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## Armstrong on justice, well-being and natural resources

**Abstract:** This paper argues first that Armstrong is led to see natural resources primarily as objects of consumption. But many natural resources are better seen as objects of enjoyment, where one person's access to a resource need not prevent others from enjoying equal access, or as objects of production, where granting control of a resource to one person may produce collateral benefits to others. Second, Armstrong's approach to resource distribution, which requires that everyone must have equal access to welfare, conceals an ambiguity as to whether this means equal opportunity for welfare, or simply equal welfare – the underlying issue being how far individuals (or countries) should be held responsible for the use they make of the resources they are allocated. Third, when Armstrong attacks arguments that appeal to 'improvement' as a basis for claims to natural resources, he treats them as making comparative desert claims: if country A makes a claim to the improved resources on its territory, it must show that their comparative value accurately reflects the productive deserts of its members compared to those of country B. But in fact, A needs only to make the much weaker claim that its members have done more than others to enhance the value of its resources. Overall, Armstrong's welfarist approach fails to appreciate the dynamic advantages of allocating resources to those best able to use them productively.

**Keywords:** natural resources; wellbeing; improvement; value; distributive justice; territorial rights.

As its title indicates, the aim of Chris Armstrong's stimulating and ambitious book (Armstrong, 2017: subsequent page references are to this text) is to develop a theory of justice to regulate our interactions with the world's natural resources. Broadly speaking there are two ways to develop such a theory. One, much in the spirit of Walzer (1983), would be to work from the bottom up: to think about natural resources of different kinds, think about the various uses to which human beings might want to put them or the benefits they might want to derive from them, and then see which principles recommend themselves for dealing with specific cases. The other would be to work from the top down: start with some quite general principle of justice, and then see what this principle can tell us about who should control natural resources, how they should be used (or be left unused), who should be allowed to benefit from them, and so forth. Despite initial appearances, I shall argue, Armstrong's approach is of the second kind. Although in his opening chapter especially he does a good job of bringing to our attention the sheer diversity of those things we would describe

as ‘natural resources’ and the many different ways in which human beings can relate to them, he wants to bring all of this variety under the normative sovereignty of a single principle of distributive justice, namely a global principle that demands that people everywhere should have ‘equal access to wellbeing.’ As someone instinctively more sympathetic to the bottom-up approach, my aim in this commentary will be to try to expose some of the limitations of working on natural resource justice from the top down.

In the first section of the article, I compare different possible ways of categorising natural resources, and suggest that Armstrong’s wish to place them within a ‘distributive justice’ framework has the perhaps inadvertent effect of treating them primarily as objects of consumption. Then in the following section, I look directly at the principle of equal access to well-being. I argue that Armstrong fails in general to offer an adequate defence of this principle, but also more specifically fails to show that it can serve as a useful guide when it comes to deciding who should have rights over natural resources. Finally, I respond to his wide-ranging critique of ‘improvement’ arguments used to justify nations’ claims to the resources found on their territories. I suggest that by interpreting them as a kind of comparative desert argument, he sets the justificatory bar too high, whereas national resource sovereignty can be adequately defended on less demanding grounds. Moreover, given the arguments advanced in the previous sections, it cannot be dismissed by appeal to ‘global egalitarianism’.

### **Natural Resources and the Distributive Paradigm**

It is not a mistake to ask what justice has to say about access to natural resources. Since they are often scarce, often subject to over-exploitation, yet essential for many human purposes, we need to know who should be entitled to control, use and enjoy them (with ‘nobody at all’ as a possible answer in some cases). Yet, as I have already hinted, it may be misleading to answer these questions by applying a general off-the-shelf principle of distributive justice. It may encourage us to think of cases in which some distributable item or resource is being handed out to a group of people, and the issue is how much each person gets – where ‘how much’ might be measured in terms of physical quantities, or cash values, or subjective benefit to the recipient – this is the familiar debate about the ‘currency of egalitarian justice’ (see e.g., Cohen, 1989; Dworkin, 1981a; 1981b; Sen, 1980). Each person in the relevant group is regarded as a locus of advantage, so to speak. The question is whether thinking about justice in this sense is going to be helpful when our topic is natural resources. It suggests that we should think about these resources on the model of manna from heaven. The point about manna (as described in the Bible) is that it descended overnight and needed only to be gathered, ground up and cooked to turn it into sustainable food. God’s

