

4 The environment and justice for future generations

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In recent years many countries in the developed world have, to a greater or lesser extent, introduced programmes intended to limit, prevent, and where possible reverse the damage that people inflict on the environment. Some have imposed strict controls on emissions of harmful gases from power-stations and from vehicle exhausts. Some have introduced controls on the disposal of toxic wastes from factories, and of radioactive wastes from nuclear installations. Some monitor the quality of the air people breathe and the water they drink. Some educate and encourage citizens to recycle as much as possible of what they discard. Some support and provide incentives for ventures which conserve non-renewable resources or which enable those resources to be used more efficiently. Some ban the manufacture and use of destructive chemicals. Some use planning regulations to control the kind of 'architectural pollution' which can occur in, for example, popular tourist resorts (see Prosser 1992: 42). Some, indeed, say they do all these things and more. And there are numerous local, national and international pressure groups which exhort governments and the people they represent to implement programmes of this nature. When governments respond to this exhortation they do so, no doubt, because there are powerful and practical political motives for promoting policies which conserve scarce resources and reduce pollution; political parties which seek power need to adopt at least some so-called 'green' policies.

But many would see 'green' policies as worth pursuing independently of any party political advantage their adoption might bring. To aim for an unpolluted environment is to aim for a better environment, and in so far as a government achieves this aim it promotes the well-being of its citizens. Pollution is an evil, and by reducing or eliminating it, governments make people's lives 'go better'. No doubt the benefits of reduced levels of pollution can be achieved only if the members of a society constrain activities which they would otherwise wish to pursue; there are, that is to say, social costs which will have to be paid. Nevertheless, the knowledge we now have of the extent of the damage pollution creates has persuaded many people that some way of meeting these costs should be found.

How, though, will the benefits of programmes intended to prevent pollution and protect the environment be distributed among those affected? And how will the costs of introducing and developing these programmes be distributed among

those who pay? These are questions about whether, and if so why, a particular way of distributing benefits and costs is a fair distinction, and the way they are answered in a society tells us whether the virtue of justice is to be found in that society.¹ Success in implementing 'green' policies is not, by itself, a reliable indication of the presence of this virtue, for even if the benefits of such policies far exceed their burdens, some ways of sharing them out would not be fair. For example, it would be unjust to promote socio-economic arrangements which lead to a prosperous minority enjoying the benefits of a pollution-free environment whilst the impoverished majority bear the costs of providing it. Yet sometimes this can be the effect of environmental protection policies. Hazardous wastes, together with the factories and power-stations which produce them, are more likely to be found in the neighbourhoods of the poor than in those of the rich; the prevalence of diseases caused by air pollution will be greater for the poor than for the rich; the costs of living in an environment with inadequate recreational facilities will be proportionately greater for the poor than for the rich (see Krieger 1970: 311-24 and Sagoff 1988: 56). In these and other ways, social arrangements intended to benefit members of society by improving their environment can be unjust because they make life worse for some of the already disadvantaged members of that society.

Questions of distributive justice arise not only within a society, but also between societies. For instance, in some parts of Western Europe, where pollution from heavy industry was considerable, the costs of providing a healthier environment are being paid, at least in part, in other parts of the world now suffering from the pollution caused by the introduction and development of those industries. With the growth of multinational corporations, the injustices arising from exporting the costs of benefits enjoyed in the affluent West seem likely to become more pronounced. Again, until recently, chloro-fluorocarbon (CFC) gases were freely used in some countries and played a significant part in economic development, but because of the environmental damage these gases are now known to cause, countries in the Third World cannot use them so freely and their economic development is, to an extent, hampered. The benefit of the effects of past use of CFC gases are enjoyed by relatively few; the direct and indirect costs of the damage they have created and of the disadvantages that their ban brings are distributed among a great many people and in a way that bears no relation to the distribution of the benefits. Financial intervention by rich economies may help to alleviate some of the effects of these injustices, but it cannot compensate for the loss, damage and destruction which is their immediate cause.

