises the question of whether my account of well-being leaves me vulnerable to an expensive tastes-type objection. If some people's tastes or preferences require enormous quantities of resources in order to be fulfilled, is this a consequence we should accept? That consequence appears significantly less likely to occur if we endorse something like an objective list account of well-being, of the type I discussed above. To the extent that well-being is captured by the elements of an objective list, it will not hinge on our tastes or preferences *per se*.

and burdens, I also consider whether we can *sometimes* have reason for insisting on strictly equal shares. While doing so will not usually be necessary, we can envisage cases where, given a backdrop of ongoing status inequality, there will be something especially effective, when it comes to promoting equal access to well-being more generally, about insisting on equal claims over resources (perhaps because equal resource shares will prove to be especially conducive to combating entrenched inequalities of status, for example). Call this claim – that there *can* be reasons for insisting on equal shares in specific, limited conditions – Element 3.

Moore suggests that these three Elements have only a tenuous relation with my overall commitment to the principle of equal access to well-being (or, as she puts it, equal opportunities for welfare). But the explanation I have just given hopefully shows that they simply explain some of its concrete implications. Element 1 shows that the drive to equalize access to well-being must be checked by concern for peoples' basic rights – a qualification that should be relatively uncontroversial. Element 2 spells out the practical implication of taking the various supports for well-being to be at least moderately substitutable. If there are various ways in which our overall access to well-being can be advanced, we have no reason to insist on strictly equal shares of natural resources in particular. Instead, it can often be effective – and this is an empirical conjecture only, but surely a plausible one – to allow people rights over greater-than-equal shares of resources when this is useful in helping them catch up in terms of access to well-being more generally. Element 3 adds a caveat to that later thought, noting that we *may* confront situations where there is something especially efficacious – for instance in combatting entrenched inequalities of status – about insisting on strictly equal shares of some natural resources. But since (and this is another empirical conjecture) we do not have reason to believe that, say, equal status more generally is always and everywhere dependent upon access to equal shares of resource benefits and burdens, we will often have reason to allow the disadvantaged access to greater than equal shares of resource benefits and burdens.

The three Elements are then, as I see it, perfectly consistent; rather than being detached from the general principle of equal access to well-being, they provide us with more detailed guidance on how we should seek to advance that principle in practical contexts. This explanation has implications, in turn, for the way that we should handle special claims from attachment, and specifically for how we should think about any distributive constraints on them. On Moore's presentation, what she calls the 'negative' element of my theory holds that when we come to accommodate attachments, no-one should be deprived of the

objects of their basic rights. She expresses puzzlement at this point, because this is surely a relatively weak constraint, which all or at least most scholars of natural resource justice would accept readily. But the basic rights constraint – which corresponds to Element 1, above – is only *one* constraint on acceptable distributions. In situations of moderate scarcity – in which everyone’s basic rights can be met, and we have more resources besides which we need to allocate rights over – the equality-promoting principle (or Element 2) will be still more important (and, of course, much more controversial). It suggests that any allocation of rights over natural resources must be compatible with the wider goal of equal access to well-being. In distributive terms, this is where the real action is; but it is a principle that I believe we have good reason to hold fast to. Even if we ought to recognise that many people are deeply attached to particular resources, and that this matters morally (on which Moore and I are agreed), the fact of attachment does not tell us that some people’s overall access to well-being matters more than others. Since it does not, it is not clear why we should cater to attachments even in cases where doing so will produce inequality in overall access to well-being. In contrast to Angell (who agrees with me about the need for an overall egalitarian constraint on holdings, even if he thinks sound attachment-based claims have wider scope than I suggest, and will therefore run afoul of this egalitarian principle more often than I imply), Moore’s suggestion appears to be that we should accommodate attachments even where this means that overall access to well-being becomes decidedly unequal (so long as basic rights are secure, which is a constraint common to both of us). This is a conclusion that an egalitarian, *qua* egalitarian, cannot accept: even if attachment matters, it does not show that some of our lives matter more than others, and it does not show that some of us can press greater claims over the world’s resources simply by reason of having been better able to form enduring attachments over them to date.

