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**Reconciling freedom and sustainability:
a human flourishing approach**

Michael Hannis

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Abstract

This thesis argues from a non-ecocentric perspective that environmental policy should be underpinned by a strong conception of ecological sustainability, and should eschew liberal neutrality in favour of government based on a substantive conception of human flourishing which accepts and celebrates our ecological embeddedness. A relational understanding of autonomy shows that such policy need not conflict with the protection of freedom, and is hence potentially compatible with a perfectionist liberalism which aims at intergenerational justice of capabilities. However reflection on the ecologically unsustainable resource consumption levels typical of affluent capitalist economies suggests that while a capabilities framework (potentially including protection of some capabilities as environmental rights) may be effective in establishing ‘floors’ at the lower end of the range of ethically acceptable consumption levels, ‘ceilings’ at the top end are better justified by reference to a eudaimonist ecological virtue ethics which understands and promotes ecological virtue as a matter of enlightened self-interest. Appeals to ecological virtue are entirely congruent with a capabilities approach to sustainability. Exhortations to ecological virtue aimed at individuals by governments are nonetheless illegitimate unless accompanied by policies which embody as well as facilitate such virtue, and aim to remove incentives to ecological vice. This includes robust regulation of consumption drivers and restriction of unsustainable options. Objections to such policies appealing to ‘freedom of choice’ are ill-founded to the extent that they neglect to examine the value of the options chosen between.

Key words

Sustainability; environment; environmental ethics; environmental politics; freedom; autonomy; relational autonomy; coherence; ecological dependence; flourishing; perfectionism; objectivism; reasonable disagreement; liberalism; neutrality; intergenerational justice; capabilities; human rights; environmental rights; environmental virtue ethics; ecological virtue; eudaimonism; consumption; citizenship; happiness; JS Mill; Alasdair MacIntyre; Martha Nussbaum; Ronald Sandler; Marcel Wissenburg; Aldo Leopold.

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Introduction

Tangible progress towards ecological sustainability is widely agreed to be lagging somewhat behind the now almost ubiquitous rhetoric. Contributing to this, arguably, is a failure to adequately conceptualise the relationship between this (supposedly) new objective on the one hand, and pre-existing political or ethical priorities such as freedom and justice on the other. The latter are of course long-standing subjects of philosophical enquiry, and such enquiry may also benefit from interaction with the perspectives offered by modern environmentalism. This thesis is an attempt to explore one such area of interaction, between the two concepts of sustainability and freedom.

My core questions, which I take to be of some practical importance for environmental policy-making as well as of theoretical interest, centre on the issue of to what extent the two are compatible. Would the creation of a sustainable society require significant sacrifices of freedom? To what extent can freedom be legitimately sacrificed to achieve ecological sustainability – or indeed vice versa? Can we be genuinely free *and* live in a sustainable society? My argument is that yes, we can, provided we underpin our environmental and social policy with a substantive and ecologically informed conception of a flourishing human life.

As discussed below, there is to date little published work in philosophy or political theory which directly addresses the relationship between freedom and sustainability. Since both concepts have wide ranges of competing meanings and interpretations, it might seem that an examination of the relationship between them should begin by adopting definitions of the two terms. However since they are among the most highly contested concepts in current political discourse, this is not a simple matter. Indeed it seems inevitable that any

answer given to the question of their compatibility will also constitute an argument in support of particular definitions. I do not therefore propose to set out by choosing rigid definitions of both terms. My answer to the compatibility question will be developed in parallel with my suggested conception of freedom, which will in turn emerge from arguments presented as the thesis progresses.

The thesis takes the form of a philosophical enquiry premised on the initial assumption that it is (at the very least) desirable to organise human activity in ways which it is ecologically possible to sustain into the (ideally indefinite) future. This of course requires an answer to the question “sustainability of what?”, and it is literature from philosophy and political theory directed to this question with which I shall primarily engage.¹

0.1 *Sustainability of what?*

Chapter 1 discusses competing conceptions of ecological sustainability, noting that the level and kind of preservation of ‘nature’ or ‘environment’ required to achieve sustainable human societies depends critically on the level of *substitutability* attributed to the non-human world. This issue was first widely discussed in the aftermath of the *Limits to Growth* report (Meadows et al. 1972): although the terminology of sustainability was not yet widely used, the cleavage between what would later be termed weak and strong sustainability (by Pearce et al. 1989) was already evident in economists’ analyses of the impact of nonrenewable resources on existing theories of economic growth.² Following the Brundtland report (WCED 1987) a series of debates ensued around the attempt to examine the problem of ecological sustainability from the perspective of economics, by viewing natural resources as a form of capital.

1 There are of course also substantial literatures on sustainability across a range of natural and social science disciplines. I do not however survey empirical studies of the physical conditions and actions required for any particular version of sustainability.

2 See eg Stiglitz (1974), Solow (1974), and Hartwick (1978).

Proponents of weak sustainability³ held that sustainability was effectively a matter of sustaining over time the total stock of capital required for human civilisation, that a great deal of ‘natural capital’ could in principle be substituted by human or financial capital, and that the proper operation of markets would ensure that this substitution happened as and when it became economically efficient. Advocates of strong sustainability⁴, meanwhile, argued that while some natural capital might indeed be substitutable by the technological fruits of human ingenuity, this applied in only a limited range of cases. Herman Daly and others⁵ argued that natural and human capital should properly be seen as complementary rather than substitutable, not least because any physical materials at all may be considered as natural capital. The debate largely shifted to be about which natural capital should be seen as ‘critical’, and therefore sustained intact. However powerful arguments were (and still are) also put forward against the appropriateness of ‘capital’ as a way of describing and making decisions about ‘nature’ at all.⁶ The picture was further complicated by ecocentric perspectives⁷ claiming that *all* of the non-human world is intrinsically valuable and thus should, morally, be sustained as intact as possible, irrespective of its value to humans.

Dobson’s (1998) typology of conceptions of sustainability goes some way to clarifying this confusing picture. He found clusters of views around three distinct core conceptions of sustainability, which he distinguishes by their ideal-type answers to the question “what is to be sustained”. The answers, which in large part define the three conceptions, are ‘critical

3 These include Beckerman (1994, 1995), Pearce et al. (1989, 1993) and Solow (1993).

4 Prominent examples here include Daly (1989, 1990, 1995), Daly & Cobb (1989), Holland (1994, 1999), and arguably also Costanza et al. (1997), though the latter’s enthusiasm for market solutions is not typical.

5 See in particular Brian Barry (1991, 1999)

6 For instance by Jacobs (1997), Holland (1997), O’Neill (2007). See also B. Barry (1999:103).

7 Prominent ecocentrists include green political theorists such as Eckersley (eg 1992), environmental ethicists such as Rolston (eg 1998), and ‘deep ecologists’ such as Naess (eg 1989).

natural capital’, ‘irreversible nature’, and ‘natural value’. On this model (as explained in chapter 1), since I am persuaded neither on the one hand that the value of nature can be adequately captured by the value of resources conceived and quantified as ‘capital’, nor on the other that the idea of non-anthropogenic ‘intrinsic value’ in nature is philosophically tenable, the position I endorse is a variant of strong sustainability which prioritises the non-destruction of what Dobson calls “irreversible nature” (Dobson 1998), but seeks to justify this in terms of what I shall term enlightened anthropocentrism.

“Irreversible” as used by Dobson here refers to features and aspects of the nonhuman world which, once destroyed or exhausted, cannot in any meaningful sense be *replaced* but only (perhaps) substituted for. (Given this, and for other reasons explained in chapter 1, I prefer and shall instead use the term “irreplaceable”.) This category includes, but goes beyond, the contents of weak sustainability theorists’ ‘critical natural capital’ category, since it includes many ‘environmental goods’ which go well beyond the ‘basic needs’ required for human survival. I argue however that at least some such goods *are* required for human flourishing. It is this focus on flourishing, and specifically on the contribution of the nonhuman world to human flourishing, which I argue makes this variety of anthropocentrism more ‘enlightened’ than those routinely criticised by ecocentrists.

0.2 *Obligations to future generations*

The question of what we should aim to sustain for future generations raises the more general ethical question of just what obligations we in the present have to those as yet unborn.⁸ Do we owe them a duty of justice to ensure them equal access to what we currently enjoy - and if so, should this be understood in terms of welfare (Sumner 1986)?

8 Wider philosophical discussions of future generations, and of duties owed to them (or not) by present people, owe much to the work of Parfit (1983, 1986). Norton (1982, 1992, 1997, 1999) has been prominent in applying this literature to the environmental context, and is represented with a number of other significant contributors to this more specific field in Dobson’s influential (1999) anthology.

Of resources (Rawls 1972; Barry 1999)? Of ecological space (Wackernagel & Rees 1996; Dobson 2003)? Some answer to this question of intergenerational justice must be implicit in any conception of sustainability. Here I am seeking one which is also consistent not only with strong sustainability but also with the arguments I make about the value of freedom, and the role of freedom in human flourishing.

I broadly endorse the answer suggested by Ed Page, who argues that while neither resources nor welfare is an adequate metric, environmentalists' search for a specifically environment-related "currency of advantage" (Page 2007:453) which should be justly distributed across time may also be mistaken. Building on the capabilities approach of Nussbaum and Sen (which I discuss in chapter 3), Page proposes that we should aim instead to achieve intergenerational justice of capabilities for flourishing, including the capability to "experience life in an environment devoid of dangerous environmental impacts" (ibid.:464). The focus on capabilities rather than welfare or resources (or ecological space) is preferable for a number of reasons, as discussed in chapters 3 and 7: in short it avoids both the 'adaptive preference' problems associated with welfare approaches, and the 'differential requirements' problems associated with resource approaches to intergenerational justice.

There are of course a wide range of important empirical questions about the amounts and types of resources or ecological space (Wackernagel and Rees 1996) human beings need to lead adequate or flourishing lives. I do not address these empirical questions beyond conceptual discussion of how they might be approached, and of how they in turn relate to the timeless broader question of what such a life requires. I do however rebut arguments against the legitimacy or feasibility of giving any generalised answers to such questions: it is a key premise of this thesis that it is not only possible, but morally and

practically essential, to make policy on the basis of a reasonably substantive conception of the level of resource consumption a flourishing life requires. The central focus, however, will be the related range of political and philosophical questions. On what basis, and to what extent, do people whether in the present (Martinez-Alier 2002) or the future (Barry 1999) have entitlements or claims of justice to this level of resource consumption? How helpful is it in this context to posit a *right* to what is sometimes called (eg by Hayward 2005) an adequate environment? How are such claims to be balanced against other conflicting claims: and in particular, how well do they co-exist with the fundamental liberal value of freedom?

0.3 *Freedom and sustainability*

It may already be clear from the above that my enquiry will be conducted primarily within the philosophical framework of Anglo-American liberalism. I have restricted the scope of the enquiry in this way not because I endorse that framework over others (I do not), but for three quite different reasons. First, and most pragmatically, this is already a vast subject area and some restriction of scope is essential. Secondly, this is the social and political context within which I have lived my life, and the only one on which I can honestly claim to feel at all qualified to comment. Thirdly, and most importantly, it is the philosophy and politics of liberalism which have driven and legitimised both historic colonialism and contemporary globalisation. Liberal politics and values are aggressively promoted as universally applicable and desirable. Whether or not they are directly responsible for our present environmental crises, they have played a central part in shaping both the contexts in which these problems have arisen and those in which attempts to resolve or mitigate them are likely to have to take place. The ideal of freedom, of course, is at the core of this liberal value system.

Any examination of the relationship between freedom and sustainability which moves beyond pure philosophical abstraction and into the realm of politics can thus also be seen as an examination of whether ecological sustainability can be achieved within a recognisably liberal political framework. The bulk of relevant current literature is in fact framed in these terms. This is understandable but has in my view left the relationship between freedom and sustainability *per se*, as opposed to as a step or building block in wider arguments about the possibility of liberal environmentalism, significantly under-theorised. I have not encountered any serious book-length treatment of this relationship, and it is this gap which the present thesis attempts to fill. While it does contain elements of an immanent critique of liberalism's ability to achieve sustainability, the primary aim is to address the question at a basic conceptual level and draw conclusions that are genuinely about freedom and its relationship with sustainability, rather than about liberalism. The principal significant materials I have found that *do* address this question directly, rather than via discussions of liberalism, are as follows.

Eco-authoritarian writers⁹ claim that achieving ecological sustainability will require significant restrictions of freedom, but that this is a price worth paying. We face a hard Hobbesian choice between "Leviathan or oblivion" (Ophuls 1992) which can be resolved only by "mutual coercion, mutually agreed upon by the majority of the people affected" (Hardin 1968:1247).¹⁰ From an eco-authoritarian perspective the resultant reduction in freedom is effectively unavoidable since, as Humphrey notes, eco-authoritarianism tends to be associated with a Schumpeterian pessimism about "the ability of citizens to act democratically with regard to a more (ecologically) enlightened sense of their self-interest"

9 Writers often described (though never self-described) as eco-authoritarians include Ophuls (1977, 1992, 1997), Heilbroner (1974), and Hardin (1968).

10 Though Hardin is now widely seen to have been mistaken about the alleged "tragedy" of the commons (see eg Ostrom et al 1994), he may well nonetheless have been right that more coercive measures are required.

(Humphrey 2007:13).¹¹ However, it also assumes that the reduction of *options* (for instance by coercive environmental legislation) translates into a reduction in *freedom*. As Ophuls puts it:

[T]he widest number of meaningful options brings the maximum of freedom; macro-freedom is the sum of the micro-freedoms available to us. Because the destruction of the commons leaves us with few meaningful options, some of the doors now available to us must be partly or even completely closed, but if we wish to preserve a sense of freedom, then this should be done in ways that limit the micro-freedoms [...] as little as possible. (Ophuls 1997:213)

Interestingly, the same fundamental assumption is arguably shared by libertarian writers who take the opposite view: here interventionist environmental policy is seen as dangerous and illegitimate, precisely *because* it requires excessive coercion, regulation and intrusion into private life, and in particular because it threatens the primacy of private property rights. Again, though, the assumption is that any closing off of options (particularly, for these writers, options to use, accumulate or dispose of private property in environmentally damaging ways) represents a significant reduction of freedom.¹²

Richard Dagger (2006) argues, against this assumption, that restricting environmentally damaging options should not be seen as necessarily entailing a reduction of freedom. Following Philip Pettit (2003), Dagger distinguishes between “option-freedom” on the one hand, and “agency-freedom” or autonomy on the other, and argues that while effective responses to the ecological challenge may sometimes entail reductions in the former, they

11 As Humphrey goes on to note, this pessimism arguably sits ill with Hardin’s idea that “mutual coercion” could or would ever *be* “mutually agreed”.

12 Some prominent examples are Block (1998), Anderson & Leal (2001), and Simon (1996). Such writers are promoters of ‘free market environmentalism’, and discussion of freedom in this literature often turns out on closer examination to represent advocacy of the ‘economic freedom’ or ‘freedom of the market’ which can allegedly bring about environmental improvements without recourse to coercion or indeed governmental intervention of any kind. Beder (2006) quotes a typical example:

Instead of seeking to curb the profit motive and freedom of individual choice, we would do well to stimulate them both in ways that let the free market reconcile the industrial revolution with the age of environmentalism. (Morgenson & Eisenstodt 1990, quoted by Beder (2006:93))

While I believe such views to be profoundly mistaken, the economic aspect of this debate is not one with which I engage here.

are likely to enhance the latter. Not only are some options more valuable than others, but the protection of some options can actually be detrimental to real autonomy. To be able to preserve our autonomy in current circumstances will require us to “know that we are parts of nature - not independent of it but interdependent with it” (Dagger 2006:213). This seems to me right, and I will attempt to follow through in more detail the implications of such a view.

Robyn Eckersley (2006) agrees, but adds more weight to the argument that sustainability should be seen as a condition of autonomy rather than as a constraint on it. The “constraint” view of the relationship, for Eckersley, not only rests on a simplistic understanding of autonomy but also leads to injustice since it is inevitably biased towards those who benefit from ecological degradation and against those who suffer its effects. Here she is building on earlier work (eg 1996:223) in which she called for a “more inclusive notion of autonomy” capable of capturing the “freedom of human and non-human beings to unfold in their own ways”. Dagger objects (2006:210) that this view of autonomy “conflates autonomy with flourishing”. I find his objection unconvincing, and hope to show that Eckersley is in fact on the right track here, at least as regards humans¹³: as I argue in chapter 3, autonomy does indeed need to be understood in terms of its contribution to flourishing.

0.4 *Liberalism and environmentalism*

As noted above though, most existing discussions of the freedom/sustainability relationship arise in the context of examinations of the compatibility of environmentalism and liberalism.¹⁴ Marcel Wissenburg’s *Green Liberalism* (1998) was the first book-length treatment of the topic, and remains a good entry point to subsequent debates. While

¹³ I do not discuss Eckersley’s views about the autonomy of non-humans.

¹⁴ Prominent examples include Barry & Wissenburg (2001), Doherty and de Geus (1996), Eckersley (2004), Hailwood (2004), Jagers (2007), Sagoff (1988) and, paradigmatically, Wissenburg (1998).

Wissenburg later admitted (2001) to being “liberal first and green second”, the book does claim to offer a viable “green liberalism”, centring on his proposed “restraint principle”:

No goods shall be destroyed unless unavoidable and unless they are replaced by perfectly identical goods; if that is physically impossible, they should be replaced by equivalent goods resembling the original as closely as possible; and if that is also impossible, a proper compensation should be provided. (Wissenburg 1998: 123)

This issue of replacement (and thus of replaceability) clearly relates back to the substitutability question mentioned above. Just how the restraint principle might be operationalised would evidently depend in large measure on assumptions about fungibility. The principle is characterised as much by what it leaves out as by what it includes: for instance, what is to be understood by “unavoidable”?

Stephens (2001a, 2001b) criticises Wissenburg for a related omission: his reluctance to embrace any criteria for judging what can constitute legitimate *reasons* for “destroying” goods (specifically environmental goods or natural resources) in the first place. Nor, in Wissenburg’s scheme, can there be right or wrong reasons for taking action to preserve or create environmental goods: for Wissenburg, it is a core characteristic of liberalism that it takes preferences (including those relating to environmental goods) as given. On this view while it might be *green* for governments to (try to) interfere with preference formation, it can never be *liberal*, since a liberal government must remain studiously neutral between individuals’ multifarious conceptions of the good life. The restraint principle is thus designed to embody a precautionary approach to the preservation of environmental goods (just *how* precautionary is critically dependent on the fungibility question) while remaining silent as to what use people make of them.

Stephens however replies that while this might be true of Lockean liberalism, there is another tradition, following JS Mill (1859, 1861), which in fact lays great stress on the

formation of character, and thus of preferences, as an important part of what a liberal government should aim to do. It is only this flavour of liberalism, for Stephens, which is in the end capable of being green, because of its “advocacy of broad human flourishing” (2001b, 44). He argues that not only environmental policy-making but any practical liberal government requires a recognition that some liberties are more valuable than others, and that this recognition can only be based on some background theory of the good. It must, that is, rest on a conception of human flourishing.

Stephens’ understanding of Millian liberalism is developed in more detail by John O’Neill (1993, 1998, 2007). On O’Neill’s reading¹⁵ (as discussed in chapter 3) Mill’s liberalism is explicitly perfectionist, and it is precisely this perfectionism which makes it more conducive to environmentalism than other varieties of liberalism, particularly those espousing neutrality, since an ecologically informed conception of a flourishing human life is indispensable to effective environmental policy.¹⁶

0.5 *Neutrality*

Much debate around the compatibility of liberalism and environmentalism (and thus, by proxy, of freedom and sustainability) is conducted in terms of the notion of neutrality. Neutrality between conceptions of the good life is seen by many liberal theorists as a core principle of liberal government, deriving directly from a concern with liberty or autonomy as well as from ideas of equal treatment.¹⁷ To privilege certain conceptions of the good life over others is, on this view, not only to treat people unequally but to deprive them of their autonomy by making it difficult or impossible for them to pursue the good life as they see

15 For a different reading, see Coglianese (1998).

16 My arguments about perfectionist liberalism are very much influenced by those of O’Neill, as is my interpretation of Mill, who makes a number of appearances at important points in the thesis. This should certainly not, however, be taken to imply either a claim that my position can be derived directly from that of Mill, or a wholesale endorsement of Millian liberalism.

17 See for example Ackerman (1980), Dworkin (1985, 1996), Feinberg (1987), Gutmann (1985), Kymlicka (1989), and perhaps most famously, Rawls (1993, 1999).

it. Thus in the present context David Miller (1999a, 2004) claims that the principle of neutrality obliges a liberal government to be neutral between, on the one hand, environmentalists whose claims of impending ecological crisis and demands for stronger environmental policy simply reflect their environmentalist conceptions of the good life, and on the other, the perspectives of others who are sceptical or agnostic about such claims and demands, reflecting their non-environmentalist conceptions of the good life. For Miller, to privilege either one would be an unjustifiable departure from neutrality, entailing potential injustice through unequal treatment. This seems to me deeply mistaken, and in chapter 2 I argue in some detail that Miller's view illustrates the inability of a politics based on neutrality to take proper account of claims about the common good. The refusal to endorse any conception of human flourishing makes it impossible to base policy on any operationalisable concept of the common or public good. This is a general problem for liberal neutrality, but becomes particularly acute in the case of environmental issues.

Others such as Dobson (2003) and Hailwood (2004) argue that neutrality, properly understood, is really a matter of preserving options for present and future people to pursue the widest possible variety of conceptions of the good life. Viewed in this way, they claim, neutrality could legitimise or even require robustly precautionary environmental policy. The idea is that if both the environmentalists and the eco-sceptics are to be able to live the lives they choose, then the demands of both should be met, and making this possible would in practice require the implementation of strong environmental policies. The problem here though is that the two sets of demands may very well turn out to be not just different but mutually exclusive, and hence to require diametrically opposed sets of policies. To adjudicate between them in any meaningful or effective way will, again, require a commitment to some concept of what a flourishing life requires.

Also relevant here is the well-established broader communitarian critique of liberalism which argues that any attempt at government based on liberal neutrality will in fact inevitably result in the imposition of unexamined liberal conceptions of the good, not least those embedded in the very idea of the desirability of neutrality.¹⁸ Sandel's related charge that Rawlsian liberal neutrality relies on an untenable conception of persons as "radically disembodied subjects" (Sandel 1998) is particularly pertinent in the context of environmental policy. I argue here that if we are to live sustainably we need to recognise ourselves as not only embodied, but as ecologically as well as socially situated. To this end, I make extensive use in later chapters of Alasdair MacIntyre's (1999) insight that we achieve independence through acknowledgement of dependence, and argue that this acknowledgement of interdependence needs to be extended beyond the social to recognise the ecological networks of which we as human beings are part.

¹⁸ Versions of this critique, with different emphases, are influentially expressed by MacIntyre (1985), Sandel (1998), Taylor (1991) and Walzer (1984).