instruction, relayed by Moses, was that each collector should gather an omer<sup>1</sup> per head on behalf of his dependents, and this proved sufficient (though it's not clear exactly how) to meet everyone's needs. So, in the event no redistribution was called for but, had it been, the Israelites would presumably have settled on equality as the main guiding principle, perhaps modified to take account of special needs.

Manna, then, was a distributable consumption good that everyone had reason to want, it needed only to be picked up and processed, it couldn't be stored, and one day's gathering made no difference to how much arrived in the course of the following night. That allows it to fit easily into the 'distributive justice' framework, but also sets it apart from most other natural resources, where, for example, the use we make of them today will determine whether and in what form and quality they are available to us tomorrow. Although Armstrong doesn't commit himself to the view that all natural resources should be viewed as if they were manna, as I shall shortly illustrate, he does couch his analysis in distributive terms:

'A theory of natural resource justice assumes that we can intelligibly formulate principles of justice to govern the ways in which the benefits and burdens flowing from natural resources ought to be allocated between people (including, potentially, both present and future people). Those benefits and burdens are a 'distribuendum' which ought to be of interest to people with a whole range of views about justice' (Armstrong, 2017: 16).

The distinction that Armstrong *does* draw is between natural resources that provide *pure public goods*, because the benefits they deliver are non-excludable and one person's enjoyment doesn't lessen anyone else's opportunities; natural resources that provide *collective goods*, which are non-excludable but subject to crowding or over-exploitation; and natural resources that produce excludable *private goods*. This is helpful because, as he says, 'theories of natural resource justice to date appear to have overwhelmingly focused on the challenge of sharing natural resource benefits *qua* private goods' (ibid., 15). It leaves us with the problem of how to commensurate these different types of goods, if we are going to operate within the distributive justice paradigm, and I shall return to that later. But at this point I want to draw attention to another possible way of mapping people's relationship to natural resources that seems more illuminating still.

This is the distinction between treating natural resources as objects of *consumption*, objects of *enjoyment*, and objects of *production*. When we

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<sup>1</sup> Omer: an ancient Hebrew unit of capacity.

consume natural resources we take their substance in a form that is useful to us and convert it into a form that (typically) has little or no value. Thus, we eat naturally occurring plants or animals and turn them into human waste, we burn coal and turn it into carbon dioxide, sulphur dioxide, ash and so forth. In cases where the resources are scarce and/or the end-products of consumption are harmful, it is natural to ask questions about justice in distribution, since one person's consumption is liable to constitute a loss or opportunity cost for everyone else.

In contrast, when natural resources are objects of enjoyment, we interact with them in ways that often involve no significant physical alteration. For example, we gaze at a beautiful sunrise, we get fit by hiking through mountains, we watch birds or study plants as a hobby. We benefit from nature without consuming or diminishing it. Of course, as Armstrong points out, there may be crowding problems in some cases, so we might have to limit access to natural resources in order to maintain the value that we presently find in them. And this could raise questions of justice, for example if we use rationing by price for this purpose. But notice that the enjoyment we receive from natural resources doesn't itself seem to raise justice issues. That I get pleasure by climbing mountains or watching birds while you don't seems on the face of it to have nothing to do with justice (though I return to this issue below).

