



Justice, neoliberal natures, and Australia's water reforms

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Abstract

Scholars studying the neoliberalization of nature (and political ecologists more broadly) have been notably concerned with justice, but have underspecified their own conceptions of justice and have failed to seriously question or investigate what kind (or kinds) of justice is actually being pursued in the context of neoliberalism. In this paper, I argue that a more robust treatment of justice is required, building on recent calls for a more reflexive approach to normativity in critical human geography. I make this argument by drawing on a study examining how justice is being mobilized in Australia's neoliberal water reforms through a series of semi-structured interviews with water policymakers and industry professionals. I show that the justice being pursued through these reforms is multivalent, but coalesces around an allocative framework I call the 'basic needs plus market' framework. This framework ultimately finds its moral compass in a utilitarian conception of distributive justice, and this utilitarianism both facilitates neoliberalization and tempers its expression. Understanding neoliberalization as a means to broader normative ends, I suggest, has considerable potential for both explaining the contradictions and contestations scholars have argued are intrinsic to 'actually existing neoliberalism' and opening up opportunities for productive critique and engagement.

Keywords

Justice, neoliberal natures, water management, Australia

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[to be added after review]

Introduction

In the last two decades, neoliberal modes of environmental governance have proliferated worldwide, and geographers have been prominent in critiquing the attendant transformations of humanity's interaction with nature. The empirical focus has been on previously common pool resources such as wetlands, fisheries, carbon and water, which have increasingly been commodified, marketized and privatized. This 'neoliberal natures' literature, much of which adopts a neo-Marxist theoretical lens (and requires no recapitulation here), argues strongly that the processes and implications of neoliberalization are geographically contingent, contested, and contradictory (e.g. Larner 2000, 2003; Peck & Tickell 2002; Heynen & Robbins 2005). But it remains almost universally critical of both neoliberalism writ large and the myriad neoliberalizations it studies, and at the heart of this critique is the assertion that neoliberalism is unjust and that the processes and policies associated with it create or exacerbate injustice. The 'justice' of neoliberalism is seen as largely stable and coherent.

This raises a question for me: whether or not I agree that neoliberalism has some particularly pernicious characteristics (I do), if neoliberalism is variegated in both expression and experience, surely its justice implications are too? Declaring neoliberal environmental governance unjust requires both normative argumentation to establish a conception of justice against which to judge it and an understanding of what kind (or kinds) of justice is actually being pursued where neoliberal mechanisms are prominent. As Noel Castree warned neo-Marxists interested in nature's neoliberalization in 2003, "assuming, or even asserting, normative standpoints – both at the level of modes of critique and specific normative justifications within and between these modes – simply leaves too many important questions unanswered" (Castree 2003, 292).

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3 In this paper, I make the case for a more robust treatment of justice by scholars interested in
4 nature's neoliberalization, though by extension I am talking to political ecologists and urban
5 political ecologists too, building on the calls which have been emerging from around the
6 discipline for a more critical, reflexive approach to normativity (Sayer & Storper 1997;
7 Smith, D.M. 2001; Olson & Sayer 2009; Barnett 2011; Fincher & Iveson 2012). I develop
8 this argument with reference to Australia's recent water reforms, which display all the
9 hallmarks of a 'neoliberal project' (Bakker 2005) (*authors' reference*). I argue that the
10 architects of neoliberalization in the Australian water sphere espouse a remarkably
11 multivalent conception of justice, seeking to build a framework for allocating water based
12 around first providing for people's 'basic human needs' and then subsequently using a market
13 to redistribute the remaining water resource. Though the rhetoric of marketization has been
14 prominent and it would be tempting to make quick normative judgments on the injustice of
15 Australia's new approach to water allocation and distribution, I argue that this 'basic needs
16 plus market' allocative framework actually subjugates the pursuit of neoliberalism (or what
17 might be called 'neoliberal ideals') to the pursuit of a utilitarian conception of distributive
18 justice. Neoliberalization in Australian water governance must therefore be understood as a
19 *means* rather than an *end*. As a result I question the repeated assertions in the neoliberal
20 nature's literature that neoliberalism is fundamentally unjust. Instead, I argue that
21 understanding neoliberalization as a means of achieving more fundamental normative ends
22 has considerable potential for helping to explain the contingency of neoliberalism and the
23 contradictions and contestations which scholars have convincingly argued characterize it,
24 opening up opportunities for productive critique and engagement.

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53 To begin with, I problematize the way justice is mobilized in the neoliberalization of nature
54 literature. I argue that justice underpins much of the critique yet attracts little explicit
55 attention or theorization beyond that. Scholars generally have not carefully justified or
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3 explained their own conceptions of justice, though in aggregate David Harvey's socialist
4 formulation of justice developed in *Social Justice and the City* (1973) hangs heavily over the
5 literature, much of which simply adopts it as 'fit for purpose', and proceeds from there.
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7 Perhaps as a result of this lack of reflexive attention to justice, scholars have also failed to
8 seriously question or investigate what kind (or kinds) of justice is actually being pursued in
9 the context of the 'neoliberal' cases they are studying, or how the mobilization of competing
10 conceptions of justice may in fact shape the trajectory of neoliberalization. I then examine
11 Harvey's work and the work following in his vein in more depth, arguing that whilst a
12 Marxist conception of justice does emerge, this work highlights the importance of
13 maintaining a critical, deliberate and thorough engagement with the meanings and debates
14 over justice. The body of the paper is then devoted to developing my argument with reference
15 to Australia's recent water reforms.
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30 ***Problematizing justice in the neoliberal natures literature***

