Response to Pascal REY: *Sustainability-Generating Inequity*

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In his article on Coastal Guinea, Pascal Rey examines the usefulness of John Rawls' philosophy in interpreting the *sustainability-generating inequity* of the case under study. Making reference to an article published in the first issue of *Justice Spatiale / Spatial Justice*, Rey offered criticism of the paper in which I examined *Rawlsian universalism confronted with the diversity of reality*. This article is a response to his criticism. At this stage, I would like to emphasise how fruitful and promising such exchanges are for the online review, and therefore I would like to thank Pascal Rey for his contribution. *Justice Spatiale / Spatial Justice* means to be a place for debate. The fact that the conceptions of justice are diverse is obvious. The fact that each conception gives rise to discussions and objections and feeds on these is an excellent thing. And the fact that the review is a place where such controversies are welcome adds to its *raison d'être*.

The main idea of Rey's article is summarised in the title: a *sustainability-generating inequity*. The author defends the idea of a social structure model drawing its legitimacy from its capacity to manage the environment efficiently and sustainably. However, the matter needs to be examined where justice is concerned.

On following Rawls, the criteria identifying situations as being fair or unfair are twofold. They concern at first the necessary respect of every person's freedom, founded on the equal intrinsic value of people. Considered as rational beings or, in Rawls' words, as *moral beings*, social partners must all benefit from equal conditions to live their life and play their role in society. While differences and inequalities result from social competition, the *maximin* criterion (i.e. inequality optimisation to the benefit of the poorest, or share maximisation of those who have the least) is what determines whether the inequality is fair or unfair. On the basis of these two criteria, it is obvious that

Coastal Guinean society is unfair, which is what Rey already says very explicitly in the title of his paper. Unfairness is found in the initial inequality: membership to one lineage or another and one's station within that lineage largely determine or influence an individual's position in the social play and his/her access to resources. The system contravenes the principle of equality of chances, and deprives people from that essential freedom which consists in being able to define and implement one's life plan. As to inequalities in accessing the land, the tables supplied in the article clearly show that we are very far from what could be perceived as the *maximin*. Even if one ought to recognise that this objective can hardly be measured in an undeniable manner, one can consider that the *maximin* is not reached or even targeted: therefore Coastal Guinean society is unfair where the principles of justice as fairness are concerned. Rey says so. The reader can follow him in this appreciation.

So, what is the controversy all about? It is about the fact that this form of inequity represents a condition for environmental sustainability, a fact which Rey's article demonstrates convincingly. The fact that this form of inequity acquires moral legitimacy because it supposedly represents the most efficient social structure, as far as guaranteeing sustainability is concerned, is on the other hand entirely questionable, and this is what we dispute here. From the beginning, the tone is set: *There seems to be a link*, explains Rey, *between the practice of powerful traditional authorities and the resulting inequalities, as well as the capacities of these societies to control the way natural resources are taken from their villages*. And further on, one reads: *while development is defined as sustainable if economically successful, environmentally perennial and socially equitable, we are in the presence of a system where sustainability, in this case environmental, social and economic sustainability, is based on inequity*. Is anything the matter

with these statements? They point to a configuration in which sustainability exists but development is omitted altogether. The specific challenge in this case is to find the link between the three pillars of sustainable development, i.e. the economic, social and environmental domains. The case under study is far from rising to this challenge and, more importantly, in no way does it point to taking it up. On the contrary, apart from being in line with a backward-looking conception of the environment, more attentive to keeping what already exists than to inventing man-nature relations capable of improving the living conditions of the majority and those who need it the most, in the case under study, environmental sustainability is used as an argument to confer some sort of legitimacy upon social injustice. Yet, there is no development without ecosystem anthropisation, whence the fact that any attitude seeking to first maintain *nature* as it was will lead to a dead end. In fact, adopting such an attitude is to regard nature as sacred. Rey denies *the idea of individuals being sacrificed to the benefit of the community*. Yet, let us not forget that 'sacred' has the same etymology as 'sacrifice': what is *sacred* is that for which we accept to sacrifice ourselves or to sacrifice others. Isn't this exactly what happens when we respect what already exists? By making of what is supposed to be the natural environment, a heritage to be preserved intact, we also patrimonialise social injustice and we sacrifice the poorest.

Sustainability in this case has nothing to do with sustainable development, because it is contrary to the actual idea of development which cannot exist without the justice dimension. To understand this dimension, we need to confront today's social structure with the issue of intergenerational solidarity. There is consensus on rejecting the idea of sacrificing the future generations to the benefit of the current ones. Similarly, must we refuse to sacrifice the current generations to the benefit of the future ones, and even more so to refuse to accept that the concern of the future generations will be to portray the sacrifice of certain categories of current generations to the benefit of other categories of the same current generations?