0.6 *Freedom, flourishing and capabilities*

This thesis seeks to explore the possibility of understanding the relationship between freedom and sustainability in a way which escapes arguments about whether either one is a more important or fundamental goal than the other. The aim is to achieve some measure of commensurability by considering both as constitutive of, or means to the end of, human flourishing. My hope is to show that defenders of freedom have less to fear than they may think from promoters of ecological sustainability, without falling into the trap of simply attempting to redefine freedom to fit within ecological limits. I shall nonetheless question the value of some of the freedoms which are perceived to conflict with the achievement of sustainability. Their value will be called into question, however, not directly because of these (real or perceived) conflicts but because of doubts raised as to their contribution to genuine human flourishing. It will therefore be necessary to situate freedom in this context: how exactly does it contribute to flourishing? This question is addressed in chapter 3.

Much liberal theorising about freedom has been framed by Isaiah Berlin's (1991) celebrated but flawed distinction between positive and negative liberty. Despite MacCallum's (1967) clarification that freedom always involves a "triadic" relationship (freedom of agent X to do Y, unhindered by Z), Berlin's polarised characterisation has proved remarkably resilient. His question is still posed: should governments seek to maximise freedom *from* interference (negative liberty), or freedom *to* live a fulfilled or flourishing life (positive liberty)? Berlin argued essentially that the latter led to tyranny, since it involved the state deciding which (or whose) freedoms should be preserved, and gave it the power to restrict others. In response, critics including Marxists (eg Cohen 1991) and communitarians (eg Taylor 1991) have argued from various perspectives that real (as opposed to abstract) freedom requires a society organised for the common good, which neutrality cannot deliver. This is broadly the same ground as that covered by the neutrality

debate discussed above: does government compromise freedom if it endorses a conception of the good life? To this extent my attempt to understand freedom in terms of flourishing clearly sets me on the “positive freedom” side of Berlin’s simplistic divide. However, there are also more fundamental questions here about the *value* of freedom.

Ian Carter (1999:44) points out that valuing freedom as a means to valuable ends does not preclude also valuing it for itself: analogously to money, claims Carter, freedom can be seen as having “non-specific instrumental value”. Nonetheless, as Charles Taylor argues, any attempt to aggregate freedoms reveals that some freedoms are more valuable than others:

Freedom is important to us because we are purposive beings. But then there must be distinctions in the significance of different kinds of freedom based on the distinction in the significance of different purposes. (Taylor 1991:151)

Taylor’s point is that restriction of some potential courses of action will have a greater effect on the agent’s overall freedom than restriction of others, because of the significance of the ends to which the actions in question are means. Though we value freedom for its own sake, we also value it as a means to desirable ends – and some ends are more desirable than others. This picture is complicated though by the fact that one of these desirable ends is autonomy: since autonomy is itself a vital *component* of a flourishing life, then it must itself be seen as a valuable end which confers value on those freedoms which are necessary for its achievement. We should, then, add those freedoms which are required for the protection of autonomy to any putative list of freedoms which we take to be valuable in virtue of their being means to ends which are constitutive of the good life. But just how are we to decide how much or what kind of freedom is required for autonomy?

An influential perfectionist liberal account of autonomy, of which I make extensive use in chapter 3, is offered by Joseph Raz (1986). Raz believes that it is legitimate for

government to promote a more or less substantive conception of the good life, and therefore sees no problem with prioritising some freedoms over others, because some genuinely are more valuable than others, and “the restriction of the more important liberties is a greater restriction of liberty than that of the less important ones” (Raz 1986:13). For Raz, people, and hence governments, have a duty to protect the conditions for autonomy, which consist of three distinct components: appropriate mental abilities, independence, and an adequate range of valuable options. People’s autonomy is protected and promoted by maintaining a situation in which these conditions are in place.

This leads to the question, what might the protection or provision of an adequate range of valuable options actually mean in practice? Probably the most comprehensive attempt to answer this question is found in the work of “capabilities approach” theorists (Kaufman 2006). Building on foundations laid (in the context of development ethics) by Amartya Sen¹⁹, Martha Nussbaum (1990, 2000, 2003, 2006) considers human well-being in terms of functioning, and then (unlike Sen) seeks to identify and list the basic capabilities required for the achievement of those key “functionings” which can together constitute a flourishing human life. Nussbaum sees it as a duty of government to secure and protect people’s access to a specific (though fluid) list of basic capabilities for functioning, in order that they should be able to function in the various ways necessary for them to flourish. The focus on securing capabilities, rather than on mandating specific functionings, is intended to make the approach compatible with the liberal injunction to protect personal freedom. I argue that a framework based on something like Nussbaum’s capabilities approach, with its “thick vague conception of the good” (Nussbaum 1990), looks like the best available liberal answer to the question of how to protect and promote flourishing autonomous human lives.

19 Sen (1980, 1993, 1999, 2004).

The question then becomes whether such a framework could also accommodate effective sustainability policy. One of the capabilities on Nussbaum's list is "being able to live with concern for and in relation to animals, plants, and the world of nature" (2000: see appendix 2 below for the full list); this is as close as she gets to environmental and sustainability issues. Page (2007:464), as noted above, argues that this is not close enough, essentially because it seems insufficiently concerned with the well-being of future persons: he suggests extending the list to include "the capability to experience life in an environment devoid of dangerous environmental impacts such as those associated with climate change".

0.7 *Environmental rights?*

Could a capabilities approach, perhaps with a list of capabilities extended beyond Nussbaum's along the lines Page suggests, then provide a basis for safeguarding ecological sustainability while preserving freedom? In Nussbaum's view, this would in practice require the guaranteeing of capabilities as rights. Chapter 4 examines the prospects for the explicit promotion and protection of 'environmental human rights'²⁰, and explores three related but distinct routes by which the protection of the relevant capabilities as environmental human rights might contribute to the reconciliation of freedom and sustainability. These routes are considered in the context of Wissenburg's (2006:25) observation that "allowing ecological concerns for ethical or ontological reasons to limit the range of admissible lifestyles" is consistent with liberal neutrality. I defend the view that such limitation is indeed legitimate, necessary, and compatible with the protection of freedom: it is therefore also compatible in principle with some (perfectionist) varieties of liberalism, though not, as Wissenburg claims, with neutrality. Limiting the range, I argue,

20 See Hancock (2003), Hayward (2005), Lercher (2007), C. Miller (1998), Nickel & Viola (1994), and Woods (2006) for overviews of, and different perspectives on, the concept of environmental (human) rights. Douzinas (2000) and Baxi (2006) give politically and historically astute assessments of human rights discourse in general.

is likely in practice to require close attention to resource consumption levels, and the setting of both ‘floors’ at the lower end of the range and ‘ceilings’ at the upper end.

The first route, direct protection, involves the formalised protection of freestanding environmental rights. I first consider how such rights might be defined and protected, and consider proposed versions of such rights put forward by Ksentini (1994) and Hayward (2005). The second route identified relates most closely to the framework within which environmental rights are in practice usually understood and argued for. This is the indirect protection of environmental capabilities as either preconditions for, or instances of, existing recognised rights. Here some empirical evidence of current practice, in particular relating to representative decisions of the European Court of Human Rights, is examined. The conclusion here is that while environmental rights may well be valuable in identifying and helping to guarantee floor levels of environmental capabilities, their inescapable individualism means that they will be of little use in the context of legitimising policies which seek to set and enforce ceilings to resource consumption in pursuit of ecological sustainability. A third route, ‘protection by default’, which may be seen as a corollary of the first two, is then explored in the hope that it might be better equipped to help to identify protected ceiling levels of resource consumption. Can a rights approach help to identify by default behaviour which *may* legitimately be restricted, if and when this becomes necessary in pursuit of environmental objectives, since it is *not* protected as a matter of right? I conclude however that political realities and problems of uncertainty mean that this approach is also unlikely to succeed in practice. While the protection of capabilities as rights may well legitimise consumption floors, it seems apparent that a different approach will be required to justify the setting of ceilings. The remainder of the thesis explores what such an approach might look like.

0.8 *Autonomy and relationship*

Resiling from the individualism of rights approaches, chapter 5 seeks to reconsider the concepts of autonomy, capabilities and flourishing in more relational terms. I draw on literature from feminist (eg Code 2000) and communitarian (eg MacIntyre 1985, 1999) traditions to support my contention that a proper understanding of relationship, including asymmetrical relationships of dependency, is central to the development and maintenance of autonomy, and of a coherent personal identity. This, in turn, means that freedom and autonomy must be clearly distinguished from self-sufficiency. The freedom I value is the freedom to *be myself*: this requires and involves knowledge of, attention to, and ongoing participation in the webs of relationships which go to make up my unique identity. Continuity and coherence are key elements of a flourishing autonomous life: thus for a capabilities approach, the capabilities required for such coherence are correspondingly central. This sheds a new light on the preceding discussions of the value and nature of autonomy. It is also relevant to sustainability, I argue, since the relevant relationships are not confined to those with other human beings. A flourishing human life is internally coherent but also forms part of larger coherent narratives, both social and ecological.

A related insight underlies Benson's (1983:5-6) observation that autonomy should be seen as a virtuous mean between two extremes of excess and deficiency: the autonomous person is neither arrogantly self-sufficient nor overly determined by the will of others. This notion is further developed through an exploration of MacIntyre's (1999:9) concept of the "virtues of acknowledged dependence", and in particular his idea that "acknowledgement of dependence is the key to independence". I propose extending this concept to consider "virtues of acknowledged ecological dependence". This is linked with the idea of autonomy as a virtue in its own right, and sets the scene for the ensuing discussion of ecological virtue approaches.

0.9 *Ecological virtues*

Seeking to flesh out the concept of virtues of acknowledged ecological dependence, chapter 6 digresses from political theory into the literature of environmental virtue ethics.²¹ A discussion of the relationship between human flourishing and attitudes to the nonhuman world leads into consideration of what kinds of action ecological virtue might result in, and how such virtue might be characterised. Hill (1983), Frasz (1993) and John Barry (1999) broadly concur that the central relevant virtue is some version of humility. In Barry's terms this may be seen as "a mean between a timid ecocentrism and an arrogant anthropocentrism", leading to "cultivation of those modes of character and acting in the world which encourage social-environmental relations which are symbiotic rather than parasitic" (Barry 1999:33, 35).

The connection between such "modes of acting in the world" and Aldo Leopold's (1949) Land Ethic is then explored. I broadly agree with Shaw (2005) that ecological virtue does require the preservation of Leopold's "integrity, stability and beauty", but argue that this conclusion does not, *pace* Shaw and Taylor (1981, 1986), just follow neatly from an attitude of "respect for things with a *telos*". More generally, I argue for a eudaimonist conception of ecological virtue²² congruent with both the enlightened anthropocentrism adopted in the preceding discussion of sustainability, and the commitment to an ecologically informed capabilities approach to human flourishing. The idea is that our concern for our own flourishing as human beings, properly understood as rational but ecologically situated creatures, is sufficient to ground a fully formed conception of ecological virtue.

21 Sources engaged with include Hursthouse (1999, 2007), J. Barry (1999), various contributors to Sandler & Cafaro's (2005) anthology, and Sandler (2007).

22 Here I follow proponents of eudaimonism such as Hursthouse (1999, 2007), Foot (2001) and Thompson (2008), and argue against those such as Sandler (2007), Shaw (2005) and Taylor (1981, 1986) who defend non-eudaimonist or hybrid theories of environmental virtue.

A discussion of the relevance of ‘traditional’ virtues concludes that while many such virtues are very relevant in this context, characterisation of ecological virtue will nonetheless be incomplete without a specific ‘new’ virtue of “right orientation to nature” (Hursthouse 2007). The chapter closes with the observation of close parallels between ecological virtues thus defined and the virtue of autonomy. Both rest on appreciation and acknowledgement of the delicate and dynamic balance between connectedness and individuality: this, I suggest, could be the key to the reconciliation of freedom and sustainability.

0.10 *Capabilities and virtues*

Finally, chapter 7 draws together the arguments presented in the preceding chapters and explores some political and social implications of the model which has emerged, in which a capabilities approach and a eudaimonist ecological virtue ethics serve as complementary aspects of an approach to policy-making based on a substantive and ecologically informed conception of human flourishing.

The eudaimonist interpretation of ecological virtue is shown to have important strategic and political value, in that it allows an ecologically virtuous life to be presented as, at least in part, its own reward. From this perspective, an appeal to virtue is not a moral injunction to act contrary to one’s self-interest, but an invitation to consider more deeply what that self interest really consists in. I argue in fact (*pace* Connelly 2006b) that *only* if ecological virtue is understood to contribute directly to human flourishing can such appeals be legitimately or coherently made, particularly if they are to be linked with concepts of citizenship. The rhetoric of ecological virtue cannot be legitimately used by government, however, unless a further condition is satisfied: policy must be thoroughly and

systematically revised to embody the virtues being demanded of individuals or citizens. This means acting both to facilitate ecological virtue, and to remove structural incentives to ecological vice. An important part of this, particularly in affluent countries, is the setting and enforcement of resource consumption ceilings. In a best-case scenario, a virtuous circle may then develop, in which increased realisation of the ecological, social and psychological benefits of lower consumption levels renders such enforcement easier and less coercive.

Freedom-based objections to restricting consumption levels seek to delegitimise interference both with aggregate consumption levels and with the range of choices available. However from the perspective developed here both are entirely consistent with the protection of freedom, as long as an adequate range of valuable options, and the capability to choose freely between them, are preserved. Empirical (eg Schwartz 2005, Layard 2005) and theoretical (eg O'Neill 2008) evidence is also advanced to the effect that neither increased overall consumption nor increased choice necessarily correlates in any case with increased (subjective) well-being or happiness. More importantly, and more accurately from the perspective of this thesis, they do not contribute to increased (objective) human flourishing; on the contrary, in many cases reductions in both may well make more of a contribution.

By way of suggestions for further research, the thesis concludes with a brief consideration of measures which might contribute to the facilitation of ecological virtue, and thereby secure the capabilities for flourishing which such virtue helps to protect. I endorse Jackson's (2009) view that these would include moves toward some form of "steady-state economy" (Daly 1992, 2008).

Achieving ecological sustainability will require a re-orientation of our societies in order to facilitate flourishing autonomous human lives which celebrate interdependence and ecological embeddedness as well as freedom and rationality. Such re-orientation will in turn require ecological virtue, both of individuals and of governments. A eudaimonist ecological virtue ethics is perfectly congruent with a capabilities approach: both arguably flow from the ecologically informed conception of human flourishing urged in this thesis, as does a more balanced and contextualised understanding of freedom. This is the freedom we should wish for future people, and also for ourselves.

1 Sustainability of what?

Widespread concern with the idea of sustainability is a relatively recent phenomenon. It increased dramatically from 1987, in the wake of the Brundtland report's influential call for "sustainable development", defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (World Commission on Environment and Development (WCED), 1987). The word "development" here, though, does not simply denote social organisation or human activity, but has a very specific and in this context question-begging meaning.

Esteva argues that the dominance of this usage can be traced back to the 1949 inaugural speech of US president Harry Truman, which called for "a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas" (Truman 1949 (cited in Esteva 1992:9)). The end point of human social and economic 'development' was henceforth defined as industrialised, growth-oriented, market-economy societies on the US model, redefining the majority of the world, with its prodigious variety of other social and economic traditions, as "underdeveloped". The powerful organic metaphor of development lent an air of irresistible teleology to this influential picture. The historical and political context of Truman's (and the WCED's) words, while far from irrelevant to this thesis, is beyond its scope: the discussion here will be of ecological sustainability, not of 'sustainable development'.²³

23 On the history and genealogy of development discourse, including the emergence of the 'sustainable development' paradigm, see the contributions to Crush's (1995) anthology, particularly Porter (1995). Porter discusses the background assumptions of Truman's speech, relating it to Arndt's (1981) distinction between intransitive (Marxist) and transitive (colonialist, as in the British 1929 Colonial Development Act) usages of the verb 'develop'. See also Deb (2009) on 'developmentality'.

Nonetheless, the ethical appeal cleverly implicit in the Brundtland definition is hard to resist. Surely we do want present people to be able to meet their needs - and surely we do not want in so doing to make it impossible for future people to meet theirs? The ethical force, of course, derives in large part from the fact that the definition talks not about wants, desires or preferences but about *needs*. Our modern liberal commitment to respect the dignity and autonomy of persons inclines us to think that genuine human needs should, in principle at least, not go unmet. The question immediately arises though - what will future people's needs be? How, indeed, can we possibly know? One possible response is to say that the ethical imperative that needs be met applies in fact only to 'basic' needs. Though these are still notoriously difficult to define, it is tempting to think that the task should nonetheless not be impossible, even in respect of future people.²⁴

This response will not solve the problem though. Both reason and compassion militate against limiting our obligations to future generations to safeguarding the provision of basic needs: the bare minimum certainly seems a good starting point in identifying what we want to pass on, but that is surely all we would want it to be. I argue below that we should in fact act so as to maximise the chances that future people may not only survive but flourish, and that this in turn requires ensuring that they have the capabilities to do so.

1.1 Needs, options and decisions: choosing sustainability

The Brundtland definition leaves present people's needs equally undefined: but present people can, at least in principle, be consulted about their needs. Evidently, however, we will never be able to find out what future people will need by asking them. It seems then that Brundtland was (at least) right that we have an ethical obligation to reflect now on

24 Influential attempts to define basic needs from varying perspectives include Maslow (1968), Max-Neef (1991), and Shue (1996). For philosophical reflections on the problem, see contributions to Reader's (2005) anthology on the philosophy of need, especially Wiggins (2005) and Alkire (2005). Soper's (1997:47-48) defence of a "minimal essentialism on needs" is also relevant here.

what future people's needs will be, and act so as to ensure that they will be able to be met. Perhaps though, given the inevitable uncertainty under which this reflection takes place, we should not impose present-day expectations on future people, but simply aim to maximise the range of options that will be available in the future, enabling them to fulfil their autonomously defined needs in the widest possible range of ways?

This seems at first sight a plausible and even attractive position. However this thesis will argue that such agnosticism about what will be valued by future people is neither ethically tenable, politically defensible, nor practically viable. One ethical argument to this effect, which is expanded below and in chapter 2, has already been alluded to above: it seems wrong to consciously deny future people options which we value now. In practice, at least in the environmental context, this is where agnosticism leads.

Present decisions to create or preserve some options will always close off some other options, but not always significantly so. Firstly, some decisions taken in the present can effectively be reversed in the future, and secondly in some cases the resulting diminution of future options will be of only trivial consequence. However, many decisions to take actions involving significant anthropogenic changes to the non-human environment will not fall into either of these categories. They will, that is, often inescapably involve depriving future (and sometimes also present) people of significant options. We cannot for instance pass on both the option to live in a world free of radioactive waste, and the option to live in a world equipped with nuclear power plants. We cannot pass on both the option to live in a world with Yangtze river dolphins, and the option to live in a world in which that river serves as a major freight shipping route. In both of these cases our choice has already been made: only one of each pair of options will be passed on. Whether the choice was conscious or deliberate is now largely immaterial. The nuclear waste is here, and the

dolphins are extinct. Our current trajectory is closing off such options at an accelerating rate, multiplying the choices we are required to make about what we leave for future generations. Do we want to pass on rainforests, or biofuel plantations? A slightly increased supply of oil, or an arctic ‘wilderness’? An expanding global economy, or a stable climate system? Of course the choices are not always quite so black and white. Sometimes there really are ‘win-win solutions’ available - but not often enough for this to be the norm, and certainly not often enough to avoid the need for choices.

Simply seeking to maximise the options available to future people, in order to allow them to define and meet their needs in whatever way they choose (rather than seeking to reach conclusions now about what they will need and act accordingly) will not therefore remove the need to *evaluate* those options and somehow weigh them against one another. From an option-maximising perspective it could be the case in a given instance that the options opened up by changing the non-human environment, even changing it irreversibly, might be so valuable as to compensate for or outweigh those other options closed off by doing so. But this would need to somehow have been properly calculated and demonstrated in advance, if we are to have discharged our obligations to future people.

The position is further complicated by the fact that such decisions cannot be viewed in isolation. The ecological impact of cutting down a square mile of a rainforest, for instance, can be calculated only with knowledge of (at least) how large the forest is now, how likely the remaining forest is to be left intact, and how much intact forest is needed for it to remain a viable self-sustaining ecosystem.²⁵ Similarly the effect on future options of one year’s cod fishing will depend on many factors, but perhaps most critically on whether that harvest will tip the fishery into collapse by reducing the cod population to an unsustainable

²⁵ This is of course in addition to all the other impacts on indigenous people, biodiversity, climate change and so forth, which must also be factored in if we are to arrive at a realistic assessment of what future options are being closed off.

level from which it cannot recover.

1.2 *‘Natural capital’ - strong and weak sustainability*

Thinking about the world and human impacts upon it in this way leads onto the territory of environmental economics, where talk about things like cod and rainforests is translated first into talk about natural resources, then into talk about natural capital, and then into talk about the substitutability of different forms of capital. The validity and accuracy of such translations is by no means uncontested: nonetheless it is in this context that the concept of sustainability arose, and in these terms that it has been most comprehensively analysed. In the wake of the Brundtland report, economists framed the problem of sustainability as an economic problem, best addressed (like other economic problems) by ensuring the most efficient allocation of scarce resources. Specifically, sustainability was generically defined by Pearce et al (1989) as “non-declining capital”. This entailed the inclusion of ‘natural resources’ alongside other human and financial resources as another form of capital. A series of debates ensued about the relationships between these ‘forms of capital’, centring on the distinction between ‘weak’ and ‘strong’ sustainability.²⁶

Advocates of weak sustainability held essentially that sustainability should simply be seen as a matter of sustaining over time the total stock of capital required for the continuance of human civilisation. What form this capital took was in effect largely immaterial, since its economic value derived not from any of its intrinsic properties but from the human welfare its consumption produced. On this view the overwhelming

26 The terminology (first introduced by David Pearce – see Pearce et al. 1989:34-40) is perhaps unfortunate given the potentially value-laden connotations of the terms in some contexts (those in which ‘strong’ is seen as ‘good’ and/or ‘weak’ as ‘bad’). No such value judgements are implied however, since the relevant analogy here is with concentration, as in “a strong/weak sugar solution” rather than with physical vigour, as in “a strong/weak person”.

Neumayer (1999) and Dresner (2008) give helpful overviews of weak and strong sustainability. Influential expositions of the weak version include Beckerman (1994, 1995), Pearce et al. (1989, 1993), and Solow (1993), while arguments for strong sustainability can be found in Costanza et al. (1997), Daly (1990, 1992, 1995, 2005), Daly & Cobb (1989), Holland (1994, 1999) and Barry (1991, 1999).

majority of natural capital could in principle be substituted by human or financial capital, and properly operating markets would ensure that this happens as and when it becomes economically efficient. From a weak sustainability perspective, therefore, only those natural resources which are both indispensable for human survival *and* impossible to substitute for can constitute the *critical* natural capital which must be sustained intact into the future if a non-diminishing total stock of capital is to be maintained.