31 *Neoliberal natures and justice narratives*

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34 Justice looms large in the neoliberal natures literature, and this is not surprising. The
35 literature sits within a broader geographical critique of neoliberalism, which has "focused on
36 the deleterious impact that its manifestations have on social justice" (Smith, A. et al. 2008,
37 240-241), and draws significant inspiration from work in political ecology which drew the
38 first clear lines of connection between social injustice and environmental degradation (see,
39 e.g., Blaikie 1985; Forsyth 2008). Central to the critique has been how environments, natures
40 and resources have become sites of capitalistic accumulation, drawing particularly on David
41 Harvey's (2003) reformulation of Marx's (1976 [1867]) thesis of 'primitive accumulation' as
42 an ongoing process of 'accumulation by dispossession'. By this reading, the privatization of
43 resources formerly considered 'commons' is unjust because it appropriates for a few what
44 had previously been the property of—or at least freely accessible to—all. Erik Swyngedouw
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3 (2005, 82) thus argues that privatization is simply the “official terminology” for accumulation
4 by dispossession, which “is nothing else than a legally and institutionally condoned, if not
5 encouraged, form of theft”. But critics are rarely as direct as Swyngedouw. Instead, scholars
6 tend to express their concern that neoliberal mechanisms for governing nature are unjust by
7 building narratives in which neoliberalization is associated with inequality, inequity,
8 exclusion, enclosure, loss of (political) agency and dispossession. Justice is rarely directly
9 addressed—let alone subjected to critical scrutiny—yet it is central to their critique. Matthew
10 Himley summarized the tenor of the literature well when he observed that critiques of the
11 neoliberalization of nature “underscore the necessity of analyzing ... how governance
12 arrangements may codify inequality ... and in the process reproduce unjust social relations”
13 (Himley 2008, 444).
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28 To give just a few examples, Jessica Budds argues that Chile’s neoliberal 1981 Water Code
29 exacerbated inequalities between large and peasant farmers, giving large-scale farmers
30 greater control over water at the expense of peasant farmers whose access is increasingly
31 curtailed. She concludes that “natural resource management under market principles
32 *diminishes*, rather than fosters, social equity and ecological concerns” (Budds 2004, 337).
33 Ben Page (2005, 303) argues that the community-run provision of water in Tombel,
34 Cameroon is “more just than the plan to coerce everyone into paying”. Rhodante Ahlers
35 (2005, 57) argues that “unequal gendered access to resources is perpetuated and legitimized
36 by the introduction of market mechanisms in the water sector” in Mexico and Bolivia, a point
37 also taken up by Adrienne Roberts (2008, 544), who argues that “neoliberal globalization is
38 increasingly exacerbating inequalities based on class, gender and race”. Finally, a wide range
39 of scholars have documented the ways in which privatization serves to reinforce the
40 privileged position of elites at the expense of the majority (e.g. Goldman 2007; Laurie &
41 Crespo 2007; Dubash 2006). Becky Mansfield thus argues that “Property rights are at the
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3 center of a massive change in the political economy of the oceans ... that enclose for a few
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5 what was once the property of all” (Mansfield 2004, 324-325).
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9 Some scholars have attempted to go beyond highlighting negative justice implications
10 associated with neoliberalism to examining how neoliberalism has transformed mainstream
11 understandings of what justice entails. Karen Bakker’s work has been particularly influential
12 in building this argument. Bakker argued that the privatization of the English and Welsh
13 water utilities in the 1980s was underpinned by two policy changes. Firstly, from policies
14 designed to promote geographical equalization of water costs to those designed to promote
15 full-cost recovery (and hence geographically different water rates); and secondly, from basing
16 water rates on the rateable value of land towards charging based on consumption (facilitated
17 through installation of water meters). The effect of these policy changes was to subtly
18 transform the *meaning* of justice in the water sphere from ‘social equity’ to ‘economic equity’
19 (Bakker 2001, 2003a). This argument that justice has been transformed along increasingly
20 economic lines has been widely accepted in the literature (e.g. Smith, L. 2004; Perreault
21 2005; Laurie & Crespo 2007; Davidson & Stratford 2007; Roberts 2008; Harris 2009). It is in
22 this vein that Laïla Smith argues that “The corporatization model [in Cape Town] undermines
23 public accountability because it inherently involves a policy shift that moves away from
24 political processes towards greater technical intervention that places a premium on efficiency
25 at the expense of equity”, which is “particularly dangerous in a society that is replete with
26 inequalities” (Smith, L. 2004, 382).
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49 Bakker’s argument finds support from Chukwumerije Okereke, whose work on two
50 international environmental conventions forms the context for his argument that justice is
51 being redefined along more neoliberal lines: “the most important determinant of the
52 “success” of equity norms in environmental regimes” he argues, “is the extent to which they
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3 “fit” with dominant neoliberal economic ideas and structures” (Okereke 2006, 26). Together,
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5 Bakker and Okereke’s work suggests that justice is being neoliberalized, and both are
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7 uncomfortable with this. Bakker draws comfort from what she sees is the inevitability of a
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9 Polanyian double movement, which re-institutes some of the social protections lost in the
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11 process of privatization. Okereke is less hopeful: “the general philosophy of neoliberal
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13 patterns of governance and the key narratives with which this philosophy is advanced remain
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15 irreconcilable with the idea of global environmental justice and North-South equity”
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17 (Okereke 2008b, 13). But both arguments point to the fact that proponents of
18
19 neoliberalization are active in pursuing some form of justice agenda, even if it involves
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21 attempting to normalize oppositional justice claims within an overarching neoliberal
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23 paradigm, as Ryan Holifield (2004) argued the Clinton administration sought to do in its
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25 engagement with the Environmental Justice movement in the USA. This work brings justice
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27 into the foreground, something sorely needed in the neoliberal natures literature, even though
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29 I think it is insufficient to see justice as yet another domain to be colonized by the neoliberal
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31 rationality.
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38 But the paucity of direct treatments of justice highlights the fact that as it stands, the
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40 neoliberal natures literature lacks a systematic, thorough and reflexive theorization of justice
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42 to lend weight to its critical project. Justice concepts tend to be used in a rather ad-hoc
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44 manner with little of the nuance that characterizes the treatment of, for instance, the
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46 contingency of manifestations of neoliberalism. The time has come to address this lacuna,
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48 particularly given cognate shifts within human geography towards a more ethically and
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50 normatively aware as well as engaged mode of critique (Smith, D.M. 2000; Olson & Sayer
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52 2009; Barnett 2011). Simply put, a clear moral framework supported by normative
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54 argumentation is required to explain *why* the ills being associated with neoliberalization
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56 (most commonly inequality, but also enclosure, exclusion, dispossession and others) must be
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3 considered unjust, to move beyond observations and assertions to more meaningful critique.
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5 Yet this normative reflexivity and reflection is noticeably lacking in the neoliberal natures
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7 literature. Instead, the literature appears to derive its moral compass and justice lens
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9 predominantly from David Harvey's socialist formulation of justice developed in *Social*
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11 *Justice and the City* (SJC), which sits within a broader neo-Marxist geographical scholarship.
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15 *The neo-Marxist geographical theorization of justice*
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17 SJC was the product of Harvey's realization that the geographic analysis of the kind he was
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19 pursuing at the time must in some way be connected to social and moral philosophy, but he
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21 "could find scarcely any literature on this topic" (Harvey 1973, 9). Published just two years
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23 after John Rawls' paradigm-shifting *A Theory of Justice* (1999 [1971]) which set the tone for
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25 moral and political philosophy for at least a generation, SJC was far ahead of its time. One of
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27 the most novel and productive things about SJC was the way Harvey radically shifted his
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29 own position on how justice should be theorized in response to the demands imposed on him
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31 by his reading of the contemporary city. It would take philosophers another 30 years to make
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33 a similar shift from exploring "idealized models of justice" to "starting from more worldly,
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35 intuitive understandings of injustice, indignation, and harm, and building up from there"
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37 (Barnett 2011, 252). In one of the defining moments of 20th century human geography, in
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39 SJC Harvey abandoned a 'liberal' formulation of social justice in favour of a 'socialist' one,
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41 and proceeded to set out the basic contours of a (Marxist) geographical theorization of justice
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43 (Harvey 1973; Smith, N. 1996). This shifted heralded the Marxian turn in human geography
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45 without which the entire literature on nature's neoliberalization may well have not existed,
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47 and certainly would have taken on a vastly different form if it had (Barnett 2011).
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49 Subsequently, scholars (including Harvey) working in the neo-Marxist tradition have built on
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51 Iris Young's (1990) five principles of justice (exploitation, marginalization, powerlessness,
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3 cultural imperialism, and violence), to which Harvey added the ecological dimension as a
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5 sixth (Harvey 1992, 1996).
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9 In *SJC* (urban) inequalities—particularly the inequality of income and the way its
10 redistribution tends to benefit the rich at the expense of the poor—are Harvey’s indicators of
11 injustice. His argument is that these inequalities are not the outworkings of some conspiracy
12 or corruption in the system, but rather are the natural by-product of market forms of
13 exchange, generated by the same mechanisms by which the market economy achieves
14 efficiency. Writing in an edited anthology some years later, Soja paraphrases Harvey:
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23 Without public control over these market forces, even the most innovative and
24 progressive planning programmes are susceptible to co-option by the invisible
25 hands that generate, by their very nature, increasing inequality. (Soja 1996, 182)
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30 If the normal operation of a market economy produces such deleterious inequality, then
31 action must be taken. Simply put, the ‘normal injustice’ of market capitalism is grounds for
32 its overthrow in the name of social justice, and socialism is the ‘better alternative’. Harvey’s
33 account of the market economy with its embedded justice assertions has had a vast influence
34 on both critical urban studies and critical political economy, and in it we can identify the key
35 normative assumptions embedded in critiques of nature’s neoliberalization.
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44 But can we forgive scholars for adopting Harvey’s (socialist) formulation of justice as ‘fit for
45 purpose’, and proceeding from there? Not according to Neil Smith, who argues that Harvey’s
46 theorization of justice fails to resolve “the dilemma of social justice for the left”. Of which
47 dilemma is Smith speaking, and how has Harvey failed to resolve it? There is certainly no
48 hint of a dilemma within the neoliberal nature’s literature. The dilemma is that even if one
49 overlooks the difficulties within Marx’s own engagement with justice (see Geras 1985, 1992;
50 McCarney 1992), whilst Marxism provides a number of compelling reasons to be *concerned*
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3 about justice, it has thus far failed to provide an alternative conception of justice to that of
4 liberal egalitarianism (i.e. Rawls, see Kymlicka 2002; Smith, D.M. 1994). Harvey has failed
5 to resolve it, because his theorization of justice, with its six principles and universal
6 aspirations, “lacks the motive force to shift the discussion from the liberal bedrock of ideals
7 of justice – an admittedly tall order but a vital one” (Smith, N. 1996, 132).
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12 This dilemma, though, has been exacerbated by a systemic inattention to justice within
13 Marxist scholarship more broadly. Merrifield and Swyngedouw (1996, 1) observe that justice
14 “has tended not to preoccupy Marxist thinkers too much” (Merrifield & Swyngedouw 1996,
15 1). But Neil Smith goes further:
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It may be heretical, but I am almost inclined ... to admit that the paralysis of the left concerning a well elaborated discourse of social justice actually expresses something of importance, something we should take seriously. ... It is not, of course, that Marx and Engels had no commitment to justice. Clearly they were all about justice, but how was this political commitment expressed? (Smith, N. 1996, 133)