Improvement

By contrast to other chapters in the book, the argument in chapter 4 is somewhat tentative and exploratory. I begin with the basic and widespread view that improvers are entitled to something by virtue of their improvement. Although – like most of those who have thought about natural resource justice – I feel the force of that view, I also find it a surprisingly mysterious one. What exactly is it that improvers have a special claim *to*? And on precisely what basis? Rather than attempting to settle those questions definitively, I work up what I take to be the most plausible answer to them: to wit, the principle that improvers have a claim over the added value conjured into being when they improve resources, a principle that is presumably justified in turn on the basis of some deeper

responsibility-catering principle. Something like the Added Value Principle - or at least a relatively close variant of it - probably lies behind the widespread belief that communities possess special claims over local resources which they have in some sense laboured over. That is the belief that I want to interrogate in the chapter, and specifically I seek to assess the prospects of using the Added Value Principle to defend nation-states' claims over local resources.

Although it does appear that something like the Added Value Principle lies behind many scholars' belief that nation-states - or their citizens - can level improvement-based special claims over domestic resources, I actually find that principle puzzling in many ways. I do not claim to resolve those puzzles in the chapter; indeed I continue to find them puzzling, and do not believe we have a fully defensible rendering of the principle to lean on. Rather than finally vindicating the Added Value Principle, I aim to show in the chapter (rather negatively) that the principle cannot provide a secure basis for national claims to retain resources: its coverage will be patchy, and as far as it does extend it is best seen as sustaining precisely a claim over added value, rather than a claim to own the relevant resource *in toto*. I remain confident that those two conclusions stand up. I suggest, moreover, that nation-states might not even be able to lay down a plausible claim to all of the added value when resources *are* improved. After all, the market value which a given resource ends up having may be influenced not only by national actions or decisions, but by the actions or decisions of outsiders too - and there seems no reason to declare *a priori* that the actions or decisions of outsiders can never vindicate an improvement-based special claim on their part. This, I think, is one of the reasons why the principle remains somewhat mysterious.

This mystery is also the entry point for some of Kim Angell's most interesting critical arguments. Specifically, Angell wants to suggest that my negative argument (that nation-states, or their citizens, cannot lay down full claims to the added value that comes into being when resources are improved) does not by itself justify my positive conclusion (that the surplus is therefore available for egalitarian redistribution). He first argues, generally, that if any specific agent is not responsible for the *full* exchange value of a specific resource, then other agents are responsible for the *remaining* parts of that value. This general argument then supports Angell's more specific claim that the portion of value which is available for egalitarian redistribution is in fact an empty set. This is a challenging claim, but in response, I would suggest that the general argument is not obviously true. For one thing, there may be influences on value which do not flow from any human action (an earthquake which destroys most of the world's sugarcane crop will make the wild sugar beet that grows on my land more

valuable, for instance). Second and probably more pertinently, there may be influences on value which *do* flow from human action, but where we nevertheless do *not* believe on reflection that a good moral claim to added value is thereby generated. Accounts of responsibility can be either moralized or non-moralized. A non-moralized account focuses on pure causation: when agent A makes it the case that consequence X will happen, for instance, then A is ‘responsible for’ X. But it is not obvious that we should accept a non-moralized account of responsibility, at least when it comes to improvement-based claims. If I destroy the world’s sugarcane crop in a random act of malice, it is not clear (to me at least) that I thereby generate an entitlement to some portion of the value of that year’s sugar beet crop, even if – as seems likely – it becomes more valuable. For a luck egalitarian, the thought that I generate a claim to added value when I *accidentally* increase demand for a certain resource may be unpalatable too. Indeed we can probably go even further than this. Even if I quite intentionally open a new automobile factory, *in the knowledge* that doing so will stimulate increased demand for oil (because everyone will want to be seen driving one of my flashy new cars), it is not obvious that I thereby generate an entitlement over some portion of the (increased) value of the world’s oil. If we thought I did, we would presumably have to accept that the logic can flow in the other direction too: if my creation of flashy new cars means that the bottom falls out of the hansom cab or tram market, I will presumably *owe* something to those who are currently invested in the latter. And if we did, we would presumably have to accept that the mere creation of desires can suffice to generate claims to added value too. After all, if I were to merely cultivate a taste for a scarce good (that I could afford), its exchange value would presumably rise (market imperfections aside). We would be led, if so, to the unpalatable conclusion that the greater my purchasing power, the greater the sum of improvement-based special claims I likely have over whatever it is I happen to want to buy. The alternative to embracing these unattractive conclusions is to suggest that upward influences on exchange value only *sometimes* generate claims to added value, and to provide a moralized explanation of the kinds of activities that plausibly do so. I do not attempt to provide that explanation in the book, largely because I focus on some rather more negative conclusions. But if we do embrace a moralized account of responsibility, we open up conceptual space for a pool of added value over which nobody has a good claim, and which is therefore available for equality-promoting purposes. I do not claim to show how large that pool is, but I am confident that it exists: special claims from improvement will likely not exhaust even the added value which can be attributed to human action.