We recognize, too, that the burdens and benefits of the steps taken to exploit the environment, as well as to protect it from exploitation, should be distributed fairly between people who live at different times as well as people who live in different places. We therefore need to ask what one generation can reasonably and fairly be asked to sacrifice for the sake of a clean and safe environment for subsequent generations. We need to ask how far the costs of environmental policies promoted for the benefit of our generation should be paid by future generations, as well as how far the costs of policies introduced for the benefit of

future generations should be paid by our generation. In practice, of course, responses to these questions become entangled with international justice; in so far as effective policies for the protection of future generations are introduced, it is more than likely that their costs will be disproportionately greater for poor economies than for rich ones.

To answer these questions we require general principles, or at least guidelines. A society which adopts an environmental policy does so because the benefits it brings are thought to outweigh the burdens it imposes; but scarce benefits and heavy burdens have to be shared, and it is principles of justice which determine whether a particular way of sharing them is said to be just or unjust. Who, though, are we to count among those who share? It may be possible for many people to receive the benefits and incur the burdens of the policy, but should our principles of distributive justice be concerned only with those who contract, in some sense, to live in the society in question? If so, 'reciprocity' will be a necessary condition for judgements about the justice of distributions; where there can be interaction, interdependence and reciprocal advantage between societies, questions of social justice can arise; where there cannot be interaction, as between non-overlapping generations, they cannot. According to this view, justice is a virtue which has application to the social arrangements for the sharing of advantages people gain as a result of co-operating with each other, and of any disadvantages which that co-operation may entail. Since members of non-overlapping generations are unable to co-operate with each other in order to secure advantages which can be shared, the effects of one generation's actions on another cannot be described as either just or unjust. So, although it may be wrong to require future generations to enjoy less than their fair share of the advantages of our environmental policies and to bear more than their fair share of their disadvantages, it is not a requirement of justice that we avoid arrangements which bring about these effects. We can be said to have obligations of humanity or of beneficence to future generations, but we cannot be said to be acting unjustly if we fail to discharge them. By adopting environmental policies which enable us to prosper at the expense of future generations we act selfishly and wrongly; but we do not act unjustly.²

The difficulty with this approach is not so much that it restricts the scope for considerations of justice in a way that many would consider mistaken (for example, Mill 1954) as that it conflicts with the ways in which we use the concept of justice. In particular, we think that a decision affecting other people can be appraised as just or unjust irrespective of when, as well as of where, the people affected live. Thus if an environmental policy results in very few enjoying its benefits whilst very many endure its burdens we would count it as unjust, and its injustice would not depend on when it is implemented any more than it would depend on where it is implemented. We naturally and intuitively suppose that we have a duty of justice towards future generations to conserve scarce resources, to preserve rain forests, to ban chemicals which damage the protective ozone layer in the atmosphere, etc. Our concept of justice is such that one society can, and often does, behave unjustly towards another even though there may be no means of rectifying the injustice; an understanding of justice which fails to reflect this

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cannot be satisfactory. Principles of justice should, we think, be impartial, and part of what this means is that they should be as 'blind' to differences in generation as they are, or should be, to national differences. We need to recognize, of course, that judgements about justice and injustice are made in particular contexts, and that it is only by attending to the diversity of contexts that we can ensure that principles of justice are applied sensibly. At a practical level, differences of place and occasion are relevant; people have different interests and objectives partly because the places where, and the times at which, they live are different, and our judgements about people cannot entirely overlook these differences. However, to overemphasize the particularity of judgements about what is just and to understate the universality of principles is to endorse the traditions, assumptions and prejudices which define the differences of time or place, and so to compromise impartiality. With regard to intergenerational justice it matters how we place the emphases. For we need, in the interests of impartiality, to overlook the diverse contexts of peoples' lives in different generations; and we also need, in the interests of fairness, to be sensitive to these same differences (see O'Neill 1993: 303-4 and Thompson 1992: introduction).

