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Chris Armstrong on Global Equality and Special Claims to Resources

Abstract: In ‘Justice and Natural Resources,’ Chris Armstrong offers a rich and sophisticated egalitarian theory of resource justice, according to which the benefits and burdens flowing from natural (and non-natural) resources are ideally distributed with a view to equalize people’s access to wellbeing, unless there are compelling reasons that justify departures from that egalitarian default. Armstrong discusses two such reasons: special claims from ‘improvement’ and ‘attachment.’ In this paper, I critically assess the account he gives of these potential constraints on global equality. I argue that his recognition of them has implications that Armstrong does not anticipate, and which challenge some important theses in his book. First, special claims from improvement will justify larger departures from the egalitarian default than Armstrong believes. Second, a consistent application of Armstrong’s life plan-foundation for special claims from attachment implies that nation-states may move closer to justify ‘permanent sovereignty’ over the resources within their territories than what his analysis suggests.

Keywords: natural resources; global equality; Chris Armstrong; special claims; improvement; value creation; attachment; life plans.

Introduction

According to Chris Armstrong, we determine a just distribution of worldly resources in a two-step procedure. We first ensure that everyone everywhere has the resources they need for subsistence. After subsistence is secured, there will be a surplus of resources (Armstrong, 2017: 30). We then distribute this surplus with a view to achieve equal access to wellbeing (*ibid.*: 3, 62, 75-77, 83), unless ‘we have a compelling reason for doing otherwise’ (*ibid.*: 53). Armstrong discusses two such (potentially) compelling reasons, which stem from what he calls ‘special’ claims to resources. In contrast to ‘general’ claims, which ‘can be registered by all agents of a theory of justice,’ special claims, on Armstrong’s definition, ‘will always be particular in two ways: they will be claims that *some* of us can register over *specific* natural resource tokens’ (*ibid.*: 53, *emphases in original*). For Armstrong, people may register special claims when they have ‘improved’ resources or when they have become ‘attached’ to them.

These two types of special claims play different roles in his theory. Special claims from improvement may generate *just inequalities* in access to wellbeing. Roughly, when people have created value in resources they have a special claim to retain that created value. Insofar as claimants may convert that value into

fuels for welfare, they will enjoy better access to wellbeing (than those without such claims, all else being equal). As Armstrong puts it, special claims from improvement ‘add up to a serious constraint on’ equality (*ibid.*: 85); they ‘circumscribe or qualify the degree to which we can [...] promote’ egalitarian redistribution (*ibid.*: 93). The value that claimants add to resources, we might say, falls outside the surplus available for equality-promoting purposes. The second type of special claim may be submitted by claimants who have become attached to particular resources: they have developed life plans or identity-conferring practices that depend upon having secure access to those resources. Special claims from attachment do not justify *departures* from equality. They are only ‘endorsed where this is compatible with equality – and where that does not infringe on the basic rights of others’ (*ibid.*: 129). This means that such claims cannot secure access to more welfare for the claimant. Their function is rather to constrain which *specific resource tokens* people shall receive in order to have their general claim to equal access to wellbeing satisfied. As Armstrong puts it, attachment-based claims ‘target *which* resources any extant entitlement ought to be met with, with the argument seeking to convert a general claim into a special one’ (*ibid.*: 56, *emphasis in original*).

In this paper, I shall critically examine Armstrong’s analysis of special claims from improvement and attachment. In the first part, I reconstruct his argument for why recognition of special claims from improvement will only justify modest departures from the egalitarian default. I then argue that the constraint they represent is stronger than Armstrong claims. In the second part, I turn to Armstrong’s discussion of special claims from attachment. I argue that the attachment-based claims Armstrong discusses are subcategories of a broader set of claims grounded in respect for people’s life plans.¹ On a consistent application of Armstrong’s life plan-foundation for special claims, nation-states may move (much) closer to establish ‘permanent sovereignty’ over the resources within their territories than he claims.

Special Claims from Improvement (or Value-Creation)

‘In a very general form,’ writes Armstrong, the idea behind special claims from improvement is that ‘because agents have increased the value of (some) natural resources they are entitled to something in return’ (*ibid.*: 95). This something is not full ownership over the improved resources, but an entitlement to keep *the created value*: ‘it is only the extra value which comes into being when an object

¹ I shall later use the term claims ‘from life plans’ rather than claims ‘from attachment.’ For many, the term ‘attachment’ connotes that an agent has a morally relevant connection to (and only to) a *non-fungible token*. Because I believe, as we shall see, that agents can have a (similar) morally relevant connection also to a *fungible* resource, I find the ‘life plan’-terminology more apt.

is improved that the improving agent has a claim over' (*ibid.*: 98). Moreover, as Armstrong presents it, the improvement-argument refers to *exchange* value, not use-value. He points out that the argument must give an inter-subjective account of improvement. It must be possible for a relevant act to 'be considered an improvement by others'; he takes exchange value to give us such a 'benchmark [...] for assessing when this is so' (*ibid.*: 109).