Armstrong is aware of the distinction I have just drawn, which overlaps extensionally to some extent with the pure public/collective/private goods distinction, but he doesn't ask directly whether a single, overarching principle of justice will be able to bridge it. More significant still, in my view, is his failure to consider the implications of treating natural resources as objects of production, my third category. For here a natural resource is transformed by human intention (and usually human labour) into something of greater value to human beings generally; it may be physically transformed, or simply shifted from one place to another where it can become an object of consumption or enjoyment. Those who undertake the transformation may benefit to some extent, but they are unlikely to be the only, or the main, beneficiaries. Consider an example. Portland stone, a distinctive type of white-grey limestone, has for centuries been quarried by gangs of labourers from the Isle of Portland in Dorset. In the seventeenth century, it became especially popular as a building material, and was shipped to London where it was used to rebuild St Paul's Cathedral after the Great Fire, as well as in many other edifices. Much of London today – the British Museum, the National Gallery, the Cenotaph, Buckingham Palace – is made of it. So the quarrying activities of a relatively small group of men, working on a natural resource, has produced an aesthetic as well as physical benefit

now enjoyed every day by millions of Londoners and tourists. The quarrymen neither consumed the stone, nor, we may assume, did they get much enjoyment from it themselves. So how should we think about this third relationship to natural resources from the perspective of justice?

If there is a justice issue here, it concerns not the distribution of benefits, but rights of *control*.<sup>2</sup> That is, there might be a question about who should have the right to own a stone quarry, and thereby decide what is to be done with the stone that is extracted. But if we treat that question as a matter of principle (as opposed to positive law), the natural answer is to say that control rights should go to the agent who will make the best use of them, in the sense of ensuring that the resource under her control will be treated in the most productive way. Is this what justice would dictate? Aristotle at least thought so. When discussing in the *Politics* what criterion of justice should apply to the holding of public office, he asks, by way of analogy, how we should distribute musical instruments, specifically flutes. He replies that they should be allotted on the basis of skill in flute-playing: ‘the right to use the better instruments belongs to him who is the better performer on that instrument’ (Aristotle, 1962: 128). Aristotle doesn’t spell out the logic behind that judgement, but we can reasonably assume that what he has in mind is not the benefit to the flute-player himself of being able to perform on a high-quality flute, but the benefit the rest of us will derive from hearing him play. You might regard this as merely a utilitarian justification, but Aristotle sees it as a matter of justice, and we could reconstruct it as involving an indirect kind of desert claim: the best player deserves to have the finest flute because he will deserve the appreciation and applause he will receive when he plays it.<sup>3</sup>

Armstrong’s bias towards seeing natural resources as objects of consumption, and to a lesser extent as objects of enjoyment, at the expense of seeing them as objects of production, comes out in the list of first-order resource rights that he provides on pp. 22-23: access, withdrawal, alienation, income. All of these focus on the benefit that the resource-holder derives from his possession: enjoying it, consuming it, selling it to someone else, charging a fee for access. Missing from the list is the right to use a resource productively, typically creating gains not only for the holder herself but for the wider community, whether in the form of a manufactured commodity or of a public good (like a beautiful cathedral). Yet if the question at issue is ‘who should be given charge of which natural resources?’

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2 I don’t mean to imply that there are no questions of justice in relation, for example, to the pay and conditions of quarrymen – obviously there are. But this has nothing to do with the fact that their labour involved extracting natural resources.

3 This parallels the argument about why the best-qualified candidate can be said to deserve the job she has applied for in a genuine, though secondary, sense of ‘deserve,’ advanced in Miller (1999): ch.8.

a good answer will often be ‘the person or the institution who will make the best use of them’, where ‘use’ might be cashed out narrowly as ‘productive use’ or else in a wider sense that includes maintenance and conservation, depending on the case.

To avoid misunderstanding, I am not proposing the best use principle as a complete theory of justice in natural resources. In the case of resources of other kinds, need, or maybe even equality, might be the right principle to apply. I am suggesting only that rather than look for a single master-principle of distributive justice that applies to natural resources of all kinds, we should ask first what kind of relationship to the resource we want to establish, and then select our allocative principle accordingly. Armstrong might reply here that even if we hold such a pluralist view in the case of specific resources, we still need an overarching theory to guide us when faced with competing claims based on different ways of treating natural resources (you think that a particular patch of land should be left entire and untouched as a nature reserve, whereas I think it should be divided up into privately owned market gardens). So next we need to investigate the global egalitarian principle that he proposes to play this role.