It might be objected that by basing these intuitions on 'our' conception of justice we beg the relevant questions. We are, in effect, appealing to the supposed authority of our conception, and unless this supposition can be defended little or no confidence should be placed in these intuitions. But where the intuitions are considered convictions they cannot be easily abandoned, and we shall want to explore a less peremptory response to the conflict. For most people it is a considered conviction and not just an uncritical intuition that our environmental policies can be described as just or unjust in respect of their effects upon people who will live in the future. We need, therefore, to develop a conception of justice which allows that the benefits and burdens of an environmental policy can be distributed in ways that are just and ways that are unjust, irrespective of whether those benefited or burdened can be said to have consented to the policy. *Mutual* advantage is no longer crucial. What remains central is the issue of whether the way benefits and burdens are distributed is fair.

For the sake of simplicity consider two societies, the Greens and the Blues, which have settled at widely separated places but both on the banks of a particular river. The Greens, we suppose, live upstream from the Blues, and the two settlements are sufficiently far apart for them to be, at first, ignorant of each other's existence. We suppose, also, that the two societies have quite different social structures, different traditions of moral and political thought, and that they enjoy different levels – perhaps very different levels – of prosperity. So long as the two societies remain unaware of each other's existence neither can accuse the other of behaving unjustly even though the actions – or inaction – of one may in fact have harmful effects on the other. For example, it may be that the Greens dispose of pollutants, produced by industries essential to their economic development, by discharging them into the river, and that as a consequence of this some of the Blues suffer from ill health, or the economic welfare of the Blues is undermined. All of the benefits of the Greens' policy are enjoyed by at least some

of the Greens; all of the burdens of that policy are shouldered, albeit unknowingly, by at least some of the Blues. We may wish to censure the Greens' actions as thoughtless or uncaring, especially if they have been made aware that their policy *could* affect those who live downstream, but we cannot condemn their actions as unjust. Suppose, though, that the Greens become aware of the Blues' existence and of the effect that their environmental policy has upon them. Then, it seems, an obligation of justice does arise; not only *should* the Greens desist from discharging pollutants into the river, but they have an obligation of justice to do so. Whether or not there is any authority which can oblige the Greens to cease polluting the river, it is clear that this is what justice requires. This conclusion appears to stand whatever else may be true of the two societies. It would not be overturned by the fact, or by knowledge of the fact, that the Blues' level of prosperity and general well-being is higher than that of the Greens. It would not be overturned by the fact, or by knowledge of the fact, that if the Greens were to desist from polluting the river, their well-being would improve whilst that of the Blues would decline. Such facts may well have a bearing on what we think should be done. It may be that the weight of other considerations would lead to the conclusion that the Greens should not abandon their practice, but we would reach that conclusion knowing that it requires us to condone an injustice.

This example shows that considerations of justice not only arise when the effects of *mutually* advantageous policies are in question. The Blues play no part in the formulation or implementation of the Greens' environmental policy, and yet it seems that the Greens are behaving unjustly if they continue discharging pollutants into the river once they become aware of its effects on the Blues. The example also draws attention to an important practical problem. In sharing fairly the benefits and, especially, the burdens of an environmental policy it is crucial that we appreciate their nature and extent. So long as the Greens and Blues remain ignorant of each other's existence there will be no understanding of the damaging effects of the Greens' policy as costs of that policy which have to be paid by someone. But even when the two societies do become aware of each other's existence, the extent of their knowledge of these effects and of their understanding of them as costs will remain limited. The injustice of the Greens' policy will be recognized, but its moral significance will depend upon how much knowledge and understanding there is of the extent of the policy's burdens and of the particular way they are distributed.