Importantly, he also demonstrates that the improvement-argument works regardless of whether it targets resources that have had their physical properties altered by human activity (in which case they have been 'improved') or not (in which case they are 'unimproved') (*ibid.*: 107, 55). To reflect this broad scope, I shall from here on use the more fitting (because more inclusive) term special claims from *value-creation* rather than 'improvement.'

Although Armstrong is quite skeptical about whether egalitarians should recognize special claims from value-creation, he concedes that the general idea behind such claims is 'very widespread' (*ibid.*: 96), and finds it worth examining to what extent egalitarians might accommodate them. Armstrong's interesting conclusion is that egalitarians can accommodate such claims without allowing more than a *modest* scope for just inequality. The 'upshot' of his analysis, he writes, is that 'rather less flows from improvement [...] than is sometimes thought to be the case' (*ibid.*: 4).

To show that recognition of special claims from value creation will only imply moderate departures from the egalitarian default, Armstrong focuses on the case where nation-states add value to the specific resources within their respective territories (*ibid.*: 95). His aim is to show that, although nation-states do typically add exchange value to the resources within their respective territories, they have no special claim from value-creation to retain *all* of the exchange value that those resources may fetch on the global market, and that we can use the remaining value to promote equality. In the present section, I shall argue that this alleged pool of remaining exchange value is empty. Armstrong's recognition of special claims from value creation will simply have more inegalitarian implications than he expects. Call this *the increased inequality-thesis*.

Armstrong convincingly argues that a nation-state cannot claim responsibility for the full exchange value that the resources it controls (altered or not) may fetch on the global market. As he puts it, 'all of the things a domestic government might do to influence the value of particular resources also have their extra-domestic counterparts' (*ibid.*: 104). He also suggests, with equal plausibility, that such a multisource picture is what we typically see in the global market, for example concerning oil prices (*ibid.*: 101). This leads him to claim that nation-

states cannot (as they currently do) lay special claim to retain the *full* portion of the exchange value of the resources they control when they sell them on the market. As he puts it:

[I]n a complex economy prices may escalate or decline as a result of factors for which individual improvers are not responsible. [...] When we distribute natural resources themselves, we distribute something which nobody has played any part in creating. But when we assign natural resources' economic value to one agent or another, on the other hand, we distribute something which is a *social* product; and it is not clear why improvers should have unlimited title to added value if its existence – and extent – also depends upon the actions of others (*ibid.*: 101).

From these plausible observations, however, he goes on to make a false claim, namely, that a certain portion of a resource's exchange value – that for which the seller of the resource cannot claim responsibility – *is available to promote equal access to wellbeing*.² Writes Armstrong:

[A]t least some portion of the market value of improved assets can be construed as 'rent', and [...] this rent, depending as it does on factors outside the control of improving individuals, can be considered an asset which is not owned by improving individuals but is rather available for equality-promoting causes (*ibid.*: 102).

This latter claim – about availability for equality-promotion – is false because it disregards the special claims from value-creation held by other agents operating on the global market. The global market, including the exchange value it places on commodities, is a human construct. If any specific agent is not responsible for the *full* exchange value of a specific resource, then *other* agents are responsible for the *remaining* parts of that value.³

In one sense, commodity prices may be influenced by purely natural phenomena. Earthquakes and other natural disasters may create resource shortages, which may spur increased demand, and thus increase resource prices on the global market. One might wonder if we should regard such exchange value fluctuations as having partially *non-human* causes, even though whether they materialize ultimately depends upon how humans react to the relevant natural

² It is worth noting that, if Armstrong allows for that alleged portion to be used to bring non-value-creating agents up to *full parity* with value-creating agents (access to wellbeing-wise), and the portion contains enough resources to do so, this effectively cancels the function he intends for special claims from value-creation. Those claims would then have no influence over *how much* wellbeing people may access; they would therefore, contrary to what Armstrong says, *not* be 'structurally different from' special claims from attachment (*ibid.*: 56).