So it seems some remedial work is required to revive the comparative critical trajectory pioneered by Harvey in *SJC*. Such was the influence of *SJC* that scholars working broadly in the Marxian tradition (including those working on neoliberal natures and related areas such as urban political ecology) have rarely felt compelled to develop their own critical engagement with the theories of justice Harvey himself was so engaged with. Instead, scholars have implicitly adopted Harvey’s socialist formulation of justice as ‘fit for purpose’ without any sustained normative reasoning as to why, perhaps assuming as Harvey does that “Putting the inequalities at the top of the environmental agenda directly challenges the dominant discourses (be they of the standard, ecological modernization or wise use variety)” (Harvey

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3 1996, 385). Ira Katznelson thus argues that Harvey's abandonment of liberalism in *SJC* cost
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5 Marxist critics the ability to "connect with, rather than override, the concerns raised by Rawls
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7 and other recent liberal thinkers about justice, equality and social peace" (Katznelson 1996,
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9 60).¹ Here Smith and Katznelson are in agreement – neo-Marxist critiques would be
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11 enhanced by engaging with, rather than dismissing, liberal conceptions of justice. Katznelson
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13 proposes a normative pluralism as more productive than Harvey's increasingly dogmatic
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15 socialism:
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19 Rather than choose between them, as in his [Harvey's] attempt to move to better
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21 and stronger ground, I prefer to insist, first, on the possibility of a social process
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23 approach to the analysis of liberalism (as well Marxism) and the city; and, second,
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25 that a rotation in our axes of attention and explanation can be salutary. (Katznelson
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27 1996, 58).
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31 Harvey explores justice pluralism in his broader précis of the literature on Environmental
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33 Justice (EJ) in *Justice, Nature and the Geography of Difference* (1996). He observes that
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35 environmental discourses can be crudely mapped onto different principles of social justice—
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37 environmental management to utilitarianism, radical animal rights to libertarianism, and deep
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39 ecology to radical egalitarianism—and that all of these formulations are both theoretically
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41 valid and observable in the EJ movement. This leaves scholars "with a case of determining
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43 which is the most socially just theory of social justice" (Harvey 1996, 397-398; also, Harvey
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45 1992, 595). Justice pluralism is one way of making this determination – allowing different
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47 conceptions of justice to have different weight depending on the context. But Harvey
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49 questions justice pluralism both practical and ethical grounds: it provides little guidance on
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51 why to opt for one blend of principles over another and is more likely to be perverted by
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56 ¹ Intriguingly, Katznelson also argues that *SJC* pivots on the work of Karl Polanyi, but in a "denuded" form –
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58 simplified and not fully articulated. This is arguably true for the neoliberal nature's literature too. Polanyi has
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60 emerged as a fulcrum point of its critical analysis, and it has demonstrated empirically the fact that
(neo)liberalism "is inherently multiplex and contradictory" (Katznelson 1996, 60).