The analogy with intergenerational justice is plain. The generation to which we belong has some understanding, albeit conjectural, partial and uncertain in many respects, of the effects that our environmental policies will have upon future generations. On the assumption that those policies remain unchanged and that other relevant factors will vary in certain ways, we can make predictions about the circumstances in which the lives of future generations will be lived. We can anticipate the levels of ultra-violet radiation reaching the earth's surface which will result from our use of chemicals which harm the earth's protective ozone layer; we can anticipate rises in the sea-level as a result of the production

of 'greenhouse gases' and the consequent 'global warming'; we can anticipate a greater incidence of respiratory and coronary diseases caused by air pollution in urban environments; we can anticipate that imperfections in our current methods of storing radioactive waste will result in an increased risk of radiation-induced diseases. No doubt some of these predictions are less reliable than others, and in every case our confidence depends upon how far into the future our anticipations extend. But though our understanding of the effects of our policies is incomplete, the analogy suggests that we are not thereby absolved from considering the justice of our policies in so far as they affect future generations.

Before we can draw any conclusions we need to see what account of justice might support our belief that the Greens can behave unjustly towards the Blues. In the writings of Plato, Aristotle, Aquinas, Hume and many other philosophers we can find such accounts. But it will be claimed that the views these philosophers express about justice, whether or not they take a contractarian form, have a 'local' or 'limited' character in that they reflect and encapsulate historically specific views about human life and about social relationships. Thus, Aquinas' account of justice reflects the complex interactions between sacred and secular interests in thirteenth-century Paris and cannot be fully understood independently of a knowledge of those interests (see MacIntyre 1988: 389 and 1990: 142). And in John Rawls's recent influential theory of justice we recognize the ideals of modern democratic liberalism, even though the theory is presented as the conclusion of objective and disinterested enquiry (see Rawls 1972: 516; cf. Rawls 1985: 223–51). But if this is so, then it would appear that we search in vain for an objective standard of justice which could be used to determine whether, and how, the behaviour of the Greens in so far as it affects the Blues can be just or unjust.

The difficulty may be put in the form of a dilemma. When considering justice we must either find and use principles which abstract from differences, like the geographical difference between the Greens and the Blues, or we must suppose that such differences can make it impossible for there to be such principles. We must either suppose the availability of a moral point of view which transcends boundaries and the particular ways of thinking about justice which are tied to them, or concede that no such 'objective' point of view is possible because moral thinking is always historically and geographically specific. We must either accept that there is a difference between the Greens' geographically local belief that it would be unjust to, say, dispose of radioactive waste in such a way as to harm people in a neighbouring community and its actually being unjust; or alternatively we must accept that there can be no such difference because there is no 'standard' by which judgements of justice can themselves be judged. We can say what we, with our liberal-democratic tradition, would consider to be just and unjust in the behaviour of the Greens in so far as it affects the Blues, but unless the Greens share our tradition and take a similar view about the nature and aims of human life, they will take a different and perhaps incompatible view about the requirements of justice.

The same dilemma faces us in our understanding of intergenerational justice. We seek an account of justice which will enable us to determine the nature and

extent of what that virtue requires of one generation in respect of its responsibilities to later generations. But any such account is bound to reflect features of our generation's historical context and of our generation's tradition of thought about the explanation and evaluation of human behaviour and social interaction. Other generations, in their different contexts, will have cultivated different traditions, and aspects of social and practical life which are unimportant for us will be important for them, and vice versa. We can expect this to happen in the case of intergenerational justice if only because we can see that it happens in the case of international justice; witness the very different emphasis given to the protection of so-called human rights in different states. Future generations will not share our conception of justice, or if they do, they will not value it as we do. What is more, the steps we take to evaluate rival conceptions of justice are themselves determined by allegiance to a tradition and will therefore be different for a different generation. The verdict on our conception of justice from a future generation may be quite at variance with our own verdict.