³ In practice, it might be very difficult to assign individual responsibilities for specific value-portions. However, because that challenge applies to Armstrong's argument regardless of my analysis' correctness, I set it aside.

events. The position one wishes to take on this is immaterial to the critique I want to press against Armstrong. My aim is to defend the increased inequality-thesis: that recognition of special claims from value-creation has more inegalitarian implications for his theory than Armstrong expects. The issue between us is whether, on his theory, a certain portion of the exchange value of a resource – that for which *human beings other than the seller* are responsible – is available for equality-promoting purposes. Armstrong says yes. I say no. Because we both agree that *humans* bear responsibility for the relevant portion (whatever it is), it makes no difference to my increased inequality-thesis whether we deduct a part from that portion and place it on the ledger of natural phenomena. We can assess the disagreement between Armstrong and me by focusing solely on value created by humans. I shall therefore talk as if the exchange value of resources (as opposed to their use value) is *fully* accounted for by human actions.

So, the scenario under contention is this. Agent A is responsible for creating fraction f of the exchange value of resource R, a resource de facto held by A. The remaining part of R's exchange value is due, as Armstrong himself puts it, to 'the actions of others.' But if so, the implications of the value creation-argument, I believe, is quite clear. When A sells R on the market for exchange value V, we first reward A's special claim to retain the income corresponding to fraction f of V. We then distribute the *remaining* portion of R's exchange value – V minus f – among those *other* agents who are responsible for creating (fractions of) *that* portion (in accordance with their respective individual responsibilities). When we have satisfied the special claims from value-creation belonging to all the responsible parties, however, the pool is empty. *Pace* Armstrong, no portion of created exchange value is left to promote equality of access to wellbeing. As a result, by recognizing special claims from value-creation, Armstrong's theory has more inegalitarian implications than he believes. The increased inequality-thesis holds. (I here assume of course that, by satisfying the special claims of all agents involved, we do not incidentally achieve a more egalitarian distribution.)⁴

4 An anonymous reviewer wonders what happens if we distinguish between 'full' and 'partial' responsibility for value-creation, and hold that an agent who is merely 'partially' responsible (whatever that means) for creating a fraction of a resource's exchange value has *no claim* to keep that fraction. (Responsibility might count as 'partial' if, say: the agent did *not intend* the value-creation; the value-creation was *effortless*; the agent merely *enabled* the value-creation, etc.) On that view, there might be a portion P of the exchange value of the world's resources for which no agent has the relevant claim-conferring ('full') responsibility, and which is thus available for equality-promotion. If we grant all that, *arguendo*, what would happen to my increased inequality-thesis? Strictly speaking, my thesis would remain true: we would nonetheless have to deduct from the (P-containing) pool of exchange value those portions of value for which *extra-domestic* agents have 'full' responsibility (unless only sellers satisfy the criteria); that *reduces* the pool of resources available for equality-promotion below the level expected on the modified theory. However, when P's relative size goes up, the increase in just inequality that my thesis detects in the modified theory goes down. In short, although my thesis would remain true, the severity of its threat to Armstrong's egalitarian goals would vary.

Equality of Opportunity and Conceptions of the Good

Even if the increased inequality-thesis is correct, making a *relative increase* in unjust inequalities unavoidable, Armstrong could try to *minimize* its size by reducing the scope of special claims from value creation. In one passage, Armstrong seems open to do just that. To avoid what he regards as an intuitively unfair situation, where some agents enjoy *better opportunities* to add value to resources, he suggests that we could restrict the scope of special claims from value creation by not letting them ‘go un-circumscribed by egalitarian principles’ (*ibid.*: 55). As he puts it, one could hold that ‘the extent to which agents can permissibly reap rewards from making improvements to resources must depend *itself* on some prior account of what degree of resources people rightly have access to,’ and then deny that ‘our opportunities to improve the resources of the world need not be equal’ (*ibid.*: 55, *emphasis in original*).

In light of Armstrong’s welfarist metric, I take it that his fundamental reason for worrying about unequal opportunities to *add exchange value to resources*, is that this can translate into unequal *access to wellbeing*. (Better-placed agents may add value to resources, sell them on the market, retain their designated portion of income, and get hold of more fuels for wellbeing than others.) But if this is the reason for worrying about the said unequal opportunities to create exchange value, there is a deep problem with Armstrong’s recognition of the exchange value creation-argument in the first place. That problem applies whenever the world contains agents whose conceptions of the good reject the commodification of natural resources taking place on global markets.