### **Equal Access to Welfare**

For various good reasons, Armstrong chooses not to formulate that principle using resources themselves as the relevant currency of distribution. He sees that it would not make sense to try to provide people everywhere with access to identical bundles of resources. Nor does he attempt to think through the implications of trying to globalise Dworkin’s (1981b) ‘equality of resources’ theory, using a hypothetical auction (c.f. Brown, 2009); this is to be expected given his insistence that many natural resources are not and should not be treated as distributable private goods (see Armstrong, 2017: 27, f.n. 10). So global egalitarianism has to be formulated in a different way. The solution he favours is to switch attention away from resources and towards welfare, understood as the subjective well-being that people may derive from having resources. As he immediately concedes, one cost of moving from equality of resources to equality of welfare is that there is no longer any reason to focus attention exclusively on *natural* resources, or indeed on resources of any kind, as opposed to other sources of well-being. If well-being is what we’re interested in, then it shouldn’t matter if Alan gets most of his welfare from looking after a nature reserve, Brenda from buying consumer goods, and Colin from having a large and lively circle of friends. So we won’t be able to say that Alan’s having the nature reserve is just or unjust until we’ve taken these other founts of welfare into account. The question we must ask, therefore, is whether appealing to global equality of welfare can provide much guidance at all with respect to the control and use of

natural resource. But before that we need to examine the principle itself: what it means and how it can be justified.

Armstrong in fact offers little by way of justification for his chosen principle. At one point he asserts the following:

‘[...] egalitarians are interested in how well people’s lives go in a comparative sense. Even if everyone’s basic rights are secure, it still matters if some people’s lives go *better* than others [...] Inequality is objectionable simply because it involves some people’s lives going better than others’ (Armstrong, 2017: 40).

If we read ‘go better’ as referring to the level of well-being or satisfaction that someone achieves as their life proceeds, then it does indeed matter whether somebody’s life goes well or badly. But does it matter whether one person’s life *goes better than another’s* as Armstrong seems to assume? Think of possible reasons why a person’s life might go less well than it should: having unreasonable expectations that they could never achieve, frittering away opportunities that are there for the taking, making a bad choice of partner, etc. etc. All of these are matters of regret, but when we look at somebody and say what a shame it is that their life hasn’t gone better (we can all think of examples) we’re not making a claim about injustice, nor are we complaining because their life has gone worse than somebody else’s. The comparison being drawn is only with *the life that the person could have had* if only they’d set themselves more sensible goals, had stronger self-discipline, and so forth. If the reason that Bill’s life has gone worse than Alice’s is simply that Bill had some or all of these failings, then the welfare inequality between them is neither unjust nor objectionable, though we can sympathise with Bill and wish that things had turned out better for him.

Indeed, Armstrong’s more considered position is that the inequalities that raise justice concerns are not inequalities of welfare as such, but inequalities in *access to* welfare. We might think that by ‘access to welfare’ Armstrong means what others have meant when they speak of ‘opportunity for welfare’. This, however, turns out not to be so. In the manuscript of the book, the following sentence appears: ‘Egalitarians should seek to distribute all of the benefits and burdens relevant to justice in such a way as to equalize opportunities for well-being’.

On p.75 of the book itself, however, the sentence appears with ‘access to’ in place of ‘opportunities for’. Is this just a case of terminological tidying up, or is there a subtle but important difference between the language of access and the language of opportunity? I believe that there is such a difference. Equality of opportunity talk suggests that people’s background circumstances should be adjusted in such a way that they start on a level playing field, but in order to

achieve whatever end goal is in question, they may then have to train, make choices, exert themselves, and so forth. Opportunities have to be seized, or taken advantage of, but equally they can be disregarded, or squandered, and so the spotlight is turned on to the agent who is responsible for making use of them. 'Access' on the other hand suggests that the end-goal is there for the taking: you just have to open the door or lift the lid and the desired outcome awaits you – so if the outcome is 'welfare,' it seems that the person who has access but chooses not to avail herself of it must have some special reason for her abnegation.

