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The Justice of Environmental Justice: Reconciling Equity, Recognition, and Participation in a Political Movement

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While the environmental justice movement has gathered much attention from academics, activists, and government officials alike, it seems odd that little has been written on what, exactly, is meant by the *justice* of environmental justice. For the most part, the concept has been used to illustrate the fact that low-income communities and communities of color face more environmental risks than more well-off or white communities; this is linked, of course, to the other injustices in economic and social conditions disempowered communities face. Environmental justice activists and academics call for more equitable distribution of environmental risks—or, more succinctly, for less risk overall, but especially in communities already unduly burdened. But there is more to the conception of environmental justice than just this distributional aspect, and, in fact, a focus solely on distribution is problematic. Environmental justice activists have also called for *recognition* of communities as unfairly affected, and insist on being seen and heard by both a mainstream environmental movement and a government that has, for the most part, ignored them. Further, the movement has insisted on changes in the way environmental policy is made, in order to bring in community *participation* in both the design and ongoing oversight of environmental risks.

So the concept of environmental *justice* in political practice deals with more than simply distribution. But, again oddly, there has been no thorough attempt to try to define exactly what the justice in environmental justice means. I attempt an initial foray into the issue, starting with an examination of the conceptions of justice as equity, recognition, and participation in the political theory literature. This illustrates the theoretical discussions of justice by contemporary political theorists such as Nancy Fraser and Iris Young. I then follow each of those notions through

to an examination of the environmental justice movement. The argument here is that the movement embodies a number of different frameworks of justice, even if it is not always explicit about those differences. At various times, justice is defined as equitable distribution, recognition, and participation. The movement demonstrates, I believe, the possibility of employing these different notions of justice simultaneously in a comprehensive political project.

Defining the Environmental Justice Movement(s)

One of the fastest-growing sectors of the environmental movement in the United States is the environmental justice movement—or, rather, the set of movements that make up a concern with environmental justice. The term *environmental justice* is used to cover two overlapping parts of the grassroots environmental movement: the antitoxics movement and the movement against environmental racism.¹

The antitoxics movement got its start with Love Canal and the concomitant growth of awareness of the prevalence and dangers of toxics in communities. Dump sites and situations like Love Canal—contaminated communities with threats to human health—were the initial focus of the movement, and this focus continues. But the movement now covers a wide variety of issues relating to environmental threats to human health: not just old industrial waste sites (or new Superfund sites), but also municipal and hazardous waste dumps and incinerators, nuclear waste, industrial pollution in communities, pesticides, and dioxin exposure. A variety of networks tie the movement together, the largest being the Center for Health, Environment, and Justice (or CHEJ),² which began in 1982 as a response to the immense need for information communities began to request of the Love Canal Homeowners Association. The center now claims to have assisted over 8000 groups since its work began. But in addition to the CHEJ, there are a variety of networks focused on environmental justice, organized around issues such as, for example, oil refinery pollution and the effects of semiconductor manufacturing.³

The movement against environmental racism, which popularized the term *environmental justice*, focuses on environmental issues as they pertain to communities of color and the disproportionate risk those

communities often face. Most academics and activists trace the beginning of this movement to a 1982 protest against the dumping of PCB-laden dirt in a new hazardous waste landfill in Warren County, North Carolina. Warren County was not only one of the poorest counties in North Carolina, but also had a population that was 65 percent African-American. This part of the environmental justice movement was empowered and emboldened by studies in the 1980s and early 1990s that showed not just connections between environmental risk and poverty, but specific connections between race and environmental hazards.⁴

When one discusses “environmental justice,” the topic could be the antitoxics movement, the race-based environmental justice movement, or a combination of the two. There are certainly differences in these two parts of the movement, and many authors treat them separately. The antitoxics movement is discussed, for example, by Szasz as well as by Gould, Schnaiberg, and Weinberg.⁵ Epstein argues that the differences between the parts are crucial, even though she still wants to regard them as one large “environmental justice/toxics movement.”⁶ I do the same in my own previous work on the movement.⁷ I want to argue here that even given some of the differences in the greater grassroots environmental justice movement, there is a unity, of sorts, around the concept(s) of “justice.” First, however, the theoretical terrain of the concept must be explored.

