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# Liberalism and the Environment

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**ABSTRACT:** The article scrutinises the complex relation between late twentieth century liberal and environmental thought. It concludes that if the key values of contemporary liberal and environmental thought are compared then the prognosis looks gloomy. There are implicit and deep tensions over most value questions. In order to provide a coherent focus for this analysis, the paper addresses the issue of liberal justice, namely, can liberal theories of justice be sensitively applied to environmental questions? The answer to this question is that for much environmental thought, it is the very values and practices implicit within liberal justice theory which now constitute the key environmental danger.

**KEYWORDS:** liberalism, environmentalism, distributive justice, procedural justice, individualism, value theory

There are problems with the relationship between two important icons of contemporary political culture: liberalism and environmentalism. Liberalism has been the dominant ideology of the last two centuries in Western industrialised societies. Environmentalism, on the other hand, in the words of one writer, 'has the potential to become the first original ideological perspective to develop since the middle of the nineteenth century'.<sup>1</sup> Some contend that ecology will take on an increasingly important role in the next century, functioning in a similar manner to socialism or liberalism in this and the last century. The reasons for this higher profile for environmentalism are not hard to find. Holes in the ozone layer, declining rainforest, changes in world weather patterns, increasing skin cancers, widespread pollution of our immediate environments, population growth and so forth, affect us in terms of our daily lives, in terms of what we eat, how we dispose of our waste, where and how we live, and how we travel. In other words, many of the imperatives to environmentalism are both immediate and difficult to ignore.

Liberalism, on the other hand, has also entered deeply into the psyche of Western nations over the last two centuries. Unlike socialism, it shows signs of great flexibility and durability. It permeates our lives in many subtle ways. Liberal vocabulary on tolerance, rationality, individual rights, justice, equity and

fairness, equality, individual freedoms, democracy, obligations, the rule of law, and so forth, are part and parcel of our everyday discourse. Such discourse constitutes a major part of our 'self-image' in Western industrialised societies, both philosophically and practically.

In summary, we are faced on the one hand with an inventory of worrying ecological issues which are interpreted by environmentalism. On the other hand, we are also rooted in a liberal way of understanding which has very deep historical roots in our civil, moral and philosophical culture. This essay will scrutinise liberal thought in relation to the concerns of environmentalism. In order to provide a coherent focus for this, the paper will address the question of justice, which is a core value within liberal theory. The central question is: can liberal theories of justice be sensitively applied to environmental questions? The paper will first lay out the various senses and the key assumptions of contemporary justice theories. The centrality of human agency to theories of justice is then illustrated and set against an outline of the principle elements of environmental theories. The discussion then moves to a more critical comparison of the assumptions of justice and environmental theories. Before concluding, some responses to the argument from within liberal justice theory are considered.

#### LIBERAL JUSTICE

The primary focus of this paper is on liberal justice, understood in terms of both procedures and fair allocation of resources, rather than the more retributive idea of justice in exacting penalties. First, what is meant by justice? Justice is clearly not one thing, although, in a purely formal sense, it can be defined as treating like cases alike, which might be seen as equivalent to reason and universalisability. The genus justice is usually subdivided between certain species. The most significant contemporary species of justice are procedural and distributive (social justice) notions, although retributive justice remains a juridical subtext. Procedural notions also overlap with the distributive in a number of areas; they are kept distinct here for heuristic purposes.

Discussion of distributive justice has been concerned largely with the formal principle 'to each according to his or her due', or, more simply, the fair allocation of burdens and benefits in society. The fine-tuning of this idea arises with the interpretation of what *is* the more substantive principle which determines 'due'. There are a wide range of such principles and they can broadly be subdivided between desert and non-desert-orientated principles. Desert theory contends that if someone has performed a merit-worthy activity or possesses a valuable quality then they should be rewarded in relation to that activity or quality. In the last few decades, the bulk of attention has fallen to non-desert orientated principles, with some recent exceptions in the literature.<sup>2</sup> In the main, desert has been bypassed by the bulk of theorists.

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Non-desert principles cover the larger bulk of contemporary justice theorising. However, the formal claim of non-desert theories – usually premised upon an initial rejection of desert argument – is that distribution is justified via a wide-ranging agreement or consensus on a rational procedure, empirical assumption or moral principle, or a pluralistic combination of these, which forms the basis for distributing burdens and benefits. Non-desert principles vary widely. One convenient way of typologising them is to distinguish between two forms of non-desert orientated distributive principles, namely, the rationalist (basically contractarian claims) and the more empiricist claims (like need). The latter is concerned to establish an uncontested empirical ground for distribution – characteristic of minimums in welfare states.<sup>3</sup> The former is concerned with the ideal rational conditions in which individuals come to a decision about the manner of distribution in society, in specified rational circumstances. This theme has dominated justice literature over the last three decades. The contractarian claims can be subdivided again between what Brian Barry has called ‘justice as mutual advantage’ and ‘justice as impartiality’ arguments.<sup>4</sup>