Clare Heyward and Dominic Lenzi also grapple with my arguments about improvement in their finely-argued response. One puzzle they raise concerns how we are to *define* improvements. As they note, I appear to make perceptibility an ineliminable element of my definition of improvement, so that changes to the properties of a resource cannot count as improvements unless they are perceptible by someone. This, they suggest, is unnecessarily austere – after all, we might agree that, from the descriptive point of view, an action can count as an improvement even if no-one can really tell that it has occurred. The perceptibility condition should therefore be dropped, at least as an existence condition for improvement. On this point, I am inclined to follow their lead. Rather than being an existence condition for (the fact of) improvement, perceptibility is probably better thought of as a desideratum of *special claims* from improvement. After all, it is not obvious why others should recognise my claim to have increased the value of a resource if neither they nor I can detect any change in its properties. As a general rule, within intersubjective discussions about resource rights, it is perceptible changes to resources which are likely to lead to the recognition of special claims, rather than imperceptible ones. But Heyward and Lenzi are right, I believe, to resist hardwiring perceptibility into the very definition of improvement.

Heyward and Lenzi also raise an issue which is discussed in Angell's response, and concerns the best way of unpacking the content of special claims from improvement. In the book, I assume that adherents of the Added Value Principle are likely to depict the value in question as some form of exchange value: increases in a resource's exchange value can stand in both as a measure of improvement, and as the object of special claims to improvement (inasmuch as the improver has a claim to retain the difference between unimproved and improved value). Both Angell and Heyward and Lenzi believe that I raise serious puzzles for the idea that increases in exchange value will reliably track special claims from improvement. But they also wonder whether the Added Value Principle might be given a sounder basis by relying on the idea of use value instead.

I should say that I find Angell's, as well as Heyward and Lenzi's, arguments for the desirability of assessing claims in relation to use value rather than exchange value quite attractive. As an index of value, exchange value is rather indiscriminating: the very fact that exchange value has been created, that is, does not tell us that anything of *moral* value has been brought into the world. A given alteration to a resource might be environmentally deleterious or otherwise dubious; exchange value simply picks up on the fact that *someone* values that change. Use value, by contrast, can presumably be given a more explicitly normative interpretation, by linking it with a notion such as

ecological space. But although I find the resort to use value in that respect attractive, I am less sure that we can plausibly still run a version of the Added Value Principle once we take it to be the relevant index of value. If we employ *exchange* value as that index of value, the *payoff* of a special claim to improvement is easy to parse (which is not to say that it is easy to defend): the improver, the defender of the Added Value Principle is suggesting, is entitled to the total exchange value of a resource minus its unimproved exchange value. This can be expressed in dollars, pounds, or a whole variety of currencies. The Added Value in question can then in principle be hived off, by selling the resource and dividing the proceeds between the improver and everyone else. But what is the payoff of a special claim to improvement once we employ *use* value as the relevant index of value? What am I saying when I declare ‘I am entitled to the full use value of this resource, minus its unimproved use value’? It is much harder to envisage what that could mean. It is not obvious that the use value of a resource can somehow be hived off from it and retained by the improver, with the remainder being shared by everyone else.