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3 existing elites. Flagging his destination up-front by citing Marx—“Between equal rights,
4 force decides” (p. 399)—Harvey argues that EJ faces a choice: “ignore the contradictions [of
5 pluralism], remain with the confines of their own particularist militancies” or “treat the
6 contradictions as a fecund nexus to create a more transcendent and universal politics” (p.
7 400). If EJ choses the latter (clearly Harvey’s preferred option) then Harvey thinks it will
8 have to “displace the hegemonic powers of capitalism” (p. 400), which will require EJ to
9 “radicalize the ecological modernization discourse. And that requires confronting the
10 underlying the fundamental underlying processes ... that generate environmental and social
11 injustices” (p. 401). At this point he is defending very nearly the same ground he claimed in
12 *SJC*, only from a different perspective:
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26 it is vital, when encountering a serious problem, not merely to try to solve the
27 problem in itself but to confront and transform the processes that gave rise to the
28 problem in the first place. Then, as now, the fundamental problem is that of
29 unrelenting capital accumulation and the extraordinary asymmetries of money and
30 political power that are embedded in that process. ... This is fundamentally a class
31 project. (Harvey 1996, 401).
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39 Harvey picked up this same point in an interview for *New Left Review* in 2000, when he
40 argued that “there’s a case for reintroducing the idea of justice, but not at the expense of the
41 fundamental aim of changing the mode of production” (Harvey 2000, 92). Yet he still saw
42 this terrain vacant at that time, since “there is a sound tactical reason for the Left to reclaim
43 ideas of justice and rights, which I touch on in my latest book, *Spaces of Hope*. If there is a
44 central contradiction in the bourgeoisie’s own ideology throughout the world today, it lies in
45 its rhetoric of rights” (Harvey 2000, 92-93).
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3 This rendering of the problem is equally visible in the neoliberal nature literature, which like
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5 Harvey focuses on problems of accumulation and capital/power asymmetries. But perhaps
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7 Harvey did not give justice pluralism enough of a chance. Both the cognate literature on
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9 Environmental Justice (EJ) and work from a post-structuralist perspective see considerable
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11 purchase in justice pluralism as a strategy to both examine existing injustices and imagine
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13 more just futures. In the case of EJ, justice pluralism was initially driven by pragmatism as
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15 the EJ movement sought to articulate and unify the diverse demands of EJ claimants in
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17 particular geographical contexts (as Harvey observes). But in recent years justice pluralism—
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19 particularly the idea that justice is trivalent or even multivalent—has emerged as a much
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21 more deliberate theoretical tactic to broaden the theorization of justice away from the liberal
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23 foundations which characterized ‘early’ EJ (Schlosberg 2007, 2013; Walker 2009, 2012;
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25 Holifield et al. 2009). For postmodern scholars such as Edward Soja, the pursuit of justice
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27 requires a “more open cultural politics of justice that is relational, contextualized,
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29 situationally specific, and achievable primarily through strategic coalitions that confront and
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31 redirect the social, spatial, and historical workings of power” (Soja 1996, 191; also, Soja
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33 2010b). Both the “liberal strategy of redistribution and equality of opportunity” and the
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35 “socialist strategy of class struggle” (Soja 1996, 191) have a role to play in this struggle for
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37 justice, rather than being seen as antithetical to each other.
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44 There is clearly still appetite for justice-theorizing within critical human geography,
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46 particularly urban geography, where the ‘right to the city’ has emerged as a preoccupation of
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48 some scholars, blending the insights of Harvey with those of Henri Lefebvre. Debates have
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50 focussed particularly on the spatiality of justice, or more accurately *injustice* (Iveson 2011;
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52 see, e.g. Soja 2010a; Marcuse 2010). This, like work in EJ, has increasingly focussed on what
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54 MacLeod and McFarlane (2014) describe as the ‘intersectionality’ of everyday experiences of
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56 injustice (Fincher & Iveson 2012), structured by a conceptual scaffolding focussing on
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3 questions of difference and recognition rather than merely on the distributional questions
4 posed by capitalistic modes of production (Young 1990; Fraser 1997, 2009). It is not
5 surprising that Barnett (2011, 247) argues that these are “the two areas of debate in
6 geography where the concept of ‘justice’ is most seriously at stake”. Like the neoliberal
7 natures literature, scholarship on the right to the city looks back to Harvey for inspiration, but
8 it exhibits a much keener appreciation of the importance of adequately and reflexively
9 theorizing justice. As Iveson (2011, 252) observes, the two main protagonists—Peter
10 Marcuse and Edward Soja—“are impatient with ‘critique’ which is so focused on identifying
11 the injustices of contemporary capitalist urbanisation that it fails to take the next step of
12 identifying the possibilities for justice in the present.” In other words, theorizing justice helps
13 move beyond what Barnett (2005) calls the “consoling” image of neoliberalism and
14 neoliberalization in leftist academia.

30 *Returning to neoliberal natures*

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32 What this discussion has highlighted is the fact that mobilizing justice as a mode of critique
33 must not be entered into lightly. Justice is far from a concrete, specifiable, or uncontentious
34 concept, and as such positionality is fundamentally important to any justice-based critique
35 (Olson & Sayer 2009). Even if we could assume a common normative agenda predicated on a
36 common neo-Marxist theoretical frame, it is not clear that either the diagnosis or the
37 prescription to remedy injustices associated with environmental governance would look very
38 different from liberal ones. But we cannot even begin to discuss these issues without a more
39 robust engagement with justice in the literature, something akin to the way in which scholars
40 moved beyond a focus on neoliberalism to an analysis of neoliberalization. In the remainder
41 of this paper, then, I take up Katznelson’s admonition that “a rotation in our axes of attention
42 and explanation can be salutary” (see above) to examine what kind (or kinds) of justice is
43 actually being pursued by the proponents of neoliberalism, and how the mobilization of
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3 competing conceptions of justice may in fact shape and influence the trajectory of
4 neoliberalization, with reference to just one example of the neoliberalization of nature –
5 Australia’s recent water reforms. This analytical pivot reveals that justice is not just another
6 domain to be colonized by a ‘neoliberal rationality’, as Okereke (2008b) and Holifield (2004)
7 suggest it has been. Rather, conceptions of justice underpin, are grafted onto, and are
8 articulated with neoliberalism and vice versa. This leaves little room for grand
9 pronouncements about the ‘injustice of neoliberalism’, but does open up new explanations for
10 the contingency of neoliberalism. In this, I believe, lie some as-yet underutilized
11 opportunities for productive critique.
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Unpacking the justice of Australia’s water reforms

24 Like in numerous other contexts around the world, recent reforms to Australian water
25 governance have embraced market environmentalism as the long-term solution to allocation
26 dilemmas in both rural and urban areas, manifested in increasingly visible and frequent crises
27 of water availability (*authors reference*). Ownership of water has been transferred from
28 government to private hands as rural water licenses have been converted into (tradeable)
29 entitlements and urban utilities have been corporatized, cross-subsidies eliminated, and full-
30 cost recovery pricing implemented. The reform agenda has been driven forward by the
31 highest levels of government through the intergovernmental forum the ‘Council of Australian
32 Governments’ (COAG); initially through its 1994 ‘Water Resource Policy’ and more recently
33 through the 2004 ‘National Water Initiative’ (NWI), signed in 2004 (COAG 1994; 2004;
34 *authors reference*).
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51 Clearly, the neoliberalization of Australian water is proceeding apace. But how does justice
52 figure in this ambitious roll-out of neoliberal governance logics and what sort of justice is
53 being pursued through it? To answer these questions requires a two-pronged approach.
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3 Firstly, it requires an understanding of the *content* of the reforms: what changes to the
4 allocation, ownership and governance of water are being proposed. But secondly, it requires
5 an understanding of the *intent* of the reforms: to what end (or ends) is water governance being
6 reconfigured. Examining the policies and legislation the reforms have generated is clearly the
7 first step. However, justice is rarely mentioned in water policy documents, and where it does
8 appear it is generally as a high-level goal or constraint. The justice discourses which find
9 their way into such official documents are also inevitably sanitized signifiers, stripped of the
10 competing ideas, differing priorities and operational compromises that are intrinsic to policy
11 formulation and implementation. Moreover, the intergovernmental COAG platform through
12 which Australia's water reforms have been pursued privileged the knowledge of the working
13 groups of policy makers which do most of the policy development (for further discussion of
14 the privileged role of public sector experts in the Australian policy process, see Pusey 1991;
15 Henry 2007).

