
Equity, fairness and justice

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Key concepts for water policy
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Summary

Fairness, justice and equality are central concepts in modern democracies, and are often invoked when conflicts over state action arise. Water politics is no exception.

Water policy in democratic societies frequently involves debate over fairness, justice, and equity. Different stakeholders, from environmental groups to agricultural businesses, may interpret these values in conflicting ways, using them to support diverse, sometimes opposing, policy goals. The ambiguity surrounding these terms complicates policy-making, as stakeholders invoke them both genuinely and as strategic tools to advance particular interests, which can mask the causes of disagreement, exaggerate the degree of polarisation, and hinder effective resolution.

Common ideas about fairness, equity and justice focus on “giving people what is due to them, and not giving them what is not due to them” (Swift, 2019). When linked to state action and decision-making like water policy, many debates about policy focus on what is due and to whom.

John Rawls proposes that “justice is the first virtue of social institutions” (Rawls 1971:3). Following Rawls, the most important moral consideration for policy makers is to give people what is due to them. However, identifying what is due and to whom is often one of the “wicked” problems of water policy making. At its most basic level, equity implies treating similar cases alike, but in water policy, this can mean balancing standard principles with consideration of distinct regional needs and capacities. More recent accounts of *social* justice focus on the design of the social and economic institutions that shape people’s lives (Swift, 2019; Rawls 1971). Policy makers often need to balance non-arbitrary consistency with situational adaptations, considering factors such as economic need, access to institutions, or environmental vulnerability in water allocation. However, policy makers also need to deal with perceptions of equity, fairness and justice because where policies aim to provide people (and nature) with their due and balance the distribution of benefits and burdens, they usually deploy the coercive power of the state to ensure outcomes that might not occur otherwise (Swift, 2019). Where some people believe policy to be wrong, strong perceptions of policy unfairness can make implementation difficult or impossible.

Theories of distributive justice – such as equality of outcome, equality of opportunity, sufficientarian, and luck egalitarianism – offer distinct perspectives on fair resource allocation.

Equality of outcome focuses on providing each person with an equal share of resources, often advocating for direct redistribution to achieve parity. In contrast, equality of opportunity centers on removing structural barriers, ensuring that all individuals have the chance to access resources fairly, while accepting differences based on merit or effort. Luck egalitarianism, a more radical view, argues that inequalities due to uncontrollable factors – such as drought – are unjust and require corrective measures and a far more consequential role for the state. Sufficientarian approaches hold that what ultimately matters is not people’s relative share of resources, but instead, that everyone has sufficient resources to live a decent life. Where the threshold of sufficiency is set depends on the society in question – and on the theorist.

Relational egalitarianism and pluralistic justice shift focus from material distribution to social relations and context-specific fairness principles.

Relational egalitarians prioritise equal social relations, aiming to reduce social hierarchies and promote equal status among citizens. This perspective stresses that institutions should respect citizens equally, not merely distribute resources equitably. Pluralistic justice, as advanced by theorists like Michael Walzer, suggests that fairness principles vary across communities and goods, where justice should reflect local values. In the Murray–Darling Basin, a pluralistic approach would consider diverse regional needs and cultural values, fostering a complex set of policies where various forms of justice apply based on community context, not a single distributive model. Such approaches could guide policies to honour unique regional perspectives without imposing a one-size-fits-all solution.

Political equality, rooted in democratic principles, is essential for legitimate decision-making. However, disproportionate influence from powerful groups undermines fairness.

Political equality implies that all citizens should have an equal voice in shaping policies. Yet, this principle is often compromised when powerful entities – such as well-organised agricultural or environmental interests – wield excessive influence. In the Murray–Darling Basin (‘the Basin’), this has led to perceptions that water policy disproportionately reflects the interests of, depending on the partisan perspective, large irrigators over those of smaller communities and environmental groups or urban environmentalists over farmers and regional communities. Such imbalances erode public trust, compromising democratic legitimacy. Addressing these concerns requires balancing influence among stakeholders to uphold political equality and enhance trust in water governance.

Political inequality in the Basin can prevent fair representation of diverse interests, favoring certain stakeholders over others. To address this, water policy frameworks need to ensure balanced representation across all interests, protecting against the monopolisation of influence by well-funded or organised groups. This balance is crucial for maintaining public trust and ensuring that policy decisions reflect the full spectrum of community interests.

Legitimacy in water policy depends on democratic decision-making processes perceived as fair by stakeholders and affected communities. While facts matter as much as values, politically motivated reasoning drives debate over what the empirical evidence shows and how it should be incorporated into policy processes.

Legitimate water policy decisions in the Basin require democratic processes that respect equality and autonomy. When policy decisions align with democratic values – like transparency, community inclusion, and equal consideration of stakeholder input – they foster cooperation and compliance. In practice, this means establishing participatory mechanisms and decision-making frameworks that reflect the community’s diverse values and expectations. By focusing on legitimacy, policymakers can promote adherence to policies and foster sustainable water management outcomes, even in contexts of ongoing disagreement.

However, it is important to emphasise that political disagreements are rarely just a matter of competing values; they often reflect disagreement over facts as well. This is clearly evident in this project’s parallel examination of how policies are framed by different stakeholders in debates over water policy in the basin (Hames and Marsh 2025) and the results of the Q-methodology study into perspectives on fairness in the Basin (Parry, et al. 2025). Although rigorous empirical evidence can usefully contribute to policy debates, the willingness and/or capacity of citizens to accurately interpret this evidence is often hindered by “politically motivated reasoning, epistemic injustice, and strategic manipulation of information by those in power” (Anderson 2020, p. 25). This problem is not unique to the Basin.

The diversity of communities in the Murray-Darling Basin requires acknowledging distinct views on fairness, informed by local identities, roles, and needs. The diversity of views on fairness held by Australians who do not live in the Murray-Darling Basin are also important because they shape the politics surrounding the management of water in the Basin.

Within the Basin, communities across states have different relationships with water resources, from agricultural and industrial uses to environmental conservation or First Nations' relationship with Country and economic development aspirations. Complex equality suggests that justice should vary across social spheres, as Walzer argued, based on the nature of each community's relationship to water. For example, communities with strong environmental ties may prioritise sustainability, while agricultural communities might focus on economic viability. Recognising these differences might allow for a tailored approach to fairness, aligning water policies with local needs and fostering more equitable satisfaction with resource allocation.

Fairer decision-making frameworks, seen as legitimate by key stakeholders, can contribute to helping shift conflict towards cooperation.

Disagreement over what constitutes fairness is inevitable given the varied needs and values in the Basin. A legitimate decision-making framework can provide a fair, transparent process, allowing stakeholders to accept policy outcomes even if they differ from individual preferences. This approach does not eliminate disputes but creates processes and institutions that key stakeholders perceive as just and reasonable. The goal of such decision-making processes is not to find consensus or alignment of different perspectives. Instead, it is to reach an outcome that participants view as legitimate and are willing to accept, even if it differs from their preferences. However, deep-seated disagreement over what justice requires is a common feature of politics. As Waldron (1999) points out, debates over justice and rights do not sit somehow outside of politics; rather they are constitutive of political disagreement.

Scott Moore describes river basin conflict as “a persistent state of competition over shared water resources, as manifested by legislative maneuvering, legal disputes, and rhetorical rivalry”; he defines cooperation as “managing shared water resources in terms of three criteria: collaboration, participation, and adaptability.” (Moore, 2018, 11). Policy-making processes that include explicit consideration of fairness contribute to shifting conflict towards cooperation. When new conflicts appear, a history of fair policy-making processes can help bring parties to the table again to negotiate workable agreements.