The idea is this. In Armstrong’s version, the value creation-argument concerns creation of *exchange value*. This means that the argument only rewards actions embedded within a certain way of life. To reap the potential benefits offered by the value creation-principle, an agent must accept participation in a market and the commodification of resources that that involves. This means that our equalizing of opportunities *to create exchange value* will only do the trick for those who affirm the market-based way of life. Among *them*, our intervention might well push towards effectively equalizing their access to wellbeing. The same cannot be said for groups who reject this particular conception of the good. Imagine that A and B are Western nations (with a preference for trading resources on the global market), while C is an Amazonian indigenous community (whose members do not regard its resources as commodities, and who will therefore keep them off the global market). In this case, we cannot equalize the relevant opportunities (for adding exchange value) in a way that serves the relevant purpose for doing so (i.e., to preserve equal access to wellbeing), unless we remove the very option of submitting special claims from value creation – thus giving everyone *zero*

opportunity. Alternatively, we could seek to *compensate* C whenever A and B add value to resources (sell them, etc.) and derive additional wellbeing from this activity. Either way, special claims from value creation will then no longer play the role Armstrong intended for them. They are no longer potential sources of just inequality between all agents globally; we either invalidate these claims, or nullify their effects.

Special Claims from Attachment (or Life Plans)

In contrast to his qualified recognition of special claims from value creation, Armstrong has a much more favorable view of special claims from attachment. In fact, one of his important achievements is to show why egalitarians can and should be more accommodating towards such claims than they have traditionally been. As Armstrong writes, ‘we ought to care when attachments persist and seek, within the constraints of an egalitarian account, to accommodate them’ (*ibid.*: 128). Interestingly, as we shall see, Armstrong believes that special claims from attachment are typically reserved for small-scale claimants, such as indigenous communities. He doubts that large-scale claimants, such as nation-states, can claim (much of) the resources within their territories by appeal to attachment.

In this section, I shall argue that the moral foundation Armstrong uses to ground attachment-based claims, when consistently applied, may in principle ground resource claims for nation-states and indigenous communities alike. Combined with a pragmatic allocation rationale (supported by Armstrong), this implies, or so I shall argue, that nation-states might move (much) *closer* towards claiming ‘permanent sovereignty’ over the resources within their territories than what Armstrong believes. Call this the *increased sovereignty-thesis*. It is worth emphasizing the limited nature of this thesis. I shall not argue that a nation-state may claim *full* attachment-based resource rights over the *whole* territory it currently controls. Armstrong is certainly right to reject such a position. My claim is only that the moral foundation for attachment-based resource claims might well justify *more extensive* resource rights for nation-states than what Armstrong expects.

The Life Plan-Foundation (for Claims from Attachment)

In Armstrong’s view, the moral significance of attachment flows from people’s fundamental interest in freely pursuing their own conception of the good. Attachment-based claims to resources, he writes, are grounded ‘directly upon the significance of individual life plans’ (*ibid.*: 116). The idea is that respect for a person’s life plans promotes her *autonomy*: ‘Any plausible account of justice,’ Armstrong writes, ‘will consider it important that we are able to see ourselves as at least jointly directing our own lives, making plans for those lives which we

in turn have some prospect of achieving' (*ibid.*: 116). The reason why respect for life plans may ground special claims to specific natural resources is that people may incorporate the use of those resources into their projects and pursuits. '[I]t matters to individuals that they are able to act on plans which are central to their lives,' Armstrong writes, and 'in order to act on such plans secure access to certain resources may be required' (*ibid.*: 122). Put differently, recognition of people's 'sense of agency' is at stake (*ibid.*: 123). By granting their special claims from attachment, we enable particular people 'to advance the projects that matter to them distinctively and so exercise their distinctive human agency' (*ibid.*: 116).

Nation-States vs. Indigenous Communities

Armstrong goes on to suggest that small-scale communities will typically be the ones with valid special resource claims grounded upon the life plan-foundation (*ibid.*: 137). His most central example is this:

[T]he Saami people of Scandinavia [...] [is] an indigenous community which has sustained itself for more than a thousand years by herding reindeer. The task of feeding and herding reindeer [...] provides a shared life plan, deeply wrapped up in a specific mode of existence in relation to the physical environment. What we have in this case is a situation where there is an intimate and profound connection between an individual's identity and her ability to securely interact with a specific natural resource (*ibid.*: 121).