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33 As a result, at the heart of this study is a series of 31 semi-structured interviews with 28 key
34 water policymakers and 4 industry professionals² which sought to investigate how justice is
35 being articulated by those pursuing and implementing the neoliberal policies which attract
36 scholars' critical attention. Of these, 16 were public servants working in federal government
37 departments or agencies, most of whom occupied executive-level (i.e. senior management)
38 positions and had been deeply involved in the reforms. My discussions with them centred on
39 how they thought water should be allocated and how different water uses should be
40 prioritized, their evaluation of the COAG reforms, their views on the role of government and
41 the use of economic instruments in water allocation, and their views on and understanding of
42 fairness, equity and justice in water management. The interviews were transcribed and
43 analysed using qualitative content analysis. The aim was to unbundle 'neoliberalism' from a

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57 ² One interview had two interviewees. Of the four industry professionals, three worked for umbrella groups
58 representing industry interests, and one for a national NGO.
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3 preconceived formulation of ‘in/justice’, and to map the justice concepts being mobilized in
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5 support of the reforms onto mainstream notions of social justice drawn from political
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7 philosophy. In this sense, the study fits within the tradition of “understanding the ordinary
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9 ways in which norms, values and justifications are folded into and out of assemblages of
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11 spatial practice” (Barnett 2012, 384). It also builds on work from Environmental Justice,
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13 which has been notable for mapping notions of justice from political philosophy onto the
14
15 politics and practice of real-world situations (Schlosberg 2004, 2007)³.
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19 In the rest of this section, I examine through this lens the way justice has been mobilized in
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21 the context of Australia’s water reforms. The reformers were in near unanimous agreement
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23 one two guiding principles for water allocation: firstly, the government-secured provision of
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25 water for ‘basic human needs’; and secondly, the use wherever possible of markets to allocate
26
27 and redistribute the remaining water resource. I show that underpinning this ‘basic needs plus
28
29 market’ framework is a multivalent conception of justice, unsettling the narrative of
30
31 neoliberalization leading to injustice typical of the neoliberal natures literature. However
32
33 multivalent it is, though, this conception of justice is nevertheless consistent. I examine two
34
35 possible explanations for the simultaneous advocacy of basic needs provision and
36
37 marketization, concluding that the most convincing is to understand neoliberalization not as
38
39 an end in itself, but instead as a means to a broader utilitarian governance agenda. Rotating
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41 “our axes of attention and explanation” in this way—to borrow Katznelson’s phrase—proves
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43 very useful in explaining the contradictions and contestations of ‘actually existing
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45 neoliberalism’ in the Australian water sphere, and opens up new opportunities for productive
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47 critique.
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57 ³ Thanks to one of the anonymous referees for suggesting this angle, and thereby forcing me to bring together
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59 two otherwise only loosely connected strands of my own work!
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Multivalence and consistency: seeking just water allocation by providing basic needs and establishing a market

Discussion of water allocation was structured around three themes: firstly, which users of water should be prioritised; secondly, how that priority should be decided; and finally, which mechanisms should be used to allocate water in the context of competing demands. In these discussions, policymakers divided water into conceptual categories—or ‘buckets’—according to its use: water for basic human needs, environmental water, and the consumptive pool. Within each of these buckets, the importance, type and provision of justice differed (Table I). Justice was considered most important in the basic human needs bucket, where a liberal egalitarian philosophy of justice was dominant. Most interviewees thought that justice demanded a statutory guarantee that water for ‘basic human needs’ would be provided at zero or nominal cost to all people. Within the environmental water bucket, justice was deemed to be important in the transition from a situation of over-allocation to one of sustainable extraction. Justice in this bucket was defined in utilitarian terms, since achieving ‘sustainable extraction’ would maximise societal welfare both for present and future generations, and a government-led but market-oriented program was envisaged to achieve ‘sustainable extraction’. Within the consumptive pool, the importance of justice was ambiguous. Many interviewees simply assumed that the market was just, but a few actively asserted that the market was just. Justice in this bucket was libertarian, since it was derived from the ability of individuals to exercise their free will through trading of water entitlements.

[Table I: Approaches to justice in the allocation of water in Australia]

It is immediately apparent from Table I that embedded within the Australian water reforms are multiple justice claims and aspirations. Indeed, the very act of dividing the water resource into multiple buckets was underpinned by justice aspirations and constraints. The

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2
3 multivalence of the justice being pursued stands in clear distinction to the stability and
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5 singularity of 'neoliberal justice' in the neoliberal nature's literature. But it is equally clear
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7 that to consider only the differing articulations of justice *within* each of the three buckets
8
9 would be missing the point. The three buckets were constituent parts of a coherent allocative
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11 framework, and—leaving aside the environmental 'bucket' of water for a moment—two
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13 principles structured this framework. The first was that water must be provided for basic
14
15 human needs before any other water is allocated. The second was that, as far as possible, the
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17 market should be used to make allocative decisions. One respondent explained:
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21 I think that there's a case for what I would call critical human needs, and it's
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23 limiting at some level to supplying basically the population with enough water to
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25 live. Beyond that, it should be rationed in the market, 'cause as soon as you get
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27 into saying *x* is more important than *y* you're making value judgements which I
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29 can't make. (Deputy Secretary, DEWHA)
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33 Another, a general manager at the National Water Commission, explained "I don't think it
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35 can be equity in terms of everybody being able to get the same allocation of water; it's an
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37 input to production and it should be mainstreamed like other inputs to production", but
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39 immediately qualified this: "everybody, every household, should be able to have an
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41 affordable amount of water for a normal standard of living". The 'basic needs plus market'
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43 framework holds together in unity two conceptions of justice that most philosophers consider
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45 to be poles apart: liberal egalitarianism and libertarianism.
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49 As conceptually problematic as this is, the 'basic needs plus market' framework is also
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51 intuitively attractive. In a liberal, democratic society, few would argue against the provision
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53 of some form of guaranteed minimum, particularly of water. But few would argue, either,
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55 with the notion that some mechanism must be provided to facilitate the redistribution of
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3 water, and the market presents as a reasonable institution to facilitate this exchange. The
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5 provision of water for basic human needs is grounded in the idea that equal human rights
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7 demand equal provision of water. But the marketization imperative beyond that seems to rely
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9 on a libertarian conception of justice which prioritises individual freedom “rather than
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11 picking winners or choosing who gets the water according to some arbitrary judgements
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13 scale, like x is good and y is bad (First assistant secretary, Federal Department of the
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15 Environment, Water, Heritage and the Arts – DEWHA).
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19 What I want to argue, though, is that neither egalitarianism nor libertarianism ultimately
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21 underpins the ‘basic needs plus market’ framework of the neoliberalization of water in
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23 Australia associated with it. They are dominant in their respective buckets, but these buckets
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25 are merely goals of water allocation: to provide for people, to ensure environmental
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27 sustainability, and to facilitate economic productivity. When viewed as a coherent approach
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29 to water allocation, the ‘basic needs plus market’ allocative framework ultimately appeals to
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31 a utilitarian concept of justice, albeit one couched in economic language. The provision of a
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33 statutory ‘basic human needs’ entitlement and the creation of a market on top of that seek to
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35 maximise the value of water to society as a whole. As Interviewee #1 argued:
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40 there’s only so much water to go around and I think that in terms of fairness it’s
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42 more about priorities and trying to get the balance [right], and some people will
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44 miss out and they’ll be the ones that don’t really contribute so much to the greater
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46 good. (Group general manager, state government department)
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50 If the ultimate goal of Australia’s water reforms is to restructure the allocation and
51
52 governance of water around more utilitarian objectives, then where does that leave us in
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54 terms of theorizing and understanding the neoliberalization of nature, given the centrality of
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56 neoliberalism in shaping both the policies at the heart of the reforms and the broader
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3 governmentality advocated through it (Larner 2000)? I first turn my attention to the
4
5 contradictory implications of the basic needs plus market framework for neoliberalism
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7 Clearly, it promotes the practical neoliberalization of water policy. But at the same time, by
8
9 its very nature it casts doubt on the adequacy of neoliberalism to deliver on justice goals. I
10
11 then seek to account for its emergence as the core allocative framework of these 'neoliberal'
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13 reforms. I argue that it makes sense if we understand neoliberalization as an attempt to realize
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15 a utilitarian conception of distributive justice.
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19 Based on this analysis, normative contestations about justice are a key fulcrum around which
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21 neoliberalism pivots. But there is no such thing as 'neoliberal justice', nor should
22
23 neoliberalism itself be critiqued as 'unjust'. Rather, 'actually existing neoliberalism' is
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25 shaped by diverse normative goals and rationalities, paired with pragmatic considerations and
26
27 pre-existing norms and structures. But it is only ever a means, never an end, and in
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29 Australia's water reforms its goal is to maximise utility rather than liberty. Taking this
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31 seriously, I contend, opens up much more productive opportunities for critique and
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33 engagement than regurgitating tired arguments as to the injustice of capitalism.
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38 **Basic needs plus market: dialogues with neoliberalism**