The other dimension of justice theory is the more pristine proceduralist understanding. There are, in fact, overlaps, both formal and substantive, between ‘justice as mutual advantage’ and the purer proceduralist accounts. Hayek labels his own theory *commutative*, to distinguish it from distributive theory. Formally, procedural theories of justice argue that justice is concerned with rule-following or rule-consistency. The most characteristic form of this is the idea of justice as upholding the ‘rule of law’ – although there are again considerable variations on a theme here, hovering between minimalist and maximalist interpretations of the rule of law. ‘Justice as mutual advantage’ argument usually tends to end up with the same basic rule of law structure as proceduralists. Its proponents also share overlapping beliefs about the importance of individualism, the liberty and rights of individuals, the importance of the free market economy, and a more limited conception of the constitutional state. Thus, apart from the manner in which justice is generated – proceduralists, like Hayek, repudiate the contractual idea – the outcome and subsequent account of justice, in terms of the rule of law, would tend to be markedly similar, in both ‘justice by mutual advantage’ arguments and proceduralism. In this sense, Nozick’s conception of unpatterned distributive justice closely resembles, in outcome, many of the themes of proceduralism.

Liberal justice presupposes a raft of background assumptions. In sum, theories of justice deal with human agents in their political, social and economic arrangements. Human agents are the central locus of value (as the focus both of value and of the process of valuing). Secondly, all persons are, by degrees, rational, self-interested and partial creatures. They may be socialised, in some formats, but their altruism or concern for others is still limited. For David Hume, for example, individuals realise that rules of justice which secure stability and property are ultimately in their own self-interest.<sup>5</sup> The need for justice thus arises

largely from self-interested sentiment and convention. Hume grasped some crucial questions which were to become the background preoccupations of subsequent liberal accounts of justice. The questions were – how does one deal with scarce resources, and competition for those resources, amongst a groups of relatively self-interested human beings? How does one attain some moderate degree of fairness in this situation? The answers to these questions in liberal thought have usually moved beyond Hume's conclusions and have ranged across a broad spectrum of theories. But Hume's questions retain a core of good sense for liberal theory. Thirdly, scarcity of resources implies some competition between individuals, which needs to be regulated. This latter assumption could entail either minimal background rules (Nozick) or a much wider-scale redistribution of resources (Rawls, Barry). We can shorten these assumptions to: the centrality of human agency, the inevitability of limited self-interest and competitiveness for scarce resources.

#### ENVIRONMENTAL PERSPECTIVES

How far do the raft of assumptions and theories of justice match the theoretical perspectives of the environmental movement? The first thing, in this section, is to gain some purchase on environmental perspectives. Environmental arguments will be distinguished in terms of moderate anthropocentric, intermediate and ecocentric theories.<sup>6</sup>

Moderate anthropocentric arguments stress, to varying degrees, that human beings are the sole criterion of value. The value of nature is usually quasi-instrumental in character, namely, that the natural world, including animals, has value for humans. It is certainly not the case here that nature is low on the priority of such valuing. In fact, it can, paradoxically, be more intensely valued and preserved more successfully than by many who profess deep ecocentric values. Nature, though, without humans is still largely valueless. One can go beyond this latter idea into a much harder-edged anthropocentrism, asserting that nature in general can be destroyed, manipulated or polluted, as long as it serves humans. This, however, by definition goes off the scale of environmental thought. One way of accommodating these senses of anthropocentrism would be to draw a distinction between strong and moderate anthropocentrism. Strong anthropocentrism would be the harder-edged variant and moderate anthropocentrism would be trying to accommodate itself to nature and environmental concerns.<sup>7</sup>

In the ecocentric view, the locus of value is the whole ecosphere. Value here is usually embedded in the whole ecosphere. It is not given by humans and therefore it cannot be used instrumentally for human ends. This is the most controversial eco-philosophy wing whose inspiration came, initially, from the North American writer Aldo Leopold's *A Sand County Almanac*, and later from

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the philosopher Arne Naess. For Leopold, a thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. As Leopold stated 'a land ethic changes the role of Homo Sapiens from conqueror of the land... to plain member and citizen of it'.<sup>8</sup>

In between the anthropocentric and ecocentric components is a broad intermediate category, which can be subdivided into two further tendencies. The formal position of the intermediate view is not to accept either anthropocentrism or ecocentrism. It is committed to environmental axiology. The bulk of contemporary environmental ethics subsist in this category. The two subtendencies of the intermediate position can be called 'moral extensionism' and 'reluctant holism'. A rough and ready distinction between these subtendencies is that the former leans uncertainly towards anthropocentrism, whereas the latter leans reluctantly toward ecocentrism.