Now, in contrast, '[w]hen we shift our focus to nations,' writes Armstrong, 'it does not seem possible to produce examples where a majority of the members of a given nation genuinely identify as part of that nation as a result of their direct relationship with specific natural resources' (*ibid.*: 137). Although he does not strictly rule out that nations might '[integrate] control over [local resources] into their collective life-plans, and come to understand themselves, as communities, as collections of people who live in a close relationship with this forest or that gold-seam' (*ibid.*: 136-137), he is highly skeptical about the prevalence of that possibility. '[I]t is not clear,' he writes, whether 'truly national cases' of the 'very intense relationship between resources and communal identity' that we typically find in 'the example of indigenous communities' can be provided; at any rate, 'it is certainly the case that they have not yet *been* provided by defenders of national control' (*ibid.*: 138, *emphasis in original*).

In light of these comparative remarks, what Armstrong goes on to say about nation-states' claims from attachment is unsurprising: 'the attachment-based argument appears supremely unlikely to deliver good grounds for full resource

rights over all of the resources within a nation-state' (*ibid.*: 138). At best, he writes, that argument will justify 'patchy and uneven' claims (*ibid.*: 137). This means that nations-states are very far from having attachment-based special claims to all the resources within their territories. The idea of 'permanent sovereignty,' it seems, is soundly defeated.

Now, the idea that the attachment-basis (or any other basis for that matter) might justify *permanent* sovereignty for nation-states over *all* the resources within their *existing* territories strikes me as highly implausible from a moral point of view. I know of no philosophical defense of such a position, and I shall not suggest that the life plan-foundation provides any. Again, my aim is to examine whether nation-states might establish *more extensive* special claims over 'national' resources than Armstrong believes (on the normative foundation he himself endorses). To that effect, let us have a closer look at Armstrong's differential assessment of indigenous and national claims from attachment. Why, more specifically, do the former, in his view, (typically) succeed while the latter (typically) fail?

As I read Armstrong's comparative remarks above, he ostensibly imposes two validity-requirements upon special claims from attachment. The first concerns the mode in which claimants relate to the claimed resources. Indigenous claimants seem to succeed because they have a 'strong and enduring,' 'intimate and profound,' and 'very intense' relationship to the relevant resources. Call that the *mode requirement*. The second concerns the target of the relationship. Indigenous communities target 'specific' resources; as non-fungible supports for their life plans, those resources cannot be replaced without impeding the communities' plans. In contrast, nation-states target resources which their members regard as mere fungible means; providing an 'economic foundation,' those resources can in principle be replaced without impeding the national plans. Call the targeting of 'specific' resources the *non-fungibility requirement*.

Armstrong's idea seems to be that national claims typically fail both requirements, at least in relation to the bulk of the claimed national resources. I shall now elaborate on, and reject, both the mode requirement and the non-fungibility requirement. If my rejection is correct, this enables nation-states to submit more extensive resource claims by appeal to Armstrong's own life plan-foundation.

The Non-Fungibility Requirement

That Armstrong does operate with a non-fungibility requirement is quite clear. It is more difficult to pin down its exact content. There seems to be textual support in Armstrong's book for three accounts of non-fungibility. According

to the first, a claim is invalid unless it targets *token*-non-fungible resources. Consider the following passage:

If they are to be weighty, attachment-based claims will be claims which cannot be met, at least without significant loss, merely by providing equivalent shares of other resources. What is at stake is the right to insist that *these* trees should not be cut down, or that *this* agent should continue to be able to herd *those* reindeer (*ibid.*: 116, *emphases in original*).

The view that attachment-based special claims only have pro tanto weight if they target token-non-fungible resources is also supported in several other places in Armstrong's book. In another passage, he writes that, in contrast to 'a (general) right to specific *kinds* of natural resources (i.e., fresh water and clean air),' special claims from attachment concern 'specific *instances* or tokens of natural resources' (*ibid.*: 125, *emphases in original*). In fact, the requirement of token-non-fungibility is built into Armstrong's very *definition* of special resource claims. Recall that, for him, special claims 'will always be particular in two ways: they will be claims that *some* of us can register over *specific* natural resource tokens' (*ibid.*: 53, *emphases in original*).