Perhaps the argument from use value has a different pay-off. Perhaps, as Miller suggests, it plausibly leads to an argument for *control* (though I will raise some worries about that suggestion shortly). But if that is the direction of the argument, it looks as though we are no longer providing a basis for the Added Value Principle *per se*, but for some other principle. Notably, Heyward and Lenzi do not in fact end up suggesting that the improver has a claim to retain the additional use value which is conjured into being by an act of improvement; rather, they suggest that someone who sharpens a blade has the right to *keep that blade and the benefits it brings*. That sounds like an argument for ownership. They present this, to be sure, as a formulation of the Added Value Principle, and suggest that their argument about use value is capable of vindicating the ‘simple view’ that improvers have claims over the improved portion of value, whereas others share claims over the unimproved portion. But that is not what happens when the improver retains the blade and the benefits it brings. In that scenario, nobody else seems to have access to its use value, unimproved or not. Whether this concrete conclusion is defensible or not, it is not the conclusion we should defend if we are looking to vindicate the simple view. Neither can it be an unproblematic outgrowth of the Added Value Principle, if one objective of that principle is to share unimproved value amongst all.⁶ I have already suggested that special claims from improvement come with some mystery attached,

⁶ Heyward and Lenzi could insert an argument about compensation here: improvers have the right to retain the improved resource, they might say, so long as they compensate others for the unimproved use value they also retain thereby. That compensation would then need to be defined somehow, without resort to facts about the exchange value the unimproved resource was likely to command.

and here is yet more with which to grapple. In short, while the thought that improvement should be construed in the language of use rather than exchange value is in many ways appealing, it does not appear to vindicate the Added Value Principle, or to sit in harmony with the simple view I examine in the book. It would appear to lead us in quite different and less familiar directions.

Improvement and Control

This brings us to David Miller's intriguing suggestions about what follows if we focus on natural resources as objects of production. Miller is right to note that resources frequently *are* objects of production, as well as objects of consumption or enjoyment. As well as vindicating the idea that resources are, *inter alia*, inputs into production, he also wants to assess how we ought to assess rival claims to employ them as such. I am not sure, however, that the principle that resources should go to whoever will make the best use of them – what I shall call, for short, the 'most effective use' principle – is indeed the 'natural' answer to this particular question. There is certainly much that is attractive about that principle. On utilitarian grounds, it would seem to promise that resources will be used to their maximum potential, rather than being squandered. If – to introduce a rather demanding conditional – the proceeds from employing them in this way were then pooled at the appropriate level, this would appear to free up more, rather than fewer, funds for the pursuit of goals such as equality. If the funds were *not* pooled at the appropriate level, then the consequences would be much more troubling: the rule would likely generate similar outcomes to the so-called Matthew Principle ('to each who has, more should be given'), with the result that those who were already better off (and therefore possessed more efficient technology, say) became still better off. In a global context, the principle would likely tell us to give extractive rights to whichever agent could harness natural resources most effectively or efficiently, regardless of local preferences. As such, it would likely attract claims of neo-colonialism. I do not suggest that this is what Miller has in mind by any means; but if that outcome is indeed an objectionable one, we will require a nuanced account of how the most effective use principle would be balanced and if necessary qualified by other concerns.

The 'neo-colonial' scenario would obviously be objectionable if the proceeds of improvement were retained by improvers, who would thereby come to command the profits flowing from many of the world's most valuable resources. But perhaps that is not the target defenders of improvement-based special claims have (or should have) in mind. For Miller makes the intriguing argument that special claims from improvement are *not* best seen (as I suppose in the book) as supporting claims over (some portion of) the economic value of improved resources. To the contrary, Miller suggests, recognising improvement-based

special claims is compatible with sharing the value of improved resources internationally, via a system of taxation for example. Instead improvement-based special claims are better understood, on his view, as targeting *control rights*. Perhaps the injustice we do when we ignore or over-ride improvement-based special claims is to ignore the fact that improvers now have a stake in what *happens to* resources. This is a very thought-provoking argument, and dovetails with Miller's suggestion that we need to consider carefully what claims those who can make the most productive use of resources might have.

But should we endorse the principle that those who can make the most productive use of resources ought to be free to do so, or the conclusion that they can thereby derive control rights allowing them to decide what happens to those resources? There would be grounds for concern about the principle, it seems to me, even if the proceeds of productive use *were* fairly shared. If enacted, less developed countries, or regions, could find themselves locked into a role as exporters of raw resources, rather than being actively involved in high-tech industries themselves. They would then attract some portion of the proceeds, to be sure. But if we asked them, they might well prefer the option of establishing effective and efficient industries themselves, even if their initial forays were inevitably going to be less than ideally efficient. This is not, to repeat, to say that the most effective use principle has no appeal. But it does give us pause to wonder whether some alternative to the 'most effective use' principle – perhaps along the lines of equal opportunities to employ productive resources – might have its own appeal.