The clearest examples of moral extensionism are the various animal liberation and rights-based arguments of figures like Peter Singer or Tom Regan. This might be subdivided legitimately again between Singer's more consequentialist utilitarian ethics of 'sentientism' and Regan's more deontological right-based approach. Singer, for example, argues that 'sentience' is the real locus of value. Animals are sentient, therefore animals are of value. It follows that non-sentient life does not possess value. We extend value to creatures because we can reasonably see that they possess the faculty of sentience. Thus plants, rocks or rivers are ruled out. As Singer puts it bluntly: 'There is a genuine difficulty in understanding how chopping down a tree can matter to the tree if the tree can feel nothing'.<sup>9</sup> The 'reluctant holism' wing consciously extends arguments concerning value beyond sentience to notions like the biosphere, including plants. Most reluctant holists are, in other words, prepared to go much farther than the moral extensionists in locating value well beyond humans and in some cases even beyond animals into the biotic community. This is the formal defining feature of reluctant holism. If there is one fairly clear inference, which can be drawn from this brief outline of environmental theory, it is that the ontological centrality of human agency is seriously in doubt.

## IS JUSTICE DUE TO THE ENVIRONMENT?

The most straightforward answer to the subtitle question is that the environment is *not* something that one can be just or unjust to. One can only be just or unjust to entities worthy of moral consideration. It is not hard, though, to conceive how social justice could *incorporate* environmental concerns. The environment becomes worthy of consideration *through* human valuing. A society is constituted by human agents. Human agents are subjects of worth, respect and moral consideration. There are certain necessary conditions for any society to exist and flourish. In short, these necessary conditions derive value only in so far as they

provide the conditions for the well-being of human agency. If a healthy and clean environment is a condition (necessary or sufficient) for society and thus human agency, it acquires a derivative value from human agency. Therefore, if social justice contributes to the well-being of human agency, in such a way as to directly or indirectly improve environmental conditions, then social justice could be said to incorporate environmental concerns.

There are fairly obvious theoretical examples of this argument. Thus, Marxist commentators would deny that nature has any real independence from political or economic arrangements. At root, capitalistic conditions form the causal nexus within which inequality, poverty and exploitation subsist. Not only does capitalism manipulate, instrumentally, the natural surroundings of human beings, but it is also premised on the exploitation and alienation of human beings themselves. Capitalism fosters an underclass, the attitude of acquisitiveness and both, directly and indirectly, help to degrade the natural environment. Thus, in sum, environmental problems are political and economic problems. To rectify environmental problems means political and economic action. Although many classical Marxists would definitely be chary of speaking positively of the methods of justice – being more concerned with emancipation than *bourgeois* tinkering – they would, none the less, see political and economic emancipation as the precondition for a clean environment.

Arguments on population control reveal a similar rationale. There is some division of opinion now, in global environmental debate, as to whether controlling birthrates directly, or, alternatively, improvement of economic and social conditions (in developing societies) is the preferred policy. Both views presuppose (particularly the latter) that it is the social/human conditions which are essential to environmental improvement. While, for example, there is no acceptable distribution of burdens and benefits in society, in terms of basic health, education, sanitation, housing, and the like, there will be little change in population levels and social conditions. Population growth, in poverty-stricken situations, leads to excessive and unbridled demand for finite natural resources, leading to heavy burdens on the natural environment – the classic case being the diminishing rainforests in developing societies. Greater social justice, in this perspective, would raise incomes, increase expectations, control family size and eventually moderate poverty. This, in turn, would diminish environmental degradation. Social, economic and political conditions are thus envisaged as the necessary *prerequisite* to environmental improvement. Thus, social justice can incorporate environmental concern.

Justice can formally be defined as treating like cases being alike, or, alternatively, distributive justice ‘to each according to their due’. These basic definitions remind us of the focus of liberal justice. ‘Like cases’ and ‘each’ refer to human agents. The agents and the states of affairs they bring about are the concern of justice. Therefore, if we speak of environmental justice, then we must speak of ‘justice for’ the sake of the environment. It is untenable (in this

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perspective) to think that there could be justice 'due' to the environment. This would not only imply that something outside humans was worthy of moral consideration, but, would also put in doubt the independent position of human agents in relation to the natural environment. To construct acceptable policy proposals which are credible for both policy-makers and the public, it surely makes sense to deny that the environment possesses any independent value.

For most liberal theorists, justice applies to the states of affairs of human persons. The basic reason for this is clear. Justice is linked to security of human life, liberty and property. If a clean environment is linked with our security, then it is inclusive within justice. Without security of life and liberty, no civilised life could flourish. Persons are considered to be rational agents with limited self-interest. The background assumption of liberal justice theory, therefore, is the moral standing of persons – whether from a deontic or utilitarian point of view. In the deontic case, the central Judaeo-Christian claim, to be found clearly in Kantianism, is that only human beings can be ends-in-themselves. In utilitarianism, the case is slightly different, since pain and pleasure are categories of sentience, which can extend beyond humans to animals. However, generally, as regards liberal theories of justice, it is 'human agents' that matter.