Armstrong's definition of special claims arguably gives quite strong support for the token-non-fungibility reading. Yet, there is also clear textual evidence of a second (less limiting) version of the non-fungibility requirement. So, let us put Armstrong's definition of special claims aside for a moment.⁵ In some places, the notion Armstrong favors is *type*-non-fungibility. That is evident in a central example he uses to motivate the very idea of special claims from attachment. The life plans of 'Sioux or Tlingit fishermen,' Armstrong writes, may ground a claim to 'certain species – or even certain populations – of fish' (*ibid.*: 122). By allowing the fishermen to have attachment-based claims to a certain species of fish, Armstrong clearly goes against the first version of the non-fungibility requirement. After all, the fishermen's claim is non-fungible only with regards to a certain species – or type – of fish. As long as they may fish (fungible) tokens of *that* species, their claim is met; they cannot lay claim to catch any particular specimens of it. The fishermen example thus suggests that what Armstrong has in mind is less demanding than token-non-fungibility. Instead, a claim's validity relies upon the type-non-fungibility of the resources it targets.

To appreciate the relevance of the distinction between token- and type-non-fungibility, it is helpful to distinguish between what the satisfaction of a plan

⁵ On a broader definition than Armstrong's, a *special* claim comes into existence by virtue of 'some special [...] transaction or relationship which is, in some sense, peculiar to those who happen to have entered into it' (Waldron, 1988: 107). On that definition, claims to *fungible* resources may be special.

requires in principle, and what it requires in practice. *In principle*, a person's life plan may merely depend upon the use of fungible tokens of a certain *type* of resource (e.g., drinking water). *In practice*, however, her execution of that plan will always involve the use of specific *tokens* of that type (e.g., the specific water molecules she drinks to quench her thirst). What I am concerned with is whether that person's plan, in principle, would have been equally well satisfied if she had ended up using a different set of tokens. If the answer is 'yes,' then her plan does revolve (in the sense I am after) around a token-fungible but type-non-fungible resource. Whether her plan's execution in practice always relies upon the use of specific tokens is irrelevant.

Before moving on, let us pause to note this. If we take the second reading of the non-fungibility requirement seriously, a terminological adjustment might be pertinent. Because the term 'attachment' is often used to refer to an agent's connection to specific tokens only, it seems unfortunate to characterize claims to *type*-non-fungible (but token-fungible) resources as 'attachment-based.' From hereon I therefore set aside the terms 'special claim' (in Armstrong's sense) and 'claim from attachment,' and instead use the more inclusive term 'life plan-based claim to resources.'

There seems to be some textual evidence also for a third interpretation of the non-fungibility requirement. At times, Armstrong's skepticism about nation-states' life plan-based claims seems to focus upon a conception of resources as *mere economic means*. That is, the claimed resources figure in the nation's plans as nothing further than plan-enabling sources of revenue; the nation could in principle satisfy its plans equally well by receiving money directly. Armstrong seems to hold that, if nations regard the claimed resources as mere 'sources of ready cash' this significantly weakens their claims – making them 'look highly tenuous.' Consider this passage:

Attachment-based claims over [...] extra-territorial resources [...] look highly tenuous. Rights over oil, gas, and minerals are being claimed so that they can be extracted and sold on global markets; rather than these resources being prized cultural assets, they represent sources of ready cash. [Moreover] the highly capital-intensive and technological nature of fishing many miles out to sea should dispel any rosy visions we might have of fishing as a traditional subsistence practice [...]. Fish, too, are sources of revenue for highly mechanized and ruthlessly competitive industries [...] (Armstrong, 2017: 204).

Insofar as nation-states, as opposed to indigenous communities, do regard the resources within their territories as mere sources of money, this difference

might do the job for Armstrong. The idea is to interpret his non-fungibility requirement such that it allows fungibility between *natural* resources, but forbids it between natural resources and *money* – a *non-natural* resource. Call that third interpretation, *monetary-non-fungibility*.

Before we assess the three versions of Armstrong's requirement, let me underline this. It might well be good reasons to push back against the kind of 'non-traditional' and 'capital-intensive' resource claims made by the 'ruthless' fishing industries Armstrong mentions. But it is important to be clear about different philosophical rationales for doing so. Our present question is whether it is *sufficient* for invalidating a claim, that the claimant regards the relevant resources as mere fungible means. That is, we assess the idea that *fungibility in itself* is sufficient to invalidate a pro tanto resource claim.

