

John Rawls' Theory of Justice Applied to Sustainable Development

*Athena de Albuquerque
Farias¹*

Abstract: Sustainable development is a systemic concept, which aims at global development together with the concern with the preservation of nature. This study aims to apply the Rawlsian Theory into sustainable development. Considerations seem to allow that, with the collaboration of society in an egalitarian and cooperative way, it is possible to mitigate or overcome existing environmental challenges. The present study presents a new aspect capable of helping in the solution and management of environmental issues currently faced globally.

Keywords: Sustainable development; John Rawls; Global challenges.

A Teoria da Justiça de John Rawls Aplicada ao Desenvolvimento Sustentável

Resumo: Desenvolvimento sustentável é um conceito sistêmico, que visa o desenvolvimento global aliado à preocupação com a preservação da natureza. Este estudo tem como objetivo aplicar a Teoria Rawlsiana de Justiça no desenvolvimento sustentável. Considerações parecem permitir que, com a colaboração da sociedade de maneira igualitária e cooperativa, seja possível mitigar ou superar os desafios ambientais existentes. O presente estudo apresenta um novo aspecto capaz de ajudar na solução e gerenciamento de questões ambientais atualmente enfrentadas globalmente.

Palavras-chave: Desenvolvimento sustentável; John Rawls; Desafios globais; Teoria da justiça.

¹ Graduated in Law School at Faculdade dos Guararapes, Jaboatão dos Guararapes - PE; Specialization in Labor Procedural Law at Faculdades Integradas de Cruzeiro, São Paulo - Brazil. Master's student in Sustainable

Introduction

The first ideas about development emerged in the mid-1980s, based on discussions of historical roots (Banerjee, 2003, p. 77 apud Guerra; Fernandes, 2003, p. 77). Sustainable development arises as a result of these ideas, dealing specifically with economic development in conjunction with the control of environmental degradation caused by human activity in nature.

The defense in favor of sustainable development led to the creation of several concepts on the theme (Holmberg and Sandbrook apud Banerjee, 2003, p. 81), as well as the emergence of the United Nations World Commission for Environment and Development (CMMAD), responsible for preparing the Our Common Future report, a document that brought important concepts to the definition of notions and principles of sustainable development.

As can be inferred from the aforementioned report, sustainable development is a systemic concept, which aims at global development together with the concern with the preservation of nature. The most used definition describes development as something that: “(...) seeks to meet the needs of the current generation, without compromising the ability of future generations to meet their own needs, it means enabling people, now and in the future, achieve a satisfactory level of social and economic development and human and cultural achievement, while making reasonable use of the earth's resources and preserving species and natural habitats ”.

This concept, although widely accepted, is not without criticism and controversy. This occurs because of its breadth, which places it closer to a formal than a material conception, leading to questions about its effectiveness. Thus, because it deals with “future concerns”, social justice, among other controversial and imprecise concepts, without defining what they actually mean and how they should be applied, the concept of sustainable development is constantly bombed by several questions (Vargas Neto, 2009).

However, leaving controversies and criticisms aside, it is clear that today's environmental and socioeconomic challenges impose on the contemporary world the need to apply the concepts of sustainable development, as they are seen as the best solution to the environmental problems currently faced in the world.

As well known, the balanced and healthy environment is the right and duty of everyone, so that sustainable development calls for the existence of a certain “justice” in the world. This, in turn, presents sustainable development as an element for the materialization of the “fair/just”, so that sustainability is seen as a condition and development as an instrument to achieve this justice (Vargas Neto, 2009).

Furthermore, the “fair”, in its objective sense, is understood to be the equitable ideal, which weighs rights and duties, precision and rigor, among others; checking the correctness of the shares. In a subjective sense, it is a moral activity, devoid of any personal inclination (love, friendship, benevolence, sympathy) or obligation to the other, being the measure that justifies the rules of coexistence (Thiry-Cherques, 2011).