Thus, in Nozick, for example, individuals are the sole ground of value. Each individual owns themselves – their own body and its labour – by natural right. Nozick's *Anarchy State and Utopia* opens with the assertion that 'Individuals have rights and there are things no person or group may do to them (without violating their rights)'.<sup>10</sup> Similarly, Gauthier's work is also underpinned by a metaphysics of the human self, combining methodological and moral individualism.<sup>11</sup> Justice, in Gauthier, is therefore instrumental to the pursuit of self-interest. Self-interested agents agree to cooperate, since it is to their mutual advantage. Social arrangements benefit all, but only bargains which derive from a fair initial position (minimax relative concessions) will be acceptable to all agents. Voluntary compliance eliminates the need for many costly social institutions. Friedrich Hayek does not take as fierce an abstracted tone on individuals as Nozick or Gauthier. He also has no truck with contractarianism. However, his first premise, again, is that all social actions must be understood via human agents. The only genuine propositions about society are those reducible to propositions about individual actions and volitions. In Hayek's work, methodological individualism is intimately linked to economic and moral individualism.<sup>12</sup> Injustice is intentional acts of coercion. The outcomes of a market order are neither just nor unjust, since they are not the result of intentional actions.<sup>13</sup> If impersonal market behaviour causes environmental collapse, this is emphatically *not* an issue of justice. Rawls is the best recent example of the distributive theory of justice and the 'justice of impartiality' argument. Yet, we still find his theory (that is the early *Theory of Justice*) is also grounded on abstractly conceived rational individuals, within the hypothetical veil of ignorance.<sup>14</sup> The individual, in Rawls' case, is considerably more morally circum-



scribed than Nozick's or Gauthier's, but is still of absolutely fundamental importance.

In sum, there may be differences of interpretation on the nature of persons, but the core substantive premises remains. Justice, in all species, embodies assumptions of the importance of human agency, partial self-interest and competitiveness over scarce resources. The environment benefits if it is incorporated within the value of human agency.

#### LIBERAL JUSTICE AND ENVIRONMENTAL ASSUMPTIONS

Despite the diversity of environmental theories, most are, minimally, sceptical about the supreme position of human beings. They usually think in terms of greater wholes, like the 'biosystem' or 'ecosystem'. In many cases, agency plays a more ambiguous role, mutating to animals, plants or even the biosphere. How do these generic assumptions compare with those implicit in liberal justice theory? The argument, in brief, is that whereas justice theory, *in toto*, presupposes the pivotal role of human agency and value, environmental theory is premised on serious misgivings about such agency.

It is difficult to find a notable liberal justice theorist who addresses the issue of the environment systematically. When Gauthier insists that every individual justifiably engages in 'indefinite appropriation, seeking to subdue more and more of the world to his power', the strong anthropocentric message comes through loudly.<sup>15</sup> Although Rawls moderates his individualism, it is still the human agent who participates in the maximin procedure, trying to maximise primary goods, even within the later more encumbered communitarian world of political liberalism. Nature still only has instrumental significance.

For environmental writers, individualism is often envisaged neither as a fact about the world, nor a morally desirable aim, but rather as a risky metaphysical thesis.<sup>16</sup> It conflicts with one of the more cherished views of environmentalism, namely, that humans are imbricated within nature. John Passmore has noted here the tendency of the Stoic-Christian tradition particularly to see nature as an alien entity to be dominated.<sup>17</sup> Thus, whereas liberal justice theory is strongly anthropocentric, environmental theory insists on a more relational or integral understanding of humanity and nature. These environmental concerns are prior to the consideration of social and political arrangements. In the environmental perspective, unless humanity works out its relation to nature, all the speculation in the world about just social and political arrangements will be worth little. Environmental collapse is no respecter of persons, liberty or property. Environmental theorists do not, though, abandon individualism, but rather incorporate it into a distinct ontological framework. They also often acknowledge a distinction between a minimal and maximal understanding of the individual.<sup>18</sup> The minimum idea is a parody of liberal agency. It implies a thin individualism and

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strong anthropocentrism. This is the idea which has been central for justice theory and serves as one of its foundational premises.<sup>19</sup> Within the stronger ecocentric and intermediate positions, individuality is seen as a functional aspect of the prior unity and moral significance of nature itself. As Arne Naess notes, human agents can better be considered as ‘knots in the biospherical net’.<sup>20</sup> The maximal self is viewed as a process. The self is, in effect, a locus of identification and the wider the identification the wider the self. Levels of identification are taken to indicate psychological maturity. Wider identification is the means by which one deepens environmental consciousness. The identification is not literal, conversely, the psychological sense of self expands, even though the ‘I’ remains physically separate. The self is, thus, ‘as comprehensive as the totality of its identifications’.<sup>21</sup>

Yet liberal individualism may be too easy a target: what of the moderate anthropocentric conception of environmentalism? The latter surely has a similar grounding to justice theory. There are two arguments which weaken this point. First, it is important to reiterate the earlier distinction between shallow and deep anthropocentrism. Deep anthropocentrism asserts that humans are the *only* criterion of value. Humans may be necessary to cognition and value, but shallow anthropocentrism does not necessarily *reduce* nature to human valuing. The sense we have of nature’s independence from our interests is constitutive of its meaning. Although we are necessary to its cognition, the meaning of that cognition includes its independence. It is not therefore reduced to our interests. Thus, whereas deep anthropocentrism sees no value whatsoever outside of human beings, shallow anthropocentrism proposes a more fluid and open relation between humans and nature which includes the quasi-independent worth of nature. Second, valuation, in itself, and the entity that values, are premised upon ‘agency’. Agency – as intermediate ‘sentient’ theorists remind us – is not necessarily linked to human beings.<sup>22</sup> In other words, the shallow ‘anthropocentric’ position is a potential misnomer. ‘Agency’ transcends *anthropos*. Yet, agency also necessarily widens the sphere of value outside humans. Thus, justice theory which is premised on agency – understood as humanity – is not fully reconcilable with shallow anthropocentrism.