So far this is merely a metaphorical difference, but it becomes practically significant if we look at the issue diachronically. It is obvious that the range of opportunities available to somebody at T<sub>1</sub> is likely to depend upon decisions and actions taken between T<sub>0</sub> and T<sub>1</sub> – so two people who had equal opportunity sets at T<sub>0</sub> are unlikely also to have equal sets at T<sub>1</sub>. To apply the principle we therefore have to identify a relevant starting point at which opportunity sets will be equalized.<sup>4</sup> If the principle is equal opportunity for welfare, then for each person we would need to calculate the welfare consequences of different choices they might make, given the initial set of options they face, and this will be a branching tree whose overall welfare value we would need to estimate (impossible to do in practice, but this is what the principle demands<sup>5</sup>). Opportunities are equal when people have trees standing ahead of them whose branches (and sub-branches) are equally laden with welfare.

If we say that people must enjoy equal *access* to welfare, by contrast, then we are not going to be satisfied if the choices that someone makes at T<sub>0</sub> forever after limit the highest level of welfare they can achieve. And this is indeed the conclusion that Armstrong wants to reach. He wants to make some room for personal responsibility, but not too much. As he puts it:

'A purely 'starting-gate' view would demand that individuals face equal prospects for achieving wellbeing at one cardinal moment of their lives – such as the onset of adulthood. But that idea is often, and rightly, considered unappealing. Someone who made a single bad decision shortly after this cardinal moment could, on such a view, justly be consigned to a much worse life in terms of access to wellbeing. But why, if equal prospects is such an important value, should we be content with a situation in which people were presented

4 This point is made very clearly in Chambers (2009), which also highlights the problems it raises for the equality of opportunity principle.

5 I follow here the account of equal opportunity for welfare defended in Arneson (1990), though later renounced in Arneson (1999). Arneson's principle is actually more demanding than the one sketched above, since it requires that the welfare values along each branch and sub-branch of the tree should be equal, so that if A and B both make first-best (i.e., welfare maximising) choices they should have equal welfare, likewise if they make second-best choices, and so on.

with equal prospects *once*? We might, rather, want to restore equal chances to attain the sources of wellbeing at a variety of points of an individual's life. But doing so would move us much closer to pure equality of access to wellbeing' (Armstrong, 2017: 84).

The last sentence confirms my conjecture that 'equality of access to well-being', as understood by Armstrong, is not very far removed from 'equality of well-being' simpliciter. But how appealing is that principle? I have already questioned whether the mere fact that some people achieve happier lives than others is sufficient for us to say that an injustice has occurred. But in addition, we can now see that since the sources of welfare are finite, we can only preserve equality of welfare over time by reducing the levels of welfare enjoyed by the better off. We may therefore face a trade-off between maintaining or increasing the overall level of welfare and ensuring that access to welfare remains equally distributed. The other side of this coin is that we can sometimes increase overall welfare by providing people with financial incentives to engage in welfare-generating activities, but at the cost of departing from equality of access to well-being.

Faced with this possibility, Armstrong's official line is to opt for pluralism:

'Believing that equality is an important value is of course not tantamount to believing that it is the only value which matters. Egalitarians are frequently pluralists inasmuch as they believe that more than one value can come into play when we normatively assess a given state of affairs. Values such as liberty or efficiency may also have moral weight' (Armstrong, 2017: 40).