Conceptions of Justice

Justice as Distribution

In the literature of political theory, justice has been defined almost exclusively as a question of equity in the distribution of social goods. Rawls, for instance, calls justice “a standard whereby the distributive aspects of the basic structure of society are to be assessed.” Justice, then, defines “the appropriate division of social advantages.”⁸ In his application of justice to the environmental arena, Brian Barry insists that justice only applies where distributive issues arise; other issues are merely questions of right and wrong.⁹ Justice, in this reading, is the set of rules that govern our distributive relationship. Justice as distribution is centered on socioeconomic factors, rooted in the economic structure of society. This conception of distributive justice is typically used to critique the

distribution in a given society, and to argue for social redistribution and more social equity. Of course, once one considers distribution as a means to justice, one needs to have a theory or set of principles regarding how, exactly, distribution (or redistribution) is to—justly—take place. The whole point of Rawls's notion of "justice as fairness" is justice as just distribution—or, more properly, the rules that govern a just distribution. Similarly, Miller discusses, in a now classic text, three different possible principles of distribution: need, desert, and entitlement.¹⁰

While theories of just distribution tend, as does Rawls's, to focus on absolutely universal principles, Walzer began a move away from a concern with a universal theory of justice in favor of understanding the concept in historical and cultural place; this move has particular resonance in dealing with environmental justice. Still wed to the notion of distribution, Walzer attempts to introduce a language of difference. He argues "that the principles of justice are themselves pluralistic in form; that different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents; and that all these differences derive from different understandings of the social goods themselves—the inevitable product of historical and cultural particularism."¹¹ For Walzer, not only are different things valued differently by different people, but this means that the very criteria for distribution will differ according to how we value things. Social meanings of objects, procedures, and principles are historical and will change over time; hence Walzer introduces a notion of a "distributive sphere," where conceptions of justice are limited in place and time. Walzer's approach to the discussion of justice in a real, diverse, world is more complex and more grounded than Rawls's "veil of ignorance." Even so, Walzer remains tied to the concept, and language, of justice purely as a concept of distribution.

Without doubt, the discussions within the equity framework are vast, rich, and complex. And to the credit of environmental political theorists, the framework has been comprehensively examined with an eye toward *environmental* justice in works by Dobson as well as by Low and Gleeson.¹² Still, as thorough as these works are, I find them incomplete, especially because the distributive conception of justice itself has come under intense critical inquiry by political theorists.

Justice as Recognition

In the past decade there have been numerous challenges to the traditional way in which the concept of justice has been approached in the political theory literature. Iris Young has made the most direct and forceful challenge to a justice based solely on issues of distribution.¹³ Injustice is not solely based on inequitable distribution, Young argues. In *Justice and the Politics of Difference*, she describes injustices based on a lack of recognition of identity and difference. Part of the problem of injustice, and part of the reason for unjust distribution, is a lack of recognition of group difference. Young begins with the argument that "where social group differences exist and some groups are privileged while others are oppressed, social justice requires explicitly acknowledging and attending to those group differences in order to undermine oppression."¹⁴ In this, obviously, Young shifts the focus away from the more traditional territory of Rawls and other theorists of distributive justice, toward a focus on the postmaterial demands of new social movements around race, gender, and sexuality. For Young, distribution is not the only problem; a concept of justice needs to focus more generally on the elimination of institutionalized domination and oppression, particularly of those who represent "difference."