Turning now to value theory: the model of human nature present in justice arguments is that of persons as largely rational and self-interested. In Gauthier’s writings, value is understood as individual utility deriving from rational self-interest.<sup>23</sup> Any rules which do exist will be the outcome of bargaining and attempts by individuals to maximise their interests. Gauthier’s suppositions on rational self-interest (like Nozick’s and Buchanan’s) are essential to his contractual account. For Gauthier, utility implies preferences and each person’s preference determines value. Values always therefore relate to the valuer. The ends of human action can only be inferred from individual preferences. No values are intrinsic. Gauthier is quite explicit on this, remarking that value is ‘not something existing as part of the ontological furniture of the universe’. There are therefore

no objective values. Even the idea of objective value is seen as ontologically queer. All values are subjective, but not thereby arbitrary. Value as utility is a 'fully considered preference'.<sup>24</sup>

For Nozick, also, there is clearly no value whatsoever in the world outside of human agents. Nozick notes 'there is no social entity with a good that undergoes some sacrifices for its own good. There are only individual people, different individual people with their own individual lives'.<sup>25</sup> Each individual has their own interest and shape the meaning and value for their own life. Hayek also premises his arguments on self-interested individuals. Self-love and self-interest, though, for Hayek, are not the same as egoism. Most humans are driven by vanity and limited altruism. Reason is always fallible. Such imperfection should, for Hayek, alert us to the need for social and political arrangements which allow both for both spontaneity and liberty, within defined general rules. The market system, in which government *is* by general rules, is the one in which bad men can do least harm and the majority have the freedom to seek to satisfy their wants. This forms the groundwork on which he builds his arguments against distributive justice.

The Rawlsian individual (of the early theory particularly) is also assumed to be self-interested and rational, with a definite plan of life, who will minimise losses and maximise benefits in any choice situation. Benevolence and altruism are initially ruled out. Each individual is assumed to desire certain primary goods (the 'thin theory of the good'). Such primary goods are basic rights and liberties, opportunities and powers, income and wealth and sense of one's worth and dignity. These thin goods are assumed to be desired by all individuals universally. They are distinct from 'thick' goods, which every person has but are more or less incommensurable in a pluralistic society. Agreement can only be gained in a pluralistic setting via a thin conception. The goods that all individuals require can be derived from a model which, despite being premised on self-interest, none the less shadows ideal moral choice.<sup>26</sup> The maximin choice mechanism determines, in effect, that individuals, choosing behind a veil of ignorance, will tend to rank alternatives by their worst possible outcomes and will thus rationally choose the best of the worst outcomes in any decision procedure. In Rawls' neo-Kantian position, it is the autonomous person, as an end in herself, that lies behind all systems of valuation and worth.

Yet, if there is one theme which unites environmental theorists, of all shades, it is that value is *not* something which can be considered solely in relation to the individual agent. It is difficult to think of any environmental writer who would subscribe to Gauthier's assertion (paraphrasing David Hume) 'that it is not contrary to reason to prefer the destruction of the world to the scratching of one's finger'.<sup>27</sup> This is the apotheosis of the justice-based account of human agency. *Nothing* is, therefore, inherently wrong in harming nature, except that it may affect my self-interest.

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Most environmental theories, even the mildest, see value as a ‘naturally occurring property’ of objects in nature. This may or may not imply a full-scale metaphysical thesis.<sup>28</sup> It is, though, in whatever form it appears, a change in ontological perspective. At the more moderate anthropocentric end of the environmentalism, it is often asserted that one can be human centred without being human instrumental.<sup>29</sup> We are the only beings with a sophisticated enough consciousness to value. Humans, therefore, are necessary for deriving value from nature. Yet, still, nature does not *simply* derive value from humans. *Something* is there to be derived. Natural objects have ‘value-imparting characteristics’ (untouched and independent from humans) which generate value in the presence of human consciousness. The value is not there at the behest of human consciousness and ‘the value-imparting quality’ (whatever it is) reacts with the cogniser.

Thus, it would appear, even from the mildest environmental perspective, that value extends beyond human agency. If liberal justice theory is tied closely to a *strong* anthropocentric position, then it not easily adaptable for environmental issues. Before justice can take effect, the human/nature ontological relation needs to be worked out. Liberal justice, as yet, has nothing to say on this issue.