39 *Supporting neoliberalism*

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42 On the one hand, the basic needs plus market framework undoubtedly supports the ongoing
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44 neoliberalization of the water sector in Australia, because it provides an ethical rationale for
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46 both continued marketization and the increasingly economic framing of water management
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48 dilemmas. With market exchange the key redistributive mechanism employed, the framework
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50 is a significant departure from Australia's historical water allocation, where water was
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52 publically owned, and its use regulated by government-issued licenses. The expansion of the
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54 market is supported by an appeal to Robert Nozick's (1974, 153) theory of justice as
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56 entitlements, where "If each person's holdings are just, then the total set (distribution) of
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3 holdings is just". The same shift from 'social' equity to 'economic' equity that Bakker (2001)
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5 observed accompanying the privatization of the English and Welsh water utilities is visible in
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7 Australia, where water allocation no longer seeks to ensure everyone has access to water on
8
9 equal terms, but rather that no-one pays for water for the benefit of others (e.g. through cross-
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11 subsidization).
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15 In addition to promoting the 'natural justice' of market exchange, the basic needs plus market
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17 framework re-casts the role of government to that of long-term planner, basic needs guarantor
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19 and environmental advocate. By curtailing government involvement this way, the basic needs
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21 plus market framework acts as a 'techno-administrative justice fix', relieving governments of
22
23 the ethically difficult and politically fraught task of deciding which water uses are most
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25 deserving, particularly within the consumptive pool, and cementing the primacy of markets in
26
27 allocative decision-making. Policymakers considered this a good thing, arguing that past
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29 governments had either avoided these decisions or made them poorly, resulting in the gross
30
31 over-allocation underpinning contemporary scarcity crises (*authors reference*). In the same
32
33 way that Rose and Miller (1992) argued that the public hope that 'experts' can resolve
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35 regulatory problems without the need for political involvement, in Australia experts hope that
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37 'the market' can resolve distributional dilemmas without the need for political involvement.
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43 Finally, the 'basic needs plus market' model in a sense facilitates neoliberalization precisely
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45 because it guarantees basic needs outside the market frame. Smith (2000) has argued that it is
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47 hard to find a theory of justice that does not make room for the provision of basic human
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49 needs, and citizens in Australia confirmed this in practice, arguing that a government-
50
51 provided statutory guarantee of water for basic needs was essential to any allocative
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53 framework. Providing for basic needs outside the market frame thus acts to legitimize,
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55 facilitate and sustain the broader extension of neoliberal logics into the sector, in the same
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3 way that Marshall argued in the 19th and early 20th centuries “The common purpose of
4 statutory and voluntary effort [in developing social rights and citizenship] was to abate the
5 nuisance of poverty without disturbing the pattern of inequality of which poverty was the
6 most obviously unpleasant consequence” (Marshall 1998 [1950], 107).
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10 11 12 *Challenging neoliberalism*

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14 But at the same time as it supports marketization, the basic needs plus market framework
15 insists that water for basic needs be provided outside the market frame. This suggests that
16 policymakers remain unconvinced about the ability of the market to independently achieve
17 justice goals, or at least that they acknowledge that the community-at-large is not satisfied
18 with markets as a ‘just’ allocative tool. The basic needs element of the framework thus
19 reflects the view that the ability to exercise liberty is less important than ensuring a basic
20 equality of access to water. Embedded within the basic needs plus market framework is
21 precisely the kind of double movement which Karl Polanyi (2001 [1944]) famously argued
22 was intrinsic to the development of capitalism in the 19th century. Non-market provision of
23 water for basic needs thus emerges to curtail the extension of the market into the domestic
24 sphere and the household, and to reassert the importance of government in overseeing the
25 water sector. It should be noted, too, that this more egalitarian view about the justice that
26 water allocation should provide remains deeply embedded in water legislation despite the
27 influence of neoliberal ideology. The *Water Act 2007 (Commonwealth)* (Part 2A) explicitly
28 prioritizes water for domestic human consumption, and in this is entirely consistent with pre-
29 reform legislation at the state level.⁴
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51 This leads to the second challenge the basic needs plus market framework poses to
52 neoliberalization, which is that it situates neoliberal governance mechanisms within a broader
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57 ⁴ Particularly the *Water Act 1912 (NSW)* (Section 22B(4)), the *Water Management Act 2000 (NSW)* (Section 58,
58 Section 60(3)).
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3 governance framework which is not necessarily neoliberal. For instance, although the
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5 perceived procedural justice of the market (particularly its transparency and impartiality)
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7 certainly contributed to the perceived justice of the 'basic needs plus market' allocative
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9 framework, policymakers also emphasized how that market would be situated within a
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11 government-led, planning-based governance framework which provided avenues for public
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13 'participation' in the planning process. In Australia, despite the expansion of neoliberal
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15 rhetoric and the enthusiastic adoption of neoliberal policy mechanisms (most notably
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17 marketization and pricing), a justice lens reveals that the neoliberalization of water
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19 governance is dependent on a broader commitment to maximizing the utility of water for the
20
21 Australian people. In short, neoliberalization is being pursued in aid of a utilitarian
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23 conception of distributive justice. In the next section, I explore the implications of this for
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25 how Australia's water reforms are understood, setting the scene for a broader discussion in
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27 the concluding section about the implications of this research for the critique of neoliberal
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29 natures.
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35 **Explaining basic needs plus market: neoliberal means and utilitarian ends**