As Miller observes, we will also face questions about how to proceed when the various possible 'uses' of resources (from enjoyment, to consumption, to production) compete. How should we deal with cases where local communities would prefer to continue to enjoy or consume resources, even though those resources could be put to highly productive uses elsewhere? I'm not sure what Miller's proposal would suggest here. We can't simply declare that we should pursue whichever option best advances aggregate economic growth, or even aggregate well-being – because we surely ought to care about the distribution of that growth or of that well-being too. In my view, reflecting on such cases of conflicting demands shows the importance of a general background principle such as equal access to well-being. Without such a background principle, it is not clear how conflicts between competing uses of resources should be adjudicated.

But Miller – who anticipates this response – suggests that in defending this principle I open myself up to further difficult questions. For as he notes, my wider account of justice is actually pluralist; my belief is that the drive to equalize access to well-being will on occasion be moderated by a desire to protect basic

rights, and it will also on further occasions be moderated by a concern with efficiency (a concept which, on my account, stands in for an interest in aggregate well-being). This raises, of course, the question of *how* we are to weigh or rank these various principles against each other when they come into conflict. In conditions of moderate scarcity, my claim is that basic rights will trump the drive to equalize access to well-being. There can be no question of redistributing the various supports for well-being away from the advantaged in cases where this would unavoidably deprive them of the ability to subsist. The case for infringing basic rights, if it can be made, will itself depend upon protecting basic rights. That much is clear, then, and probably fairly uncontroversial. But how should we navigate conflicts between efficiency and equality – between the drive to maximise aggregate well-being, that is, and the drive to ensure that it is fairly allocated? Aside from pure levelling-down cases, we might well face scenarios where a slight increase in inequality will produce a great increase in aggregate well-being. How then should we proceed? I cannot supply a clear route-map to navigating those particular trade-offs – a task which has vexed greater minds than mine. But I will note that it is not an objection to my account *per se* that it faces such questions. To the contrary, this is a boat we are all in – or ought to be in. Any plausible account of natural resource justice must show a concern *both* for aggregate well-being *and* for relative access to resources, and the challenge is to that extent a common one.

Permanent Sovereignty Reconsidered?

Two of the responses push me to consider further the justifiability of something like permanent sovereignty (whether more generally, or at least for historically disadvantaged communities). I will begin here with a general methodological question raised by Margaret Moore. As Moore suggests, there are (at least) two ways we could proceed when assessing where resource rights should fall. One approach would be to begin from the ‘ground up,’ and ask how extensive and far-reaching an edifice of communal resource rights can reasonably be built on the back of the claims of particular communities or their members; an alternative approach would be to start from where we are – that is, with something like the current allocation of resource rights, globally speaking – and to assess how firm its foundations are. In the chapter on permanent sovereignty, I largely take the second approach. But Moore is not convinced that this is the best, or most illuminating, place to start.

Why begin, then, with the legal edifice of permanent sovereignty? State control over resources is such a crucial fact about our world that it required, or so it seemed to me, immediate and careful interrogation. Permanent sovereignty is part of the very architecture of global politics, and plays a key role in structuring

our life-chances. Consider a parallel. Debates on migration began in earnest with Joseph Carens' famous essay, in which he forced us to confront a fact with which very few political theorists had engaged to date: the fact of relatively hard state borders. Hard borders, Carens showed, were an organising principle of our world which had momentous distributive consequences (Carens, 1987). That principle had functioned as part of the backdrop to political theorising, but there had been scarcely any attempt to investigate whether our world *should* work in this way. Not to have begun with the fact of hard borders, Carens presumably thought, would have left an enormous elephant in the room. It would not have been a good response to Carens at the time, I believe, to say 'but no-one defends hard borders.' In light of their real-world consequences, we should want to know whether they *can* be defended. If they cannot, the implications for our practices are potentially dramatic. Now Carens did not, in that early contribution, aim to show how exclusion could be fully defended. He simply sought to establish that the most plausible arguments to which we might turn in defending it failed in that task. While in later years Carens has gone on to provide a more positive account of how exclusion might be defended, arguably that initial contribution has been his greatest one, showing us a problem that had until that point been scarcely acknowledged, and showing that the practice of exclusion is not, in fact, easy to justify.