Perhaps, such appreciation is only possible if external viewpoints are regarded as legitimate: the members of any society do not possess the critical distance needed to make impartial judgments, nor do they possess the logic of the whole of which they are a part, nor do they know what particular fate awaits them. Admittedly, Rey notes that *iniquity is accepted by everyone, as long as it is worth their while*. But, whether we call it alienation or something else, voluntary constraint is the internalisation of dominant values by the actual victims of these values. This is followed by societal cohesion which could not benefit from a positive connotation, were it to consolidate the sustainability of the system because it anaesthetises internal disputes. Such an approach leads straight towards communitarianism, of which I specifically tried to show the risks in the article referred to by Rey. In that article, I developed the idea that respecting cultures and identities must not contravene universal principles, which of course supposes that certain principles be recognised as universal.

Two consequences follow from this observation. The first targets the danger of seeing communitarianism succeeding in validating all the practices existing in a community, as soon as they are appreciated solely through values peculiar to the group. Indeed, practices will be considered fair if they are in conformity with community practices. Therefore, isn't it contradictory to define them as unfair, as does Rey in his analysis in reference to Rawlsian principles (and which he does to highlight the insufficiency of these principles since, in the end, the iniquity of the configuration is considered as a guaranty of the sustainability of the system)? The second consequence highlights the need to keep an outside perspective right through to the end of the analysis. In this case, it would consists in saying that iniquity is a form of sustainability among other possible forms, that it is an unfair form and that it goes against the idea of sustainable development. This would lead to admitting that sustainable development is first of all a development, i.e. a transformation. Rey certainly declares that *customary law and*

the practices resulting from it are not set in stone, but the context clearly shows that the flexibility of the norm aims at *the survival of the community*, i.e. the permanence of its fundamental values as well as economic and social reproduction mechanisms. Being in line with the perspective of a fairer society project would lead to a dynamic perception of sustainability and would rule out the scenario of sustainability limited to reproducing what exists already.

We find it difficult to follow Rey when he writes that *in addition to resource sustainability consideration, there is also a concern for the socio-economic development of the village community*, for the fundamental reason that the system curbs development instead of conveying it. Similarly, is it difficult to accept the legitimacy of a strong authority on the grounds that, alone, it can manage successfully due to *its hold over the territory of an entire village – a hold that enables that authority to view the village as a coherent entity*? Of course, a strong – i.e. efficient – authority is not necessarily illegitimate. But conferring legitimacy to an authority on the grounds that it ensures the cohesion of the group, equates to refusing that the internal structure of the group be challenged. In the end, isn't it the same as considering this authority as legitimate because it is strong?

Rey is right in saying that the system takes into account the interests of all villagers and that, as inegalitarian as it is, *no one is left out*, which he confirms by saying: *in Coastal Guinea, all farmers have access to land*. All the better! However, what else can one say apart from the fact that the system is not the worst and other more unfair systems actually exist? This does not call for a demonstration to show that the system is, in fact, fair.

What is disturbing in Rey's approach, is the implicit idea that the existing system is not the worst possible and that it does not need to be modified. "*Questioning the local conceptions of justice could only alter the current system and create an imbalance which, in the end, would increase inequalities*" constitutes an unacceptable assertion that denies the transformative value of imbalance, that refers solely to *local conceptions of justice* and that renounces universalism. By the same token, we cannot, without further examination, adopt the idea that *imposing Rawlsian values in the Guinean context [...] seems to have had the opposite effect to that expected*.

The fact that unfortunate experiences around Boffa disrupted old orders and had them replaced by even more unfair systems, must of course be seriously taken into account. However, what do they prove, if not the ability of the dominant groups to consolidate their domination when they can seize the opportunity to do so? They show that change is not necessarily positive. They do not prove the justice of the status quo for all that. Rather, they suggest that a society in which the powerful can use an exogenous shock to become even more powerful, is a deeply unfair society.

We can imagine the objection that will be raised in response to this criticism: the danger of an analysis made by an outsider, an analysis which is independent of the values specific to the community but dependent on values considered fair by the outsider, and possibly specific to his/her cultural environment. While this is a risk of which one must be very aware, it only adds to the efficiency of Rawlsian theory, i.e. to the exclusivity of universal values on social practices peculiar to different groups, and according to which the configurations observed must be qualified at the ethical level.

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