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37 As a consequentialist philosophy, utilitarianism does not define 'justice' in terms of a pre-
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39 existing moral 'law', nor even in terms of a prior social contract, but in terms of outcomes. In
40
41 utilitarian terms, a *just* allocative framework is one which maximizes the aggregate welfare of
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43 society. As such, it provides a compelling explanation for why basic needs and the market are
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45 articulated together. Consider again the two components of the framework: firstly, the non-
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47 market provision of water for basic human needs; and secondly, the application, as far as
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49 possible, of the principles of an open and competitive market.
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54 The provision of basic needs is essential to maximise aggregate welfare because the
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56 'unhappiness' of a large number of people who could be negatively affected by a purely
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3 market allocative frame would outweigh the 'extra happiness' of a small number who by
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5 virtue of existing water entitlements and/or wealth would be able to maximise their welfare
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7 through the market. By providing for everyone's basic needs, the basic needs plus market
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9 framework asserts that a minimum level of individual welfare is required, not to achieve a
10
11 goal of equality, but to maximise overall societal welfare. This explains why despite their
12
13 general advocacy of marketization, little support could be found amongst policymakers for
14
15 *unfettered* marketization. It also explains why the definition of 'basic needs' they adopted
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17 was never defined in volumetric terms (like the 20L/day minimum nominated by the World
18
19 Health Organization): the provision of water 'basic needs' they envisaged was that which
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21 would result in the greatest aggregate level of welfare when combined with market-based
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23 allocation. As a senior manager at the National Water Commission explained it, "a
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25 reasonable amount for a reasonable standard of living without necessarily free water for the
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27 swimming pool approach".
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33 By the same token, the market is essential to maximise aggregate welfare because it promotes
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35 a redistribution of water in favour of users who value it more highly in economic terms,
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37 whilst providing a transparent mechanism to compensate those holding existing entitlements.
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39 In utilitarian language, it allows maximum utility to be derived from the use of water, and
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41 does so in a way which encourages maximum water use efficiency, which policymakers saw
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43 as essential for both social and environmental goals. In this way both the non-market
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45 provision of water for basic needs and the subsequent market redistribution of water both
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47 contribute towards the overall goal of maximizing the 'efficiency' of water use, in order to
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49 maximise aggregate social welfare.
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54 But the market frame can also be seen as a pragmatic measure to maximise the (mainly
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56 economic) value extracted from water, which can then be redistributed to fulfil socially-
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3 defined goals (which could even include limited equalization). The non-market provision of
4
5 basic needs, likewise, can be seen as an efficiency-maximizing allocative decision, because,
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7 as Howe (1996, 31) argued, “the best way of achieving efficiency in the long run may be to
8
9 build equity into the project” (see also Bakker 2001; Howe & Ingram 2005). The exercise of
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11 liberty is thus facilitated to the extent that it does not infringe upon a socially-agreed
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13 modicum of equality, and this springs from a fundamental concern that the least fortunate are
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15 provided for by society.
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19 Scholars of neoliberal natures have argued that ‘actually existing neoliberalism’ is inherently
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21 contradictory, contested and contingent (Larner 2000; Brenner & Theodore 2002; Castree
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23 2006; Springer 2010) But the contradictions of the basic needs plus market framework begin
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25 to dissolve when neoliberalization is understood not as an end in itself, but rather as a means
26
27 to a broader utilitarian end. Subjugating neoliberalism to utilitarianism explains, for instance,
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29 why the water sector in Australia remains so tightly controlled by government despite the
30
31 rhetoric about the benefits of marketization which sometimes borders on propaganda. It also
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33 explains why the planning and administrative approvals process mandated by government
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35 often confounds the operation of the very markets they created (see Crase et al. 2008), to the
36
37 point where a number of scholars have questioned whether government really believes in the
38
39 ability of markets to deliver desired social and environmental objectives (e.g. Connell et al.
40
41 2005; Connell & Dovers 2006; Hussey & Dovers 2006). On this point, from the perspective
42
43 of the reformers there is no contradiction and the commitment of government to markets is
44
45 largely irrelevant. Both the refashioned direct involvement of government and marketization
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47 can be understood as tools to ensure that Australia as a whole derives the maximum
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49 aggregate utility from its water resources, both now and into the future, and they will persist
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51 as long as they contribute to this goal.
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3 To use a pie analogy, in utilitarian terms markets are like a good knife: vital to divide the pie
4 effectively, but a spoon is just as important in preparing the pie and a fork a much better tool
5 for eating the pie with. As a result, the expansion of markets and shrinking direct role for
6 government creates no particular ethical dilemmas, particularly where utility is primarily
7 being defined in economic terms. The relevant ethical debate from the perspective of the
8 policymakers is that of where the boundaries of the market should be set to maximise
9 aggregate welfare, and this debate is proceeding apace. As Crase and O’Keefe (2009, 80)
10 observed “Water policy formulation in Australia is increasingly contentious and the debate
11 about the efficacy of water markets shows no signs of weakening. Nevertheless, water
12 markets are not about to be discarded from the policy makers toolbox, and nor should they
13 be.” Understanding neoliberalization as a means to broader normative ends helps explain *why*
14 neoliberalism is so contradictory: it is precisely because neoliberalism is manipulated in aid
15 of socio-political objectives rather than vice versa.

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33 It also points to the issue of multiple subject positionalities.⁵ It is clear that views on justice
34 differ within society. Some people give primacy to liberty whereas others give primacy to
35 equality (or community). The overarching market frame thus caters to the justice desires of
36 libertarians, and the non-market provision of basic needs caters to the justice desires of
37 egalitarians. But this conflict may not just be *between* people or groups. Rather, the basic
38 needs plus market allocative framework might actually be an attempt to reconcile two
39 conflicting notions of justice *within each individual*. Mark Sagoff argues that each person is
40 both citizen and consumer, and that the values we espouse as citizens might regularly conflict
41 with our interests as consumers: “The conflict within individuals, rather than between them,
42 may be a very common conflict. The individual as a self-interested consumer opposes himself
43 as a moral agent and a concerned citizen” (Sagoff 2008, 60-61). Applied to water allocation,
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58 ⁵ Thanks to [MR] for pointing this link out to me.
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3 Sagoff's 'citizen-consumer' dialectic suggests that the justice that I desire as a consumer—of
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Sagoff's 'citizen-consumer' dialectic suggests that the justice that I desire as a consumer—of paying only for the water I actually use—is irreconcilable with the justice that I desire as a citizen—that no-one should be without water, regardless of their ability to pay. As a *citizen* I may be committed to an egalitarian conception of justice, but as a *consumer* I may simultaneously be committed to a libertarian notion of justice. Sagoff argues that given this conflict, 'rational' policy could be based on *either* citizen or consumer values, with different implications for the policy process and outcomes. The basic needs plus market framework may in fact be an attempt to reconcile the dual values each person holds, and in so doing avoid the normative choice between two different rationalities. By guaranteeing that no-one will go without water which they require for their sustenance and a (socially-mediated) minimum quality of life, it attempts to address the value placed on equality as a citizen. By using the market beyond that, it attempts to address the consumer interest that 'I should not pay for another's water usage'.

