

## Book Review – Justice and Natural Resources

Chris Armstrong

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Theories of distributive justice consider how rights over resources and goods should be shared amongst nations, social groups, and individuals. Natural resource justice therefore refers to the equitable distribution of materials which are available from the natural world, rather than those produced by humans. For example, fresh water, trees, or animals.<sup>1</sup> Recently, greater awareness of global inequality and resource scarcity has driven an increased interest in this field.<sup>2</sup> Chris Armstrong's *Justice and Natural Resources: An Egalitarian Theory* is a timely addition to this discussion. Global egalitarian theory as propounded by Armstrong is a holistic approach to distributive justice and natural resources. Building on theories of egalitarian justice,<sup>3</sup> global egalitarian theory suggests that the proper scope of principles of justice is global. The aim of global egalitarianism is thus to promote equality between people, wherever they live in the world.

The first three chapters define key principles of global egalitarianism and distinguish it from other accounts of distributive justice.<sup>4</sup> Global egalitarianism can be distinguished from 'minimalist' theories of justice, which are concerned primarily with basic human rights.<sup>5</sup> The 'welfarist' approach instead suggests the key aim of redistribution is equal access to wellbeing: that is, human flourishing.<sup>6</sup> What matters for a global egalitarian is an individual's ability to convert natural resources into actual wellbeing. Therefore, natural resources must be considered in light of other advantages which bear on this ability. This includes arbitrary characteristics such as ability or sex, as well as country of birth, or education opportunities.<sup>7</sup> It follows that natural resources are just one subcategory of goods to which an account of justice should apply. As such, global egalitarianism is a holistic theory, in which natural resources are not isolated from their social context.

Chapters four and five build on these ideas to discuss special claims. A 'special claim' over a natural resource may derive from aesthetic, cultural,

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<sup>1</sup> Chris Armstrong, *Justice and Natural Resources: An Egalitarian Theory* (Oxford University Press, 2017) 11 - 12.

<sup>2</sup> Ibid 2.

<sup>3</sup> See e.g. Charles Beitz, *Political Theory and International Relations* (Princeton University Press, 1979).

<sup>4</sup> See e.g. Kok-Chor Tan, *Justice Without Borders* (Cambridge University Press, 2004); Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford University Press, 2005); Darrel Moellendorf, *Global Inequality Matters* (Palgrave MacMillan, 2009).

<sup>5</sup> Armstrong, above n 1, 40.

<sup>6</sup> Ibid 45.

<sup>7</sup> Ibid 64.

or social benefits which flow from that resource.<sup>8</sup> When those benefits play a significant part in the agency and life choices of an individual or community, global egalitarianism gives that claim weight in the distributive calculus. This is distinct from distributive theories which only consider claims based upon active,<sup>9</sup> or ‘productive’ use of the resource.<sup>10</sup> For example, a special claim would arise where a community has significant religious ties to a river, such that it influences community identity. This is regardless of whether they derive economic benefits from it. Nor should the river be *excluded* from the redistributive pool based on this attachment.<sup>11</sup> Global egalitarianism accepts attachment as a valid claim, which should be weighed *alongside* economic and property claims based on ownership or improvement.

The latter chapters apply global egalitarianism to specific examples. At this point, the book would benefit from more case studies, as well as deeper analysis of the suggested reforms. For example, it seems incongruous to note that the World Trade Organisation hinders the ability of states to control their own resources by enforcing participation in the free market,<sup>12</sup> yet suggest it could be used to coordinate and enforce a global system of carbon taxes or emissions targets.<sup>13</sup> Additionally, even chapters on sovereignty and control of resources fail to discuss transnational corporations - despite their role in international governance and resource extraction.<sup>14</sup> Greater discussion of corporate and political interests would bolster the persuasiveness of the book as a whole. Further, while the case study of seabed mining and exploration governance offers hope that egalitarian theory may overcome the ‘intransigence’ of powerful states,<sup>15</sup> it is a context specific example. Further case studies would be useful to reflect how egalitarian principles have been implemented.

*Justice and Natural Resources* concludes by considering the burdens of conservation, an area that has been neglected by natural justice theorists.<sup>16</sup> For example, states may cite the ‘opportunity costs of non-exploitation’ as a reason to exploit, rather than conserve, fossil fuel reserves.<sup>17</sup> Application of the ‘ability to pay’ principle would shift this conservation cost away from poorer and developing countries. This discussion of the costs of

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<sup>8</sup> Ibid 12.

<sup>9</sup> See Beitz, above n 3, 138 – 139.

<sup>10</sup> See e.g. James Tully, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge University Press, 1993), 137–176; cf John Locke ‘Property’ in J W Gough (ed.) *The second treatise of civil government; and, A letter concerning toleration* (Oxford 1946) 15 – 26.

<sup>11</sup> See Avery Kolers, ‘Reply to Armstrong’ (2014) 62 *Political Studies* 223.

<sup>12</sup> Armstrong, above n 1, 170.

<sup>13</sup> Ibid 194 – 195, 235.

<sup>14</sup> See Susan Strange, *The Retreat of the State: The Diffusion of Power in the World Economy* (Cambridge University Press 1996); Christopher May, *Global Corporations in Global Governance* (Routledge 2015).

<sup>15</sup> Armstrong, above n 1, 212.

<sup>16</sup> Ibid 221.

<sup>17</sup> Ibid 236.

protecting natural resources illustrates the utility of global egalitarian theory as a basis for policy in a particularly contentious area of law.

*Justice and Natural Resources* presents a persuasive theory of global egalitarianism. It fills a gap in the literature by providing a novel and holistic theory for distribution of natural resources with a global outlook. Armstrong provides useful hypothetical examples to illustrate dense philosophical concepts, and the clarity in the highly theoretical first half of the book makes it accessible even for a reader not well versed in the field. However, the book would benefit from some more in-depth analysis of barriers to implementing egalitarian reform. It is recommended for legal theorists and students of legal theory with a particular interest in natural resources and environmental law. *Justice and Natural Resources* provides a timely and important basis for deeper thinking about national and international environmental law and could therefore additionally be of interest to policy makers.

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