Based on these concepts, this article seeks to demonstrate that John Rawls' Theory of Equitable Justice (1921-2002) adds to the debates and applications of sustainable development. This is because, the main idea defended by the theoretician is that society must be an equitable and social cooperation system, composed of free and equal citizens, who must respect the principles of political justice, as well as seeking to develop a sense of justice (Silveira , 2007).

Thus, as individuals choose to belong to a certain community, they must submit to the dictates of that society, as well as act cooperatively with their peers. In this environment, the sense of justice is very important, since it consists on the ability to understand the principles of justice of that society - which must be focused on equity and cooperation - as well as to apply them in favor of a social welfare (Silveira, 2007).

In this way, applying the Rawlsian Theory into sustainable development seems to allow that, with the collaboration of society in an egalitarian and cooperative way, it is possible to mitigate or overcome existing environmental challenges, so that this combination can be seen as a new paradigm for environmental law.

John Rawls' Theory of Justice

In 1971, John Rawls published *A Theory of Justice*, a work that gave a new direction to studies on ethics, since it brought notions that allowed the theories to integrate moral sentiment with freedoms, both public and individual. This was the work in which he

presented the concepts of Equitable Justice Theory¹, whose conceptions started from an ethical motivational assumption, based on the question about the reasons that an individual would have to commit to a certain society, as a member of an ethical and moral community.

From this, Rawls drew up a modern version of the Social Contract by Rousseau, in which he demonstrated the weaknesses of egalitarian thinking, in which "justice" is seen as economic equality; as well as the presence of distortions in economic liberalism, as it was insensitive to injustices arising from the market left untouched (Thiry-Cherques, 2011).

So, the Theory of Justice is opposed to the diverse doctrines existing at the time, such as liberalism, egalitarianism and utilitarianism²; for Rawls, for the good to exist, it is necessary that the correct and just be present. It is also opposed to intuitionism, emotivism and subjectivism, because they did not preach the acceptance of possible differences that may exist between citizens, both intercultural and intersubjective.

Rawls succeeded in professing a constructivism stripped of objective moral truths and guided by the idea of proving that, once the fundamental principles of a society have been agreed, it is possible to obtain the ethical ordering of this community. Thus, in the search for what should be considered "fair/just", the theorist tried to construct a rational explanation for what is morally valid, not with the objective of "discovering" how morality occurs, but rather to understand how the construction of objective ethics occurs in a society (Thiry-Cherques, 2011).

For the purpose of determining which rules and moral principles should guide human conduct, he analyzed what was considered "good" and "fair" for different communities, and their conceptions about value and moral conscience. In the end, he concluded that human life is more subject to principles than rules or norms.

In this vein, as "justice" is a social concept that admits many interpretations and applications, it is necessary that there is an order that establishes the normative principles

¹ Rawls divides his Theory into two parts: "The first part, the ideal, presupposes strict obedience and elaborates the principles that characterize a well-ordered society in favorable circumstances [...] The non-ideal theory, the second part, is elaborated after choosing the ideal conception of justice; only then do the parties ask what principles to adopt in less happy conditions [...] One consists of principles for determining adjustments to natural limitations and historical contingencies; and the other on principles to face injustice" (Rawls, 2002, p. 269)

²Utilitarianism can be conceptualized in a simplistic way as the maximization of happiness and the will of the majority, the well-being of most of the citizens of a society, and the sacrifice of a small part of the individuals for the satisfaction of most of them (Rawls, 2003 apud Oliveira, 2017). It is urgent to emphasize that his main criticism is against utilitarian doctrine, because Rawls believes that the principle of utility is incompatible with the idea of reciprocity: it is unfair because it subjects individual rights to the calculation of social interest. Rawls does not accept the utilitarian thesis of the automatic balance of losses and gains, transposing it from an empirical morality based on facts, to an a priori morality, based on principles (Thiry-Cherques, 2011).

that guide it. From this, Rawls aimed to formulate a precise conception of what “justice” is, in which the “fair/just” is placed before any moral consideration.

For the theorist, a well-ordered society founded on equitable principles, has the main characteristics to be fair. So, for him, the just is a logical development that starts from an “ideal contract” involving principles of equity.