I do not claim that my own work on natural resources is anything like as path-breaking. But I did want, in my own way, to do something similar with regards to permanent sovereignty in the book: to bring to our attention, that is, a politico-legal fact that had barely been addressed by political theorists to date, despite also having momentous consequences for our life-chances. Like Carens, I also wanted to go a little further, and identify the tools that *might* be used to justify communal resource rights (which involved sketching and assessing direct and instrumental arguments, general and special claims, and so on). But – again like Carens – I did not aim to produce a final reckoning of what they would ultimately justify. One explanation for that is that I simply had too many other goals to pursue in the book: I wanted to engage with more pragmatic arguments for resource sovereignty, to provide guidance on issues of resource taxation, the ocean's resources, conservation burdens, and much else besides. Another reason is that I was uncertain how extensive a set of communal resource rights *could* be justified. I remain in many ways a territorial rights sceptic. This is not in itself a problem: any good debate can do with a sprinkling of sceptics. The project of building a case is probably best left to those who are more confident about the positive case that can be made. Their critics, meanwhile, can assess those arguments and ask how far they really take us.

This digression explains, I hope, the dynamic of the chapter on permanent sovereignty. In that chapter, I run what I take to be the most plausible arguments for giving anyone rights over natural resources, and assess whether they *could* be used to justify permanent sovereignty. This strategy troubles Moore, because – as she rightly points out – she and other defenders of communal resource rights *do not* defend permanent sovereignty, but rather something more limited. I don't think there is anything objectionable about this way of running the argument, however. Right at the outset of the chapter I point out that *nobody* has really tried to defend permanent sovereignty, philosophically speaking. My question is whether it *could* be defended; and when assessing the prospects of doing so, the obvious place to look is to arguments about improvement and attachment, alongside the more instrumental arguments I consider. In the same way, Carens is not wrong in his famous article to consider whether libertarians, Rawlsians, and utilitarians might offer the tools with which to defend hard borders, *even though they had not attempted to do so*. It is a principle of good argument that one considers the strongest supports available for the position under review, and those arguments looked, to Carens, like the best supports for any potential case for hard borders.

In her contribution, Kerstin Reibold provides us with a highly illuminating account of the connection between resource and land rights, on the one hand, and communal self-determination on the other. Her account of the status harms visited by extractive and settler forms of colonialism is valuable, and augments the rather sparse comments I make in my book about inequalities of status. Reibold presents her criticisms as friendly ones, in the sense that we endorse roughly similar egalitarian principles, albeit she believes that I could be more perspicacious about where they lead us in the case at hand. Her responses to my arguments about permanent sovereignty are in many ways sympathetic; but she believes nonetheless that I have not used the tools afforded by my theory to give a really secure underpinning to indigenous land and resource rights. To do so would require me to think through the wider implications of my claim that the presence of status inequality can require special measures from the egalitarian. Reibold suggests, entirely plausibly, that a full reckoning with the impact of colonialism will require us to abolish the kinds of relational or status inequalities which were created in the colonial era. But doing so, she claims, obliges us to recognise the necessary connection between repairs to status harms, on the one hand, and indigenous and post-colonial land and resource rights on the other. Greater support for the latter may be essential to the former.

Reibold's discussion of what she calls the 'resurgence' argument is especially interesting. This argument suggests that we should not only seek to protect

existing attachments, but also seek to rebuild past attachments. Only in so doing, she claims, can we repair ongoing inequalities in status. I find that argument appealing, and in my account of attachment I certainly want to avoid status quo bias (which emerges, for instance, when some scholars assume that it is only the attachment of those who currently control local resources that has moral weight, as opposed to the attachment of those who might *wish* to access or control them). This will, of course, generate a wave of conflicts over resources; but that does not seem to be a reason to refuse to give credence to distant or even potential attachment-based special claims. In order to successfully navigate the problems this will throw up, I believe we need to hold fast to the underlying value of equal access to well-being. On this, Reibold and I do not seem to be in disagreement: her proposed conclusions are presented, for the most part, as delivering on the goal of equality of well-being, rather than challenging it.