These considerations might seem to make it impossible to provide an objective basis for, and therefore make progress in understanding, our convictions that the Greens have obligations of justice to the Blues and that our generation has obligations of justice to future generations. The differences in tradition and ideology which invite this conclusion cannot be ignored. But similarities and connections should not be overlooked either. It will be part of the reason why the Greens have obligations of justice to the Blues that the Blues, like the Greens, are a community of people with ambitions, emotions, intellects, imaginations and needs, which can be recognized as human even if they are not all shared. There may be many differences between the Greens and the Blues in what they believe about themselves, about their fellow citizens, and about the political, social and cultural structures they have created, but however extensive these differences may be, there will still be similarities. People in both communities will share a biological need for food, for clean air and water, for an uncontaminated environment, etc. Similarly in the case of non-overlapping generations. However great the differences in tradition and belief between us and future generations, some value will be placed on human life and upon the means necessary to sustain it. An account of justice cannot, perhaps, yield principles which are altogether blind to differences of time, of place, and of society; but nor should it take any and every such difference as relevant.

Moreover, even though no objective basis for our considered convictions may be available, there can still be point and purpose in exploring the reasons we have for them. For by seeking general principles which will help explain these convictions we shall be able to achieve a better understanding of our conception of justice, even though it be local and limited. Explaining why and how the Greens are required by justice not to pollute the river on which they live will help us to understand our conception of justice, and help us to understand why and how we are required by justice to adopt environmental policies which are fair in their impact on future generations. We now have the power to affect the lives of people living in the future, and we have some knowledge of what the consequences of

our decisions will be; it is not surprising that we should want to know whether and why our decisions are just or unjust. The question is not idle but practical, for whether we recognize it or not, we have some part in the decisions that are taken and we seek assurances that they are just.

Consider again the case of the Greens and the Blues. The Greens, we are supposing, recognize that they have obligations of justice towards each other. They have adopted principles which determine how the benefits and burdens of co-operation are to be distributed justly. But the benefits they share and the burdens they bear are relevant not just to their well-being but to that of other people – such as the Blues – as well. And it may be that the well-being of other people is affected by the consequences of co-operation between the Greens. This does not in itself imply that the principles of just distribution should determine how the consequences of the Greens' co-operation should be shared among all who are affected. But on the other hand it draws attention to a general principle, or rather a 'proviso', which seems especially relevant to this case. The river is, so to speak, an unowned 'resource' which is of value to both the Greens and the Blues, but because the Greens have discharged pollutants into it before it can be used by the Blues, they have decreased its value to the Blues. The Greens have, to use John Locke's terminology, appropriated and used an unowned resource without there being 'enough, and as good left . . . for others' (Locke 1963: second treatise, ch. 5, para. 27).³ If, as in this case, the distribution of the benefits and burdens of the Greens' environmental policy requires the acquisition and use of an unowned resource – the river – then a necessary condition for the justice of that distribution is that the acquisition leaves 'enough, and as good' for the Blues, i.e. that the Greens' use of the river conforms to the Lockian proviso. It is because the Greens' policy does not satisfy this condition that it is unjust in its effects on the Blues.

Perhaps any adequate account of distributive justice would have to include something like the Lockian proviso. But at any rate, it would seem to have an important part to play in our conception of justice. Its relevance to future generations is clear. Clean air, clean water, fertile land, a protective atmosphere, an environment free of toxic and radioactive wastes, etc. are resources which we can damage and destroy so that it will not be true that 'enough, and as good' will remain available for future generations. Given the importance of these resources for human life as we know it, damage to any or all of them caused by the environmental policies we adopt will worsen the position of people living in the future, and our use of them will not be just because we fail to leave 'enough, and as good' for those people.

At the heart of this way of explaining our convictions is the idea that clean air, clean water, a protective atmosphere and a safe environment are essentially unowned and should be equally available to all people. Our concept of a human life is such that whenever it may be lived resources of this nature must be accessible if it is to be lived well. Aristotle put this in terms of what he called good fortune being a necessary condition for a good and worthwhile life (Aristotle 1976: 1100a10–1101a20); others may express it in terms of entitlements

or rights. It would be unjust if people living in the future were deprived of the good fortune made possible by these resources, or of their entitlement or right to these resources, by our environmental policies. By not leaving 'enough, and as good' for future generations we ensure that the distribution of the benefits and burdens of our policies is unjust.