The basic thesis of the politics of recognition has been laid out by both Taylor and Honneth.¹⁵ As Honneth argues, the key is a link between recognition from others and our own human dignity: "The language of everyday life is still invested with a knowledge—which we take for granted—that we owe our integrity, in a subliminal way, to the receipt of approval or recognition from other persons."¹⁶ Taylor insists that in this sense, "due recognition is not just a courtesy we owe people. It is a vital human need."¹⁷

Taylor distinguishes between two kinds of recognition: (1) the equal dignity of all, and (2) the politics of difference, where everyone is recognized for their particular distinctiveness: "*Everyone* should be recognized for his or her unique identity. . . . With the politics of equal dignity, what is established is meant to be universally the same, an identical basket of rights and immunities; with the politics of difference, what we are asked to recognize is the unique identity of this individual or group, their distinctness from everyone else." This latter form of

recognition causes Taylor some distress. The "demand for equal recognition extends beyond an acknowledgment of the equal value of all humans potentially, and comes to include the equal value of what they have made of this potential in fact. This creates a serious problem."¹⁸ At this point, unfortunately, Taylor's discussion degenerates into a bit of neoconservative paranoia, criticizing what he calls at various points "incoherent," "radical," "subjectivist," "half-baked," "neo-Nietzschean" theories that support multiculturalism.¹⁹ As a number of responses to Taylor have pointed out, he seems to want only some identities recognized. Recognition becomes especially difficult for him when it comes to the margins, innovation, newness, and any challenge to the universalizability of identity.²⁰

Honneth's discussion is both a bit more complex and a bit more accepting of difference than Taylor's. There are, he argues, three different kinds of disrespect: the violation of the body (here Honneth refers to torture), the denial of rights, and the denigration of ways of life.²¹ Recognition here is much broader than a simple tolerance; individuals must be fully free of physical threats, offered complete and equal political rights, and have their distinguishing cultural traditions free from various forms of disparagement.

As with Young, both Taylor and Honneth contend that a *lack* of recognition—demonstrated by various forms of insults, degradation, and devaluation at both the individual and cultural level—is an injustice not just because it constrains people or does them harm, but because it "impairs these persons in their positive understanding of self—an understanding acquired by intersubjective means."²² Taylor asserts that "the thesis is that our identity is partly shaped by recognition or its absence, often by the *misrecognition* of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or *misrecognition* can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being."²³

Lack of recognition, then, is a harm—an injustice—as much as a lack of adequate distribution of various goods is.

Fraser argues that Honneth's politics of recognition is problematic because it is tied singly to self-realization; she argues that he does not recognize the key structural and institutional manifestations of

misrecognition.²⁴ But Honneth is keenly interested in the importance of self-esteem in the political realm, and the fact that such self-esteem comes from recognition by others—not just from individuals, but also from culture and the state—leads to a thorough critique of the effect of cultural and political institutions. Honneth's second notion of disrespect specifically "refers to those forms of personal disrespect to which an individual is subjected by being structurally excluded from the possession of certain rights within a society."²⁵ His third form of disrespect includes the cultural and institutional concurrence in the denial of self-esteem. Honneth argues that a focus on self-realization *and* the institutional limits to both self- and other-based recognition is at the core of existing social movement struggles. So the implications of Honneth's notion of recognition go far beyond a simple call for internal self-realization, as Fraser asserts; a structural and institutional critique is an absolutely necessary part of the call for recognition.

Obviously, numerous social movements have focused on responding to various forms of misrecognition; there is certainly a relationship between the everyday experience of disrespect and the emergence of social movements such as indigenous rights, civil rights, gay and lesbian rights, feminism, and the more general movement for multicultural acceptance. As Connolly argues, a form of resentment grows with misrecognition, disrespect, and disempowerment. This resentment is not just individual and existential, but becomes civil resentment as well. Social movements arise as responses to disrespect and misrecognition move from the individual and personal to the collective community. These movements are a "collective struggle for recognition."²⁶ One only has to recall the striking images of civil rights activists in the 1960s marching while holding a simple and poignant message: "I Am a Man." Certainly, the call there went beyond justice as distribution, into the realm of recognition—at both the individual and community level.