## JUSTICE RESPONSES

This section examines some possible justice-based responses to the above argument. Most current species of justice think that they can address environmental questions. If one considered justice as deriving from rational self-interest and that environmental health was of benefit to individual self-interest, then, on rational choice grounds, some environmental issues could be addressed. Just rules will be the outcome of bargaining. This position has a following within the Green movement – the eco-capitalists. Eco-capitalism works with a largely proceduralist conception of justice.<sup>30</sup> Consumer freedom and the unfettered exercise of rational self-interest are the crucial components. The environmentalist does not need to move outside the traditional domain of procedural liberalism. Capitalism may have been, initially, part of the environmental problem, but with the help of green capitalists in the future, it can be part of the solution.<sup>31</sup> When self-interested consumers begin to demand products that are environmentally friendly, then, capitalism will change. The environment can thus become ‘a major new competitive area for business’.<sup>32</sup> Instead of engaging in either Luddite sentimentalism or stricter state control, environmentalists should carefully distinguish between sustainable and unsustainable market activity. The former adjusts to recycling, cleaner technologies and alternative energy sources – all generated by the demands of the green consumer.

However, eco-capitalism still has no commitment to nature *per se*. There is little to hold individuals back from pursuing their interest except fear and self-

interest. Hayek, amongst others, also reminds us that if market behaviour causes environmental collapse, this is emphatically *not* an issue of justice. It is only where someone *intentionally* destroys the environment that justice might arise and even then it would be considered under the rubric of human 'property rights'. It is thus hardly surprising to find the liberal theorist, James Buchanan, addressing the environmental problems caused by the modern motorist in the following terms: '[the motorist's] behaviour produces... harm only as a by product of his straightforward utility maximisation, given the choices that confront him... in his private capacity through which he must act there may be no means for the individual to influence the behaviour of others... Hence, it remains rational for the individual to do the best that he can under the circumstances. And since this is simultaneously true of all persons... the aggregate result is pollution, deterioration in environmental quality'.<sup>33</sup> Overall, nature is for instrumental human consumption.

In environmental writings, the idea of liberal individualism is often suspect, as leading to the tragedy of the commons. The basic gist of the commons thesis is that a finite world can only support finite demands. As Garrett Hardin remarks: when each individual pursues his 'own interest in a society that believes in the freedom of the commons. Freedom in the commons brings ruin to all'.<sup>34</sup> For Hardin, it is a mistake to think that individual freedom can be controlled by appeals to rationality. People come armed to any controversy with variable resources and will use those resources to acquire individual satisfaction. The only liberty individuals actually have in the commons is the 'to bring on universal ruin'.<sup>35</sup> On the more distributive side of liberalism, Mark Sagoff in his book *The Economy of the Earth*, offers another argument for environmental justice. His central claim is that humans have shared values in health, safety, cleanliness, clean air and water and wilderness. These (what he regards as) 'community regarding values' are distinct from 'self-regarding values'. Community-regarding values constitute the common interest. They constitute our basic 'convictions'. Such convictions are distinct from 'private interests'. A conviction about nature is not the same as a desire for something in nature. Thus, the dignity of an object in nature is not the same as its market price. Similarly, Sagoff contends that 'judgements' are distinct 'private preference schedules'. The *citizen* is concerned with 'community-regarding values', 'convictions' and 'judgements'. The *consumer* has 'self-regarding' values which can be quantified by cost-benefit analysis. To try to quantify a citizen's judgements or convictions or subject them cost-benefit analysis is to commit a category mistake. The difference between wants and the objective judgement of the citizen, is that 'citizen judgements' constitute what we *are*.<sup>36</sup> This more social liberalism could thus act decisively for the environment via community-regarding values. Nature is given a privileged position in liberal society and is no longer subject to predation as an instrumental good. It is rather seen as an intrinsic existential and expressive good tied to human well-being. Sagoff's consensual theory of human good is not

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easily reconciled with liberal beliefs in value pluralism, respect for individuality, the distinction between the public and private realms and the separation between the right and the good. The equivocation within Sagoff's position can be elicited by asking a simple question: what happens when our thick communal interests conflict with nature? Sagoff hypostasises an underlying harmony of community-regarding values and environmental values. Given the history of destructiveness of human communities, such a harmony is far-fetched. Further, because of its *communitarian* base, it has little or no purchase on the *global* character of the environmental question. In the final analysis, in Sagoff, it is not clear whether nature has value independent from the volition of human communities. Further, it is also doubtful that the kinds of distinctions that Sagoff makes between citizens and consumers would really work in practice. His position might have more purchase in a strongly communitarian framework, although it might also require more coercion than most liberals are prepared to countenance. A more general problem with distributive justice theory is that, in practice, it simply brings more of the dispossessed into the market as consumers. Distributive justice is also premised on a background preoccupation with an expanding stock of wealth and economic growth to meet ever-expanding needs. Yet, can such growth be environmentally sustained? There are arguments for sustainable growth, yet it is still a contentious issue and it is not clear how far sustainable growth could still incorporate wide-scale redistribution. It might entail a more frugal self-help model of society. It is, therefore, arguable that distributive justice, because of its reliance on economic growth and its relative indifference to what is consumed, is as remote from environmental concern as the more market orientated proceduralism.