Even this narrower category of capital, of course, is susceptible to radically divergent interpretations of its contents. However it is generally taken to mandate the preservation of considerably less of the nonhuman world than does strong sustainability, which while not denying that some natural capital might indeed be substitutable by the technological fruits of human ingenuity, claims that this applies in only a much more limited range of cases. On this view, insofar as natural resources can be meaningfully treated as capital at all, natural and human capital should be seen as qualitatively different and should therefore be conserved separately. They are in short complementary rather than substitutable: in economic terms, any production of goods capable of giving rise to human welfare will generally require both. Scarcity of one cannot necessarily be compensated for by abundance of the other. As Daly puts it:

To economists, resources are a form of capital, or wealth, that ranges from stocks of raw materials to finished products and factories. Two broad types of capital exist—natural and man-made. Most neoclassical economists believe that man-made capital is a good substitute for natural capital and therefore advocate maintaining the sum of the two, an approach called weak sustainability. Most ecological economists, myself included, believe that natural and manmade capital are more often complements than substitutes and that natural capital should be maintained on its own, because it has become the limiting factor. That goal is called strong sustainability. [...] For example, the annual fish catch is now limited by the natural capital of fish populations in the sea and no longer by the man-made capital of fishing boats. Weak sustainability would suggest that the lack of fish can be dealt with by building more fishing boats. Strong sustainability recognizes that more fishing boats are useless if there are too few fish in the ocean and insists that catches must be limited to ensure maintenance of adequate fish populations for tomorrow's fishers. (Daly 2005:103)

Furthermore, from the perspective of strong sustainability even the limited extent to which substitution of one for another is possible is not symmetrical. Natural resources are more likely to provide effective substitutes for human capital than vice versa. As Daly and Cobb put it (1989:409), “capital cannot substitute for resources because capital itself is composed of resources”. What should be sustained, therefore, are “aspects and features of non-human nature whose loss would be irreversible” (Dobson 1998:47).

As a category this will clearly contain not only critical natural capital as envisaged by weak sustainability theorists, but a lot more besides. It will equally clearly require some qualification in order to be remotely operationalisable. Notwithstanding the observations above it seems inevitable that there will in practice be some aspects and features of non-human nature whose loss, while irreversible, is nonetheless of trivial consequence when set against the potential gain from courses of action which entail their loss. Importantly though, such trade-offs are not in principle precluded by any essential aspect of the strong sustainability view.

Beyond strong sustainability lie a range of full-blooded ecocentric perspectives which, while denying the appropriateness of ‘capital’ as a way of describing and making decisions about the natural world, question in principle the legitimacy of reducing what might (in the terms of this discussion) be called the ‘total stock of renewable and non-renewable natural capital’ for human purposes *at all*.²⁷ Such positions are sometimes described as very strong or even ‘absurdly strong’ sustainability, though as Holland (1997) points out, they need not be as impractical or “absurd” as their detractors claim. Here the unifying claim is essentially that (at least some of) the non-human world is *intrinsically valuable* and thus should, as a matter of moral duty, be sustained anyway irrespective of its

27 The position is probably best exemplified by deep ecologists such as Naess (eg 1989), but also by environmental philosophers such as Rolston (eg 1988).

instrumental value to humans. The moral duties in question are owed not only to humans but to non-human entities as well, ranging from animals to mountains to ecosystems and sometimes to the planet as a whole.

Dobson (1998) offers a useful typology of conceptions of sustainability which escapes the somewhat overworked strong/weak distinction. His comprehensive survey of the contemporary literature found clusters of views around three distinct core conceptions of sustainability, which he distinguishes primarily by their ideal-type answers to the question “what is to be sustained?”. The three answers Dobson identifies, as may be anticipated from the foregoing discussion, are critical natural capital, “irreversible nature”, and natural value.²⁸

1.3 *Sustainability, ecocentrism and commensurability*

It is helpful at this point to reconsider the above discussion in a slightly different light. The question posed by Dobson, “what is to be sustained?”, can be understood on many levels. Three are of interest here:

- A) What features or aspects of human life should be sustained?
- B) What features or aspects of the nonhuman world should be sustained in order to give effect to the answer given to question A?

28 The phrase “irreversible nature” is problematic for a number of linked reasons. The irreversibility alluded to is not really a property of ‘nature’ but of either the *loss* of whatever is being so described, or of the anthropogenic *changes* being cautioned against. As Humphrey argues (drawing on Holland (2007)), “the call to avoid irreversible change is a call to freeze-frame nature, as all evolutionary change is by its nature irreversible” (Humphrey 2001a:151) (see also Manson (2007)). Dobson’s ‘sustain irreversible nature’ conception of sustainability does not however make such an implausible call. It is clear that what he, and the writers he is discussing, have in mind is irreversibility of *loss*:

The organising point behind this conception of environmental sustainability is precisely that some forms and features of irreversible nature are not substitutable, and therefore not compensable in anything other than an attenuated sense (Dobson 1998:50)

It seems to me that the phrase ‘irreplaceable nature’ expresses this idea with less ambiguity, and this is the phrase that I shall henceforth use to describe this category of nonsubstitutable “forms and features” of the nonhuman world.

C) What features or aspects of the nonhuman world should be sustained independently of any value or utility they may have to humanity?

For non-ecocentrists, the answer to question B will depend on what answer they give to question A. This relationship can be observed in the positions previously outlined. The weak sustainability theorist's answer to question B, 'critical natural capital', is straightforwardly premised on answering question A with 'human welfare'. Welfare, for such theorists, is directly proportional (though not strictly equivalent) to total capital, including natural capital where this is critical. Capital is assumed to be directly convertible into welfare: it is worth noting that this means that the weak sustainability theorist's answer to question B, 'critical natural capital', would still be the same if their chosen answer to question A was 'capital' rather than 'human welfare'.

The ecocentrists' answer to question C, which will by definition lie between 'some of them' and 'all of them', will dictate features or aspects of the nonhuman world that should in their view be sustained. For a 'pure' ecocentrist this would perhaps be the end of the matter. But there is no reason why an ecocentrist cannot *also* take a view on question A, and hence on question B, and end up with a list of things to sustain based on the sum of answers given to questions B and C. They might for instance wish to sustain old-growth forest for its own intrinsic value, but also a non-diminishing stock of plantation-grown construction timber for human welfare reasons. Dobson (1998:47-48) in fact characterises arguments for strong sustainability as based on such a hybrid position. The presence of an ecocentric component appears to be taken as the only possible justification for the injunction to sustain aspects and features of the nonhuman world which do not constitute critical natural capital and thus are not essential for human welfare.

It is however perfectly possible to argue from a consistently non-ecocentric position for the injunction to sustain what Dobson calls “irreversible nature”, though (for the reasons noted in the footnote above) I prefer to call this ‘irreplaceable’ nature. This simply requires answering question A in terms of sustaining the broader conditions for human well-being or flourishing, rather than in terms of sustaining human welfare as modelled by economists. On such a view, for instance, old-growth forest is valued not for its intrinsic value but for its contribution to the quality of human lives lived in a world in which it exists. Its value, for practical and political human purposes, is thus acknowledged to be anthropogenic and even, in a sense, instrumental (as urged by Wissenburg 1998:91-97), in that nature is being effectively valued as a means to the end of human flourishing. This is therefore an anthropocentric position in the sense that it acknowledges that only anthropogenic value can meaningfully be counted in our human political and ethical deliberations.

It should be stressed though that this does not make the position anthropocentric in the commonly encountered pejorative sense, of assuming some superior place for humanity in the grand scheme of things and thereby uncritically legitimising destruction of the nonhuman world for human ends. It provides considerable justification for preserving not only critical but also *non*-critical natural capital, though this rests not on duties to nature but on the protection of valuable non-instrumental human relationships with the nonhuman world (Benton 1997:35-37). In political, ethical and philosophical terms the provision of such a justification, without resort to the metaethically problematic concept of intrinsic value, is a strength rather than a weakness. The reasons for this are discussed in chapters 6 and 7.

Non-ecocentric strong sustainability, like its ecocentric or hybrid cousins, would be marked by a strong presumption in favour of the non-diminution of irreplaceable nature, including (as paradigm cases) non-renewable resources, species, and the integrity of natural systems, but also less obviously ‘critical’ aspects and features of the natural world such as landscapes. Trade-offs would not be prohibited in principle, but would need to be considered and justified in every case - and some would in practice probably never be justifiable. The presumption against destruction, loss, or (where possible) substitution would thus be of varying strength depending on just what stood to be lost, and the consequences of losing it.²⁹

It is important to be clear here that a claim that the presence in the world of old-growth forest can contribute to human flourishing is *not* equivalent to a claim that it constitutes ‘critical natural capital’ essential for human welfare. That is, non-ecocentric strong sustainability does not simply collapse back into a version of weak sustainability with a broader definition of critical natural capital. This is largely because it continues to take a distinctly different line on substitutability. In weak sustainability terms we might perhaps say that the strong sustainability view is that different sorts of natural capital produce qualitatively different *sorts* of human welfare, and that this incommensurability makes the different sorts of capital non-substitutable. This however would be somewhat misleading, as from a strong sustainability perspective, whether based on ecocentrism or on what might be called enlightened anthropocentrism, nature is seen as more than stocks of resources. ‘Natural capital’ is thus not only an inappropriate metaphor, but one that begs the substitutability question. One need not be an ecocentrist to agree with Brian Barry that

‘Capital’ is a term that is inherently located within economic discourse. A mountain is, in the first instance, just a mountain. To bring it under the category of ‘capital’ - of any kind - is to look at it in a certain light, as an economic asset of some description. But if I want to insist that we should

²⁹ On the other side of the trade-off, whatever will be foregone in preserving it will of course also need to be considered.

leave future generations mountains that have not been strip-mined, quarried, despoiled by ski-slopes, or otherwise tampered with to make somebody a profit, my point will be better made by eschewing talk about ‘capital’ altogether. (B. Barry 1999:103)

The underlying point is that different aspects and features of the nonhuman world can contribute to human well-being *in different ways*, and thus cannot be substituted either one for another, nor by human substitutes. The contribution of the old-growth forest may not be the same as that of the climate system, or that of the Yangtze dolphin: and none of these will be the same as the contribution of money, health, or power. The different contributions to well-being of (for instance) money, health or power would, on such a view, be seen as similarly noncommensurable.

Some such multidimensional conception of human well-being is now in practice widely accepted as more sensitive and meaningful than alternative measures based solely either on resources (or capital) or on (subjectively perceived and reported) welfare. This is hardly surprising, since it can provide a framework not only for the synthesis of these other two metrics, but also of other factors. For instance, in the context of a discussion of how the environment contributes to human well-being, a recent UNEP report describes the “evolution” of attempts to classify human well-being as progressing from “the resources people have”, through “how people feel about their lives”, to “what people are able to be and to do” (2007:13-14, reproduced below as appendix 1). The third is evidently conceived as encompassing the first two. This report is aimed at a wide readership and hence written in non-technical terms: but it is clear from the emphasis on freedom, and the references to the work of Amartya Sen, that what is being described here is the institutional adoption of a capabilities approach.

1.4 *Intergenerational justice of capabilities: justifying strong sustainability*

Echoing Sen (1980), Ed Page (2007) argues that ‘capabilities to function’ provide the best answer to the question ‘intergenerational justice of what?’, escaping the problems which beset attempts to understand intergenerational justice in terms of resources or of welfare. Welfare is defined here as “some function of a person's desires (or preferences) being satisfied” (Page 2007:454). Page argues that the “reformist resourcism” which seeks intergenerational equality of ecological space is undermined by the differing effects on different individuals’ welfare of equal amounts of resources or ecological space. For instance, those living in colder climates will require larger amounts of ecological space to achieve the same levels of welfare. Welfarism, meanwhile, suffers particularly badly in the context of declining environmental quality: it seems not only possible but likely that “future people who adapt their desires in the face of environmental degradation may experience more welfare than their ancestors even if they possess far fewer resources” (ibid.:465).³⁰

Both these problems can be avoided by adopting *capabilities* as the ‘currency’ of intergenerational justice. In order to make this work, Page proposes adapting Martha Nussbaum’s (2000) existing list of core ‘capabilities for functioning’ (which I discuss in chapter 3) by adding a new ‘ecological capability’, defined as “the capability to experience life in an environment devoid of dangerous environmental impacts such as those associated with climate change” (Page 2007:464). With this new capability added, the requirements of intergenerational justice are restated, identifying a new distinction:

[E]arlier generations should not act so as to undermine the possibility that later generations enjoy an adequate (Nussbaum) or equal (Sen) level of capability satisfaction. To the extent that global environmental problems make it impossible for future people to enjoy adequate or equal levels of capability, these problems (and the actions and policies that caused them) involve great injustice. (ibid.:465)

30 Adaptive preference problems are discussed further in chapters 3 and 7.

Page endorses Nussbaum's version rather than Sen's - a "satisficing rather than equalising" approach (ibid.:467). He has to, since he wishes to propose a specific new capability, and only a 'satisficing' or 'adequacy' approach can support a list of such substantive capabilities. This comes at a price, for (as discussed in chapter 3) while Nussbaum is at pains to point out that her list is to be seen as subject to political deliberation, it is nonetheless inescapably non-neutral between conceptions of the good life. As Page admits, "there is a sense in which the approach is perfectionist for it will prohibit consumption patterns and lifestyles which harm the central functioning capabilities of others" (ibid.:466).

This perfectionism is, in my view, precisely the strength of the approach Page has identified here, and precisely what equips it to serve as an ethical basis for policymaking aimed at strong sustainability. No approach that baulks at such prohibition will ultimately be effective. Once ecocentric intrinsic value approaches are rejected, (and as argued above, and in later chapters, I believe they should be), if unsustainable lifestyles are to be reined in without vulnerability to the charge of illiberalism then something else must legitimise their discouragement. A substantive capabilities approach which is prepared to identify capabilities (and hence options) which are in some sense genuinely valuable, as opposed to contingently valued, is ideally suited to do this. It can not only argue, as Page notes, that unsustainable lifestyles are harmful: it can potentially also, where appropriate, draw on the further argument that the unsustainable consumption or behaviour is not in fact deserving of protection since it does not genuinely contribute to human flourishing.

This, however, is to jump ahead to matters which are extensively discussed later in the thesis. I now conclude the present chapter with a more detailed exploration of how this distinction between valued and valuable options can affect attempts to provide a robust

theoretical underpinning for sustainability policy.

1.5 *Valued and valuable options*

Bryan Norton (1999) states that our obligations to the future include an “obligation to maintain a non-diminishing range of choices and opportunities to pursue certain valued interests and choices” (1999:132). “Valued” here apparently refers to whether actual future people themselves value these interests and choices: but it also seems to matter whether we, now, believe they are in fact valuable.

[I]t is reasonable to say, whether they recognise their loss or not, that future people who are deprived of the opportunity to experience wilderness are simply worse off than they would have been if that option had been held open. (ibid.:132)

This strong claim, if taken at face value, appears to put Norton, however reluctantly, on the “objectivist” side on the fence, with John O’Neill (1993) and Robert Goodin (1992) and against those such as David Miller (1999a, 2004)³¹ who resist the idea that it could ever be legitimate to tell those who were indifferent to natural beauty that they were “making a mistake” (Miller 1999a:164). The option of experiencing “wilderness” (notwithstanding Cronon’s (1995) landmark critique of the concept) is an example of an option which just *is* a valuable one, and will remain so even if future people - for whatever reason - do not, in fact, value it. We are, says Norton in the end, required not only to “hold open options and opportunities for the future”, but within this and more specifically, to hold open “certain options which are prerequisites for *true* opportunities” (ibid.:150 – emphasis added).

This is indeed the only conclusion which could be of any practical use in guiding sustainability policy. We do not have the option of consulting future people to see what opportunities they value and would prefer us to preserve for them. The choice has to be

31 Miller’s position is discussed in some detail in chapter 2.

made in the present, and it would surely be perverse for us, in choosing what to preserve, to not include the physical prerequisites for what *we* sincerely believe to be valuable opportunities. It may well, of course, not be possible to include the prerequisites for *all* such opportunities, not least since some will be mutually exclusive. This however simply underlines how important it is to grasp the nettle and *make* choices - hopefully the right ones - about what to preserve, now rather than later.

Norton's main aim in the chapter quoted here is to promote the adoption, in his terms, of just such a "listing stuff" approach to intergenerational justice, rather than a "utility comparison" approach. He argues convincingly that, as discussed above, attempts to define sustainability as equivalent to, or implied by, the preservation of non-diminishing utility or "economic welfare" are not only beset by extreme uncertainty problems but also inevitably rely on far-reaching and ultimately untenable assumptions of substitutability. Furthermore, even if complete fungibility of resources is assumed, some second-guessing of future priorities will still be involved, in order to know what level of capital will be required.

Proponents of utility comparison approaches would be quick to point out here that any attempt in the present to decide what to preserve by predicting more substantively just *what* will be of value to future people (whether features of the natural environment or other goods) must rely on unprovable assumptions about future societies, states of mind and physical conditions. However if we are prepared to stick our necks out and assert (with Nussbaum and Page) that certain goods which are of value to present people will *remain* of value to future people, simply in virtue of their humanity, this problem is greatly diminished. In the context of natural resources this is to some extent an uncontroversial assertion. It is hardly daring to claim that future people will, just like us, value breathable air and drinkable fresh water. Indeed it is the implied claim by advocates of "weak

sustainability” that other goods might be substitutable for these that seems outlandish.³² But once we start asserting that future people will value the Iberian Lynx, or ‘biodiversity’, or the Amazon, or particular climatic conditions, we are on shakier ground. Why, exactly, are we justified in such assumptions?

It would be possible at this point to just dig one’s heels in and say that the Amazon ‘just is’ objectively or even intrinsically valuable. Norton’s approach though is more subtle. Recalling that “living sustainably and caring for the future have something to do with maintaining an undiminished range of free choices open to people of the future” (ibid.:131), he seeks to recast the value of the “stuff” we preserve as effectively deriving from the value of the options and opportunities which its continued existence keeps open. Given this, progress towards sustainability requires an “index of options and constraints” (OCI), which would be “linked to physical indicators”, and against which “development paths” could be evaluated in terms of the extent to which they protect valued options for the future (ibid.:142). This need not lead to the unhelpful conclusion that *everything* is valuable because it is required for the exercise of some theoretical option or other, because “all possibilities provided by nature (‘options’) cannot be treated as equal in the face of prevailing human values” (ibid.:141).

Norton then is proposing an index of the valuable options which we have an obligation to preserve, which can guide policy by virtue of its linkage to measurable indicators of the existence or health of the physical prerequisites for those options’ continued availability. So far this sounds entirely compatible with a Nussbaumian list of basic capabilities for functioning which we have an obligation to protect for everyone, in order for them to have

32 We would presumably have to allow the possibility that, for instance, biotechnological intervention might one day make us much more tolerant of atmospheric pollutants – or even give us gills making us able to extract oxygen from seawater – though we might perhaps reply that at this point we would no longer be talking about future humans as we normally understand the term.

the opportunity to live a flourishing life. The OCI sounds, in fact, like a policy tool for safeguarding those of the basic capabilities which require the preservation of certain environmental conditions. The exercise of a valued option (in Norton's terms) would thus be analogous to a successful functioning (in Nussbaum's): the preservation of the prerequisites for the existence of a valued option would equate to the safeguarding of the conditions required to protect the capability for functioning in the relevant way.

But is the analogy really so close? Important differences emerge if we look more closely at what happens when the models are put under pressure. Nussbaum's argument for the protection of basic capabilities is clearly grounded in her explicitly Aristotelian conception of the human person: people (and thus governments) have an obligation to protect for all the necessary conditions for a good life. While she is keenly aware of the potential for tension between this obligation and the duty of a democratic government to reflect the wishes of citizens, the value of these capabilities is in a very real sense non-negotiable. It is entirely possible, on such a view, for communities to be 'wrong' about matters such as, for instance, gender roles. Practices or beliefs of particular communities may be such as to deny certain members of the community the basic capabilities they need to be able to flourish, and thus breach norms derived from universally applicable values. If (and it must be noted that Nussbaum herself has some doubts here) the preservation of certain physical conditions is essential for the protection of one or more of the basic capabilities, then on a Nussbaumian model it can be convincingly claimed that a society or community which did not enact such preservation was acting wrongly or unjustly. If Page's 'ecological functioning capability' is added to the model the claim becomes stronger still.

For Norton on the other hand, it becomes clear on a closer reading that (notwithstanding the quote above) whether or not a particular option is valuable is entirely a matter for the

relevant community to agree upon. The implication is that no-one outside the community (or indeed in a minority position within it) has any grounds for questioning the ensuing judgement, since “sustainable opportunities – which are in turn defined in terms of socially valued options – can only be specified more precisely on a local and regional basis” (1999:149). In an environmental context this specification of valued options will be based on the “core sense of values that unite them as a culture with their physical environment” (ibid.:142). Making decisions and policy on this basis, he goes on, will lead to the preservation of a region’s “keystone natural resources”, since these contribute both to the distinctiveness of landscape and habitat, and to “place-based cultural identity”, including healthy local economies.

This, though, seems a rather rose-tinted picture. Even his own example, comparing actual and potential development paths of the US pacific northwest, seems to undermine his communitarian optimism: it seems likely that much of the unsustainable development detailed in his potted history of what actually happened flowed from decisions made at local and regional level. It is clearly a fact that communities do not necessarily make ecologically sustainable choices, even when they inhabit a region as rich in natural resources as the pacific northwest. Communities in urban or already degraded areas are perhaps even less likely to value “place-based cultural identity” above, for instance, short-term economic gain. There is also the awkward fact that people are usually members of several nested communities (at local, regional, national, international and global scales) the interests of which frequently conflict. These observations, of course, merely reveal the tip of an iceberg of complex issues: but the key question is a simple one. What happens if democratic political processes do *not* produce sustainable development paths?

Norton does not confront this issue in the chapter discussed above. Elsewhere, however, he is very clear. He argues for an “environmental pragmatism” and against “non-negotiable second-order principles”, even in the face of “the undeniable evidence that some democracies are environmentally destructive”:

[W]e must decide whether we are, first and foremost, environmentalists or, first and foremost, democrats [...] For my part, given these alternatives, I choose democracy. (2002: 23-4)

His position then turns out to be that our obligation to bequeath to future people the “prerequisites for true opportunities” can effectively be overridden by our obligation to abide by democratic principles. The obligation to the future does not cease to exist, but cannot trump our commitment to democracy. The appropriate course of action is “to educate, to improve process, and to improve policy through democratic means” (2002:24).

Having listed what we want to preserve, Norton’s model will therefore require us to ensure there is a democratic mandate for its preservation before taking any action. This may accurately reflect (in theory) the current reality in modern liberal democracies; but that hardly inspires confidence for the future. Would it really be illegitimate, for instance, for a government to take measures to preserve the “stuff” on the list, even if this proved unpopular? A Nussbaumian model could potentially accommodate this, while Norton’s apparently could not. Such action (including legislation) need not necessarily be, or be seen as, illiberal. For instance (as discussed in chapters 3 and 4), Nussbaum’s favoured route, the formalised protection of capabilities as rights, looks like one way of putting environmental protection measures on such a footing. A rights framework can potentially afford important matters of principle some legitimate protection from the vulnerability of day-to-day politics³³. The choice need not be between democracy and eco-authoritarianism.

33 The classic British example of this is the prohibition of capital punishment, despite (alleged) continued popular support for hanging: in the modern context this prohibition rests on the UK’s recognition of a universal human right against capital punishment.

The underlying ethical issue here is that if certain aspects and states of the nonhuman world constitute essential prerequisites for full and flourishing human lives, then the case for sustaining them does not cease to be morally compelling just because some, or even a majority, may disagree.