As Fraser, Honneth, and Young have all argued here, mis- or malrecognition is a cultural and institutional form of injustice. This type of cultural injustice is "rooted in patterns of representation, interpretation, and communication."²⁷ In confronting the injustices of cultural domination, nonrecognition, and lack of respect, various movements focus on remedies based in cultural, symbolic, and, ultimately, institutional change.

Justice as Procedure

Material distribution and recognition are two absolutely key notions of justice in the contemporary political realm. But a third focus on justice as *process*, including demands for broader and more authentic public participation, is often seen as the tool to achieve both distributional equity and political recognition. For Honneth, one form of disrespect or misrecognition—the lack of rights—is directly linked to democratic participation. Citizens are subject to a form of personal disrespect when they are “structurally excluded from the possession of certain rights within a given society. . . . The experience of being denied rights is typically coupled with a loss of self-respect, of the ability to relate to oneself as a partner to interaction in possession of equal rights on a par with all other individuals.”²⁸ There is a direct link, for Honneth, between a lack of respect and recognition and a decline in a person’s membership and participation in the greater community, including their right to participate in the institutional order.

Young makes this connection clear as well. For Young, a concept of justice needs to focus more generally on the elimination of institutionalized domination and oppression. To accomplish this, justice must focus on the political *process* as a way to address a variety of injustices, including both the inequitable distribution of social goods and the inequitable distribution of social recognition. In dealing with issues of justice beyond the distributive, Young insists on addressing justice in the “rules and procedures according to which decisions are made.”²⁹ She says that

the idea of justice here shifts . . . to procedural issues of participation in deliberation and decisionmaking. For a norm to be just, everyone who follows it must in principle have an effective voice in its consideration and be able to agree to it without coercion. For a social condition to be just, it must enable all to meet their needs and exercise their freedom; thus justice requires that all be able to express their needs.

The central focus for Young, in addressing justice both as distribution and as the recognition of difference, is on decision-making structures, and she argues for “democratic decision-making procedures as an element and condition of social justice.”³⁰

Likewise, Carol Gould insists that taking differences seriously in public life requires “a radical increase in opportunities for participation in contexts of common activity. . . . For if individuals have an equal right

to determine their own actions and further, if engaging in common activity is one of the necessary conditions for their self-development, then it follows that there is an equal right to participate in determining the course of such common activity.”³¹ Gould, like Young and numerous others who advocate a model of discursive or communicative democracy, insists that this participation needs to happen in a variety of social and cultural institutions, as well as in the more specific context of politics and government.³² Discourse models and calls for more participatory democracy are thoroughly compatible with the varied notions of justice in both theory and practice; they certainly address cultural norms, social discourses, and the role of institutions of power in issues of both equity and recognition. In this sense, increased participation can address issues of distribution and cultural misrecognition. Arguments for justice as procedure, then, demonstrate how varied notions of justice can be incorporated into a single project.

The Necessity of a Linked Approach to Justice

Some on the traditional left have lamented the move toward justice as recognition, especially as it has been developed in the “identity politics” of social movements or the postmaterial critiques of the “cultural” left. Unfortunately, Fraser notes, theorists have also generally insisted on a dichotomy between distribution and recognition, by focusing on one or the other conception of justice. But this sort of interpretation misses the point of those like Fraser, Honneth, and Young, who insist on a thoroughly integrated understanding of justice.

The whole point of Fraser’s forays into the examination of these various justice claims is to show that they are not antithetical. Fraser argues that this split in the academic left between “social” justice and “cultural” politics—justice as equity and justice as recognition—represents a false dichotomy. Fraser insists that “justice today requires *both* redistribution and recognition,” emphasizing that “justice requires both, as neither is sufficient.”³³ Communities, or collectivities, are, in fact, “bivalent”—they are often differentiated as a collective by both economic structure and the status order of society. In this case, neither a politics of redistribution nor one solely of recognition will suffice to remedy injustice. “In general, then,” according to Fraser, “one should roundly reject the construction of redistribution and recognition