## CONCLUSION

Despite the separation between humans and nature, implicit in justice theory, human agents can still do a great deal by cleaning up their environmental act. To deny this is to both fly in the face of the facts and to discourage efforts that are being presently made. This essay has not denied that liberal justice theory is relevant to environmental issues. Conversely, it argues that liberal justice theory embodies ontological assumptions and commitments to a stronger form of anthropocentrism, which make it problematic to extend arguments about justice to the environment, certainly in ways which would be accepted by the environmental movement. It also remains unclear whether 'justice to' the environment is possible. There may, however, be a pragmatic point lurking in the environmental justice argument, namely, that at the present stage of our civilisation, the most that we can hope for is to stabilise human existence in such a way as to diminish the pressure on the natural environment. Anything else would require an implausible ontological modification in human consciousness.

In summary, if the key values and aspirations of much contemporary liberal and environmental thought are compared then the prognosis looks dismal. There are implicit tensions over questions of the self, freedom, tolerance, personal rights, work, markets, property ownership and even the character of our civil existence. For much environmental thought, it is the very values and practices of liberalism which now constitute the supreme environmental danger. If these environmental dangers intensify in the next decade then the relationship with liberalism may also degenerate. This is not to say that there have not been attempts to overcome these tensions: however, whichever strategy is adopted it will need careful argument to navigate the hazardous waters around these two ideologies.

## NOTES

<sup>1</sup> Paehlke 1989: 3.

<sup>2</sup> Sher 1987 and Sadurski 1985.

<sup>3</sup> I am not suggesting that need *is* definitely an empirical claim, but rather that part of its initial appeal and force in argument has been its empirical 'tag', see chapter 5, 'The Claim of Need and Politics' in Plant 1991.

<sup>4</sup> Barry 1989, ch.1. In 'justice as mutual advantage', justice is seen as the outcome of a bargaining process among individuals in an initial position (Robert Nozick, James Buchanan and David Gauthier). In 'justice as impartiality', justice is seen to be the outcome of a rational agreement between discrete individuals in a hypothetical situation or original position where constraints are placed upon the character of reasoning that can be used (John Rawls, Brian Barry, Thomas Scanlon). The contract device, in Rawls particularly, aims to represent a choice situation and show why individuals have good reasons to adopt justice as fairness. It is not (especially in his more recent work) seen as a bargaining position *per se*, as in Gauthier.

<sup>5</sup> Hume remarked 'To the imposition... and observance of these rules, both in general, and in particular, they [human beings] are first induced only by a regard to interest... Thus self-interest is the original motive to the establishment of justice', Hume 1888[1739-40]: 499.

<sup>6</sup> For an attempt at a more comprehensive typology, see Vincent 1993: 248-76; also Vincent 1995: 215-21.

<sup>7</sup> Many contemporary environmental writers, like John Rodman, Warwick Fox, Max Oelschlaeger, Richard Sylvan, John Passmore and Robyn Eckersley, subdivide the moderate anthropocentric concerns into 'conservation' and 'preservationism'. On the one hand, the ethic of conservation entails 'wise use' of nature to prevent reckless exploitation. On the other hand, preservation groups, like the famous North American Sierra Club, have a much stronger sense of the interrelation of humanity and nature, and a wider concern for the whole ecosystem, often expressed in religious and aesthetic terms.

<sup>8</sup> Leopold, in Scherer and Attig 1983: 7.

<sup>9</sup> Singer 1983: 123

<sup>10</sup> Nozick 1974: xi. These rights are indefeasible and act as negative side-constraints upon all individuals. Such rights create no duties other than those which are freely consented to by individuals. In fact, for Nozick, individual consent is crucial at every stage of

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politics. Individual rights are foundational. The whole theory of entitlement justice is premised upon these basal facts. Justice exists where everyone acquires their entitlements. Justice, in sum, is thus human beings possessing their entitlements.

<sup>11</sup> See Gauthier 1986.

<sup>12</sup> Justice is concerned with the formal consistency between a set of general rules. Hayek draws a distinction between a teleocratic and catallactic orders. The teleocratic order is directed at a specific purpose, whereas a catallactic order (which for Hayek corresponds to a free liberal society) is a spontaneous order which arises from the diverse activities of individuals. Justice is concerned with facilitating the maximum freedom of human agents to pursue their own personal interests or goods. It maintains the procedural conditions for individual freedom. It is not concerned with fair outcomes.

<sup>13</sup> As Hayek notes: 'It has of course to be admitted that the manner in which the benefits and burdens are apportioned by the market mechanism would in many instances have to be regarded as very unjust if it were the result of a deliberate allocation to particular people. But this is no the case. Those shares are the outcome of a process the effect of which on particular people was neither intended nor foreseen... To demand justice from such a process is clearly absurd, and to single out some people in such a society as entitled to a particular share evidently unjust', in Hayek 1976, vol 2, p. 65.