This, of course, moves far beyond the typology of 'neoliberal justice' which dominates critiques of market environmentalism, in which neoliberalism colonizes the spaces of justice and by processes of co-option squeezes out oppositional definitions of justice (Okereke 2008a; Holifield 2004). It also challenges Bakker's (2003b, 191) argument that "consistent with the ideology underlying privatization of the utility industries, individuals are treated as customers buying a commodity, rather than as citizens entitled to a service." In Australia, individuals are treated as *both* "citizens entitled to a service"—albeit a service limited to sustaining their (poorly but expansively defined) 'basic needs'—*and* "consumers buying a commodity". The citizen identity is prioritized in the sense that basic needs are provided first, but this is an instrumental support for the continued expansion of the consumer identity and its colonization of previously socialized spheres such as the negotiation of environmental

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3 water allocations, the funding and operation of urban water infrastructure, and the structural
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5 adjustment of rural communities.
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8 ***Rethinking the justice of neoliberal natures***

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10 This paper started by arguing that the neoliberal natures literature, though notably concerned
11 with justice, has under-theorized it, and though contributors have strongly asserted that
12 neoliberalization results in derogations of justice, supporting this assertion with a variety of
13 examples, there has been a complete failure to engage with or study substantively how justice
14 is being pursued through such policies. This has led to a narrative in which injustices are
15 connected straightforwardly with neoliberal policies or programmes. This narrative is
16 inadequate. In the body of the paper I have demonstrated with reference to Australia's water
17 reforms that the justice being pursued in the context of neoliberalization is both multivalent
18 and ethically coherent. In Australia, neoliberalization is just one facet of a broader utilitarian
19 project which in the end is decisive in the kinds of justice being pursued and delivered. In a
20 sense, neoliberalization in Australia exists within a particular 'moral economy', in the sense
21 that Wolford and Nehring use it to examine protests over food security in Haiti, Honduras
22 and Bolivia (Wolford 2005; Wolford & Nehring 2013). Paying careful attention to the justice
23 actually being pursued through neoliberal policies in this way both helps specify the objects
24 of critique—the actual processes and aspirations which might be considered problematic—
25 and also opens up fertile new avenues for normative contestation and productive engagement
26 to enhance justice. It begins to break open 'neoliberalism' as a normative black-box, though
27 clearly there is much left to do.
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51 What are the implications of this study? First, careful attention to the justice being pursued
52 through neoliberalization breaks down the simplistic narrative of neoliberalization leading to
53 injustice, replacing it with a much more nuanced and engaged account which inspires
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3 engagement rather than paralysis. In this sense, it has taken up the call for critical
4 geographers to more explicitly engage with normativity (Sayer & Storper 1997; Smith, D.M.
5 2001; Olson & Sayer 2009; Barnett 2011). This paper has demonstrated that neoliberalization
6 in Australia has been shaped to fit into the prevailing utilitarian normative agenda of the
7 reformers, rather than the success of justice norms being regulated by their compatibility with
8 the pre-existing neoliberal economic order, as Okereke (2008a) argued. I would contend that
9 the obduracy of the markets being established in Australia and the associated redefinition of
10 'efficiency' in economic terms raises significant ethical questions worthy of normative
11 debate. But such debate must start from a careful and reflexive engagement with the justice
12 being pursued to avoid logical fallacies of normative reasoning.
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26 Second, understanding the normative aspirations embedded within and underpinning
27 processes of neoliberalization proves fruitful in explaining the contradictions and
28 contestations which commentators have come to accept as typical of 'actually existing
29 neoliberalism'. In Australia, understanding the reforms as contributing to a broader utilitarian
30 agenda explains why the reformers remain committed to government provision for basic
31 human needs outside the market sphere, which appears to challenge the central contention of
32 neoliberal ideology; namely, that market allocation is the *best* allocation. The market
33 becomes one part (albeit a central part) of an allocative framework in which the *best*
34 allocation is defined as that which maximises aggregate welfare. There is something very
35 Polanyian about this process, since as the sphere of the market expands, so too do social
36 mechanisms to counter the "pernicious effects of a market-controlled economy" (Polanyi
37 2001 [1944], 80). Government remains ultimately responsible for devising and maintaining
38 an allocative framework for the good of society overall, but markets may (and, in current
39 Australian water policy, *do*) play a significant role in this framework. The reason for this, as
40 argued in this paper, is that marketization serves the utilitarian interests of the reformers well.
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3 Considerable attention has been devoted to documenting the way neoliberalism manifests
4 itself differently across space and time, co-opting competing ideologies and internalising
5 contradictions (Springer 2010), but many of these contradictions arguably dissolve when it is
6 understood as a means to broader normative ends. This does not of course mean that
7 utilitarianism always forms the basis of neoliberalization—far from it—but it does mean a
8 recommitment to avoiding totalizing analyses of neoliberalization (Larner 2000; Barnett
9 2005).

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12 Finally, paying attention to what kind of justice is being pursued through processes of
13 neoliberalization provides angles for more productive critique and engagement with the real
14 policies being implemented, because it forces us to focus on the actual policies and their
15 actual effects, rather than settling into tired old ideological trenches. Three threads of
16 potential engagement are immediately apparent in the Australian case. Firstly, if
17 neoliberalization is a means to a utilitarian end, then the extension of the market is far from a
18 ‘given’ and the design and operation of the market could potentially be shaped to achieve (for
19 instance) the goals of communities and interest groups rather than capital. Secondly, there is
20 clearly still room for political debate about where (and how) the boundaries of the market are
21 set, a decision that will have significant implications for who wins and who loses as a result
22 of marketization. Finally, new opportunities are afforded for developing ethical bases for
23 environmental allocations of water, such as developing the notion of environmental flows as
24 ‘social goods’ to underpin their primacy over extractive use.

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27 More broadly, seeing neoliberalization as a means rather than an end opens up the possibility
28 for a reinvigorated democratic politics of water being developed to challenge or balance the
29 technocratic and administrative allocation generally associated with neoliberalism.
30 Neoliberalization may appear to excavate the possibility of ‘proper politics’ which engender

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3 real, transformational possibilities (Swyngedouw 2009, 2010), but as this case in Australia
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5 shows, understanding properly the normative commitments underpinning neoliberalization is
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7 the starting point for rekindling such political debate.
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Table I: Approaches to justice in the allocation of water in Australia

'Bucket' of water	Importance of justice	Type of justice pursued	Provision of justice	Philosophy of justice
Basic human needs	Very important	Distributive (equality)	Government legislation and/or regulation	Liberal egalitarian
Environmental	Important in the transition from an over-allocated to a sustainable system	Distributive (proportionality) Procedural	Government compensation through market buy-backs and direct assistance	Utilitarian
Consumptive pool	Ambiguous; spectrum from assuming the market is just to asserting the market is just	Distributive (proportionality) Procedural	Trading of water entitlements	Libertarian

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