1.6 Conclusion

The non-ecocentric argument for strong sustainability that I defend here does not rely on intrinsic value. It does however rest on a commitment to the existence of genuinely valuable capabilities, implying a substantive non-procedural conception of human flourishing. As human beings, our choices of what to sustain rest on our view of what sorts of lives we want people to be able to lead in the future. This in turn is inescapably connected with the question of what sorts of lives we want people to be able to lead now. The point here is not only that what we want to pass on to our children is connected with what sort of parents we want to be, or indeed that what sorts of relationships with ‘nature’ people will be able to have in the future will depend on what sort of attitudes to the nonhuman world we foster now. More fundamentally than either of these, we simply cannot make rational and ethically acceptable judgements about what options future people will find valuable without reference to what we find valuable *now*. It may very well turn out, in fact, that without such points of reference we cannot even make effective policy in the present. I will pursue this line of argument further in chapter 2 with respect to the provision of environmental goods. I will then argue in chapter 3 that it also applies to freedom itself, before going on to explore the idea that this may in fact be the key to reconciling the apparently conflicting goals of sustainability and freedom.

2 Neutrality or Sustainability?³⁴

Ecologically sustainable societies, if they are also to be just, will never be brought about by market forces alone. Their creation and maintenance will require interventionist environmental policy based on meaningful normative principles, particularly with respect to levels of production and consumption. In this chapter I offer a more detailed argument to the effect that, as suggested in chapter 1, these principles can only be defined and justified by reference to some substantive conception of human flourishing which takes full account of the ecological embeddedness of human beings, both collectively and individually.

From the perspective of liberal neutrality, however, it is seen as unjust for government to privilege any one conception of the good life over another. On this view the adoption of environmental policy based on normative principles would itself be unjust, precisely because these principles in turn rested on a specific conception of human flourishing. I shall argue here, against David Miller (1999a & 2004), that normative environmental policy is not in fact rendered unjust or illegitimate by incompatibility with a principle of neutrality. A neutral state as conceived by Miller will find it impossible to adopt or implement effective sustainability-oriented policies, because it deprives itself of the conceptual and ethical framework within which these policies can be justified and defended, particularly against those who believe they stand to be adversely affected.

2.1 *Neutrality and Sustainability*

Attempts have nonetheless been made to justify strong environmental policies without abandoning neutrality. One influential example is Dobson's suggestion that genuine

34 Parts of this chapter have been previously published as Hannis 2005.

neutrality would require robust action to protect citizens' opportunity to choose a life governed by either environmentalist or what we might call eco-sceptical principles. Building on Norton's (1999) view (discussed in chapter 1) that a "listing stuff" approach to environmental protection is preferable to attempts to ensure non-diminishing (but non-specific) utility or welfare, Dobson argues that:

[L]iberals, and the liberal state, should be in favour of strong sustainability - and not because of any special commitment to 'nature', but because a structured bequest package amounts to a wider range of options from which to choose good lives. Strong sustainability is, in other words, a way to maximise neutrality in respect of 'comprehensive doctrines'. The belief in total substitutability found in weak sustainability amounts to a foreclosing of opportunities: you can have any kind of good life you like as long as it is wholly and completely expressible in terms of 'gunk' (or whatever it is into which everything has been converted). (Dobson 2003:168)

Such arguments are undoubtedly attractive and tactically useful: but I argue here that environmental policy aimed at strong sustainability is more effectively and securely justified by affirming the importance for human flourishing of ecologically sustainable societies, than by adopting a precarious tactical position based on a hypothetical acceptance of the neutrality principle. Dobson is entirely correct that weak sustainability amounts to a foreclosing of opportunities, and my own version of the good life would certainly not be expressible in terms of 'gunk'. However he underplays the fact that, as noted in chapter 1, strong sustainability may also involve foreclosing opportunities, including some which are currently widely valued. There is an unavoidable normative issue at stake here about *which* sets of opportunities we choose to foreclose, and it is this issue which a neutral state cannot resolve, because any such resolution requires some sort of substantive conception of the good life. A position of scrupulous even-handedness between environmentalists, eco-sceptics, and the indifferent, therefore, can never do the job of bringing about a sustainable society. In short, I believe, we can have neutrality *or* ecological sustainability, but not both.

This issue comes into sharp focus in the debate about the public provision of ‘environmental goods’. While it is far from clear that the economic language of commodity provision can really capture the relevant issues, this debate does clearly illuminate the relationships between justice, liberal neutrality, and environmental policy. David Miller offers a *de facto* neutralist account of the conditions under which justice requires, permits or precludes the public provision of public goods generally, and environmental goods in particular, which I examine below. A range of interlinked problems with this account is identified, and I argue that these can all be traced back to more fundamental problems associated with liberal neutrality.

2.2 *Miller’s categories of public goods*

In order to establish whether justice requires their public provision, writes Miller (2004: 136-140), public goods can be divided into three categories: “public goods whose provision is justified by an appeal to the value of justice itself” (category A); “public goods that can be given a public justification within the relevant political community, but not one that makes direct appeal to the value of justice itself” (category B); and “public goods whose justification appeals to privately held conceptions of the good, i.e. conceptions of the good over which there can be reasonable disagreement” (category C).

Category A goods “correspond to basic needs which...the political community has a duty of justice to meet on the part of each member” (ibid.:136). These needs, such as clean air, drinkable water, and personal security, must be provided as public goods because this is either the only or the best way for them to be provided. The public provision of goods in category A is, for Miller, uncontroversially justified by the duty of justice incumbent on the community to meet its members’ basic needs³⁵.

35 Just what needs are to be seen as basic is, as noted in chapter 1, already a difficult question. Attempting to answer this question from a position of neutrality, without privileging any particular conception of what human life requires, is however especially problematic.

Category B goods, though not required to meet basic needs, “play an essential role in sustaining the community, so that reasons can be given to anyone who is a member to support their provision” (ibid.:137). People can reasonably be expected to see the value of such goods for the community even if they do not personally value them. If they value the existence of the community and all that it provides, they have a reason to support the provision of those public goods which play a constitutive role in it. This, says Miller, is preferable to the alternative way of arguing for the provision of the same range of goods, i.e. claiming to make objective judgements about for instance the excellence of Beethoven, since it avoids the problem that these are matters about which there can be reasonable disagreement. I may disagree with you about the value of classical music, but we could nevertheless potentially agree that we all benefit from its public provision, since we agree that this helps constitute or maintain the community. If the members of the community *do* agree on this, then classical music becomes a category B good, for which public subsidy is justifiable (ibid.:146).

If such agreement cannot be reached, however, the goods in question must be seen as belonging to the residual category C: their provision benefits only certain individuals or groups, in this case lovers of classical music. Echoing Brian Barry’s (1990) distinction, Miller points out that the public provision of category C goods may be justified by their proponents either in want-regarding terms (eg provision of sports facilities) or in ideal-regarding terms (eg protection of species or habitats on the basis of their intrinsic value), or a mixture of the two (eg state support for the arts). However he states that these goods should all “be treated together from the point of view of justice” because in all cases “people are being asked to contribute resources for purposes that they do not value, and that do not even benefit them directly” (Miller 2004:140). The couch potato, to whom

justice is owed as much as it is to anyone else, may be equally indifferent to the benefits of sport, art and nature.

Although Miller is clear that justice does not actually require it, state provision of public goods in category C will often be far more effective than private provision, for various reasons including free rider problems. The question thus becomes ‘*when* is the public provision of category C goods consistent with justice?’: and in order to address this we need to look at how the costs of providing such goods can be fairly distributed. This is not an issue with category A or B goods because the benefits are shared by all, so any generally fair system of taxation will produce a fair way of allocating the costs. Category C goods, on the other hand, benefit different people to different extents, so if they are to be publicly provided an issue of justice arises about finding a fair way of spreading the load of paying for them.

So how should the state justly allocate the cost of providing a package of category C goods which will benefit people differently “according to their tastes and values”? Everyone should be a net beneficiary: but beyond this, Miller wants to try and *equalise net benefit* as far as possible. This would include taxing more heavily those who benefit more:

Supplying public goods in category C is a co-operative venture for mutual advantage, and since no one has a better claim than anyone else to the net benefit produced in this way, it should if possible be equally distributed. (ibid.:142)

Strict net equality of benefit, though, has the drawback that it commits one to saying that no-one should benefit more than someone who hardly benefited at all, such as the couch potato, whereas the aim is to ensure that justice is done over time by arranging the packages of category C goods provided such that all groups benefit equally. Hence in the end Miller favours

...allow[ing] the public goods package to be chosen on grounds of efficiency - looking at the size of the gains that can be made by providing goods valued by different groups - and then allocating the costs of the package so as to equalise the gains as far as possible. (ibid.:143)

Miller explicitly rejects any special pleading for the many environmental goods which will, on this model, fall into category C. This is simply on the basis that “there can be reasonable disagreement” over, for instance, the value of saving the snail darter, in a way that there cannot be over the value of “a basic environmental good like clean air or drinkable water”. Individuals or groups who claim that they derive no benefit from the continued existence of the snail darter cannot be said to be wrong. Environmental goods are, for Miller, just like any other public goods, and as such their provision is required *as a matter of justice* only if they fall into categories A or B. Any other environmental good whose public provision is demanded by some people, but which does not fall into either of these categories, remains in category C to be considered as a good of benefit only to the particular interest group called “environmentalists”.

Here it must compete for funds with all the other goods demanded by other interest groups such as classical music lovers, motorists or sports fans, and await the moment when it is deemed to be the environmentalists’ turn to have some of their demands met. The environmentalists’ claim that the improvements they seek are of benefit to all is discounted, essentially on the basis that “they would say that, wouldn’t they”: this claim is, says Miller, akin to that made by a religious sect which believes public funding of their new church would benefit everyone (Miller 1999a: 171).

2.3 *Calculation or judgement about environmental goods?*

Aggrieved environmentalists might well question whether it is just or realistic to consider them as simply an interest group akin to sports or music enthusiasts; or to ask the same question from a different angle, whether it is really appropriate to respond to their

demands by claiming that the nonbasic (Humphrey 2003) “category C” environmental goods they seek will benefit only them. I would argue, against Miller, that this is not an appropriate response. Demands for the provision of public goods made from an ideal-regarding perspective (such as a sincere environmentalism) are importantly different from those made from a want-regarding perspective (Barry 1990). They are, at least in part, invitations to deliberation, insofar as they are political claims by citizens about what society “should” be like. The proper response from government is to assess the arguments and evidence offered to support these claims, and form a view as to their validity. This will inescapably involve some consideration of the ideals being appealed to, at least enough to judge whether these ideals are (or should be) among those which guide the community. For government to exercise judgement in this way when assessing demands for the public provision of environmental goods would be quite different from Miller’s essentially calculative approach.

For Miller, only public goods in categories A and B are such that it would be unjust *not* to provide them. Unless the environmental goods whose provision is demanded can be shown to meet “basic needs” they cannot be placed in category A. If they cannot be agreed to “play an essential role in sustaining the community”, they are also excluded from category B, and must therefore remain in category C. At this point something curious happens: the actual nature of the goods in question, and the consequences or merits of providing them (or of failing to do so) become largely irrelevant. Miller says that public provision of a category C good will be just *only* if such provision is both fair and efficient: to find out whether this is the case, government should look at how successful the interest group making a demand for the provision of a public good has been lately in getting its demands met, in comparison with other groups. It should then proceed to feed this information about the group making it, together with an estimate of the cost of the good

demand, into a cost-benefit analysis process whereby public expenditure on category C goods, and the revenue-raising measures (if any) needed to cover this expenditure, are organised so as to equalise net benefit for all over time.

This may perhaps be a fair approach when assessing want-regarding demands from which benefits are *agreed* to accrue only to members of the relevant interest group, but to bundle ideal-regarding demands into this category is already to treat them unfairly. It strips them of their political content and reduces them to simple preferences. Government on this model is effectively barred from actually assessing the claim (implicit in an ideal-regarding demand for provision of a public good) that benefits will accrue to all, or to society as a whole: it is required to remain even-handed between the group making this claim and those disagreeing and/or making other mutually exclusive claims. It is, therefore, precluded from *considering* the normative or ideal-regarding content of any demand for the public provision of environmental goods. This is surely wrong. It also seems to point to an inconsistency in the model: how did other public goods (such as for instance subsidised health care) which *are* in categories A or B get there, if not by some process including consideration of the ideal-regarding justifications initially put forward for their inclusion?

For Miller, it can never be legitimate to “... value environmental goods not by some more or less sophisticated form of cost benefit analysis, but according to an objective account of the value they have for human lives” (1999a: 163)³⁶. Those who are indifferent to particular (or indeed all) environmental goods are not making a mistake, as he takes philosophers such as Robert Goodin (1992) and John O’Neill (1993) to imply, but

³⁶ While not seeing it as a stand-alone solution, and acknowledging the considerable practical problems involved, Miller does nevertheless maintain that cost-benefit analysis is an essential stage in environmental decision-making, especially in the case of category C goods:

[A]lthough I am not proposing that cost-benefit analysis should be used mechanically to resolve environmental disputes, I am claiming that without something like cost-benefit analysis as a first step, a just resolution of such disputes will turn out to be impossible. (1999a:170)

expressing a valid alternative view deserving of equal consideration. His response to Goodin and O'Neill appears to be more or less equivalent to the way in which he suggests governments should respond to environmentalists. It is not reasonable, he states, "to establish a regime of distributive justice which by privileging environmental goods assumes that people already value nature in that way when empirically we know that they don't" (Miller 1999a:165).

But this response fails to properly engage with the objectivist argument. O'Neill's Aristotelian claim that there is an objectively ascertainable characterisation of a flourishing human life, and that this includes a certain type or level of valuation of nature, does not rest on any assumption that this actually *is* how everyone *does* value nature. No such assumption is required: substantive conceptions of the good are not undermined or rendered illegitimate by not being universally (or even widely) shared. In order to dispose of O'Neill's argument, Miller would have to say either that there are no such objective goods to human life, or more specifically that O'Neill's claim that a certain relationship to nature is one such good is mistaken. Empirical facts about people's existing beliefs alone cannot adequately support either conclusion.

Mathew Humphrey observes that Miller's anti-objectivist position here seems inconsistent with the line he takes when promoting republican citizenship (eg in Miller 1999b), in which context he "appears to endorse a view that there are certain objective goods to a human life, in this case engagement with politics" (Humphrey 2003:338). Even though people may give politics varying amounts of weight, Miller claims that it is still a necessary part of a good life. For O'Neill, the same is true of the appreciation of nature: and Miller should thus accept, says Humphrey, that this can be "sufficient to ground a demand for nature preservation on the basis of preserving the possibility of a good human

life” (ibid.:338).

2.4 *Justice and public opinion*

Miller’s reply to Humphrey’s criticisms is puzzling. He begins by saying (Miller 2003:359) that he “fully agree[s] with Humphrey that establishing the right kind of relationship with the natural world is an integral part of a good human life”, but goes on to defend a version of neutrality. While not a subjectivist about conceptions of the good life, he says, he is a pluralist. Even among those who agree that a good life must include the relevant environmental goods there may be disagreement about the relative weight to be accorded to these goods. More generally, in order to live justly with others who hold different conceptions of the good life, we must all be prepared to take each others’ conceptions as given and not assume that they should accept ours. Thus

Since the value of environmental goods is still a contentious matter, we cannot give them a privileged place in our deliberations about justice, any more than we can cultural goods or other kinds of goods favoured by particular sections of our society. (Miller 2003:359)

Firstly, this does not address Humphrey’s accusation of inconsistency, since it is surely true that the value of politics is also a contentious matter. Furthermore if we read Miller’s neutralist sentiments as anti-objectivist, but also take him to be saying that engagement in politics is nevertheless a fundamental good, to be accorded “a privileged place” as a right of citizens, this would seem to make him vulnerable to the classic communitarian critique of liberalism, that unacknowledged conceptions of the good are embedded in claims about the value of a politics based on neutrality between conceptions of the good.

Secondly, and perhaps more to the point here, Miller still seems to offer no good reason why a philosophically valid theory purporting to show that the availability of certain goods constitutes a necessary condition for human flourishing should be seen as inadequate because of its contentiousness; that is, because of contingent empirical facts about how

many people espouse it. His view that this is indeed the case presumably derives from his more general views about theories of justice. Elsewhere (1999b, 2002) he defends a “contextualist” interpretation of justice, similar in form to Walzer’s (1983)³⁷, and is at pains to distinguish this position from “conventionalism” about justice. Different contextual rules of thumb rest on common fundamental principles of justice, which simply cash out into different specific principles of just distribution in different contexts. But he is clear that his contextualism does not extend to wanting theorising about justice to start from scratch in every new situation, informed only by convention. Thus when he says that “an adequate theory of justice *must pay attention to* empirical evidence about how the public understands justice, and in particular to the way in which different norms of justice are applied in different social contexts” (1999b:42, emphasis added) it seems clear that “must pay attention to” is not equivalent to “must be based *only* on”. Paying attention to popular understandings and practices is thus an important part of deriving contextually appropriate norms of just distribution, but not, even on Miller’s view, necessary for the prior establishment of the fundamental principles of justice which these contextualised norms will implement in practice.³⁸

It follows that if the conception of human flourishing which informs a given theory is taken to enter in at the level of these fundamental principles, it cannot in itself be undermined by any subsequent failure to take full account of public opinion in the translation of those principles into properly contextualised norms. Miller has not

37 Miller’s contextualism differs from Walzer’s mainly in that the relevant feature of a particular context, which determines what principles of justice are applicable, is not the social meaning of the goods in question, but the kind of social relationship existing between the parties.

38 Alternatively if, as Humphrey reads Miller here, a theory of justice which “pays attention to how the public understands justice” is one which is guided by public opinion as to what goods are to count as goods of justice at all, then its contents *will* be critically dependent on the empirical facts of what goods are taken by the public at large to be constitutive of a good human life. This way of understanding justice, however, has well-documented unfortunate ramifications, brought out by Humphrey’s rhetorical question:

If a society believes in the justice of slavery [...] should this entail that a theory denying the justice of slavery (based on a belief, say, in the moral equality of all humanity) is inadequate because it fails to engage appropriately with the intuitions of the members of that society? (Humphrey 2003: 339)

satisfactorily shown, then, that a lack of public support for the underlying environmentalist conception of human flourishing can or should undermine the argument for the inclusion of nonbasic environmental goods as goods of justice.

This is confusing territory, especially since Miller would presumably want to object that no non-procedural conceptions of the good life should enter into our deliberations about the principles of justice at either stage. The basic point here though, which I believe remains sound, is that arguments like O'Neill's which claim a basis in an objective conception of human flourishing can only be satisfactorily refuted by engaging with the *reasons why* that claim is made. This is difficult for a neutralist liberal, since such engagement is likely to involve appeals to alternative conceptions of the good life. The only consistent neutralist strategies available appear to be either to deny that any such objective ethical basis can exist, or to argue that the existence of a plurality of such (potentially valid) claims makes it unjust to base policy on any one of them. Miller essentially adopts the latter (see for instance Miller 2003: 359). The problem, however, reappears at the next stage: how to justly reconcile these competing conceptions of the good life without making any judgements as to their validity? For the neutralist, this must be done purely by rules of procedure: hence the retreat into government by calculation, as cost-benefit analysis, preference-satisfaction and opinion polling replace the exercise of judgement.

The inadequacy of this approach is thrown into sharp relief in the context of environmental policy. As Derek Bell puts it, even if "the environment" is regarded as "a subject about which there is reasonable disagreement", this does not mean that a liberal government should refuse to endorse *any* of the competing conceptions.

[A]ny real liberal state will not remain 'neutral' between competing conceptions of the environment and our place in it. Instead, its policies will

reflect the conceptions that win in the (politically just) democratic procedures. (Bell 2005:185-186)

2.5 *Justice for the indifferent?*

There are serious general problems associated with attempting to arbitrate between conflicting ethical claims by quantitative analysis, while refusing on principle to critically examine their content. I would however suggest that there is also a specific problem with Miller's preoccupation with what we might call the rights of the indifferent. Even if we were to accept that the proper procedure for dealing with citizens' mutually incompatible conceptions of the good life could be a calculative one based on preference satisfaction, rather than a judgement-based one, there would remain an issue as to whether my *indifference* to something that you value - for instance the continued existence of the snail darter fish - should really count as my having a *conflicting* preference, rather than simply no relevant preference at all. I might place more value than you on the new dam which will destroy the fish's only remaining habitat, because I have more interest than you in getting more (or cheaper) electricity: but that does not mean I actively want to see the snail darter extinguished, or that I object to measures required for its preservation.

In this famous example, (influentially discussed by Dworkin (1986), and based on a real case brought under the US Endangered Species Act), there are hypothetical possibilities of happy endings. Perhaps the rosier scenario is one in which the extra power generation capacity is rendered superfluous by better energy conservation measures: adequate power supplies are maintained without building the dam, the snail darter lives happily ever after, and we are both satisfied. Even in this best-case scenario though, there is arguably still an opportunity cost (the reduction in total available power) associated with saving the snail darter: the question is whether this cost is acceptable.

This in turn can be discovered only by looking at the reasons for people's expressed preferences, on the one hand for maximising electricity production and on the other for the preservation of the snail darter. In the case of those who prefer to maximise electricity production, it is likely that they value the electricity produced as a means to various ends, not as an end in itself. There may perhaps be other means available to satisfy these ends: and indeed some of the relevant ends, once uncovered, may be revealed as antisocial, illegal, or otherwise illegitimate. Nonetheless it will be necessary to examine just what these ends are, that is, why people want extra electricity and what uses it would be put to, in order to assess the strength of the case for the dam. Those who favour the snail darter over the dam, on the other hand, may perhaps also value the continued existence of the fish as a means to some broader end, such as the maximisation of biodiversity in general or the protection of the local ecosystem. If the dam would really render the snail darter extinct, then it may be necessary to examine just how detrimental the ecological impact of this extinction would really be, and perhaps whether restoration measures might be able to compensate adequately for such impacts. To complicate the picture further, it may well also be that some people (perhaps of an ecocentric or biocentric bent) value the continued existence of the snail darter as an end in itself, or value the life of each individual fish as an end in itself. These look like ends to which no other means than the preservation of the fish's habitat (and hence its existence) are available.³⁹

I do not mean here to imply that the snail darter should win the day *a priori*, as a matter of principle. On the contrary, it is clear that solutions to such complex dilemmas, where they exist, will only emerge once all parties' preferences and their underlying values and rationales are unpacked and examined, with all the messiness and incommensurability that this is likely to entail. An important implication of this is that the discovery that there exist people in a society who are indifferent to certain environmental goods does not *necessarily*

39 Brian Barry (1995:145ff) discusses hypothetical ecocentric responses to the snail darter example.

mean that it would be unjust to impose on that society the cost of providing those goods. In order to support this claim we do not have to go as far as Miller (1999a:164) accuses O'Neill and Goodin of going; that is, we do not have to say to such people that they are making a mistake and that we are therefore justified in riding roughshod over their preferences. We can simply point out that injustice arises *only* if the indifferent are actually significantly disadvantaged by such provision, and that we can only know this by finding out what lies behind their indifference. It is the neutralist's insistence on not engaging with questions of *why* people believe things that makes this seem so difficult.

