

## Multispecies Justice in the Wetlands

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DOI: [HTTPS://DOI.ORG/10.37536/ECOZONA.2020.11.2.3566](https://doi.org/10.37536/ECOZONA.2020.11.2.3566)



### Abstract

This essay discusses the rise of "justice" as a central concept around which environmental thought and debates have been organized over the last thirty years, and briefly places the notions of environmental justice and multispecies justice into the more general context of theories of justice since John Rawls. It uses the case of the Ballona Wetlands Ecological Reserve in Los Angeles, whose future is hotly contested between different environmentalist groups, as a case study to illustrate the complex trade-offs that environmental decision-making currently confronts, and to suggest in what ways the invocation of multispecies justice changes the participants in the community of justice and the way in which their claims on humans' moral consideration should be weighed.

*Keywords:* Environmental justice, multispecies justice, biodiversity, urban nature, restoration.

### Resumen

Este ensayo analiza el ascenso de la "justicia" como concepto central sobre el que se han organizado el pensamiento y los debates medioambientales en los últimos treinta años, y localiza brevemente las nociones de justicia medioambiental y de justicia multispecie dentro del contexto más general de las teorías de justicia desde John Rawls. Utiliza el caso de la Reserva Ecológica de los Humedales Ballona en Los Ángeles, cuyo futuro está muy disputado por diferentes grupos medioambientalistas, como caso práctico para ilustrar la compleja compensación a la que se enfrenta actualmente la toma de decisiones medioambiental, y sugerir de qué forma la invocación de la justicia multispecie cambia los participantes en la comunidad de justicia y la forma en que deberían sopesarse sus demandas sobre la consideración moral de los humanos.

*Palabras clave:* Justicia medioambiental, justicia multispecie, biodiversidad, naturaleza urbana, restauración.

### In the Wetlands

Our hometown of Los Angeles is best known for its movie stars, air pollution, and epic traffic jams. Less well known is its ecological and biological diversity. A variety of ecological communities, from coastal chaparral and woodlands to deserts, occur within the boundaries of Los Angeles County, which forms part of a larger biodiversity hotspot: the California Floristic Province (Aleman-Zometa). On the southwestern edge of Los

Angeles, just a few miles north of Los Angeles International Airport and close to the beach, lies the Ballona Wetlands Ecological Reserve—the only tidal coastal wetland and the second-largest natural area in the city of Los Angeles. A 600-acre remnant of what were once 2,000 acres of marshes, mud flats, salt pans and sand dunes, the Ballona Reserve is owned by the state of California and managed by the California Department of Fish and Wildlife.

Its current size is a fraction of the wetlands that once existed in the area, which were lost to urban development from the 1960s onward. Because of flood risks, the Ballona Creek, which runs through the reserve, was sleeved in concrete much like its more famous cousin, the Los Angeles River. The reserve is also intersected by two major thoroughfares. Construction debris and other trash are embedded in its soil. But it also offers habitat to a range of native and non-native animal and plant species, including some endangered species such as Belding's Savannah Sparrows and Silvery Legless Lizards. Because of these species, most of the area is not currently accessible to the public. But homeless people frequently cut through the fences that surround it and set up camp.

Clearly, the area is in need of maintenance and restoration—all the more so because about 90% of Southern California's original 49,000 acres of coastal wetlands has been lost, mostly to urban development (Mernit). Plans for restoration of the Ballona wetlands have been in the making for several decades, most recently under the leadership of the California Department of Fish and Wildlife, with the collaboration of the California Coastal Conservancy, the Bay Foundation, and the California State Lands Commission. But fights over what kind of restoration should take place at Ballona have raged equally as long, and they erupted once again after the California Department of Fish and Wildlife released the final Environmental Impact Report on its restoration plans in December 2019.