Assessing the Non-Fungibility Requirement⁶

Is Armstrong's non-fungibility requirement – in any of its three senses – a plausible constraint? As I see it, that requirement is both counter-intuitive and in tension with Armstrong's own life plan foundation for special claims. To appreciate its counter-intuitiveness, imagine two adults, Wilma and Ximena. Both have autonomously developed a plan to swim regularly in the natural outdoors for the rest of their lives. Wilma's plan is to swim in a particular lake – the one where she fondly remembers swimming together with her family as a child. Ximena's plan is less discriminative. As long as she has access to any swimming-friendly natural environment – lakes, rivers, or sea areas – she can pursue her plan. While Wilma's plan satisfies Armstrong's *token-non-fungibility* requirement, Ximena's does not. Still, does it make intuitive sense to grant Wilma a pro tanto claim to access the particular lake-token she needs to pursue her plan, while we reject Ximena's claim to access any natural swimming environment whatsoever? If your reaction is like mine, you find such differential treatment counterintuitive. Whether people's plans target token-non-fungible or token-fungible (yet type-non-fungible) resources seems irrelevant for determining whether those plans generate claims to those resources. Consider now a further case. Like Wilma and Ximena, Yolanda loves the outdoors. Unlike them, however, she is equally fond of swimming and running. Her plan is to either swim (e.g., in a lake) or run (e.g., across a field) each week. If the *type-non-fungibility* requirement is correct, Yolanda has no claim to the resources she needs to pursue her plan. Because her plan is indifferent between two types of natural resources (water and land), her claim fails. Yet, again, to deny Yolanda's claim, while accepting those of Wilma and Ximena seems counterintuitive. Lastly, consider the life plans of Zelda, a city-dweller who spends most of her

6 This section draws upon (but also supplements) ideas I have developed in more detail elsewhere. See Angell (2019).

time online in a virtual reality world. What Zelda needs in order to pursue her plan is access to whatever amount of resources that she can exchange for the 20 US dollars that will cover her yearly subscription fee to the online community. Alternatively, she could just receive the money directly. If the *monetary*-non-fungibility requirement is correct, Zelda's claim is invalid. Yet, to deny Zelda's claim while granting those of Wilma, Ximena and Yolanda, seems implausible. On the contrary, all else being equal, it makes intuitive sense that the four women all have pro tanto claims to the resources they need to pursue their autonomously chosen plans.

That intuitive verdict is also straightforwardly supported by the theoretical foundation Armstrong uses to ground attachment-based resource claims. As seen, according to that foundation, we respect people's life plans because and insofar as our doing so promotes their autonomy. This means that our reason for non-interference with a person's life plan stems not from the plan's specific content – such as the fungibility of its targeted resources – but from *how it was brought about*. That is a well-known liberal idea. What matters is that a person autonomously chooses her way of life. When she has made her choice, we stay out of her way. If we interfere with her plans, we diminish her autonomy, all else being equal. The details of the projects she has decided to pursue are (largely) irrelevant.⁷ Armstrong, it seems to me, clearly agrees on this: 'pointing towards attachment,' he writes, 'does not give us reason to believe that some people's life plans matter more than others' (Armstrong, 2017: 5; see also 56, 116). Put differently, the moral significance of noninterference with a person's plan is due to our respect for the agency of its holder; our non-interference enables her to live an autonomous life.

We now recognize that Armstrong's life plan-foundation for resource claims does not sit well with his non-fungibility requirement (in any of its three interpretations). If we aim to show equal respect for people's agency, we do not ascribe different pro tanto weight to plans merely because they revolve around differentially fungible resources. What matters is whether a claimant has developed the relevant plan in an autonomous way. Armstrong's non-fungibility requirement is a false constraint on the validity of life plan-based resource claims.

7 I add the modifier '(largely)' here because of the following controversy. Some believe that if an autonomously chosen plan's content violates a threshold of moral acceptability, the value of not interfering with it dissolves (Raz, 1986: 380). Others reject any content-restriction, and hold that interference with life plans always violates a pro tanto autonomy-based duty (Waldron, 2012: 145-147). For the purpose of assessing Armstrong's non-fungibility requirement, however, we can bracket that controversy. Even if Armstrong took the former position, it is hard to see how the mere fact that a plan *revolves around fungible resources* can fail (any plausible account of) the relevant threshold.

The Mode Requirement

Perhaps Armstrong might still invalidate national claims insofar as they lack a 'strong and enduring,' 'intimate and profound,' and 'very intense' relationship to the claimed resources. Because Armstrong does not define those terms, assessing his mode requirement might appear somewhat difficult. However, in our case, the lack of definitions need not detain us much, because the mode requirement presumably fails on *any* set of plausible definitions. To acknowledge the irrelevance of the mode requirement, consider the term 'intimate and profound.' Let us return to the cases of Wilma and Zelda, and compare them on that mode-feature. To live autonomously, Zelda needs access to a certain amount of money, while Wilma needs access to a particular cherished lake. Presumably, on any plausible conception of 'intimate and profound.' Wilma's relationship to the lake has (much) more of that characteristic. Indeed, it seems psychologically highly implausible that Zelda relates to the money 'intimately and profoundly' at all. Yet, that mode-difference between the two women presumably does little to sway our intuitive assessment of their pro tanto claims. Armstrong's mode-requirement seems false as a constraint on the validity of life plan-based resource claims.