People's raw preferences can only be unpacked in a meaningful way by treating them as value judgements, rather than merely as quantifiable economic preferences. Miller in fact accepts this, when arguing against a suggestion of O'Neill's that people might value an area of drab marshland more highly if they knew more about its ecology:

[E]ven if we want to say that questions about the value of the environment are questions of judgement, the judgement involved is going to be one that combines matters of fact with an irreducible element of valuation. Even when we know everything there is to know about the marsh, some of us may find little or no value in it. (1999a:163)

But once we arrive at the implied next stage, of adjudicating between the newly revealed range of underlying conceptions which cause people either to value the marsh or to remain indifferent to it, we will have come full circle back to the point where neutrality lacks the resources to achieve any such adjudication, and thus to make any decision about, for instance, whether to 'develop' the marsh. It seems clear that such decisions can only really be made with reference to substantive conceptions of the value of particular human relationships to 'nature', and thus of human flourishing, whether or not these are made explicit. If we aim to avoid the imposition of unexamined conceptions of the good, the only just way to achieve this is in fact for environmental policy-making to be based on some publicly deliberated and *explicit* conception of just what kind of human/nature

relationship(s) we are trying to maintain.

2.6 *Problems with reasonable disagreement*

What I have characterised as liberal neutrality's need to make decisions by calculation rather than judgement is closely related to its tendency to regard areas of "reasonable disagreement" as no-go areas for intervention. Miller's categories, and his descriptions of the circumstances under which goods in each category should be provided, reflect this notion that wherever people disagree for reasons based on their personal conceptions of the good, government should remain neutral between them. As discussed above this ideal of neutrality is itself problematic: but there can also be reasonable disagreement at many more levels than Miller seems to acknowledge.

One consequence of this is the dissolution of the distinction between categories B and C. Category B goods are characterised as those which "play an essential role in sustaining the community, so that reasons can be given to anyone who is a member to support their provision" (2004:137). Miller gives as an example measures to protect the national language, or "physical elements of the community's cultural heritage" such as important parts of the built or natural environment. But saying that "reasons can be given" is very different from saying that everyone can or will accept them. Many people in Wales, for instance, feel they have good reasons not to support the requirement that all public employees be fluent in Welsh. Local people often object to the 'listing' of buildings they consider eyesores. There can be, and frequently is, reasonable disagreement about what goods "promote values that give the community its distinct identity" (ibid.:140). Miller does not say, though, that giving people reasons will necessarily persuade them. Ultimately it is the *capacity* for such "public justification" which is supposed to be what distinguishes category B goods from category C goods, of which Miller says:

[T]here can be reasonable disagreement over the value of the snail darter's refuge. [...] Ecologists may care passionately about the fate of the snail darter: but religious believers may care with an equal passion that that public resources should be used to promote their faith, and artists that their work should be made freely available for the public to appreciate. In each case what prevents these [category C] goods from being of more than sectional value is that *compelling reasons cannot be given* to persuade others to value them." (ibid.:141, emphasis added)

Ecologists, religious believers and artists might well all justify the public provision of the particular goods they value on precisely the grounds that they "promote values that give the community its distinct identity". In fact environmentalists seeking, for instance, the protection of a threatened landscape often do use precisely this argument. In theory it could happen that all concerned found it "compelling", at which point the protection of that landscape could become a category B good. If not, then once again we have an instance of reasonable disagreement.

So far so good, it would appear: if there is reasonable disagreement about the value of a good to the community, it must be in category C; if not, and all are agreed that it has such value, it is a candidate for category B. But this is not what Miller says. He says that the distinction rests on whether there *can be* reasonable disagreement. It is not a matter of whether there *actually is* reasonable disagreement: when describing category B goods he clearly wishes to ascribe to them some extra property which makes their value capable of being "publicly justified" and thus somehow less subject to reasonable disagreement. To put the quote I have already used into its full context:

So if someone argues for state funding of classical concerts on the grounds of their intrinsic musical excellence, she is liable to be challenged on the ground that the standard of excellence she is invoking is open to reasonable disagreement, and that there are competing claims that could equally well be advanced. Faced with this challenge, there is nothing more that can be said – in contrast to the position that I favour, where category B public goods are defended on the grounds that they promote values that give the community its distinct identity, and bind its members together. (ibid.:140)

Taken together, these two passages clearly imply that there is some property which goods like classical music possess, and goods like the survival of the snail darter lack, which makes it possible to give compelling reasons of community identity for providing the former, but not for the latter. Two questions arise: firstly what this property might be, and secondly why Miller does not make it explicit what he has in mind. Whatever it is though, there is sure to be reasonable disagreement about it: to take his own examples, many would argue that how we value the non-human world is a more important measure of the quality and coherence of our society than how we value classical music.

The “reason that can be given” to the sceptical person in such cases, says Miller, is that “she benefits from belonging to a political community that is constituted in part by the values in question” (ibid.:138). But she might reasonably disagree with the implicit assessment of what values constitute the community, for many perfectly good reasons which may or may not have to do with her own fundamental values. There is a further important distinction between the values that do at present constitute the core of a community, and those which members of that community think *ought* to be part of that core.

As Mark Sagoff (1988) argues, people quite legitimately have different answers to the questions “what do you value?”, “what does our community currently value?” and “what do you think we *should* value as a community?”. In Sagoff’s terms, this is because we are all quite capable of holding different and often conflicting views simultaneously, in our different roles as consumers and as citizens. Echoing Barry’s distinction again, Sagoff says that public policy should reflect the views of people as citizens, not as consumers: “social regulation should reflect the community-regarding values we express through the political process and not simply or primarily the self-regarding preferences we seek to satisfy in

markets” (Sagoff 1988:8).

Miller admits that Sagoff has a point - this is in fact, he says, the crucial difficulty for the “standard cost-benefit approach”:

The problem is that when people make judgements about the value of environmental goods, (for instance in response to willingness-to-pay or willingness-to-accept questions), they are likely to incorporate into their answers a social perspective. [...] This corresponds to Mark Sagoff’s claim that when people make judgements about the environment, they are behaving as citizens rather than as consumers. (Miller 1999a:165)

Yet Miller seems to find it unimportant that when people make ideal-regarding claims for the public provision of “category C” goods, they are in Sagoff’s terms behaving as citizens, not as consumers. Such claims lead into discussion about what goods and values *should* constitute our community. Similarly when, in Miller’s terms, they fail to reach agreement as to what goods fall into category B, while this may be due to disagreements over the empirical facts of what does constitute our community, there may also quite properly and reasonably be disagreement about what sort of community we want to build and maintain. Decisions about which public goods should be publicly provided are inescapably political decisions.

This, however, still does not exhaust the scope for reasonable disagreement. Our sceptic might simply have her own very different conception of what constitutes her community. She might go on to question which level of community she is being asked to consider: the values which constitute the local, regional, national, international and global ‘communities’ to which we all simultaneously belong are often in conflict. But she might also go beyond all this and ask why being constitutive of cultural identity should be the only criterion for inclusion in this category of goods which she is being “given reasons to value”. It appears that some concept of the common good is being invoked here. If so there are likely to be

many other qualities of specific public goods that can contribute to this. Should possession of such other qualities then also cause a government to promote these goods, to go around “giving reasons” why people should support their public provision? Many would say yes, but I suspect Miller would not. It would be difficult to go down this route and retain any recognisable neutrality between conceptions of the good.

Finally, and underlying all of the above, there is the awkward fact of reasonable disagreement about what exactly constitutes “public justification”, among ‘the public’ themselves as among theorists. The concept originates (Rawls 1993) in the context of considering the criteria for legitimacy of a system of distributive justice, or of a regime based on such a system. In that context, as in this, there is considerable tension between empirical and normative understandings of what constitute “good reasons” that may be given for believing things. Should we understand as “good reasons” (*a*) those which all reasonable people *do* accept, or (*b*) those which they *ought to* or *would* accept under certain ideal conditions? This is of course a key question not only in political theory but in real-world debates about the relationship between policy-making and public opinion. Both (*a*) and (*b*) seem to capture important aspects of what public justification consists of, though it has been argued (e.g. by D’Agostino 1996) that the two are fundamentally incompatible.

Miller evidently favours some version of (*b*), the normative understanding of “good reasons”: he wants to say that the reasons advanced by environmentalists in support of the claim that (for instance) the continued existence of the snail darter plays an important constitutive role in our community fail to be “compelling” not just because they are not unanimously accepted, but because they are in some normative sense not good enough. His position is problematic however, firstly because as mentioned above he offers no

explanation of just what the test is that this claim fails (and that the similar claim about classical music passes). Secondly, though this is clearly a far wider question than can be adequately discussed here, taking a normative stance on the nature of public reason arguably sits ill with the attempt to remain neutral between privately held conceptions of the good. Thirdly, and perhaps in part because of these tensions, Miller seems to allow in places (e.g. 2004:146) that given unanimous support for the proposition that they are importantly constitutive of the community, goods can in fact enter category B irrespective of the quality of the reasons given to support that proposition.

In sum, while Miller claims to be simply enquiring into what justice requires of us in the context of the public provision of public goods, in reality the process of deciding what goods to place in each of his three categories raises at least three related but separate questions: what does justice require, what constitutes our community, and what makes for a good life. There can be, and is, reasonable disagreement about all of these questions.

This means firstly that if government were to take seriously the injunction to avoid interfering in areas of reasonable disagreement it could barely act at all. Secondly, and importantly for Miller's position, it means that merely by placing public goods into categories A, B or C it already trespasses into areas of serious and eminently reasonable disagreement, and thereby risks imposing implicit unexamined conceptions of the good while professing its neutrality. Thirdly, of course, it also means that the possibility of reasonable disagreement cannot serve as a criterion for distinguishing which of the three categories a given public good should be placed in: categories B and C, especially, are in serious danger of collapsing into one another.

2.7 *Practical implications*

Consideration of Miller's model would not be complete without a brief look at how environmental goods are likely to fare in practice when categorised in this way. Miller is clear (eg 2004:146) that nonbasic environmental goods which are candidates for public provision can only be promoted from the residual category C (only of benefit to environmentalists) to category B (of benefit to all by virtue of being constitutive of the political community) by persuading the whole community to consensually redefine them as such. One major problem with this approach becomes apparent if we consider cases involving the public provision of environmental goods by means of effective environmental regulation.

Environmental regulation in the public interest, including effective enforcement through the legal system, is inescapably a public good, which needs to be publicly provided. But it is also, by its very nature, not amenable to consensual decision-making. In the real world, polluters resist attempts to curb their excesses, individuals resist policies aimed at reducing their unsustainable consumption levels, and businesses resist measures which restrict their freedom to develop and market products. In general, those who believe they stand to be adversely affected by regulation are very unlikely to consent to it.

Meanwhile, on the other side of the equation, environmentalists, as concerned citizens, often call for the implementation of new or stronger regulation on the basis of new information (such as discoveries about the impacts of endocrine-disrupting chemicals), emerging awareness of previously unsuspected problems (such as climate change), or in response to new commercial activity (such as the introduction of genetically modified crops). This is hardly surprising: even leaving aside the many broader questions around how societies deal with risk and uncertainty, it is clear that effective environmental

regulation requires spotting problems early and acting in time to prevent potential damage becoming actual. Almost by definition, such precautionary action will not enjoy universal support. Waiting until everyone agrees action is needed often means waiting until it is too late: climate change is the most prominent current example of such an issue. This means that when environmentalists propose changes to regulatory regimes their proposals are almost always resisted. In such contexts it is routine for there to be conflicting research results, and indeed competing ‘experts’ are usually produced by both sides. The situation is further complicated by the fact that government is usually committed to defending the existing regulatory system.

Miller might reply here that these are not in fact nonbasic goods: much environmental regulation could perhaps fall under category A since it aims at the provision of, for instance, clean air and water, which are clearly basic needs. But in reality debates about pollution control (like debates in many other areas of public policy) are largely about thresholds. Questions would thus immediately arise about what *levels* of cleanliness or purity of air or water, and about the absence of *which* pollutants, are to be considered basic human needs: and these, once again, are likely to be questions which cannot be answered without privileging some particular conception of the good life. If demands for new or more stringent regulation are cast in these terms they become demands for society to adjust its existing definition of basic needs. Hence only the most anaemic and uncontroversial environmental regulation could be justified under category A, unless a new and enhanced “environmentalist” conception of basic needs were adopted, which is surely not what Miller envisages.

Could tougher environmental regulation then be justified under category B? This will depend, for Miller, on whether there can be reasonable disagreement about the value to

society of the state of affairs the proposed regulation seeks to bring about. He is clear (eg 2004:141, as discussed above) that a proposal for publicly-funded action to preserve some particular species, such as for instance the snail darter, is likely to fail this test. People may reasonably disagree about whether a world with snail darters in is significantly better than one without. If this is so, then it seems evident that under conditions of uncertainty they may also reasonably disagree about whether a world with x parts per million of a particular chemical in the water supply is significantly better than one in which this is reduced to $(x-1)$ ppm. Similarly attempts to introduce measures aimed at constraining resource consumption, for climate change or other environmental reasons, will engender reasonable disagreement about the levels of consumption required for a good life. To recall Bell's point, liberals should *always* see the environment as "a subject about which there is reasonable disagreement": this however should be the beginning, not the end, of the discussion.

In practice then it seems that for Miller any proposal for new or improved environmental regulation must remain in category C. This means that it may legitimately be implemented only if it is both "efficient" in cost-benefit terms, and "just" in the sense that it cannot be construed as favouring the interests of those who propose it over those who object to it, or are indifferent. This latter test however is, I suggest, one which environmental regulations would in practice very rarely pass. Any regulation with teeth will be bound to upset some groups who feel their chosen practices are being unfairly targeted (consider for instance fishermen, frequent flyers, or SUV drivers): but this does not render it illegitimate.

In allocating an overall package of category C goods, Miller says government must ensure that everyone is a net beneficiary. This implies that implementing an environmental

regulation which impacts on certain groups will only be possible if those groups derive commensurate benefit from other measures in the package. Should people then always expect to be compensated for having to give up profligate or environmentally destructive habits? I believe the answer to this is clearly no, and that any conception of justice which supports the contrary conclusion must rest on a flawed concept of what rights and freedoms we may legitimately expect as free human persons. Some freedoms may legitimately be restricted in pursuit of the common good, and ecological sustainability is an important part of the common good. This line of reasoning is not open to Miller, however: recall his insistence that

Since the value of environmental goods is still a contentious matter, we cannot give them a privileged place in our deliberations about justice, any more than we can cultural goods or other kinds of goods favoured by particular sections of our society. (2003:359)

This does not bode well for effective environmental regulation. Indeed as Miller has candidly admitted, on his reading “much that is of concern to environmentalists... gets fairly short shrift in the liberal theory of justice” (1999a:160).

A further practical problem is that Miller appears keen to keep environmental issues separate from those of international and global justice. In his only paper dealing specifically with environmental policy, he explicitly limits himself to considering it “within a self-determining political community”, and is content to “leav[e] aside [...] the complex issues that arise when cross-national collaboration is needed in order to resolve environmental problems” (1999a:152). His consideration of the implications of justice for the provision of public goods more generally, in which the threefold categorisation I have discussed is most explicitly presented, similarly focuses on justice within a political community, which seems largely to equate in practice to a nation state. The model also, critically, rests on the following presupposition:

Suppose that a society has achieved a just distribution of income and other privately-held or privately consumed resources, but at this point no public goods have been politically supplied. (2004:130)

This picture of a self-contained, self-determining society with a perfectly just distribution of privately-held resources clearly takes us a very long way from the real world. Any realistic discussion must recognise the global dimension of environmental problems and solutions, the structural inequalities both within and between societies, and the complex ethical issues that arise when we consider relations between individuals in different countries connected by the tentacles of global trade.

2.8 *Conclusion*

I have identified a range of theoretical problems with Miller's account of what justice has to say about the public provision of environmental goods, and looked (very briefly) at a few practical implications of these. In so doing I have looked at a number of his writings which bear on this question, which I take to express a more or less consistent and mutually reinforcing position. The problems with this position, I have argued, may all be traced to the fundamental inability of the framework of procedural justice which emerges from liberal neutrality to adequately engage with the complex and contested issue of the relationship between human beings and the rest of the world. Areas of reasonable disagreement are avoided, and their prevalence underestimated, leading either to what I have termed government by calculation rather than judgement, or to the imposition of unexamined implicit conceptions of the good embedded in the ideal of the neutral state.

At every stage, the approach is hampered by its unwillingness to venture onto territory where reasonable disagreement *does* prevail, and there to engage with the actual substance and basis of claims for public provision of environmental goods. This unwillingness makes it impossible to fairly examine the true content of citizens' ideal-regarding claims that the

environmental goods whose public provision they seek will be of benefit to all. It leads to the unwarranted assumptions, firstly, that those who are indifferent to a particular good will necessarily be disadvantaged by its public provision, and secondly, that even if they are so disadvantaged this will always be unjust. It also undermines the attempt to base a category of public goods (category B) on citizens' shared understanding of what constitutes their political community. This last is hardly a surprising outcome: we need only consider the history of the public provision of goods like education and health care to see that such an understanding is likely to emerge, if at all, only after lengthy political debate involving much reasonable disagreement. The boundary between categories B and C in the end becomes unworkable when it turns out to rest on the untenable claim that reasonable disagreement is possible over the value of some public goods, which are to be banished to category C, but not of others, which are susceptible to public justification and may thereby gain admission to category B.

To avoid areas of reasonable disagreement is to avoid political argument altogether. This may be appropriate in areas (if there are any) where the role of government really is simply to facilitate the satisfaction of individuals' private preferences: but environmental policy is not such an area. Even leaving aside the inescapably global dimension of environmental issues, and indeed ecocentric critiques which would add yet further concerns, we surely want environmental policy to serve not just the private interests of individuals but the community as a whole: in short, we want it to serve the common good. What we as a community consider to be the common good is in no way equivalent to the sum of our preferences as individual consumers, and is discoverable only through messy and emotive, but nevertheless reasonable, processes of public deliberation and political debate.

It is the degree of congruence with the outcomes of these processes, not the net level of individual preference satisfaction, that can legitimise principles adopted by government to guide public policy (Sagoff 1998; Pettit 2004). This means that as long as a policy has been constructed in accordance with such agreed principles it is entirely possible for its implementation to serve the common good (or as we might also say, the public interest) without having to be in everyone's personal interest, without enjoying universal support, and even without having been subject to specific *de novo* public debate. Disagreement, much of it reasonable, will probably continue: but as long as underlying policy-making principles have been adopted which are genuinely and transparently held to reflect the common good, we allow and indeed expect public authorities to translate those principles into policy, and to be prepared to effectively implement and defend the resulting measures.

Philip Pettit gives a generic definition of what it is for public authorities to act in pursuit of the public interest:

[T]he public interest should be identified with those measures – those practices and policies – that by publicly admissible criteria answer better than feasible alternatives to publicly admissible considerations. (2004:169)

The effort to build ecologically sustainable societies must by any standards count as a publicly admissible consideration – and the criteria by which we judge measures aimed at this end surely cannot be purely procedural. I hope that this discussion has gone some way towards showing that environmental policy made in the absence of any substantive conception either of a flourishing individual life or of the common good cannot be either consistent or effective.

Upholding the common good here requires the development of an ecologically realistic account of what (sorts of) freedoms we may legitimately expect to have protected, based on the identification and protection of the conditions within which people may not only

survive but flourish as fully human beings. This is not just an abstract philosophical project, but an essential precondition for just and effective decision-making that successfully integrates environmental protection with other public policy objectives. First however a more general account is needed of the relationship between freedom and human flourishing: this is the subject of chapter 3.

3 Freedom and Flourishing

Some of the conditions necessary for a flourishing human life relate to human social and political structures, and many activities directed at the creation, maintenance and preservation of these structures may fairly be described as aiming at the protection of freedom. Equally, other conditions necessary for human flourishing relate to states of the physical non-human environment. Many activities directed at the creation, maintenance and preservation of these states may fairly be described as aiming at sustainability. This gives no reason to suppose that activities undertaken to achieve sustainability and activities undertaken to protect freedom will not come into conflict: indeed it is a central premise of the present thesis that this may well happen. But understanding both freedom and sustainability in terms of their contribution to human flourishing may throw a new light on such conflicts, revealing some as genuinely problematic and others as arising from confused, dogmatic or inconsistent understandings of sustainability, of freedom, or of the relationship between the two.

As suggested in chapter 1, the contribution of ecological sustainability to flourishing human lives may be assessed and understood in a number of different ways. The central issue in the present chapter, however, has a longer history and has generated an even wider range of views. Just how does freedom contribute to human flourishing? I approach this question here in parallel with the closely related question of to what extent society may legitimately restrict freedom in pursuit of other important objectives.

These questions, of course, go well beyond environmental policy, and have a very long history and a very large literature, even if we consider only the debates between self-

defined liberals. However given the problems with liberal neutrality identified in chapter 2, where I argued that only some perfectionist version of liberalism (which allows interventions aimed explicitly at the promotion of some distinct if broad conception of the good life) could ever have the potential to ground effective environmental policy, I propose here to restrict my enquiry to this perfectionist tradition. The intention is to present what I see as the strongest case for a liberal environmentalism, before proceeding in later chapters to examine its adequacy in practice.

The preceding chapters have, I hope, gone some way towards establishing that it is not unjust in principle to restrict freedom in pursuit of sustainability. The question then perhaps becomes one of degree - *how far* may a society legitimately go in restricting citizens' freedom for this purpose? Recognising that 'freedom' is not monolithic and indivisible quickly reframes this question once more: *which freedoms* may justly be restricted, and which should remain inviolable, in this context? I argue in this chapter that the best liberal answer to this question emerges from the perfectionist distinction between those freedoms which are genuinely constitutive of personal autonomy and those which are not. I will then go on to explore the relationship between these autonomy-constituting freedoms (drawing in particular on the work of Joseph Raz (1986)) and the more substantive "capabilities for functioning" posited by Martha Nussbaum, before looking in more detail at the implications and practical usefulness of Nussbaum's model for liberal environmentalism.

3.1 *Freedom, environment, and regulation*

Anti-environmentalists sometimes present a picture of environmentalists as militantly ecocentric misanthropes, for whom "saving the planet" justifies any measures necessary, irrespective of any effect these might have on people's freedoms and flourishing:

The fundamental goal of environmentalism is not clean air and clean water; rather, it is the demolition of technological/industrial civilization.

Environmentalism's goal is not the advancement of human health, human happiness, and human life; rather, it is a subhuman world where "nature" is worshipped like the totem of some primitive religion. [...] Nature, [environmentalists] insist, has "intrinsic value", to be revered for its own sake, irrespective of any benefit to man. As a consequence, man is to be prohibited from using nature for his own ends. Since nature supposedly has value and goodness in itself, any human action that changes the environment is necessarily immoral. (Berliner 2006)

As discussed in chapter 1, I do not espouse or defend an ecocentric position here. It should nonetheless be noted that such pictures involve a simplistic caricature of ecocentrism, which ignores the fact that even the most radically ecocentric environmentalists tend to also be passionate advocates of social justice. More importantly for the present thesis however, by assimilating all environmentalisms to ecocentrism, the caricature also ignores the possibility of environmentalisms based on what was referred to in chapter 1 as 'strong sustainability based on enlightened anthropocentrism'. From this more nuanced perspective, sacrifices of human freedom in pursuit of environmental objectives must be judged against the criteria of the possibility of continued human flourishing. The question thus *does* arise of whether the effects of environmental regulation are detrimental to other aspects of the good life. The anti-environmentalists are partially right, insofar as they are pointing out that there can be a danger of destroying the good life that one is attempting to protect.⁴⁰

For instance, it might be simplistically claimed that having many fewer people on the earth would help alleviate climate change, and that coercive population control measures should therefore be instituted as a legitimate part of climate change policy. Suppose this led to a proposal to add contraceptive drugs to the water supply to control population growth (the idea has been anecdotally attributed to Australian activist Helen Caldicott, though I have been unable to find evidence that she ever really espoused it). Such a proposal would, in my view, run quite contrary to an enlightened anthropocentrism, even leaving aside the

40 There is a parallel here with arguments against 'anti-terrorism' legislation which point out the potential absurdities of reducing civil liberties in order to "protect our way of life".

difficult ethical question of duties to the as yet unborn. We want people to flourish, to be able to lead a full and rewarding life, not just to survive. Our social, political and economic decisions must therefore be made on this basis, and it would be a mistake to think that environmental policy is any exception. I would therefore argue that coercive population control measures are not a legitimate route to ecological sustainability, because the necessary conditions for a flourishing human life include not only the freedom to reproduce, but also the freedom to choose and plan for oneself whether and when to do so⁴¹.