The plan drawn up by the Department of Fish and Wildlife outlines an ambitious project to reconnect the Ballona wetlands to the flow of the tides, remove construction debris, and restore habitat. It would tear out some of the concrete levees that currently sleeve the Ballona Creek and give it a more meandering course. Bulldozers would move more than two million cubic yards of construction debris that the neighboring developments of Marina del Rey and Playa Vista left behind in the area between the 1960s and the turn of the millennium (Sahagun), and earthen levees would be constructed. Non-native vegetation would be replaced with native plants, and fish and wildlife habitat would be restored. About ten miles of bicycle and pedestrian trails would open the area up to the public.

The idea of removing concrete, weeds, and trash from natural habitat and creating a better environment for native plants and rare birds and reptiles looks extremely attractive at first sight. But some urban ecologists believe that California Department of Fish and Wildlife's plan does not so much restore habitat that historically existed in the area as create an entirely new kind of ecosystem. Travis Longcore, Science Director of the Urban Wildlands Group, has argued that removing the concrete levees and connecting the wetlands to the tides would be a mistake. The levees now have taken on the role that sand dunes used to play in the area, which, he insists, was *not* historically connected to the

Pacific Ocean. Rather than restoring the specific ecological character of this wetland area to what it used to be in the nineteenth century, the Department of Fish and Wildlife's plan follows a cookie-cutter model of ecological restoration that has been applied in many coastal areas along the West Coast of the United States regardless of local history and particularity, he argues (Mernit). Longcore agrees that restoration is desirable, but he does not see the Department of Fish and Wildlife's project as the right path for the future of the Ballona wetlands.

Other critiques are even more prominent in the current battle. Some Ballona advocates fear that the proposed restoration will destroy as much as it creates. Bulldozers and fleets of trucks, the breaking up of concrete and moving in and out of millions of cubic yards of debris and fill material, they anticipate, will endanger the species that have made the area their home. Some of these are native species and others even endangered ones; some are introduced plants that are now used by native wildlife, such as ice plants that now offer habitat for voles and frogs (Mernit). While these advocates agree that some public access should be granted to the area, they want to keep restoration at a much smaller scale with some removal of trash and truly invasive vegetation, but no large-scale alteration of the area's profile. They are particularly irate that a parking lot currently occupying one corner of the reserve would be transformed into a multistory parking structure, and generally fear that the wetlands will turn into "a coastal Disneyland project designed for humans, not the wildlife clinging to existence there," as Marcia Hanscom, executive director of the nonprofit Ballona Institute, puts it (Sahagun).

The authors of this essay are as divided on the options for Ballona's future as the warring environmentalist groups—although one of us, Jon Christensen, has recently called for a truce between the opposing camps so as to avoid jeopardizing the opportunity for any environmental action through protracted lawsuits (Christensen).<sup>1</sup> For the purposes of this essay, we are not so much interested in advocating for one or the other plan for Ballona's restoration as to explore the implications of our own opposing views and of the battle between different environmentalist visions of the future of this place. The conflicts over the Ballona reserve are a microcosm for struggles between different philosophies and strategies that divide environmentalists on many fronts: from regional conflicts over the construction of solar panel fields in sensitive desert areas of California all the way to global feuds among biodiversity conservationists about strictly protected areas versus community-based conservation. Deep rifts separate environmentalists who advocate for nuclear power or geoengineering as part of the battle against climate change from those who insist that reduced fossil fuel consumption and increased renewable energy will provide the only viable solutions. Environmentalists worldwide continue to struggle, of course, against well-known and longstanding opponents such as the fossil-fuel industry, monoculture agribusiness, and parts of the chemical industry, and against the causes of environmental degradation—resource extraction, pollution, deforestation, and climate change. But they also, increasingly, feud with each other over competing visions of environmental futures and the means to attain them.

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<sup>1</sup> Christensen favors the California Department of Fish and Wildlife plan, while Heise prefers less invasive forms of restoration.