Such a view makes perfect sense, but the effect of course is that we can no longer treat equality of access to well-being, or indeed any other principle of equality, as a master principle that defines the scope of these other values. It is also unclear what distinguishes a pluralist egalitarian from a pluralist *simpliciter*, since almost any pluralist is going to find some room in her armoury for a principle of equality. Armstrong does in fact at various points canvass a number of other principles that we might appeal to when thinking about access to natural resources, such as *basic rights* or *equality of status*, but in the course of doing so presents them as merely subsidiary vehicles to his own preferred goal, rather than as free-standing principles with their own distinct rationales. This is not what genuine value-pluralism mandates.

Having raised some general doubts about 'equal access to welfare' as a principle of distributive justice, I want to end this section of the commentary by reflecting on what it might imply for the allocation of natural resources (for

this purpose I am temporarily narrowing the field to those resources that it makes sense to assign to specific individuals). Suppose you are looking for a policy that allocates resources in such a way that people have, throughout their lives, a chance to attain a reasonably high level of welfare, even if they make bad choices: what kind of policy would you adopt? The answer seems to me fairly clear. You would provide people with an unconditional basic income, paid at short intervals, at a level calculated according to the general circumstances of the society in which they live and sufficient to avoid feelings of relative deprivation. With a UBI, people are being provided with an easily convertible resource – money – that can support a variety of different life-plans, and because it is supplied in small lumps at regular intervals, the opportunity to make bad, welfare-diminishing decisions is limited.<sup>6</sup> (I am not recommending this policy, just spelling out the practical implications of pursuing equal access to welfare.) What you would *not* do, I suggest, is provide people with titles to natural resources. This would be both risky and inefficient. With only a few exceptions, natural resources, even as distributable items, cannot provide anyone with welfare in their unimproved state. They variously need to be extracted, picked, tamed, laboured upon, moved around, transformed, if they are to become welfare-producing items of consumption. Being assigned a seam of coal, or ten acres of agricultural land, or fishing rights over some part of the Grand Banks, would add nothing to my welfare, since these resources are not usable by *me*. Of course, if I am competent and prudent, I will sell or rent these assets at market price and provide myself with capital or income. But not everyone is competent and prudent, which is why it is better, from an ‘equal access to welfare’ perspective, to move directly to money, in regular small amounts, as the form of provision – meanwhile allocating natural resources in whatever way places them in the hands of those best able to make use of them, whether as objects of consumption, enjoyment or production, to revert to the distinction drawn in the previous section.

Armstrong might protest here that when he treats natural resource distribution as a means to equal access to welfare, what he has in mind is the distribution of resources between *countries*, not between individuals. I agree that this avoids some of the implausibility of the equal access principle, though it still faces the objection that, from a welfare perspective, a resource is only as valuable as your (collective) capacity to make use of it. The conclusions that Armstrong draws from his survey of the literature on the ‘resource curse’ seem sensible: under some circumstances, having natural resources might aid the economic development of a poor country; in other circumstances, not. But the kind of

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<sup>6</sup> To be extra-safe, you would need to prevent people from borrowing large amounts on the strength of their basic income streams. No high-interest payday loans!

practical injunctions about how to assign natural resource rights that emerge from reflecting on this literature don't depend on 'equal access to welfare' as a normative grounding.

### **Improvement as Grounds for Resource Rights**

I turn finally to the barrage of claims Armstrong mounts in chapter 4 against 'improvement' as a basis for claims to natural resources. The pedigree of these critical arguments is quite varied – some are libertarian, some leftist, others draw on conventional economics, and so forth – so rather than the effect being cumulative, the reader might begin to wonder whether they do not cancel each other out. Moreover, some parts of the discussion are about individual claims to the whole value of the resources that they have improved, while other parts are about collective or national claims. I take it that Armstrong's primary interest is in the latter, and that he addresses individual cases only because he believes that analogies can be drawn between the two domains. There is indeed some structural similarity between an individual person's claim to retain the natural resource that she has transformed through her labour into an object of use, and a group's claim to collective control over resources they have jointly improved, but there are differences too, and these need addressing.