More sophisticated policies can of course respect such freedoms, while aiming at the same ends, such as mitigating climate change. The added sophistication in this instance would entail, as it arguably did for Paul Ehrlich (compare Ehrlich 1968 with Holdren & Ehrlich 1974), looking more closely at the effects of human beings on natural systems and recognising that these effects are a function not only of raw numbers of people, but also of behaviours (in particular levels of resource consumption), affluence, social structures, and technology levels. Similarly the controversial policies which seek to remove local and/or indigenous people from areas scheduled as national parks or biodiversity reserves are premised on unsophisticated pictures of *all* human impact as necessarily inimical to the preservation of valued ecosystems and landscapes.⁴² Nonetheless, the awkward fact remains that *some* human behaviour *is* deeply detrimental to natural systems. The same questions present themselves, albeit in new forms, as soon as we start considering measures aimed at modifying that behaviour. To what extent, and in what ways, can environmental policy restrict people's freedom while protecting their opportunities to

41 This is not to claim that environmentalists should not be concerned with how many children people have, or that population levels should be outside the legitimate purview of wider public policy. I take no issue with social and educational policy aimed at helping individuals make responsible and ecologically informed personal decisions about their reproductive choices.

42 For discussion of such policies and their effects, see Guha (1989), Sullivan (2006), Brockington & Igwe (2006) and Curran et al. 2009.

flourish?

There are right-libertarian anti-environmentalists who claim that *any* restriction of freedom in pursuit of ecological sustainability is unacceptable:

Sustainable Development is the greatest threat ever perpetrated against American liberty. Ignore Sustainable Development at the peril of everything you hold dear – individual liberty, private property, free enterprise, free travel, free association – even life itself. (De Weese 2005)

DeWeese goes on to explain colourfully how the very idea of sustainability is a Trojan horse for Stalinist centralised planning, threatening freedom by reaching illegitimately deep into private life. His position illustrates the tendency, common in right-wing arguments against environmental regulation, to conflate value claims about property rights and unfettered markets with value claims about human freedom. As noted in chapter 1, however, more sophisticated versions of essentially similar arguments are advanced by “free market environmentalists” and certain economists. Celebrating the inexorable efficiency of Smith’s invisible hand and the Promethean heroism of human technological ingenuity, writers such as Beckerman (1994) and Block (1998) argue that environmental problems are simply resource allocation problems to which free markets will inevitably find the most efficient solutions. Distorting markets through regulation is seen as a fundamentally wrong approach which can in fact only bring about less efficient use of resources, and hence a worse overall outcome. Attempts to modify the behaviour of individuals and businesses through environmental regulation can therefore produce no real benefits, and thus constitute unjustified infringements of freedom.

I have not attempted to fully characterise the free market environmentalist position here, since a proper engagement with it is beyond the scope of this thesis. It seems clear however that it relies either on an unrealistic cornucopianism or on problematic

assumptions about the substitutability of natural capital. It also ignores well-established criticisms of the effects of free market economics in the real (as opposed to theoretical) world in which players in a market start out from very unequal positions. As Karl Polanyi prophetically put it:

With the liberal, the idea of freedom thus degenerates into a mere advocacy of free enterprise - which is today reduced to a fiction by the hard reality of giant trusts and princely monopolies. This means the fullness of freedom for those whose income, leisure and security need no enhancing, and a mere pittance of liberty for the people, who may in vain attempt to make use of their democratic rights to gain shelter from the power of the owners of property. (Polanyi 1957:257)

3.2 *The value of freedom*

The reality then is that we need to find an acceptable level of regulatory impact somewhere in between the two extreme poles suggested above. But where? This is not a matter of finding a position along a smooth continuum. It seems very unlikely that it could ever be meaningful or useful to say anything like “people should have 75% freedom, leaving 25% scope for regulation to modify their behaviour”. There is surely no acceptable way of quantifying and aggregating the wide range of very different and incommensurable issues involved into such a statement, and even if we did, it would not give us anything we could use for practical purposes.

As Charles Taylor (1991:149-151) points out, to attempt to aggregate freedom in this way is to adopt an untenably extreme “Hobbesian” negative conception of freedom as the absence of external constraints, a view in which no distinction is made between the significance or seriousness of infringements of freedom. On this view, argues Taylor, Enver Hoxha’s Albania (which had very few traffic lights but no freedom of religion) would have been considered a freer society than the UK (in which there was freedom of religion but a large number of traffic lights), simply because fewer discrete individual acts, whether of religious observance or of drivers crossing road junctions, were restricted by regulation in

Albania than in the UK. The reason we are likely to disagree with this assessment is that we consider the relative significance of the end (or ends) to which an action is a means to be an important factor in assessing the impact on freedom of restricting that action. Freedom to pursue one's chosen spiritual path is more important than freedom to drive unimpeded across road junctions.

Freedom is important to us because we are purposive beings. But then there must be distinctions in the significance of different kinds of freedom based on the distinction in the significance of different purposes. (Taylor 1991:151)

Taylor here makes a forceful argument for the proposition that restriction of some potential courses of action will have a greater effect on the agent's overall freedom than restriction of others, because of the significance of the ends to which the actions in question are means. Though we may well value freedom for its own sake, we surely also value it as a means to desirable ends – and some ends are more desirable than others.

He goes on to argue that it would be unrealistic to regard the agent's own assessment of the significance *for them* of particular ends (and thus of particular freedoms) as always final and incorrigible. People can be mistaken about how free they are: they may, for instance be in the grip of some irrational obsession or addiction. Perhaps unsurprisingly given his communitarian orientation, Taylor does not mention the further problem of adaptive preferences. People can be, and frequently are, persuaded, coerced, or conditioned into lowering their expectations of freedom to match those which are considered appropriate in the dominant local (or indeed global) culture for members of their particular class, gender or ethnic group. On the other hand, as will be discussed in chapter 7, in modern consumerist societies people's expectations are also manipulated *upwards* for commercial reasons. These adaptive preference issues however merely underline the point that a just and functional liberal society will need, after due deliberation, to adopt and act on some understanding of the differing values of different freedoms which is not based either on arbitrary discrimination or on commercial considerations.

It seems then that some sort of tools are required in order to assess the value of the various freedoms which stand to be restricted by environmental policy. If we cannot meaningfully discuss the acceptable level of regulatory impact on individuals' total or aggregate freedom, different freedoms will need to be addressed separately: and following Taylor, it seems fair to suggest that the significance of different freedoms will be in large part based on the significance or value of the purposes or ends towards which these freedoms are means. This, obviously, will not be straightforward, but it seems perfectly reasonable in principle to suggest that, for instance, freedom to bear children is more valuable than freedom to buy airfreighted cut flowers.

This is not to say, however, that we should consider independently from scratch the value of every one of a potentially infinite range of freedoms. Apart from being practically impossible, this would be to lose sight of the original goal of saying something about freedom rather than about specific activities. Also it cannot really be the case that every time we tack "freedom to..." on the front of some new verb and object combination we have discovered a new kind of freedom which needs to be considered afresh from first principles. What is needed is some kind of principled framework within which to consider the "significance of different purposes", the value of particular freedoms, as they arise, in order to assess the extent to which they may legitimately be restricted.

As may already be apparent, I believe that in order to be both ethically coherent and of practical use such a framework will need to be one in which assessment of the value of the 'freedom to do X' is informed by an understanding of the contribution of 'doing X' to human flourishing. This will require at least a minimally substantive conception of what constitutes a flourishing life, which includes not only some generic account of what such a

life will contain, but also an account of the relationship between flourishing and autonomy.

3.3 *Freedom, freedoms, and means to ends*

None of this however is meant to imply that freedom has no value in and of itself. Listing the things that we want to be free to do, without ascribing some value to the freedom to do them, will not yield an adequate characterisation of a flourishing life. Freedom to think and act autonomously, to make one's own decisions and choices without *arbitrary* restriction, is a vital component of such a life.

It seems appropriate then to begin by agreeing with John Stuart Mill that we should not depart from our basic intuition that any restriction of liberty stands in need of justification. It quickly becomes apparent when the issue is put in these terms, however, that in any sort of organised society unlimited freedom for everyone to act in any way whatever is neither attainable nor desirable. Mill's consideration of this timeless dilemma led him to his celebrated harm principle:

[T]he only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.
(*On Liberty* I.10)

Mill here is widely taken to be simply expressing condemnation of any form of coercive intervention which aims at the enforcement of morality, or at the imposition of any particular conception of the good life. Yet his position is more complex than this suggests. He takes an overtly perfectionist view of the role of government: as O'Neill (1998:17) recalls, Mill believed that "the first question in respect to any political institutions is, how far they tend to foster in members of the community the various desirable qualities moral

and intellectual” (*Representative Government* II.2).⁴³

Mill considered the full expression of the individual’s unique character, as well as their full realisation of the powers and capacities possessed by human beings generally, to be an essential constituent of the individual’s liberty and thus of their flourishing. The proper goal of government, *contra* Bentham, was thus not simply maximisation of utility as preference-satisfaction, but the creation and maintenance of a society made up of free, characterful, and flourishing individuals. Individuals’ character, in Mill’s phrase, is “developed and modified by their own culture” and he was happy for government to intervene to facilitate this.

Those who have most natural feeling, are always those whose cultivated feelings may be made the strongest. The same strong susceptibilities which make the personal impulses vivid and powerful, are also the source from whence are generated the most passionate love of virtue, and the sternest self-control. *It is through the cultivation of these, that society both does its duty and protects its interests:* not by rejecting the stuff of which heroes are made, because it knows not how to make them. A person whose desires and impulses are his own—are the expression of his own nature, as it has been developed and modified by his own culture—is said to have a character. One whose desires and impulses are not his own, has no character, no more than a steam-engine has a character. If, in addition to being his own, his impulses are strong, and are under the government of a strong will, he has an energetic character. Whoever thinks that individuality of desires and impulses should not be encouraged to unfold itself, must maintain that society has no need of strong natures—is not the better for containing many persons who have much character—and that a high general average of energy is not desirable. (*On Liberty* III.5, emphasis added)

Such intervention, moreover, was to aim at the development of quite specific types of character. It was, he famously declared, “better to be Socrates dissatisfied than a pig satisfied” (*Utilitarianism* II.7), and the implication clearly was that public policy should

43 Mill’s harm principle also offers little support to those who seek to make direct freedom-based arguments for economic liberalism – for instance, he made the point in *On Liberty* IV.19-20) that while personal *consumption* of alcohol was under normal circumstances a self-regarding action, interference with which would be prohibited by the harm principle, the *trading* of alcohol was an other-regarding action which could quite legitimately be regulated, precisely in order to prevent harm. While he did in fact favour laissez-faire economic policy, this was *not* because he believed that interference with the market would violate the harm principle, but because he believed that the market, as O’Neill (1998:33) puts it, “fosters the development of the autonomous character”.

aim at making people more like Socrates than like pigs. Mill's value-laden picture of how the development of character is properly nurtured within society seems in this sense congruent with modern Aristotelian accounts such as that offered by Alasdair MacIntyre (see chapter 5).

There is of course a well-rehearsed problem with Mill's position: how, and by whom, are decisions to be made about which behaviour or activities should be seen as porcine, and which Socratic? If a conception of the good life *is* to be embodied in the actions of government, it should surely be (as discussed in chapter 2) one which is overt and subject to revision and political argument. I do not seek to revisit this point here though, or indeed to attack or defend Mill, but simply to note that even this iconic liberal valued freedom, at least in large measure, as a means to other ends.

Ian Carter (1999:44) argues that "it is quite coherent to see freedom as having only instrumental value – as being a good thing only because it is a means to some other good – and nevertheless see freedom as being valuable as such", and that this is how we should read Mill:

Some of Mill's stronger pro-freedom rhetoric might...have been wrongly interpreted as implying freedom's intrinsic value when it was only intended to imply freedom's non-specific instrumental value. (ibid.:47)

Carter imputes to Mill a "teleological justification" for freedom, and claims that MacIntyre (1985) was mistaken in his assessment that liberalism in the wake of the Enlightenment completely rejected teleology, since perfectionist liberals essentially replaced the ancient idea of a specified and substantive human *telos* with the far more indeterminate but still highly normative notion of human perfectibility. This concept, Carter notes, is very much to the fore in Mill, and provides for him (as later for Hayek) a major part of the value of liberty itself:

[T]here is ... a reason for saying that the non-specific, non-terminal conception of perfectibility goes hand in hand with liberty, and that consists in the empirical correlation between progress and liberty made so clear by Mill and Hayek: the more our notion of perfectibility is indeterminate, the more liberty becomes a necessary precondition for its attainment. MacIntyre is blinded to this kind of teleological justification for giving individuals a measure of freedom, because he fails to see how a relatively indeterminate *telos* can nevertheless generate a relatively determinate moral principle. It is only once we have grasped the notion of non-specific instrumental value that such a justification becomes comprehensible. (Carter 1999:50)

Carter's point is made in the context of an argument which aims to establish this "non-specific instrumental value" of freedom. He argues, against Dworkin (1977, 1985) and Kymlicka (1988, 1990), that it is in principle possible and useful to assess the level of "overall freedom" possessed by an individual, or available in a society. For Carter this is a meaningful and important concept that is distinct from the sum of specific freedoms to do X, Y or Z. Crucially though, he does not argue for this by defending a notion of freedom's intrinsic value. The value of freedom is *instrumental*, in that it is valuable only as a means to a range of ends. That range of ends, however, is both large and unpredictable. Analogously to money, it is not possible to specify to *which* ends someone's freedom will be put (mainly because it is not possible to predict their future choices), even though it is only in virtue of being useful as a means to some such ends that it is valuable. Thus freedom has a value which is instrumental, but also non-specific.

Agreeing with Carter about this does not entail a claim that *all* ends to which freedom may be a means are such as to confer instrumental value on freedom as the means to their achievement. The suggestion that freedom has instrumental non-specific value as a means to a range of ends does not mean that there could not be ends which did *not* confer such value. Hence it would be entirely consistent for someone who believed (unlike Carter but perhaps like, for instance, Charles Taylor) that *only* those ends which are valuable in themselves can confer value on the freedom necessary for their achievement, to nonetheless value what we might call undifferentiated freedom, as well as the specific

freedoms to do X, Y and Z (which they believe have instrumental value as means to the valuable ends X, Y and Z).

It seems, then, that to claim that some particular freedoms are more valuable than others, and indeed even that some are of no value, need not mean that one does not also value freedom *per se*. Freedom *per se* is still valuable, on such a view, because it opens up (or preserves) the space within which decisions may be freely taken to pursue (as yet unspecified) valuable ends. Reverting to the terminology of flourishing, we may recall that these ends, in turn, are those which produce or constitute flourishing human lives. I shall return to the substantive discussion of how to identify just which ends these are later in this chapter, but first there is an important gap to be filled in this account.

3.4 *Autonomy, freedom and harm*

Describing freedom in these terms of space for decision-making reminds us that something else of value is also happening within this space. As suggested earlier, there is a sense in which the very fact that those decisions are being *freely* taken is highly significant, independent of their content. If we believe, as we surely do, that autonomy is itself a vital *component* of a flourishing life, then it must itself be seen as a valuable end which confers value on those freedoms which are necessary for its achievement. We should, then, add those freedoms which are required for the protection of autonomy to any putative list of freedoms which we see as valuable in virtue of their being means to ends which are constitutive of the good life. But just how are we to decide how much or what kind of freedom is required for autonomy?

A painstaking liberal account of the nature and value of autonomy is offered by Joseph Raz (1986). Raz is an unabashed perfectionist, who believes it is legitimate for the state to

promote a more or less substantive conception of the good life. He therefore sees no problem with prioritising some freedoms over others, because some genuinely are more valuable than others: “the restriction of the more important liberties is a greater restriction of liberty than that of the less important ones” (Raz 1986:13). Similarly to Taylor, Raz explicitly sees freedom’s value as deriving from the value of what it enables or brings about, as a means to the end of a flourishing life rather than as an end in itself: “freedom is not an independent separate ideal, [...] freedom consists in the pursuit of valuable forms of life, and [...] its value derives from the value of that pursuit” (ibid.:395).

Autonomy, on the other hand, *is* “a constituent element of the good life” (ibid.:408), and thus “a distinct ideal”, which moreover “cannot be obtained in just any environment” (ibid.:395). For Raz, people, and hence governments, have a duty to protect the conditions for autonomy. These conditions consist of three distinct components: appropriate mental abilities, independence, and an adequate range of options. People’s autonomy is protected and promoted by maintaining a situation in which these conditions are in place. Public authorities have pastoral and educational responsibilities relating to the protection of people’s fitness and independence of mind, but most of their autonomy-protecting role translates into a duty to ensure that people have this adequate range of options. His choice of terminology is critical here – the range of available options need not include any particular specific option, nor need it be unlimited, or even maximised; but it *must* be adequate. (I shall return below to the question of what counts as adequate).

As a liberal, Raz’s presumption is still squarely against governmental intervention except where necessary: he essentially agrees with Mill that people should be left to their own devices unless harm is being caused. He argues in fact that his principle of autonomy cashes out into a variant of Mill’s harm principle. For Raz, to deprive any person or

persons, known or unknown, of the conditions of their autonomy *is* to do them harm and thus constitutes an act (or omission) which may legitimately be discouraged, by coercion if necessary. Thus the “autonomy-based duties” of people and of the state, their obligations to respect and promote the autonomy of others, may be seen as obligations not to cause harm to others.

What constitutes harm, of course, is no longer a simple and clear-cut issue, if indeed it ever was. As members of a complex modern society, we stand to be harmed not only by direct personal attack, but also indirectly by actions of others, often unknown to us, which undermine the functioning of that society in ways which cause us harm. Thus it might perhaps be argued that the enforcement of tax collection, for instance, can be reconciled with the harm principle by reference to the harm done to those deprived of services such as healthcare by those others whose unpaid taxes create shortfalls in the public purse. Raz agrees that the harm principle legitimises the enforcement of taxation, but for subtly different reasons. He considers the harm whose avoidance legitimises coercive measures to be that which *would* be done to the citizens by the government *if* it failed in its duty to protect the conditions of their autonomy, which are threatened by the lack of services caused by the financial problems arising from unpaid taxes.

A person who fails to discharge his autonomy-based obligations towards others is harming them, even if those obligations are designed to promote the others' autonomy rather than to prevent its deterioration. It follows that a government whose responsibility is to promote the autonomy of its citizens is entitled to redistribute resources, to provide public goods and to engage in the provision of other services on a compulsory basis, provided its laws merely reflect and make concrete autonomy-based duties of its citizens. Coercion is used to ensure compliance with the law. If the law reflects autonomy-based duties then failure to comply harms others and the harm principle is satisfied. (ibid.:417)

3.5 *Securing adequate options*

Autonomous people are those whose lives are their own; they are both mentally capable and sufficiently independent of mind to freely choose a course of action from an existing

range of genuinely varied and valuable options. Raz gives two extreme examples of people whose range of options is not adequate (ibid.:373-4). One is a man trapped in a deep pit who, while he has food and is not in any significant discomfort, has few possible courses of action to choose between, none of which are significantly preferable to any other. The other is a woman sharing a small island with a carnivorous beast which continually hunts her: her choices are limited to tactical ones of what to do next to escape being devoured. These represent, says Raz, “two extremes of failure of adequacy of options”: neither allows their hapless victim to truly be the author of their own life.

To be autonomous and to have an autonomous life, a person must have options which enable him to sustain throughout his life activities which, taken together, exercise all the capacities human beings have an innate drive to exercise, as well as to decline to develop any of them. (ibid.:375)

Government is entitled to act, coercively if necessary, in pursuit of social conditions that secure and safeguard such a range of options for all its citizens. To deprive a person of an adequate range of options by preventing them from choosing an option which falls within that range is to do them harm, whether this is done by another individual or by government. Conversely to deprive them of options which fall outside that range does not necessarily amount to harming them.

This means both that public authorities are not always bound to act against those who restrict the freedoms of others, and that they may themselves interfere with an individual's freedoms where such interference is justified and does not deprive the individual of their adequate range of options. Again, an adequate range of options is very different to a maximised range of options – the latter does not make any greater contribution to autonomy than the former, and a larger range of options is not necessarily always better.

While autonomy requires the availability of an adequate range of options it does not require the presence of any particular option among them... Denying someone a certain choice of ice cream is generally admitted to be insignificant to the degree of autonomy enjoyed by that person. (ibid.:410)

The corollary also holds: “if all the choices in a life are like the choice between two identical-looking cherries from a fruit bowl, then that life is not autonomous” (ibid.:398). This means that policies required to protect the conditions for autonomy may be coercively enforced, up to the point where that coercion itself threatens the conditions for autonomy.

3.6 *Environmental policy as protective of autonomy*

To turn back to environmental policy, it is worth noting at this point that Raz explicitly includes (as quoted above) both the redistribution of resources and the provision of public goods as actions aimed at protecting autonomy, in the course of which government may under certain circumstances legitimately employ coercion. Equally clearly, he says that “the provision of many collective goods is constitutive of the very possibility of autonomy and it cannot be relegated to a subordinate role, compared with some alleged right against coercion, in the name of autonomy”. (ibid.:207)

Although Raz has little to say directly about making or enforcing environmental legislation, it seems clear that this would count as action by the state aimed at the provision of public or collective goods, and thus at the protection of autonomy. The provision of the collective good of clean air by the enforcement of pollution control, for instance, could be viewed in this light. If I do not have clean air to breathe because I live next to a polluting factory, my autonomy may well be significantly compromised by the resulting reduction of my options. In extreme cases I may be poisoned and become bed-ridden or even die. Less severe might be the case in which I (or perhaps my children) develop asthma, leaving me (or them) unable to engage in certain demanding physical activities which form an important part of our lives. Even if I suffer no discernible health effects, the pollution might still be so unpleasant that I am unable to enjoy my garden, or grow my own food. Even if none of these things happen, my life could still change dramatically because I lose

friends who no longer come to visit me because they are more sensitive to the unpleasant smell to which I have become accustomed.

Whether the conditions for my autonomy have really been significantly affected in such a case will, in Raz's terms, depend on whether my range of options has been reduced below adequacy. Recalling his formulation that the test of this adequacy is whether the available range of options is such as to "enable [me] to sustain throughout [my] life activities which, taken together, exercise all the capacities human beings have an innate drive to exercise, as well as to decline to develop any of them" gives a clear test for this which seems entirely apt for environmental cases such as my example of air pollution. If we were to apply this test to each of the cases above, it seems likely that we would conclude that in at least some of them my capacity to exercise important capacities had been impaired, and thus that my available range of options was indeed likely to have been reduced below adequacy.