In this context, old allegories of good versus evil or David against Goliath often fail to provide traction for complex trade-off decisions, even as they continue to occupy an important place in public discourse. Greta Thunberg's impassioned and deeply moving public speeches indicting heads of state, for example, prove the continuing attraction of conflicts that pit the innocent, young, and powerless against a wealthy, reckless, and powerful elite. How much influence such performances have on difficult decisions about socioeconomic inequality and the role of technology in the fight against climate change remains to be seen. But the technical complexity and moral ambiguity of many choices that environmentalists have confronted over the last several decades have contributed to the increasing centrality of justice—with its implications of fairly balancing interests in conflict—as a key concept in environmentalism, ecocriticism, and the environmental humanities.

### **Environmental Justice and Multispecies Justice**

While ecofeminism and the environmental justice movement began to connect struggles for social justice with those for ecological conservation as far back as the 1980s, justice evolved into a key concern for a wide spectrum of environmentalisms from the turn of the millennium onward. An increasing variety of subfields—climate justice, energy justice, just transition, food justice, spatial justice, and housing justice—connect environmentalism with issues such as the future of work, land use, fossil fuel dependence, agriculture, transportation, shelter, and food distribution. Using the term “justice” in all of these contexts builds a conceptual bridge between the fights against unequal wealth and power, on one hand, and against environmental degradation, on the other. It also links questions of environmental values and decision-making to a tradition of philosophical, political, and legal arguments that runs all the way from Aristotle to John Rawls and beyond. Concepts of justice, in this context, offer the promise of clearly reasoned argument about, if not necessarily unambiguous solutions to, environmentalists' most difficult problems.

Arguments about environmental justice initially tended to focus on distributive justice in the general framework of Rawls' *Theory of Justice* (1971)—the question of how ecological resources, benefits, and risks are socially distributed. But as David Schlosberg forcefully argued in 2007, general theories of justice had moved beyond issues of material distribution by the 1990s to include three other dimensions. First, the question of how and why particular individuals and communities come to acquire subject status in debates over the distribution of risks and resources—both psychologically and socially—led to the concept of “recognition justice” as a way of understanding *why* the distribution of resources follows certain patterns and not others. Second, individuals' and groups' possibilities for using the goods at their disposal constitute another dimension of justice, for example in access to health care, social networks, and freedom of expression; following Amartya Sen and Martha Nussbaum, this dimension is referred to as “capabilities justice.” Third, the institutions and procedures by which questions of distribution are politically, legally, and socially adjudicated came to be recognized as a

distinct dimension of justice, usually referred to as “participatory justice.” Schlosberg’s seminal work *Defining Environmental Justice: Theories, Movements, and Nature* (2007) brought these four parameters to bear on environmental justice, which is now routinely understood to include distributive, recognition, capabilities, and participatory justice.

Schlosberg’s goal was not only to put environmental justice thinking in dialogue with new philosophical developments, but also to formulate a shared framework for environmental justice, which he saw as focused on inequality between humans, and what he called “ecological justice,” the foundations for the morally just treatment of nature itself. This was an ambitious project, given that most theories of justice—including Rawls’—assume that humans’ interactions with nature may be subject to judgments of right and wrong, but do not involve questions of justice. Justice, in the Rawlsian view, only comes into play among moral agents who can cooperate voluntarily, enter into reciprocal relations, and be endowed with ownership or stewardship of certain goods.

Building on the work of earlier theorists, Schlosberg develops a sophisticated framework to make the case for nonhuman beings and nature more generally as legitimate subjects in the “community of justice.” His reasoning helps to connect not just philosophies but also activism on behalf of environmental justice and environmental conservation, beginning with the dependence of any social world on functioning natural ecosystems and ending with suggestions for how nonhuman participatory justice might be envisioned in practice. While we do not have the space to outline Schlosberg’s theory in all the wealth of its arguments in this essay, it clearly provides an interesting foundation for the project of “multispecies justice” as one of us (Heise) envisioned it in the book *Imagining Extinction: The Cultural Meanings of Endangered Species* (2016). Multispecies justice is somewhat narrower in its concerns than Schlosberg’s theory in that it focuses on ways of reasoning about what it is right to do by humans and what it is right to do by other living organisms, and how we might “pursue justice with both a sense of cultural differences and a sense of species differences” (Heise 199), while Schlosberg also includes inanimate nature in his argument. Still, the two arguments are close in their objectives of linking environmental justice with conservation, and together they provide a useful scaffold for thinking about multispecies justice in the Ballona Wetlands, and more generally about the issues that often pit environmentalists against each other.