This contract represents an agreement on the fundamental principles that should govern a certain society, established collectively, by free people, rational, equal and capable of abstracting their socioeconomic position. The thesis defended is that, with a rational and equitable procedure for the formulation of the contract, the result of this process will also be so³.

Rawls sought to list the principles sequentially, so that the first would be more important than the second and so sequentially. Thus, the first on the list should be respected above any other. In this perspective, the theorist considered that the first principle is that of freedom, after that of equality, which is responsible for rebalancing inequalities. According to him, from these two principles, all the others that make up justice and, from it, all morality, were derived.

These principles come, initially as principles of equality and freedom to participate in the deliberation on law, obligations and other institutes that will govern the society of which the person is part. Freedom has the function of making it possible for all citizens to enjoy basic freedoms (politics, expression, conscience, non-physical or psychological aggression, property), and equality concerns the possibility of inequality in basic primary goods, if these differences benefit all (principle of difference)⁴; as well as defines that everyone should have equal right of access to official positions and positions (principle of opportunity) (Rawls, 2000, p. 64, Paranhos et al, 2018).

As for the theoretician, the “fair” is “the set of general principles in its form, universal in its application, which must be publicly recognized as a last resort of appeal for the ordering of the conflicting claims of ethical people” (Rawls, 2002 , p. 145), in justice as equity, institutions will only be considered fair if they can satisfy the principles of freedom and equality.

³ It should be emphasized that Rawls's Theory does not seek to resolve the integrality of the problem of absolute justice, but that of the principles that govern the morally justified distribution of social advantages (Thiry-Cherques, 2011).

⁴ Rawls' principle of difference advocates that unequal treatment between individuals has a specific practical objective: to compensate for inequalities and to reduce the social and economic distance between people. The search for equity presupposes the existence of differences in the living conditions of individuals, and such differences must be reduced through public policy actions and the participation of society (Paranhos et al, 2018).

For the choice of the principles that will govern a given society, Rawls suggests that an assembly be made up of free individuals and that they are able to maintain impartiality during the process, because, for him, “something is fair (...) if it is approved by an ideally rational and impartial spectator who occupies a general point of view and has all the pertinent knowledge of the circumstances ”(Rawls, 2002, p. 201). Furthermore, he understands that if the individual is able to be neutral - not seeking to choose principles for the purpose of favoring himself - he will tend to choose principles that are also “neutral”, that are of general interest and good for the community (Thiry-Cherques, 2011).

Formulated in this way, the Theory of Justice configures a type of “reflective balance”, derived from a logical weighting of the participants, obtained from the moral coherence of these individuals, who, based on their particular judgments, agree on the general principles that will guide the society.

From then on, to participate in this community - of which no one is compelled to be a part of -, the subjects should commit to respecting social principles, adhering to a type of social contract. In this contract, Rawls argues that society should be an equitable and cooperative system between individuals (Rawls, 2008, p. 7-8), in order to divide, in a single and joint act, the advantages and social duties correctly and fair for all (Rawls, 2008, p.12).

A cooperative society aims at the existence of mutual advantages, so that the adoption of this type of system provides “a better life than any of the members would have if each depended on their own efforts” (Rawls, 2008, p. 4). Equity, in turn, although social institutions are not directly applied or regulated, it seeks to adjust the basic structures of society, so that it is possible to achieve benefits for all, even in the face of conflicts that are inherent in the struggle for individuals interests (Rawls, 2003).

As can be seen, in the face of the plural, multicultural and complex social reality, composed of people from the most varied cultural and socioeconomic levels; with different and sometimes divergent life projects; with different natural abilities; and varied opportunities; John Rawls dedicated himself to the arduous task of studying justice and what is “fair” (Quintanilha, 2010).

From this, Rawls affirms that it is necessary to execute a social contract so that society can be promising. For that, it is imperative that the general principles that will guide the actions of the subjects belonging to this community are defined, since the basic structure of a society is fundamental for it to be possible to guarantee justice for all. Among the existing principles, the theorist states that equality and freedom are the most important.