I find much of what Reibold has to say compelling, then. And, since I believe that my account can be much more accommodating to indigenous claims than its egalitarian rivals, I am inclined to endorse her conclusions. I am able to do so for three reasons. First, on my view members of indigenous and formerly-colonised communities will have just as strong a claim to communal resource rights as anyone else. The status inequality argument, as Reibold shows, can show why granting them those rights on an equal basis can be so important. Second, I suggest that members of these groups may be more strongly attached to particular pools of resources than members of other communities, and that this will strengthen their claims still further. Third, keeping a clear eye on the goal of equal access to well-being means that (by contrast to some resourceist egalitarian views) my account of equality is compatible with giving indigenous communities rights over disproportionately large swathes of land and resources. I suggest too that justice likely requires the devolution of resource rights both upwards *and* downwards from the level of nation-states, and this frees up space for the conclusion that local communities should be allowed, within the proper distributive and ecological limits, to exercise a greater degree of autonomy over resource use than they have been accustomed to until now.

All of this suggests that I can be accommodating towards Reibold's conclusions, as indeed I am inclined to be. The only point on which we may differ is whether this will produce an argument for something like permanent sovereignty on the part of indigenous or formerly-colonised societies. If I am reading Reibold correctly, she believes that taking the claims of indigenous and formerly-colonised communities seriously will lead to an argument for something like full permanent sovereignty. She claims, that is, that colonized peoples should end up with what she calls 'the full bundle of resource rights,' which are or were

typical of ‘the kind of resource rights that expressed full person- and statehood during colonial times.’ I am not sure if what Reibold has in mind here is a world in which *all* countries retain the rights typical of permanent sovereignty, or a world in which *only* indigenous and formerly-colonised peoples possess that full set of rights, with other communities being granted a more modest set. In the end, however, I don’t believe that either of those options can be defended. Consider the question in light of the current extinction crisis. It may well be the case that indigenous peoples are likely to be less destructive of the environment than other communities, and that giving them the right to be destructive will not be a harmful choice. But nobody should have the right to undermine the conditions of our collective existence on the planet, even if they do not intend to exercise that right. When particular communities find these constraints on their resource sovereignty unduly constraining, justice may require that their loss of opportunities is somehow shared by the international community (I attempt to show when and how in the book). Nevertheless, proper regard for the interests of future generations and of non-human animals demands that we transcend a scenario in which states can with impunity destroy resources which are vital for a safe and sustainable ecosystem. A liveable environment for us and other species requires much more serious constraints on resource sovereignty than currently exist within international law. My argument, then, to be clear, is not that formerly-colonised countries should not enjoy the kind of sweeping resource rights which permanent sovereignty brings in tow. Rather, it is that *no* community should enjoy those rights. The resource rights of *all* communities should be constrained much more significantly than they are now, on the basis of both distributive equity and environmental sustainability. It is only within those constraints that we can seek to advance the urgent claims of indigenous and post-colonial communities.

Animal rights and sustainability

One issue which Alejandra Mancilla raises in her very helpful response is the place of animals within a theory of natural resource justice. Early in the book, as she points out, I foreclose the possibility that animals might be subjects of justice (while accepting that we might have moral duties towards them). Since completing the book, I have reconsidered this question and now believe that my position was too austere. Animals, I now believe, can possess interests capable of grounding rights. They can be both the subjects of entitlements of justice, and the objects of duties of justice. Specifying their rights will be a laborious endeavour, since it will require us to delineate the relevant interests of members of many different species. Fleshing out a list of their rights will therefore require

careful attention to their specific capacities and vulnerabilities.⁷ I am happy, therefore, to take on board Mancilla's suggestion that a full theory of natural resource justice should also provide an account of the relevant entitlements of members of other species. I don't believe that this would require us to change our account of well-being *per se*. To be more specific, I believe that something like the largely-objective account of well-being I favour can usefully inform our accounts of the entitlements of animals from species distinct from our own. But the contents of any list of the elements of well-being *are* quite likely to vary between different species, in light of our differing capacities and vulnerabilities. In many cases, the elements of animal well-being are likely to be quite different to human well-being, whereas in other cases they may be much more similar.