### **Fennel, Sparrows, and Bicyclists: Multispecies Justice in Practice**

The journalist Judith Lewis Mernit has eloquently portrayed the Ballona wetlands as “a landscape caught between competing visions of what is good, desirable and even natural in urban wildlands” (Mernit). She is right. But reframing the Ballona restoration controversy in terms of not just desirability but justice helps to highlight in what ways visions of what is good are tied to questions of what is just or fair, and this connection in turn brings to the fore aspects of the restoration debate that are not usually discussed.

These questions begin with land use. In a crowded metropolis, the Ballona reserve provides an open space that conservationists welcome—even as they tend to highlight how much more impressive it would be if fewer apartment buildings and film studios had

been built where most of the wetlands used to be. No doubt they are right. But the city of Los Angeles, like many other cities in California, currently suffers an acute housing shortage that drives many residents into homelessness. Given the desperate need for housing, why not convert the six hundred remaining acres into low-income housing, an advocate of justice for the poor and unhoused residents of L.A. County might ask?

If it were possible to build housing for homeless people on the entire area, which is nearly a square mile, at the average Los Angeles density of 7,545 people per square mile, the Ballona wetlands could contribute to housing nearly 20 percent of the 39,000 unhoused residents in the city of Los Angeles. This option is not currently being discussed for the remaining Ballona wetlands—in part because the land belongs to the state of California and is officially designated as a state ecological reserve. As passionate conservationists ourselves, neither of us would wish to include housing as an option in the debate over the future of this space, since the Ballona wetlands are among few remaining natural areas in Los Angeles, and very few remaining coastal wetlands in the region. We would not want it to be part of the debate because we love the waterfowl, songbirds, and lizards who live there, and we believe they, too, are stakeholders who have a claim on our moral consideration. But, in making our own judgment on this tradeoff, we must recognize that we are, in this case, privileging nonhuman species and ecosystems over the urgent needs of at least several thousand humans who could live in this area, and this uncomfortable and perhaps unjust preference must be acknowledged in a framework of multispecies justice.

Reshaping the Ballona wetlands also involves complex moral choices between the recognition and flourishing of different species. The Department of Fish and Wildlife's plan includes removal of non-native plant species and feral cats that pose a threat to native plants, birds, reptiles, and rodents. The sharp distinction between native and non-native species and the desirability of their presence in a given ecosystem is contested among biologists themselves (Thompson), and historians and anthropologists have pointed to the connections between settler colonialism, racism, and the fervor to exterminate non-natives (Cattelino 129-30; Coates; Comaroff; Subramanian). While there is no doubt that some species are genuinely invasive in the sense of destroying parts of existing ecosystems, many other introduced species either die out or integrate without becoming destructive. This is one of the reasons that Roy van de Hoek, an activist against the restoration plan, resists more than small-scale manual weeding and restoration: introduced plant species along with native ones provide habitat and food for a wide range of both native and non-native animals in the area; fennel, for example, an invasive despised by nativist ecologists, provides food for Anise Swallowtail caterpillars. And one could argue beyond utility that non-native plants and animals, too, should have a claim on our moral consideration, especially given that most of them now inhabit the wetlands because of human agency. Making this argument does not imply that the extermination of non-native plants and animals cannot ever be ethically justified; but it does imply that these species are not simply objects to be discarded, but living beings who deserve consideration in the community of justice.