In this case, Raz's point would be that the factory owner's invocation of an "alleged right against coercion" would not in itself constitute a valid argument against the enforcement of regulation required to restore or preserve my autonomy by the provision of the collective good of clean air. Policy aimed at the provision of environmental goods seems in principle, then, to be capable of fitting squarely into the category of policy required for the protection of autonomy. Coercive enforcement of such policy is in turn legitimate up to the point where this action itself threatens autonomy. This point is reached *not* as soon as any freedom is interfered with, but only when this interference is such as to reduce someone's options below adequacy. In the case of my polluting factory neighbour, it seems likely that his "freedom" to operate his factory in such a way as to create pollution could be interfered with to some considerable extent before *his* range of options could

realistically be said to have been reduced below adequacy. Framing the issue in these novel terms may well make it clear that I stand to lose something more significant as a result of his continued bad practice than he does if he is forced to change his ways.

In reality, as in other areas of policy-making and as noted in chapter 2, such disputes are usually conducted in terms of acceptable thresholds. Many of the questions asked about air pollution are effectively of the form “just *how* clean do we believe the air should be?” or “what *level* of impact on health or amenity (or *probability* of such impact) from air pollution is acceptable?” Such thresholds should at a minimum, on this view, be set in such ways as to ensure that no-one’s options are reduced below adequacy by the effects of the pollutants. While the details of just what constitutes an adequate range of options will itself no doubt always be fiercely contested, reframing the issues in these terms can provide a way of evaluating competing claims about where thresholds should be set, thereby allowing at least some such claims to be ruled out.

Similar reasoning is applicable to issues of consumption as well as to those around production. Here the relevant aim of environmental policy is the reduction of resource consumption levels, and the requirement to protect adequate ranges of options arises in the context of adjudicating between competing claims about what options should be *protected against* the legitimate pressure to reduce levels of resource consumption in pursuit of ecological sustainability. As will be discussed in chapter 4, threshold considerations will arise at both the top and bottom of the range: if they are to be legitimate, both ‘floor’ and ‘ceiling’ consumption levels will need to be set in such a way as to protect the adequacy of individuals’ ranges of options, and thereby the conditions for their autonomy.

3.7 *Flourishing and autonomy*

How then does all this relate back to the original question about how freedom contributes to flourishing? I have traced threads of several arguments to the effect that we should value freedom not as an end in itself but as a means to the end of a good, valuable or flourishing life. Perhaps then I have simply taken a detour in this chapter, only to be redirected back towards the ancient enquiry into just what the essential constituents of such a life are. This hasty conclusion, though, would not do justice to the subtleties of the views I have examined. All have in different ways also stressed the freestanding value of autonomy, of the independent individual's capacity to freely and deliberately choose and direct their own life, whatever the actual content of that life. Autonomy then must itself be considered either as an important part of the good life, or as a valuable but separate quality which must also be possessed by a person in addition to the substantive contents of a good life if they are to be truly said to be flourishing. Investigating the subtle difference between these two approaches is perhaps not necessary, however, as both seem to result in the same conclusion. The conditions for autonomy must be added to whatever other characteristics or requirements are identified as being necessary for a flourishing human life.

But Raz's very plausible argument that the conditions for autonomy largely consist, in turn, of the existence of an adequate range of options, sufficient to allow a person to be the author of their own life, to be able to choose (or not) to "exercise all the capacities human beings have an innate drive to exercise", seems to bring this full circle once again. It seems at first sight likely that fleshing out this conception of an adequate range of options might well result in a broadly similar list of requirements to what we might have come up with in answer to the original question of what is required for flourishing.

Looking at the question in terms of freedom and autonomy has, however, mandated a subtly different and distinctively liberal approach. Any attempt at an answer must be constructed in such a way as to capture this key value of the individual's autonomy. Simply including autonomy as one of the items on a list of necessary conditions, characteristics or activities will not be sufficient to achieve this. Rather than presuming to identify the specific content of a flourishing life, any such list should aim instead to identify what sorts of options or opportunities we need to secure for people if they are to, as Raz puts it, exercise the capacities we have an innate drive to exercise.

3.8 *Capabilities for functioning – defining an adequate range of options?*

This is broadly the approach of Martha Nussbaum (1990, 2000, 2003, 2006), who has influentially argued that we can and should make policy on the basis of such a generic conception of what is required for a flourishing human life. Building on the 'capabilities approach' to development economics pioneered by Amartya Sen (1993, 1999), Nussbaum considers human well-being in terms of functioning, and then seeks (unlike Sen) to identify and list the capabilities required for the achievement of those key functionings which can together constitute a flourishing human life. She sees it as a duty of government to secure and protect people's access to a specific (though fluid) list of capabilities for functioning, in order that they should be able to function in the various ways necessary for them to flourish. A version of her list (2000:78-80) is reproduced as appendix 2.

The focus on securing capabilities rather than on dragooning people into specific functionings is intended to make the approach compatible with the liberal injunction to protect personal freedom. What people choose to do with their capabilities is up to them, and will vary widely, reflecting the variety of human culture and experience: but the same fundamental capabilities are required by everyone if they are to be able to pursue their personal finer-grained conception of the good life, and conversely no-one who lacks them

can be said to be free to lead a fully flourishing life. For Nussbaum, autonomy is a necessary (though not sufficient) condition for a flourishing life, and autonomous life-planning, expressed in Aristotelian terms as the exercise of practical reason, appears on the list as a capability in its own right; but Nussbaum is clear that it is also independently essential for successful functioning in general.

Nussbaum's version of the capabilities approach expressly seeks to be universalisable and culturally neutral, by looking at what human beings have in common across cultures. It expresses what she has called a "thick vague" conception of the good life, which aims to "define the activities characteristically performed by humans which are so central that they seem definitive of a life that is truly human" (1992:214) in a way which is - or should be - acceptable by and applicable to all human persons. That qualifying phrase "or should be" (which I intend here only as shorthand, not as an adequate paraphrase) is of course highly controversial. The more influential the capabilities approach has become in the real world of 'development' policy, the more voices have been raised complaining that Nussbaum's list sanctions the paternalistic imposition of, as Feldman & Gellert (2006:446) put it, "universal claims based on a Western, modernist understanding of what women (and men) should be and do".⁴⁴

3.9 *Perfectionism or consensus-building?*

Perhaps in response to such critiques, in her more recent work (eg 2000, 2003, 2006) Nussbaum has shifted away from her earlier overtly Aristotelian perfectionism, referring to her approach as "a partial theory of just distribution" in which "capabilities, together with the idea of a threshold level of capabilities, can provide a basis for central constitutional principles that citizens have a right to demand from their government" (2000:12). She now

44 In addition to Feldman and Gellert (2006), see also Quillen (2001) and Okin (2003). Crocker (1995) surveys in detail the differences between Sen's and Nussbaum's approaches, and also addresses the issue of paternalism.

argues that a Rawlsian “overlapping consensus” (Rawls 1993) can be reached, in which people accept that the basic capabilities for functioning on the list represent those required by all in order for people to be able to pursue their own conceptions of the good. Capabilities thus seem to become something akin to a “thick” version of Rawls’s primary goods (Rawls 1999).

Nussbaum also offers a more empirically based defence against charges of paternalism. People can be, and frequently are, conditioned not to want what their society says they cannot or should not have: these conditioned or adaptive preferences should not therefore be taken as accurate reflections of what they would desire under “appropriate conditions” once properly informed. Opposition to paternalism, in fact, “entails protecting certain opportunities for choice, plus their material conditions, in a way that puts these opportunities beyond the whim of majoritarian politics” (Nussbaum 2000:160). As “we secure to people the capabilities on the list” she suggests that they will, by some kind of iterative process, come to share the allegedly universal values that underpin the list:

By promoting education, equal respect, the integrity of the person, and so forth, we are also indirectly shaping desires, and desires formed under these conditions are likely to be more adequately informed than those formed under conditions of isolation, illiteracy, hierarchy and fear. (ibid.:161)

Severine Deneulin (2002) argues convincingly that neither of these strategies work. Once put into practice, the capabilities approach (especially in Nussbaum’s version, but even in Sen’s) is not only inescapably perfectionist, but also in a sense paternalistic. For Deneulin, however, this is a virtue of the approach rather than a drawback:

If development policies based on a perfectionist theory of the good seem paternalist, seem to restrict people’s freedom to live the way they choose, so much the better, since that type of paternalism is nothing more than the refusal to see another person suffering from not being able to live a human life. And that paternalism as non-indifference to the suffering of people lacking the conditions for living dignified human lives is nothing more than respect for people in their choices of living a worthy human life. Far from being a restriction on people’s freedom, adopting policies guided by a

perfectionist conception of the human good is the very condition for people to be free to live as dignified human beings. (Deneulin 2002:516-7)

Deneulin is concerned that Nussbaum's shift from Aristotelian social democracy to Rawlsian political liberalism has weakened the capabilities approach. Some of her concern is about the reduction in both moral force and explanatory power which follow the shift away from a frankly perfectionist "thick vague" conception of the good. She also, however, has a more specific worry that the new emphasis on capabilities as "providing a basis for central constitutional principles that citizens have a right to demand from their government" marks a deep shift from 'capabilities as obligations' to 'capabilities as rights'. Recalling Simone Weil's (1952) observation that rights are subordinate to obligations, Deneulin observes that "in considering human capabilities as obligations, one puts the emphasis on the actions required to fulfil those obligations, whereas considering human capabilities as rights puts the emphasis on a claim that nobody is specified to respond to". (Deneulin 2002:515)

On the original Aristotelian model, people (not just governments) have obligations between themselves to promote central human capabilities. On the Rawlsian model, however, capabilities form the moral basis of constitutional guarantees, and it becomes clear that it is only the state that has duties to promote them. In order for the capabilities approach to provide a normative framework, claims Deneulin, capabilities must be seen not as a basis for rights claimed by the individual from the state, but as "a philosophical basis of obligations that all humans have towards one another through the mediation of institutions" (ibid.:516).

My own view is that Deneulin is largely right here: firstly that the relevant moral obligations exist between people as well as between citizens and their governments, and

secondly that Aristotelian rather than Kantian/Rawlsian conceptions of universal human capabilities are the more plausible, and hence the more defensible against charges of unwarranted paternalism. She is also right in principle that in some circumstances paternalism may not *be* unwarranted. This, however, will depend not only on the circumstances but also, critically, on the extent to which the “conception of the human good” (and associated list of capabilities) being implemented really is universalisable. I discuss this issue further, and apply it to the issue of sustainability, in chapter 7.⁴⁵

3.10 *Capabilities and environmental policy*

It is important to note that policy aimed at securing capabilities⁴⁶ may well sometimes conflict with environmental objectives. To portray the approach as a framework within which environmental policy may be plausibly legitimised is not to suggest that it prioritises such policy: what it prioritises is protecting people’s opportunities for flourishing, and whether or not environmental considerations are the most pressing in a given case will be largely an empirical matter. Nonetheless there are, I argue here, three important ways in which the capabilities approach may be helpful to liberal environmentalists seeking to legitimise effective environmental policy.

Firstly, the conditions required for the securing of capabilities can explicitly include environmental conditions. Nussbaum includes on her list the capability to “live with concern for and in relation to animals, plants, and the world of nature”. Establishing a duty of governments to secure some such capability as a matter of right represents probably the

45 As regards Nussbaum’s *actual* list of capabilities, my own view is that it is indeed, unfortunately, somewhat skewed towards a “Western modernist understanding” of the capabilities required for human flourishing, rendering policy-making based on it potentially unjustifiably paternalistic. This impression was confirmed in a recent personal conversation with her (at Lancaster University, 10th June 2009) in which she appeared reluctant to accept the possibility that indigenous people living in non-industrialised societies could, in practice, enjoy flourishing lives. To be clear, nothing in this thesis is intended to suggest endorsement of the actual current contents of Nussbaum’s list.

46 For example, on Nussbaum’s model, “being able to move freely from place to place” or “being free to hold property”: see appendix 2.

most direct way in which the capabilities approach may be used to support environmental policy. This is the approach reflected in the movement for constitutionalisation of ‘environmental rights’, as urged by Hayward (2005) and discussed in chapter 4.⁴⁷ Secondly, environmental policy may also often be a means of securing other capabilities, most obviously those relating to life expectancy, affiliation and health but also, potentially, almost any of the others. This approach is evident, as will also be discussed in chapter 4, in the case law of bodies such as the European Court of Human Rights.

However I am proposing here a third connection. It may not be the intention of the capabilities approach to make it easier to restrict freedoms that do not correspond to capabilities on the list – but it seems nonetheless a logical corollary, and one that is not inconsistent with the broad project. Though I do not appeal to Nussbaum as an authority here, it is nonetheless worth noting that some of her writings do explicitly support this interpretation. The following quote, though lengthy, shows this clearly.

[T]he freedom of rich people to make large campaign contributions, though defended by many Americans in the name of the general good of freedom, seems to me not among those freedoms that lie at the heart of a set of basic entitlements to which a just society should commit itself. *In many circumstances, it is actually a bad thing, and constraint on it a very good thing.* Similarly, the freedom of industry to pollute the environment, though cherished by many Americans in the name of the general good of freedom, seems to me not among those freedoms that should enjoy protection; beyond a certain point, *the freedom to pollute is bad, and should be constrained by law.*

In short, no society that pursues equality or even an ample social minimum can avoid curtailing freedom in very many ways, and what it ought to say is: *those freedoms are not good, they are not part of a core group of entitlements required by the notion of social justice, and in many ways, indeed, they subvert those core entitlements.* Of other freedoms, for example the freedom of motorcyclists to drive without helmets, a society can say, these freedoms are not very important; they are neither very bad nor very good. They are not implicit in our conception of social justice, but they do not subvert it either.

47 This first approach is also, however, the most controversial. Nussbaum for instance candidly admits that “we cannot confidently propose this item as part of a completely international political consensus at the present time” (Nussbaum 2000:158), reporting that in discussions of this capability:

There were participants from South Asia who never thought this very important, who actively disliked animals, and who thought it a kind of romantic Green Party flourish to put this on the list when people were suffering. (ibid.:157)

In other words, all societies that pursue a reasonably just political conception have to evaluate human freedoms, saying that some are central and some trivial, some good and some actively bad. This evaluation also affects the way we will assess an abridgment of a freedom. *Certain freedoms are taken to be entitlements of citizens based upon justice. When any one of these is abridged, that is an especially grave failure of the political system.* In such cases, people feel that the abridgment is not just a cost to be borne; it is a cost of a distinctive kind, involving a violation of basic justice. *When some freedom outside the core is abridged, that may be a small cost or a large cost to some actor or actors, but it is not a cost of exactly that same kind, one that in justice no citizen should be asked to bear.* (Nussbaum 2003:45-46, emphasis added)

Suppose then that there is a legitimate policy objective Y, whose pursuit conflicts with the maintenance of people's freedom to do X. A list of capabilities may provide guidance as to whether X should be seen as:

- i. a basic capability (necessary for human flourishing);
- ii. an activity representing the only possible exercise of a basic capability;
- iii. an activity representing one of many possible ways of exercising a basic capability;
- iv. some other sort of capability (ie not one of those considered essential for human flourishing); or
- v. an activity representing an exercise of some other capability.

Only in cases (i) and (ii) would consulting the list suggest that we should refrain from pursuing Y in order that people may still do X. Case (iii) could go either way, dependent on further considerations, probably both empirical and political. In cases (iv) and (v), however, the capabilities approach analysis gives no reason to refrain from pursuing Y. There may well be other reasons for not pursuing Y, but to the extent that we regard the list as authoritative, we have satisfied ourselves that doing so will not deprive anyone of the opportunity to lead a flourishing life by preventing them doing X. Thus assuming we consider the pursuit of sustainability to be an independently legitimate policy objective,

freedom to act in ways that are detrimental to sustainability objectives may legitimately be restricted (if necessary) as long as the basic capabilities required for a flourishing life are protected. Chapter 4 explores the potential usefulness of this line of reasoning in legitimising the setting of resource consumption ‘ceilings’.

3.11 *Capabilities and rights*

Nussbaum’s list of capabilities is expressly intended not only to be compatible with human rights, but as norms capable of *underpinning* them.⁴⁸ Thinking in terms of capabilities gives us “a benchmark as we think about what it is to secure a right to someone” (Nussbaum 2000:98): they make it clear that we are not seeking to give people “rights” (such as a right to free speech) that exist only on paper, but to genuinely “put them in a position of combined capability to function in that area”. The language of capabilities cannot, however, replace the language of rights. Rights language is not only “more rhetorically direct” but also “communicates more than does the bare appeal to basic capabilities”, since it shows that “we draw strong normative conclusions from the fact of the basic capabilities” (ibid.:100). Nussbaum also emphasises that rights language “has value because of the emphasis it places on people’s choice and autonomy” (ibid.:101), an emphasis which it has in common with her approach, but not with others which might otherwise appear similar:

[T]here are approaches using an Aristotelian language of functioning and capability that do not emphasize liberty in the way that my approach does: Marxist Aristotelianism and some forms of Catholic Thomist Aristotelianism are illiberal in this sense. If we have the language of rights in play as well, I think it helps us to lay extra emphasis on the important fact that the appropriate political goal is the ability of people to function in certain ways, not simply their actual functionings. (ibid.:101)

48 She evidently believes that they need some such underpinning, and cites approvingly Bernard Williams’s remark that

The notion of a basic human right seems to me obscure enough, and I would rather come at it from the perspective of basic human capabilities. I would prefer capabilities to do the work, and if we are to have a language or rhetoric of rights, to have it delivered from them, rather than the other way round. (Williams 1987, quoted in Nussbaum 2000:98-99)

Notwithstanding Deneulin's reservations, then, Nussbaum still sees her approach as providing a distinctively Aristotelian (as opposed to Kantian) grounding for rights. It is also clear that, in practice, she fully expects and intends the approach to be implemented within some version of a human rights framework. Indeed it is in the arena of human rights, broadly conceived, that perfectionist liberal arguments such as those of Raz and Nussbaum have most impact in the real world. Although it is clearly not the case that existing human rights treaties accurately reflect all (or even most) of Nussbaum's concerns, there is some overlap, and some empirical answers to the questions posed at the beginning of this chapter about how effective such arguments are in supporting environmental policy may perhaps therefore be found in an examination of the intersection of human rights law and environmental issues. I explore this question in chapter 4, with particular reference to the European Convention on Human Rights.

3.12 *Conclusion*

In this chapter I have attempted to trace through several authors the threads of a perfectionist liberal answer to the questions firstly of the role of freedom in a flourishing human life, and secondly, and more specifically, of the extent to which freedom may be interfered with in pursuit of the goals of environmental policy. The conclusions that have emerged support the argument, which I develop further in chapter 5, that in order to reconcile liberalism with effective environmental policy we need to draw a clear distinction between the legitimacy of restricting an individual's opportunities on the one hand to continue the pursuit of a flourishing autonomous life and, on the other, to act in ways that do not genuinely contribute to this.

Raz's argument that the freedom that we must protect is that which is necessary for ensuring an adequate range of options, and thus for the maintenance of the conditions for autonomy, seems entirely consistent with this distinction. It is also congruent with the

vision of a flourishing life as one in which the individual successfully functions in the ways which lists of capabilities like Martha Nussbaum's are designed to make possible, whether by constitutionalisation as rights or by some other means. Such a life is one which, as Mill wanted, allows full expression of the individual's unique qualities, including their role and place in what Alasdair MacIntyre (1999:99) calls "networks of relationships of giving and receiving", their attachments to places, and so forth. It is also a life which, at a more basic level, is not lacking in the more general requirements of physical embodiment which we share with other animals: essentially, that is, the continued existence of a safe and healthy environment. The implications of this will be discussed in chapters 5 and 6.

Following Raz and Nussbaum we might say that, both as individuals and through our governmental structures, we have duties not only to protect people's freedom to live this sort of life but to promote and maximise such freedom. Of course, it is possible for this duty to conflict with other priorities. But there would need to be compelling evidence of substantial harm for any restriction of this genuinely fundamental freedom to be legitimate. On the other hand, while less fundamental freedoms may also be interfered with only to avoid harm, the general presumption in favour of protecting them is less strong, because they are not essential for a flourishing autonomous life.

To return briefly in closing to issues of sustainability, this distinction may provide a useful way of unpacking the disingenuous catch-all notion of freedom which is implicit in simplistic arguments against regulation (as illustrated in the air pollution example discussed above), or in the notion of freedom of choice (see chapter 7). The freedom to buy a new heavily-marketed luxury product, for instance, is unlikely to be a freedom which is genuinely constitutive of a person's autonomy. Nor, importantly, is the freedom to produce and market such items. This does not mean that consumption, production and marketing of

inessential luxury goods should necessarily be prohibited, but it does mean, on a case by case basis, that where a product's production and consumption conflicts with sustainability objectives, arguments based on "freedom of choice" should be seen as a very weak defence against regulation. This position, I want to say, is still compatible with a perfectionist liberalism.

4 Consumption, Capabilities and Environmental Rights

Marcel Wissenburg (2006:25) argues that “allowing ecological concerns for ethical or ontological reasons to limit the range of admissible lifestyles” is consistent with liberal neutrality, since the facilitation and protection of a *range* of possible lifestyles, rather than just one officially sanctioned one, can preserve individuals’ all-important freedom to pursue their own unique conception of the good life. How convincing this potential reconciliation of liberalism and sustainability turns out to be will depend on the extent of that range: or more accurately, on the extent to which the range is in fact restricted due to ecological criteria.

One significant such criterion will be levels of resource consumption. Many potentially renewable resources (such as fresh water) are acknowledged to be being consumed at rates well beyond natural replacement rates, while many effectively non-renewable resources (such as oil) are currently being consumed at rates which will result in their early exhaustion. Furthermore, other problems such as biodiversity loss, climate change, deforestation and chemical pollution are intimately connected with the extraction, harvesting and consumption of both renewable and non-renewable resources. New processes and land uses (such as the expansion of the biofuel industry) which aim to substitute for depleted resources can also lead to the aggravation of existing environmental problems and the emergence of new ones.