A major target in this chapter is my own defence of national territorial rights (Miller, 2012), so it will be helpful to outline briefly the role that improvement arguments play in this defence. On my view, states acquire such rights by exercising jurisdiction over the relevant area, acting as representatives of the people who legitimately occupy it. But because jurisdiction in practice requires exercising effective control over the use made of natural resources that fall within the territory, it must be shown that the people the state represents are entitled to that control. I deploy several lines of argument to support territorial entitlement, one of which is that the people who live in a place belong to an intergenerational community that over time has changed the physical shape of the territory and developed its resources, allowing it to better serve human ends. This cannot be the only basis of territorial claims, because there are forms of occupancy that do *not* involve improvement, but rather sustainable use of the land, as in the case of hunter-gatherer groups. Nonetheless for most national-level claims it is likely to be an important factor.

As used here, the improvement argument is primarily concerned to justify rights of control over enhanced resources. Of course, in most cases benefit to the right-holders goes along with control, and so the argument needs to show that there is nothing wrong with people benefitting from the improvement that they and their ancestors have wrought, even if those belonging to other nations

have benefitted less. But it is a mistake to assume that what the improvement argument is trying to establish is something like a comparative collective desert claim. A claim of that kind would involve showing that if we quantify the benefit that French people, say, derive from the resources that they and their forebears have improved, and compare that with the benefit that Peruvians, say, derive from *their* resources, then the ratio of the two nations' benefits will correspond to the ratio of their collective deserts, as measured by the amount of productive labour expended over time on resource-improvement by the average French person and average Peruvian respectively. Such a claim would be highly implausible. Yet a number of the arguments deployed by Armstrong only make sense if we assume that their target is a comparative desert claim of that kind. For example, some time is spent in pointing out that the economic value of extractable natural resources will depend on changes in global markets for which the holders of those resources cannot claim responsibility. This is undeniable, but it only becomes a critique of national resource holdings if one takes justice to require that the value of those holdings at any moment must exactly reflect the magnitude of past exercises of collective responsibility. This is one point at which the individual/collective analogy is especially liable to mislead. I believe it does make sense to ask under what conditions individuals producing in a market economy might deserve the material rewards they receive. However we answer that question – and on the evidence here, Armstrong would be very sceptical of any positive answer – it makes sense to ask it because we are examining a sphere of human life to which comparative principles of justice can meaningfully be applied. Market institutions can be regulated by the state with the aim of achieving a better match between the value of the goods and services that people provide and the rewards they receive. But this cannot be transposed to the international realm and applied to national resource holdings. Why not?

There are several reasons. One is that we lack culturally-neutral standards of evaluation that would allow us to compare the worth of these holdings cross-nationally. As we saw in the opening section, natural resources, whether improved or unimproved, can be valued from different perspectives, even within national societies – as objects of consumption, as objects of enjoyment, or as objects of production. There is no general reason to believe that there will be international agreement as to how any particular resource should be valued. The problem here is not that one cannot think of criteria that might be used for this purpose: the most obvious would be to value each natural resource according to the price it would command on a global market if it were allowed to be bought, traded and used without restrictions. The problem is that this imposes on people in every society a standard of value that they well might

reject, because specific resources will typically have socially created value in the places that they occur, quite apart from their exchange value as tradable commodities.<sup>7</sup> They may have spiritual or historic significance, they may be valued as public goods freely available for citizens to enjoy, and so forth. The effect of valuing resources using the global market criterion will be to declare some societies relatively resource rich even though, in economic terms, they may be quite resource poor, since they do not regard many of the resources in their territory as available for economic exploitation.<sup>8</sup> So even if justice required us to apply a distributive principle cross-nationally to resource holdings, we would first need to find a justifiable metric by which to value them, and this I have suggested cannot be done.

But it is anyway questionable whether we should be trying to apply such a comparative principle in the first place. The argument against doing so is that such principles only apply when certain conditions are met, such as the existence of an authority with the capacity to implement them. Here we encounter an issue that divides global egalitarians from their critics, so I am not faulting Armstrong for wanting to apply comparative justice principles in his own theory, given its cosmopolitan provenance. I am, however, faulting him for presenting improvement-based arguments in a form that only makes sense if you assume that they are intended to satisfy comparative justice criteria, which virtually guarantees that they will fail the test.