So do local residents. Much of the Ballona reserve is currently closed to the public, which raises questions of access to green spaces that commonly form part of debates about urban environmental justice. The California Department of Fish and Wildlife includes pedestrian and bicycle paths in its plan, but opening up the reserve is not uncontroversial: the mayor of Santa Monica questions whether creating bike paths would contribute to ecological restoration or constrain it (McKeown), and other opponents of the plan would prefer to see the Ballona reserve limited to “managed access to conduct stewardship and education activities for kids from underserved communities” (Lamb). This is one of the issues on which the authors’ judgments diverge. Heise, who frequently uses a path adjacent to the reserve, has noted that pedestrians in the area routinely ignore posted requirements that dogs be kept on leashes and let their pets roam freely in the underbrush, where lizards live and Belding’s Savannah Sparrows nest. In her view, opening up access to the reserve would entail constant monitoring to ensure that visitors obey the rules—an undertaking that may be next to impossible in practice. Christensen, by contrast, prioritizes an argument for environmental equity in access to green areas in urban spaces for human health and well-being. He thinks that even without constant monitoring, other species will survive despite human scofflaws.

Human access to the Ballona reserve, at any rate, is not actually as limited under the current regime as its fences might suggest. As mentioned earlier, groups of Los Angeles’ unhoused residents regularly set up camps in different pockets of the reserve. These illegal camps come with the usual hardships for their occupants, who live with inadequate shelter from heat, rain, and violence, as well as from the Ballona Creek, which can turn into a raging torrent during the winter rainy season. Still, the Ballona reserve may in some respects offer a more hospitable environment than the sidewalk encampments elsewhere in the city. But without sanitary systems of any kind, the unhoused camps also contribute to accumulations of feces and garbage in the reserve, which undoubtedly affect other species.

Unhoused residents are not mentioned in any of the current restoration plans, and they are only referred to occasionally in debates about the future of the reserve. This omission may be due to a perception that homelessness is a much broader social issue that affects the entire city of Los Angeles (and, indeed, much of California) and cannot be solved at the local scale. Yet considerations of urban spatial justice and housing justice bring unhoused individuals back into the picture and return us to the question of why the Ballona reserve should not be converted to housing in its entirety, particularly housing for homeless people or affordable housing to help prevent people from becoming homeless. If we don’t advocate for this solution, as neither of the authors of this essay do, justice imposes on us the obligation to help in the search for permanent accommodations for the current unhoused residents of the Ballona reserve if they are forced to move. Yet these entwined issues of ecological restoration and housing for currently unhoused humans are not usually considered together in the same debates and by the same institutions.

This brief outline of divergent visions of the Ballona reserve and its futures demonstrates, in miniature, some of the complex problems that pit different kinds of

environmentalists against each other. We also hope to have shown how considering these problems from within a framework of justice helps to highlight all of the stakeholders that should be considered in a community of justice, including some that are not commonly part of this or other debates about ecological restoration. But it may be worth emphasizing that shifting the debate from what is “good, desirable or even natural” to what is just does not necessarily make the problems easier to solve. Theories of justice sometimes seek to divorce justice from visions of what is good or virtuous so as to avoid imposing particular standards of goodness on a community who might have quite divergent views of what constitutes the good. The “veil of ignorance” that Rawls posited as a basic precondition for a just social contract, for example, theoretically serves this purpose of separating justice from particular understandings of the good or virtuous life. As Michael J. Sandel has persuasively argued in his magisterial work *Justice: What's the Right Thing To Do?* (2009), however, it is ultimately not possible to separate judgments of what is good from judgments of what is just in many cases, especially those that involve human biological life: for example, debates about abortion, stem cell research, or assisted suicide. Ecological restoration involves decisions over the life and death of nonhuman organisms of many kinds, and it also involves decisions about the flourishing of humans living legally and illegally in and around habitats shared by nonhumans. Questions about what is just and about what is good cannot be answered in separation from each other in this context. Multispecies justice can help us see, minimally, who needs to be considered and who should be involved in deliberations in such decisions over distribution of goods, capacities, recognition, and participation. More ambitiously, it could help us see the connections between justice for different groups of human citizens of particular ecosystems and justice for their nonhuman citizens, and to strive to be fair and just in the ways in which we make decisions that will affect all of us.

Submission received 28 January 2020

Revised version accepted 15 August 2020

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