I expect similar verdicts for the other relevant terms. In fact, it would be quite surprising if a claimant's *way of relating* to resources turns out to matter *on the life plan foundation*. After all, according to the life plan-argument, people have valid resource claims insofar as the satisfaction of those claims enables them to live autonomous lives. Whether a person has a profound or intimate relationship to the resources she needs to live autonomously seems beside the point. The mode-requirement, I believe, fails.

Why Nation-States Typically Have Extensive Claims

If I am correct in my rejection of Armstrong's two requirements, his skepticism towards extensive national claims over resources is unwarranted. In fact, in light of my analysis, such extensive claims seem quite prevalent. Consider a case where a nation-state's citizens share a plan to sustain various welfare state policies, or, more fundamentally, to sustain the state institutions themselves. They finance those practices by exploiting the bulk of the resources located within the territory they control. Virtually all modern states arguably fit such a description. It seems quite clear, then, that very many nation-states have quite extensive life plan-based claims over the resources within their current borders. As a rule of thumb, the more costly their practices, the more extensive their claims.

Of course, to the extent that the nation-state's plans revolve around *fungible* resources, they could be satisfied with functionally similar resources located *outside* the national territory. I do not deny that. However, as Armstrong concedes, we typically have *pragmatic* reason to satisfy the nation-state's claim with rights over the resources *within* the territory it already controls (*ibid.*: 125). Although a large chunk of the national claims I have uncovered will be contingent in this way, it makes a significant philosophical difference whether nation-states may submit *life plan-based* claims to vast amounts of fungible resources within (or beyond) their territories in the first place.

Armstrong is probably correct to point out that nation-states typically have 'patchy' and 'uneven' claims to the resources within their territories, as long as we focus only on resources that are token-non-fungible in the national plans. Yet, as seen, a nation's life plan-based claims to fungible resources may far exceed those limits. If so, and if we accept Armstrong's pragmatic rationale, we must accept that nation-states may move (much) closer to have pro tanto claims to 'permanent sovereignty' over the resources within their territories. I conclude that the increased sovereignty-thesis holds.

Life Plan-Based Claims and Armstrong's Egalitarian Default

If my above analysis is correct, the logic of the life plan-foundation implies that nation-states, just like indigenous communities (or any other claimant), may lay pro tanto claim to whatever resources they need to support their members' shared life plans. What, then, if we still seek to challenge or 'downscale' national resource claims? A more promising place to start, I think, is this. We may concede that national life plan-based claims are *pro tanto* valid, yet hold that they are *overridden* by a distributive proviso. In fact, Armstrong, who subsumes life plan-based claims under his theory's *egalitarian default*, is already committed to such a strategy.

The proviso-oriented strategy seems promising because many nation-states currently control enormous territories. Presumably, several of their vast resource claims will be outweighed more often than not by the demands of an egalitarian (or even a sufficientarian) proviso. Let me end, however, by pointing to a potential worry for such a proviso-oriented strategy *in Armstrong's case*. Armstrong's *welfarist* egalitarian proviso might open up for compensating people for 'expensive' tastes, and thus override far fewer national claims than he might wish. Insofar as national plans require exploiting vast amounts of resources, and there is a close connection between life plan-satisfaction and

access to wellbeing,⁸ such claimants might need the bulk of their national resources after all. Without them, the nation's members might simply lack the equal access to wellbeing that Armstrong's egalitarian proviso is supposed to provide – for everyone, everywhere.⁹

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8 Such a link seems clear in how Armstrong describes life plans as 'the central projects which give meaning and purpose to individual lives' (*ibid*: 56).

9 As a possible response here, Armstrong might go deeper into what role *responsibility* shall play in his egalitarian theory, an issue he seeks to largely bracket in his book. By '[offering] people the fuels to achieve equivalent levels of wellbeing, whether they choose to take them up or not' (*ibid*: 83), his metric of equality is to *some* extent responsibility-catering, although he deliberately leaves open exactly how much.

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