Once the principles are chosen, society must be encouraged to act in a cooperative and equitable manner, so that rights and duties are divided equally, as well as so that everyone has the opportunity to obtain concrete advantages and benefits.

In view of the above, knowing that individuals are fully capable of choosing their own destinies, based on a pluralism of values that they have, as well as that they are not obliged to be linked to any society, it is necessary that when deciding to be part of a community, they are committed to respecting the principles stipulated in favor of the social good as a whole.

Based on this, Rawls relies on Rousseau's Social Contract to present his constructivist and contractualism theory, based on the presence of autonomous citizens who are part of a well-ordered society, governed by the principles of freedom and equality, and based on the values of equity and equity. cooperativism; since this social configuration is considered as capable of providing justice and fairness in their actions.

John Rawls' Theory of Justice applied to sustainable development

Sustainable development has increasingly been the focus of discussions and studies around the world. This is due to the growing concern to reduce, or at least control, the devastating effects of anthropic action on nature, which has caused blunt and even irreversible damage. Although the concepts of sustainable development are already widely applied globally, it still has a range of challenges that it needs to face, which will be object of matter later on this study.

Firstly, it is necessary to mention the challenges faced worldwide, which are summarized in five main problems: pollution and climate change; deforestation, the extinction of some animals; soil degradation; and overpopulation. These problems affect the world, punishing several regions with the consequences resulting from the excessive and carefree action of man in nature.

In addition to these, there are local challenges, mainly related to the growing urbanization of the world population, which has caused an increase in infrastructure in cities, as well as in production and consumption capacity. Since 1980, there has been a growing movement and its consequent effects, such as housing in inappropriate areas and conditions; transportation without security and comfort for the community; security problems in cities;

aggravation of unsanitary conditions, absences of basic sanitation in several places, as well as deficiencies in the areas of education, health and employment (Vargas Neto, 2009).

According to the Our Common Future report, in order to manage these challenges, it is necessary to invest in forms of environmental preservation to be carried out cooperatively among the different countries, establishing measures to be applied and goals to be achieved by each one, respecting the level of socioeconomic development and other limitations that each one may have.

In summary, the report proposes that based on a joint effort, as well as guided by social justice, countries act with a view to improving environmental conditions, starting from the local to the global level; aiming to result in an improvement in the quality of life of the entire world population.

In this scenario, it is noted that the application of Rawls' Theory of Justice is efficient and collaborates so that everyone acts in a cooperative and equitable way, after all, the right to a balanced environment is everyone's and, above all, everyone's duty. Based on this, for any concern about sustainable development that may arise, there is a correlation of the theory of justice that can be pointed out (Vargas Neto, 2009).

Rawls' Theory of Justice requires that there be an agreement on the political issues presented, to be carried out based on a fair procedure, that is, based on the equality and freedom of the participants, allowing everyone to join the arguments that most convince him.

In this environment, the concerns, challenges and efforts, seen in the light of equitable justice, imply the composition of a new social pact, in which the socioeconomic order and the interaction of man with nature are modified (Vargas Neto, 2009). Therefore, the following must be observed, as a way of guaranteeing a genuinely environmental ethics in the light of Rawls' Theory of Justice:

- 1) The theory of justice is based on a contract and not on feelings.
- 2) There is an impartiality, assumed in the figure of the veil of ignorance and in the supposition of mutual consensus, basic elements of the original position, in which the principles for ordering a just society are defined.
- 3) Behind the veil, nobody knows their place in society, nor their sex, generation, race or territoriality. It is therefore possible to include the biological species in that list.
- 4) Being born in a certain generation, or another, is not something worthwhile for anyone; thus, no privileges can be attributed to this or that, because they belong to this or that generation.
- 5) Future generations have a right to the planet's natural resources.
- 6) The zeal for their own interests, constitutive of human nature, can be recognized in other living beings, therefore, as a "common" interest that everyone respects equally. This produces the "reciprocal natural disinterest", relevant in the original position. 7) A good life, with quality, is of interest to each and everyone; in the name of that interest, the principles [...] are established in the original position.