Mancilla also raises a more specific question, which concerns whether members of other species might also possess attachment-based special claims over specific resources – claims which would in principle compete with human claims. Establishing the content of those claims will be difficult (though Mancilla provides some plausible leads), as will establishing how they conflict with – or can be made compatible with – the claims of humans. But there seems to me to be no good argument for excluding those claims in principle. It seems wholly plausible that the well-being of members of different species can be deeply connected to their ability to access particular spaces or resources, and in at least some cases their connections with the spaces and resources in question might plausibly be thought of as a form of attachment (consider, for instance, that members of some whale species sing songs apparently specific to the places they happen to be visiting on their regular oceanic routes) (Cavalieri, 2008). Indeed perhaps we should take this thought further. Members of other species might even be able to register *improvement*-based special claims, when they engage in transformative ways with elements of the natural world. When a worker bee converts nectar into honey, does she derive a claim to some portion of it, or its value? If so, how might that claim be respected in practice? When a beaver dams a river and, in so doing, enhances the local ecosystem, does he or she generate a claim to something? Those questions are hard to answer; but so, I have suggested, are questions about improvement in the human case, and once more there seems no reason to rule these questions out of court in the case of non-human animals.

Mancilla raises a further question about attachment which is canvassed by Lo Coco and Schuppert too. How should we treat unsustainable attachments – attachments, that is, which are grounded in practices whose material or

7 In a forthcoming book on ocean justice, I will sketch an account of the specific rights possessed by some marine animals, with particular emphasis on cetaceans, see Armstrong (2022).

ecological basis is crumbling away? What I say in the book on this topic is rather open-ended, and Lo Coco and Schuppert in particular push for a more definite position. I think it will help here to distinguish various ways in which a practice might be unsustainable. Consider first that the people of Kiribati may have an attachment to living in the place they do, surrounded by local resources. The fact that Kiribati is likely to be more or less wholly submerged in the coming decades – even if our economies rapidly decarbonise – does not seem to rob their attachment of normative force. More plausibly, it simply tells us that the i-Kiribati have been wronged. It also gives us reason to investigate policies which would enable them to retain as much of a connection with their homeland as possible⁸, and / or policies aimed at some form of reparation (those comments are, I assume, consonant with what Reibold tells us about the colonial severing of attachments, and about possible acts of repair).

We should resist, therefore, the idea that the mere fact that a practice is unsustainable means that it cannot be the basis for a special claim from attachment. The people of Kiribati have made very little contribution to the problem they face, and that seems to matter. Consider then a second kind of case. Alfred lives on an island, on which he has discovered a seam of jade. His life's purpose is to carve this jade into ever more elaborate statuettes. His fellow islanders look upon his works with wonder. In twenty years' time, the seam of jade will be exhausted, and in that sense his project is unsustainable. Does this mean he cannot have a special claim from attachment to what is left of the seam? That does not seem to be the right conclusion. To rule out the possibility of any claim to non-renewable resources would be too austere. It seems, then, that what we are really troubled by is a third kind of case, wherein the cherished practice actually undermines the the ability of *others* to lead equally good lives (or, *a fortiori*, in which it prevents them from enjoying even basic rights). It is with regards to the third kind of case that Lo Coco and Schuppert's suggestion that unsustainable claims from attachment have no moral force becomes attractive. I agree with them that, where the practices in question thwart the wider goal of equal access to well-being, these claims should not be accommodated – and that seems to be true in intergenerational as well as intra-generational cases. Of course one intriguing possibility, if we take that point sufficiently seriously, is that, by contrast to those of non-human animals, very many human life-plans will turn out to be unsustainable, and hence lacking in normative force. There don't seem to me to be good grounds to rule that conclusion out of court;

8 For a discussion of some ways of doing so, see Armstrong and Corbett (2021).

each case would need to be judged on its merits.⁹ It would be an interesting, if challenging, project to investigate what this might mean for the plans of human beings in what many have called the age of the Anthropocene, in which our activities are threatening many of the crucial supports to life as we know it.^{10 11}

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9 We should also take seriously, in cases like these, Mancilla's suggestion that we should seek to provide scope for less destructive alternative plans and attachments.

10 For a useful recent account, see John Dryzek and Jonathan Pickering (2019).

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