This conclusion, which attempts to do no more than specify a necessary condition for our policies to have the virtue of justice in so far as their effect upon future generations is concerned, is subject to some important qualifications. In the first place, the demands of intergenerational justice need to be reconciled with the requirements of inter- and intra-national justice, for it is clear that there could be disadvantages – in the form of sacrifices or lost opportunities – for our generation in applying the Lockian proviso for the benefit of future generations. These disadvantages will have to be shared in a just manner, and it may be that political and institutional arrangements make it hard to do this. In practice we may be faced with a choice between implementing just environmental policies for the sake of future generations and implementing just economic and social policies for the sake of those who, whether members of our society or not, are of our generation. No doubt a properly unified account of justice would allow us to make a reasoned choice, but given the strength of the political forces at work in national and international contexts it seems likely that the nice balance of potentially conflicting factors that this would require would be difficult to sustain. The institutions we currently use to distribute benefits and burdens cannot ensure that, so far as we have it in our power, all members of our generation have the 'good fortune' they need to live well; when we require of those same institutions that members of future generations also have the 'good fortune' they need to live well, we can hardly expect greater success.

In the second place, as has already been indicated, there are important limitations on what we can know, or reasonably believe, about the consequences – especially the long-term consequences – of what we do. It is true that our knowledge of the effects of environmental policies is growing, and our confidence in the predictions we make is improving. But the sheer complexity of the ecological systems affected directly or indirectly by those policies must curtail the extent and the reliability of what we can believe about their effects. The implications of our limited knowledge is that the predictions we make about the effects of an environmental policy must be 'discounted' to a greater or lesser extent. We believe that discharging 'greenhouse' gases into the atmosphere can lead to global warming in the more or less distant future, but whether global warming will occur depends upon how a number of relevant factors, some of which are beyond our control, interact with each other. We are rightly concerned with the long-term effects of deforestation, of disposing of radioactive waste in the oceans, of reduced genetic diversity, and of other practices and negligences which seem to violate the Lockian proviso. But the confidence we can place in any reasonably detailed predictions about their long-term effects is limited. Moreover, the expected benefits of our current environmental policies tend to be short term and therefore higher than their longer-term expected burdens.⁴

Accurate prediction is, in many ways, the key to securing justice for future generations, for without it the extent to which we are able to take into account the effects of our policies on future non-overlapping generations will remain restricted. It is, no doubt, for this reason that those who have wanted the interests of future generations to play an important part in our decision-making have tended to underrate the difficulties of accurate prediction.

But there is a different and perhaps better way to achieve this end. For justice is a virtue to which we are drawn not only by our intellect but also by our emotions. We feel affronted, dismayed, and sometimes angered by injustice. We know that sometimes acting justly involves acting courageously or selflessly and in these ways engaging our emotions. Using our intellectual powers we can undertake the kind of abstract reasoning which results in general principles which have application to intergenerational justice, but an important part of our response to practical decisions about what is just and what is unjust for future generations is emotional. We need to use our increasing knowledge of the consequences of what we are doing with our environment to educate that emotional response. If we succeed, future generations will at least be able to recognize our concern for their interests, limited though it may be, as a human concern.⁵

NOTES

- 1 Throughout this chapter I shall be concerned only with justice in distribution and not at all with justice in retribution, or criminal justice. For the distinction, see Ryan 1993: 9.
- 2 This, it has been argued, is the conclusion that John Rawls is driven to by the assumption in his 1972: 140 that all persons in the 'original position' belong to the same generation even though they do not know what generation that is; see Barry 1991: 252-3, and Bayles 1980: 113-14.
- 3 The term 'Lockian proviso' comes from Nozick 1975. A proviso of this nature features prominently in Gauthier 1986: ch. 7, but it is there used as a constraint only on agents co-operating for mutual benefit.
- 4 I explained and used the idea of expected benefit (and by implication the idea of expected burden) in Gower 1992: 9-11.
- 5 These hints of a different, less rule-bound, way of approaching practical ethical issues are explored in Nussbaum 1990: 54-105.