How else might they be understood? Sometimes, all we need to establish for practical purposes is who has a sufficiently good claim to have and use a resource. Revert for a moment to individual-level cases. Suppose somebody makes a craft object – an elaborately carved ship, say – out of widely available raw materials. If the question is who should be entitled to decide what is to be done with the ship – whose living room shelf should it adorn, say? – there are strong reasons to think that the right answer is the carver herself: possessing the ship is a fitting consequence to the hours she spent carving it, few would want to spend those hours unless assured that they could enjoy the fruits of their labour etc. etc. There is no need to show, in addition, that the value of the ship corresponds precisely to the deserts of the carver, measured comparatively. Nor need we try to prove, Nozick style, that the carver has full and exclusive property rights in the ship. There would be nothing fundamentally unjust in taxing her on the basis of its market value in the event that she decides to sell it.

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7 See further Miller (2007: Ch.3).

8 Someone with luck egalitarian sympathies – not Armstrong, however, – might be tempted to interject at this point that members of the society in question could not object to being taxed for redistributive purposes, since they have *chosen* not to exploit some of the resources at their disposal. But the point I am making is that they only count as resource-rich if we value their resources according to a metric that they have reason to reject. ‘Market value’ is simply not an objective metric in a culturally plural world.

Nor again, in the unlikely event that the wood out of which the ship is made is found to contain some extremely rare element vital to medical science, would it be wrong to override her claims and require her to surrender the object.

Improvement, then, yields a strong, but defeasible, claim to control, use and enjoy the improved resource. This is all that the improvement argument needs to show when used to support a people's territorial rights. It is not intended to prove that national resource rights are subject to no restrictions on their permissible use. It should be obvious that such restrictions must apply. On the one hand, natural resources should not be used in such a way as to cause harm beyond national borders, whether this is a matter of causing acid rain to fall on other lands by burning coal, or extracting so much water from a river or an aquifer that a neighbouring country can no longer support its agriculture. On the other hand, there may be a common global interest in the conservation of certain resources, such as the last breeding grounds of endangered species of animals or birds. Here direct responsibility for conservation becomes the responsibility of the national community that holds jurisdiction over those places, but they will often have a claim for transfer payments from other states to help with the costs (Armstrong discusses this question at some length in chapter 10, and I have no quarrel with the approach he adopts).

What about natural resource revenues as funds available for international redistribution via taxation? On this question, again I have no significant practical disagreement with Armstrong. We both think that there is nothing special about natural resources that distinguishes them from humanly created resources when thinking about an appropriate tax base for possible redistributive policies. If there is going to be redistribution, we would both agree that the richer the country, the more it should contribute, though whereas Armstrong would support this on egalitarian grounds, I would do so on the familiar principle that taxes rest most lightly on those whose shoulders are broadest. We would likely disagree about the circumstances under which international redistribution was required, but that would reflect a wider disagreement about global justice rather than a specific disagreement about justice and natural resources.

### **Conclusion**

By way of brief conclusion, let me just observe that the suggestion I made in the first section of this paper about future productive use being a valid source of claims to natural resources, although it is not the same as the (backward-looking) argument from improvement, is in many cases consonant with it. That an agent has improved or protected a resource in the past provides good evidence that they are likely to continue to do so in future, creating benefits

that may well spill over to others besides the agent herself. This applies to nations (and smaller groups inside them) as well as to individuals. My overriding worry about Armstrong's approach is that by adopting 'global egalitarianism' as his starting point for thinking about natural resources (and notwithstanding his recognition of their heterogeneity in chapter 1), he neglects this dynamic aspect of the problem. Thinking of resources as material apt for egalitarian redistribution unavoidably biases us in favour of seeing them as objects of consumption, as the expense of the alternative ways of regarding them proposed above.<sup>9</sup>

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