8) The principle of difference does not allow meeting these interests in the name of temporal preferences (Manning apud Felipe, 2008, p. 16)

Thus, the application of Rawlsian Theory to sustainable development, implies the existence of an equal balance between the socioeconomic and political-legal forces involved in the discussion, as well as respect for the basic principles of justice. Furthermore, the composition of the agreement must focus on ensuring basic freedoms, equity in the distribution of rights and duties, equal access to opportunities, as well as the support and assistance to possible needs and difficulties that any country may present to comply with the provisions under discussion.

From this, it is possible to reach an agreement that is everyone's will, and of general scope, which will prevent some from refusing to comply with the established determinations. With this, it will be possible to achieve the main objective of sustainable development, which is to promote harmony between humanity and nature.

Conclusion

John Rawls developed a Theory of Justice as equity, in which he defends the existence of an initial social contract (or pact), in which the premises that will guide the life of a certain community will be defined, to be carried out based on the equality and freedom of the participants . The chosen principles will regulate the institutional activity and will bind the contracting parties to the contractual determinations.

For the theorist, a promising society should spread the values of cooperativism and equity, so that everyone can help each other in relation to their duties, as well as everyone can have access to the benefits and advantages to be offered by the social institution.

Regarding the application of the Equitable Justice Theory to sustainable development, it is noted that it is promising, especially because the balanced environment is a right for everyone, as well as environmental protection is a duty of the entire population.

As can be inferred from the Our Common Future report, sustainable development aims at transforming processes that exploit natural resources, redirecting investments, and guiding technological advances and institutional change, in order to achieve a balance between development, man and nature, providing an environment balanced in the present and for the future.

Sustainable development arose as a result of the various concrete concerns about environmental problems that were increasingly apparent, as an alternative to reconcile development and sustainability. Its ideals aim to provide opportunities for the continuity of development, so that it can meet the minimum needs of human beings - not focusing on mere economic growth, which has become only an instrument of sustainable development - without this harming nature.

It is a very complex discussion, as it involves several areas such as economics, human rights, globalization, environmental law, technological advances, among others; but that aims at a single objective, the mitigation, or control, of the environmental degradation caused by the excessive and carefree anthropic action in nature.

For this, I believe that it would be necessary to develop a system that allows everyone to participate in decision-making, investment in an economic system based on self-sufficiency; a social system capable of managing possible tensions that may occur; a productive system that aims to preserve the environment together with development; a technological system that is continually looking for new sustainable solutions; and, finally, a flexible administrative system, which can be shaped as needs arise.

Put in this way, the Theory of Justice seems to be an adequate means of guaranteeing the attainment of the final objective, that is, the harmony of man with nature, through a worldwide cooperative action. The procedural and contractual form established by the theory, emphasizes human, socio-political and practicable justice, since the assumptions of the desired sustainability will be chosen and agreed upon by all participants, which prevents any later refusing to comply with the contract's determinations.

It should also be emphasized about the need for the participation of ethical subjects in the light of Rawlsian Theory to discuss the environmental problems in question. These must be subjects/individuals who meet the requirements defined by the theoretician, such as being free, endowed with necessary knowledge about the needs of others, who are able to remain stripped of anthropocentrism, as well as being able to remain impartial; so that, they can discuss the best decisions to be made in favor of humanity and nature.

If sustainable development seeks a fair and adequate solution so that all countries can act in favor of preserving the environment, justice as equity must be applied in such a way as to ensure that the determinations appear (and are) fair. According to Rawls, when the procedure is fair and the principles applied are fair, it is almost certain that the result obtained will be equally fair.

Finally, it should be noted that since sustainable development is a recent concept and still under development, it is necessary to admit that new issues involving it may arise; which would imply the need for new discussions, concepts and theories aimed at a sophisticated solution to the problem. Therefore, the present study does not include questions on sustainable development, but nevertheless, it presents a new aspect capable of helping in the solution and management of environmental issues currently faced globally.

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