<sup>14</sup> For Alisdair MacIntyre both Rawls and Nozick, *et al.*, have shared presuppositions. For both 'It is... as though we had been shipwrecked on an uninhabited island with a group of other individuals, each of whom is a stranger to me'. He continues that both 'articulate with great power a shared view which envisages entry into social life as – at least ideally – the voluntary act of at least potentially rational individuals with prior interests', MacIntyre 1981: 233.

<sup>15</sup> Gauthier 1986: 316. For Gauthier, Western societies have discovered how to harness the 'efforts of the individual working for his own good, in the cause of ever increasing benefit', p.17.

<sup>16</sup> As Freya Mathews notes, atomistic individualism is a cosmology which 'has served as the unquestioned metaphysical framework both for ordinary thinking and for classical science. Its assumptions so saturate our Western way of thinking that they have scarcely been formulated, let alone challenged'. For Mathews it is, in addition, a 'bad cosmology' especially in its representation of nature as indifferent or alien to our interests, see Mathews 1991: 10 and 14.

<sup>17</sup> He comments that 'Western metaphysics and Western ethics have certainly done nothing to discourage, have done a great deal to encourage, the ruthless exploitation of nature' (Passmore 1975: 28). However, he thinks that there is an existing tradition of 'responsible dominion and stewardship, which goes back to post-Platonic philosophers of the Roman Empire' (*ibid.*: 259).

<sup>18</sup> Arne Naess comments: 'self-realisation in its absolute maximum is... the mature experience of oneness in diversity... The minimum is the self-realisation by more or less consistent egotism' (Naess 1985: 261).

<sup>19</sup> Terms in liberal discussion, like 'self-realisation' and 'self-interest', denote human agency. Nature remains external and instrumental. As Robyn Eckersley remarks 'from Hobbes and Locke... the notion of human self-realization through domination and transformation of nature persisted as an unquestioned axiom of political inquiry' (Eckersley 1992: 25).

<sup>20</sup> See Naess 1973. On one level, there is a quite pragmatic point being made here. Biologically, the function of an individual organism is to maintain its existence. The same



holds true for human agents. The human agent cannot be separated from their environment since it is necessary for the agent's existence. Thus, maintaining personal existence requires a healthy environment. Thus human agency is linked intimately with the environment.

<sup>21</sup> See Naess 1973: 263-4; also Naess 1985: 261.

<sup>22</sup> As Richard Sylvan has remarked: 'Humans simply happen to supply, presently, prime terrestrial examples of full moral agents... The prominent role of competent humans in morality... is utterly contingent' (Sylvan and Bennett 1994: 14).

<sup>23</sup> Gauthier views himself 'between the simple individualism or Robert Nozick and the implicit collectivism of John Rawls' (Gauthier 1986: 268).

<sup>24</sup> Gauthier 1986: 47-55.

<sup>25</sup> Nozick 1974: 32-3.

<sup>26</sup> Gauthier has pointed out here that Rawls is therefore quite clearly not a pure rational choice theorist – something that Rawls, in his most recent work, *Political Liberalism*, has more than reinforced.

<sup>27</sup> Gauthier 1986: 48. For Gauthier, we might regard such a view as mad, but, he continues, one can be reasonable in our preferences and mad.

<sup>28</sup> See McKibben 1990. McKibben suggests that 'Nature's independence is its meaning; without it there is nothing but us' (p. 54).

<sup>29</sup> I take this to be the position of Goodin's *Green Political Theory* (1992).

<sup>30</sup> See Elkington and Burke 1989.

<sup>31</sup> Elkington and Burke 1989: 23; see also Pearce, Markandya and Barbier 1989.

<sup>32</sup> Elkington and Burke 1989: 239.

<sup>33</sup> Buchanan 1975: 121.

<sup>34</sup> Hardin 1973: 138. It is arguable that contractarianism could accommodate negotiation over scarce environmental resources and that a Lockean condition of 'sufficiency' might constrain individual claims. In this view, the tragedy of the commons argument does not undercut liberalism, but is rather at the heart of a contractarian position, still assuming individual self-interest and liberty. Thus, individualism becomes, in this setting, compatible with environmental aims. A version of Lockeanism, therefore, arguably, provides a partial solution to the tragedy of the commons. However, the *modus operandi* of this contractarianism is still the acquisitive human agent; the Lockean 'sufficiency' condition remains more of a pious hope than a definite constraint; and the negotiations which would take place would not be equal between actors. Those with greater power and resources would try to maximise regardless, and as long as they are not constrained, they would be free to do so. In fact, in terms of instrumental rationality, it would be rational for them to maximise and take little regard for others or the environment. In my estimation, the tragedy still has some purchase and cannot be so easily side-stepped. Contractarianism might work in highly idealised and circumscribed contexts, but would be of limited efficacy in most policy-making situations.

<sup>35</sup> Hardin 1973: 146.

<sup>36</sup> Sagoff 1988: 63.

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