By this criterion alone then, the “range of admissible lifestyles” is likely to exclude many of the lifestyles currently enjoyed by most citizens of rich high-consuming countries, and by small elites in poorer ones. The question which Wissenburg does not address, and

which brings the potential conflict with liberalism into much sharper focus, is just how these unsustainable lifestyles might be reined in without politically unacceptable sacrifices of freedom. This is evidently not only a practical problem but also a political one. By contrast the majority in many poorer countries, and significant minorities in rich ones, are also widely considered to be living outside of an ethically acceptable range of lifestyles, by virtue of having *insufficient* resources at their disposal to live a flourishing life. The relevant resources are of course not only financial but also physical, social and increasingly, environmental (Martinez-Alier 2002). The inverted parallel with the situation of the rich extends further still, since people in this situation are frequently and plausibly said to lack freedom.⁴⁹

4.1 *Sustainability and equity*

It might be observed at this point that while, at the bottom of the existing wide range of consumption levels, the issue is that the available (or affordable) resources are actually *insufficient* for a flourishing life, the problem at the top is not so much one of *overconsumption* as one of *inequitable* consumption. I argue in later chapters that overconsumption is in fact detrimental not only to the flourishing of those deprived of resources by unjust distribution, but also to that of the overconsumers themselves. From the perspective of human flourishing, both excessive aggregate consumption levels *and* inequality are problematic. For the purposes of this chapter, however, it need only be remembered that the concept of ecological sustainability is itself inseparable from the concept of equity. As the Brundtland Commission put it, “even the narrow notion of

49 See in particular Sen’s influential *Development as Freedom* (1999). Although, as already noted, discussion of the processes and discourses of “development” is beyond the scope of this thesis, it is worth emphasising here that agreement with Sen’s capability-based diagnosis of the problem (lack of freedom due to socio-economic circumstances) need not entail agreement with his (or indeed Nussbaum’s) proposed solutions, which largely amount to better targeting of Western-led economic “development” in “less developed” countries. Debal Deb (2009:357-368), for instance, argues convincingly from an Indian viewpoint that since this “development” process is in practice seriously destructive of the natural environment and of strong local communities, both of which are required for freedom, Sen is wrong to assert that “development” increases freedom.

physical sustainability implies a concern for social equity between generations, a concern that must logically be extended to equity within each generation” (WCED 1987:43 (quoted in Dresner 2009:73)).

One easy way to connect the two phenomena, then, is simply to observe that both are features or outcomes of the same unjust system of global resource distribution. Both the richest and the poorest are consuming at levels well out of kilter with what a hypothetical just distribution of resources or ecological space might produce. While this is clearly true as far as it goes, though, it is of little help either in actually defining an acceptable *range* of lifestyles and consumption levels, or in persuading those who question egalitarianism as a viable or desirable basis for economic policy. It seems fair to suggest that appealing to justice has never yet proved an effective way of reducing either the share or the amount of resources consumed by the rich.

As Wissenburg’s formulation makes clear, however, justice is no longer the *only* reason for supposing that the range of lifestyles acceptable to liberals might be bounded at the top as well as at the bottom. Even if it were possible or desirable to bracket considerations of justice, which presumably come under Wissenburg’s “ethical reasons”, it seems likely that his “ontological reasons” alone would still constrain the range of admissible lifestyles at the top end. The consumption of the global rich *alone* is responsible for many present-day resource depletion issues, and associated ecological problems, irrespective of equity issues. The question will thus still arise of whether such constraint is compatible with the preservation of freedom. Unless any constraint is taken on principle to be inimical to freedom (the extreme libertarian position discussed briefly, and rejected, in chapter 3), then this question must be answered on the basis of some criteria.

From a liberal perspective then, there must be both a floor and a ceiling to the range of acceptable resource consumption levels. Establishing just where both these limits might lie will require consideration not only of empirical facts about equity and sustainability, but also of ethical and political arguments about personal freedom. Given this, we must aim for consistency in what we say, at each end of the range, about the relationship between resource consumption and freedom. An answer will therefore eventually be required to the further question of why, if it is true at the lower end that more consumption brings more freedom and thus enhances flourishing, the same is not true at the top. In later chapters I attempt to answer this question, in part by suggesting a link between the “required for flourishing” level and the “ecologically sustainable” level of per capita resource consumption.

4.2 *Rights, floors and ceilings*

First, however, the present chapter considers the extent to which the concept of environmental human rights might contribute to the exercise of setting and enforcing such floors and ceilings. Neither an in-depth discussion of rights theory nor a comprehensive empirical survey of progress towards recognition of environmental rights, however, falls within its scope. Nor does it address the question of the potential conflicts between environmental rights and other rights, in particular the important issue of whether “property rights” translate into a “right to produce” which could further complicate efforts to constrain consumption levels. The aim is simply to look more closely at how the protection of environment-related capabilities as rights might be cashed out, in order to follow through the idea suggested in chapter 3 that there are three related but distinct routes by which such a capabilities-as-rights framework might contribute to the

reconciliation of freedom and sustainability.⁵⁰

The explicit protection of freestanding environmental rights represents the first of these routes, which we might call direct protection. I consider first how such rights might be defined and protected, examining some influential existing attempts to do so. I go on to look in more detail at the second route, the indirect protection of environmental capabilities and options as preconditions for, or instances of, existing recognised rights. This section ventures into slightly more empirical territory, since this is the framework within which environmental rights are, in current practice, largely understood and argued for. I conclude that while environmental rights may well be of some use in identifying and helping to guarantee a floor, serious problems with the effectiveness of human rights as an instrument of progressive political change are in practice likely to render them ineffective in helping identify or enforce a ceiling.

Finally I explore the third route, which might be more accurately seen as a corollary of the first two: can a rights approach help to identify by default behaviour which may legitimately be restricted (since it is not protected as a matter of right) when necessary in pursuit of environmental objectives? If so, could this help to identify a protected ceiling level of resource consumption? I conclude however that various factors, not least problems of empirical uncertainty, mean that this approach is also likely to be undermined in practice. All in all, while the protection of capabilities as rights may well be useful in legitimising consumption floors, a different approach will be required to justify the setting of ceilings.

⁵⁰ For reasons of space, and in keeping with the focus throughout the thesis on non-ecocentric perspectives, I do not consider here ecocentric positions which seek to extend rights to nonhumans (whether animals, ecosystems, or 'nature' in general). This is not intended to deny that, notwithstanding the conceptual problems involved, such approaches may be both intuitively attractive and, potentially, strategically effective. A groundbreaking recent example of such effectiveness is the adoption of "rights for nature" in the 2008 Ecuadorian constitution, which was promoted by indigenous groups, assisted by the US Community Environmental Legal Defense Fund (see CELDF 2008).

4.3 *Capabilities and environmental human rights*

As discussed in chapter 3, implementing the liberal ideal of protecting freedom for all requires securing for everyone the opportunity not only to survive but to live a flourishing life. This may be achieved by securing access for all to the necessary capabilities for functioning (Nussbaum 2000), and thereby to an adequate range of valuable options (Raz 1986). The identification of these capabilities and options must, as far as possible, be based on consideration of real universal human needs. It must be subject to revision through due process, but must also be sufficiently consistent, and move sufficiently far beyond generality, to provide a substantive foundation for more detailed policy-making.

In political terms the creation of such a foundation equates to the explicit adoption of the principle that all human beings should be guaranteed access to these capabilities and options. In legal terms this is clearly analogous or even equivalent to the adoption of a convention of human rights, in that it provides a means of challenge to governmental decisions and policies which threaten or infringe individuals' 'rights' to enjoy these capabilities and options. Such a rights approach represents, as noted in chapter 3, Nussbaum's preferred way forward for the advancement of universal access to core capabilities for functioning. In some areas of life, and some jurisdictions, there are considerable overlaps between this approach and existing legal frameworks. In the area of environmental policy, however, the overlap is not yet large. As already noted, Nussbaum accepts that unlike many of the capabilities on her list there is "not yet an international consensus" around her proposed inclusion of "being able to live with concern for and in relation to animals, plants, and the world of nature" as a core capability for functioning (2000:80, 157). While many of the capabilities on the list closely mirror human rights which are generally acknowledged and widely protected under international conventions

and national constitutions, the desirability of protecting ‘environmental rights’ is far from universally accepted.

Nevertheless, as Hayward (2005:201) points out, a substantial and increasing number of national constitutions *do* include some explicit protection of environmental rights. Critics of mainstream globalisation paradigms such as Wolfgang Sachs (eg 2003, 2007) have more recently embraced the concept of environmental human rights as a means of redressing environmental injustices and advancing the cause of more ecologically sensitive “development” paths. On the environmentalist side, while it is common for green activists and theorists to see the individualism of rights theory as an important element in the perceived anti-ecological bias of liberal democracy, nonetheless many have become enthusiastic supporters of the movement for environmental rights. Robyn Eckersley, for instance, accepts that the recognition of fundamental rights maximises autonomy, and argues that a rights approach based on “a socially and ecologically contextualised notion of autonomy” (1996:224) can not only maintain democratic processes and structures but also benefit the environment. This in her view is because a framework of environmental rights represents a way out of the utilitarian calculus in which “the ‘public interest’ in environmental protection fares particularly badly in the political bargaining processes that characterise ‘actually existing liberal democracies’ ” (ibid.:215). Framing environmental claims in rights terms can “make such claims non-negotiable - or at least, less negotiable than they currently are”:

As Stone (1987:54) points out, ‘We do not conduct a cost-benefit analysis every time someone claims a right to free speech’; this is because the right to free speech is considered sacrosanct, whatever the cost. It serves to “trump” competing claims for utility maximisation (Dworkin 1984). Similarly, whereas the cost of strict pollution prevention (as distinct from incremental abatement) might outweigh the benefits of unpolluted air and waterways on a utilitarian calculus, such costs could not be used as an adequate defence in an action based on the infringement of an environmental right to unpolluted air and water. The introduction of environmental rights clearly has the potential to alter radically the established framework of decision making in favour of ‘the environment’. (ibid.:216)

Eckersley advocates not only substantive rights to environmental resources such as “unpolluted air and waterways” but also comprehensive procedural rights covering areas such as participation in the setting of environmental standards, information regarding environmental risks, and redress in cases of environmental harm (1996:243)⁵¹.

4.4 *Direct protection of environmental rights*

The concept of environmental rights has in fact been promoted by the United Nations since at least 1972, when the Stockholm Declaration announced that:

Man (*sic*) has the fundamental right to freedom, equality, and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. (UNEP 1972)

However this has not to date led to a “right to an environment of a quality that permits a life of dignity and well-being” being enshrined in binding international human rights agreements. Environmental rights are so far explicitly protected at the international level only in the African and Inter-American human rights treaties. The efforts of various groups to introduce them elsewhere, for instance at UN level, or into the European Convention on Human Rights or the EU Treaty, have so far been unsuccessful. A full thirty years after Stockholm, a UN briefing reported that:

Nearly all global and regional human rights bodies have considered the link between environmental degradation and internationally-guaranteed human rights. In nearly every instance, the complaints brought have not been based upon a specific right to a safe and environmentally-sound environment, but rather upon rights to life, property, health, information, family and home life. Underlying the complaints, however, are instances of pollution, deforestation, water pollution, and other types of environmental harm. It may be asked whether or not a recognized and explicit right to a safe and environmentally-sound environment would add to the existing protections and further the international values represented by environmental law and human rights. (UNEP-OHCHR 2002)

51 Shortly after Eckersley wrote this, many such procedural rights were formally granted in Europe by the signature of the 1998 UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (more widely known as the Aarhus Convention) which entered into force in 2001 and had been ratified by 42 states as of May 2009.

Hayward (2005:1) argues for the universal adoption, at “the highest political level, which for practical purposes means the constitutional”, of a less tautologous formulation: the “right of every individual to an environment adequate for their health and well-being”. Since environmental protection is equally important for all human beings, it should be considered a human right. He goes on to claim that this right is in fact so fundamental that if any human rights are to be constitutionalised, then both logic and morality dictate that this one should.

His formulation is taken directly from the 1987 Brundtland report, which proposed a set of legal principles to serve as a basis for a future global convention on environmental protection and sustainable development under UN auspices, starting with principle 1: “all human beings have the fundamental right to an environment adequate for their health and well-being” (WCED 1987).

For Hayward, it is this broad declaratory formulation that should be adopted at the constitutional level. He notes approvingly that such language is indeed increasingly finding its way into national constitutions. For instance section 24 of the 1996 constitution of South Africa goes beyond his recommended formulation, stating that:

Everyone has the right

- a) to an environment that is not harmful to their health or well-being; and
- b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that
 - i) prevent pollution and ecological degradation;
 - ii) promote conservation; and
 - iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Hayward suggests that:

In its actual implementation the right can be cashed out to cover a wide range of environmental issues. ... [It] includes a number of interpretive elements, the extent and mix of which could best be determined at the stage of deciding on actual instruments of implementation. (2005:29)

While he declines to offer any “stipulations about how the right [...] might or ought to be interpreted in specific contexts” (ibid.:31), he does imply that it would in practice subsume the more detailed list of proposed rights put forward in 1994 as “draft principles” by the UN Sub-Commission on Human Rights and the Environment (Ksentini 1994).

These draft principles are reproduced as appendix 3. A full discussion of this fascinating document is not possible here, but it nonetheless serves to illustrate the level of detail involved in cashing out the right to “an environment adequate to health and well-being”. The document posits a substantial and impressive list of rights. This is perhaps to be expected, since it was drawn up with extensive input from “experts and non-governmental organisations” (Ksentini 1994:78) from both the environmentalist and the human rights arenas, and clearly reflects in many areas the interests of civil society rather than state actors. From a political perspective it could be argued that this is, at least in part, why they remain “draft” principles; their full adoption and implementation would require significant changes to existing practice in most, if not all, states.

Nonetheless, even a cursory reading reveals that such a list still represents only the very beginning of the cashing out exercise. Each of the substantive rights in part II alone would require substantial elaboration, and in many cases a major legislative programme, before “actual instruments of implementation” could be arrived at. Effective implementation of a right to “freedom from pollution”, for instance, would require detailed regulations about exactly what levels of which pollutants would be acceptable in what context, and robust

mechanisms for keeping these acceptable levels under continual review. Most states do now have at least some such regulations; but Eckersley is surely correct that the question of whether they would be adequate to protect such a right would set a much stiffer new legal test for them to pass.

The procedural rights in part III would also mean, at the very least, that decision-making on such matters would need to be considerably more inclusive than at present. Many other rights on the list would require similar revisiting of existing legislation, even in states where such legislation existed. Some however, like the right to “protection and preservation of... the essential processes and areas necessary to maintain biological diversity and ecosystems”, might well bring legal enforcement into completely new areas of state and non-state activity.

As suggested above, the UNCHR draft principles perhaps represent something of a maximal interpretation of the basic fundamental right. A wide range of other interpretations would be possible, and it could well turn out in practice that international negotiations would produce a more watered-down version. However, any such interpretation that did not translate into specific and enforceable legal instruments would not represent a legitimate cashing out.

Could the establishment and enforcement of a universal “right of every individual to an environment adequate for their health and well-being” then achieve Nussbaum’s objective, of ensuring for all the capability to “live with concern for and in relation to animals, plants, and the world of nature”? It would of course be silent as regards individuals’ actual levels of “concern” for the non-human world, or their preferred “relationships” to it; but on the face of it, it could if successfully implemented potentially secure the essential background

conditions for the exercise of the capability. No one would be compelled to live in such a way, or in Nussbaum's terms, to exercise the capability; but those who wished to, could do so.

This would require a relatively broad construal of "health and well-being"; but this seems consistent with Hayward's intention, and certainly with Ksentini's. Her draft principle 13, for instance, could almost have been written to give effect to Nussbaum's proposed capability:

Everyone has the right to benefit equitably from the conservation and sustainable use of nature and natural resources for cultural, ecological, educational, health, livelihood, recreational, spiritual and other purposes. This includes ecologically sound access to nature. Everyone has the right to preservation of unique sites consistent with the fundamental rights of persons or groups living in the area.

Rights like this would go far beyond safeguarding the environmental requirements for meeting human survival needs. In the UN context of course such basic needs are already formally protected by other treaties such as the Universal Declaration of Human Rights and associated instruments. For instance Article 11 of the International Covenant on Economic, Social and Cultural Rights declares boldly that "the State Parties to the present covenant recognize the right of everyone to an adequate standard of living for himself (*sic*) and his family, including adequate food, clothing and housing". However, the history of painfully slow progress towards implementing such rights serves as a salutary reminder that there is a world of difference between formal protection and effective implementation. This would certainly be the case with environmental rights, as it has been with others. Even in those countries which have ratified them, the process of cashing out human rights treaties by detailed transposition into domestic law is often far from complete; and of course even the establishment of domestic human rights frameworks does not guarantee that individuals' rights as enshrined in the international treaties will in fact be respected.

This gap between theory and practice may, as we shall see, turn out to be critical.

4.5 *Indirect protection of environmental rights*

In the absence of explicit protection of environmental human rights, to recall the Ksentini report quoted above, what happens under most existing mechanisms is as follows:

[C]omplaints brought have not been based upon a specific right to a safe and environmentally-sound environment, but rather upon rights to life, property, health, information, family and home life. Underlying the complaints, however, are instances of pollution, deforestation, water pollution, and other types of environmental harm.

Current practice in most jurisdictions therefore exemplifies the second approach identified in chapter 3: the indirect protection of environment-related capabilities as instances of, or constitutive of, more generic capabilities which are already formally protected as rights. This is achieved largely by means of what is known in jurisprudence as teleological interpretation (Feteris 2007): the construal of existing legal instruments in such a way as to give effect to the presumed intent either of the actual historic legislator (subjective teleological interpretation) or of an ideal rational legislator (objective teleological interpretation). In the case of environmental rights, this means that courts and judges interpret existing human rights treaties and legislation (which did not, as drafted, include any environmental rights) in such a way as to consider environmental rights to be implicit in, or necessary to secure, existing explicit rights. Had the original legislators been aware of the importance that environmental factors would have in the future as preconditions of individual rights and freedoms, the reasoning runs, they would have included them; hence judges may legitimately interpret the legislation in such a way as to protect them.

The case law of the European Court of Human Rights is widely considered to be the foremost example of this approach to environmental rights. The Court has a substantial and

longstanding tradition of teleological interpretation of the European Convention on Human Rights (ECHR), and this form of reasoning has been applied to a number of significant environmental cases. These cases have tended to reach the Court as claims that article 8 of the ECHR has been infringed. (Cases are sometimes also brought under other articles, eg articles 6 & 2, but with even less success). Article 8 makes no mention of the environment as such but states simply that:

(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

In a celebrated 1994 case (*Lopez Ostra v Spain*) the court awarded substantial damages after ruling that the applicant's article 8 rights had been infringed when a state-subsidised tannery waste treatment plant was built 12 metres from her home in Lorca, Spain. Serious nuisance and health issues eventually forced her to move home. The court found that there had been a violation of article 8(1) since "severe environmental pollution may affect individuals' well-being and prevent them from enjoying their homes in such a way as to affect their private and family life adversely" (paragraph 51). This violation of Article 8(1) was not justified under Article 8(2), since:

[T]he State did not succeed in striking a fair balance between the interests of the town's economic well-being - that of having a waste treatment plant - and the applicant's effective enjoyment of her right to respect for her home and her private and family life. (paragraph 58)

In a similar case in 1998 (*Guerra v Italy*) the population of an Italian village successfully complained about the local government's failure to properly regulate a nearby dangerous chemical works with a history of serious accidents, including an explosion following which 150 people had to be hospitalised with acute arsenic poisoning. It was

held by the Court that the local government's failure to give the local people sufficient information to enable them to assess the risks they and their families might run by continuing to live in the town amounted to a breach of Article 8.

Notwithstanding a large number of subsequent cases, however, since these landmark cases there have been only a handful of successful applications of ECHR article 8 to environmental issues (see eg *Fayadeva v Russia*, *Oneryildiz v Turkey*, *Ockan v Turkey*). The structural obstacles to success are formidable: in particular, the requirements to prove standing, to show adverse impact on the claimant personally, and to show that public authorities bear responsibility for harm caused mean that the vast majority of environmental cases brought under article 8 have failed at early stages (Miller 2003:113).

Even when cases do make it through the preliminary stages and come before the full Court, the results can be very disheartening for environmentalists. One recent (2003) decision (*Kyrtatos v Greece*) held, for instance, that “general deterioration of the environment” could not count as harm to an individual’s interests. Notwithstanding the principles established in *Guerra* and *Lopez Ostra*, the court held that

...the crucial element which must be present in determining whether, in the circumstances of a case, environmental pollution has adversely affected one of the rights safeguarded by paragraph 1 of Article 8 is the existence of a harmful effect on a person’s private or family sphere, and not simply the general deterioration of the environment. [...] [T]he applicants have not brought forward any convincing arguments showing that the alleged damage to ... birds and other protected species ... was of such a nature as to directly affect their own rights under Article 8(1). (paras. 52- 53)

The reasoning here, as in other cases, clearly illustrates the limitations of the requirement to construe environmental issues in terms of individual interests. Showing that the actions of a public authority have resulted in “general deterioration of the environment” is not sufficient: it must be proven in every case that this in turn has resulted in a specific

claimant suffering specific adverse effects amounting to a violation of their rights.

Evidently, as noted by the UN, if environmental rights are to be acknowledged and protected then existing mechanisms and structures are not in practice going to be adequate. The call for the constitutionalisation of explicit and freestanding environmental human rights, as articulated by Hayward, represents the most straightforward attempt to provide a more robust basis for such rights. However reflection on the teleological reasoning reflected in ECHR cases like these not only yields the valuable insight that environmental rights are in fact essential preconditions for many currently recognised rights, but also raises doubts about how effective even explicitly protected environmental rights could ever be in practice.

4.6 *Environmental rights as fundamental – and as unrealisable*

Jan Hancock argues that existing human rights law cannot be properly implemented without the implementation of environmental human rights, since the satisfaction of almost all other human needs ultimately depends on ecological sustainability. Hancock argues that:

[T]wo universal environmental human rights can be imputed... from the existing international law on human rights [...]:

- (1) the right to an environment free from toxic pollution; and
- (2) the right to ownership of natural resources. (Hancock 2003:1)

This does not mean, however, that environmental rights can simply be added to the list of formally protected rights. For Hancock, the chasm between the formal legal recognition of human rights and their actual implementation will not be closed while political decisions are made on the basis of neo-classical “economic rationality”, rather than “ecological rationality”. This, he argues, is highly unlikely under current political circumstances:

Legal stipulations to the contrary notwithstanding, environmental rights will remain unimplemented whilst social power relations favour capitalism

and processes of economic accumulation that are predicated upon the systematic violation of those rights. (ibid.:2)

The formal protection of environmental rights, while necessary and desirable as a matter of principle, should therefore not be expected to result in their actual enjoyment. Law, for Hancock, should be understood as a “manifestation of hegemonic power”:

This politicised function means that law tends to reflect existent power relations in society, rather than determine those relations, problematising its use as a vehicle for social change in general and for the realisation of environmental rights in particular. (ibid.:11)

Thus, in Hancock’s view, decisions such as *Lopez Ostra* and *Guerra*, which go only as far as giving limited redress to victims of pollution when they can be shown to have been personally exposed to disproportionate risk or deprived of appropriate information, are all that can ever be expected under capitalism. A legal framework existing within a capitalist society cannot be expected to implement a robust right to an environment free from toxic pollution, since

Capitalism assumes a consumerist lifestyle for individuals and requires the organisation of society in such a way as to maximise allocative efficiency. This political goal requires generating an optimal level of toxic pollution. These toxic pollutants by definition harm people. [...] The capitalist society is therefore predicated upon violating the harm principle and fundamental human rights, including the right to life, when this is required to achieve conditions of allocative efficiency. (ibid.:136)

Hancock applies this analysis to issues of access to natural resources as well as to those of pollution, and also concludes that it holds at international as well as at nation state level. He contrasts, for instance, the strict enforcement of legal instruments which favour the “beneficiaries of capitalism”, such as international trade rules, with the lax implementation of those that do not, such as international treaties on environmental protection and human rights (ibid.:161).

Hancock draws a sharp distinction between capitalism and liberal political philosophy, and claims that the latter in practice simply provides the former with a veneer of respectability, in the form of a theory of justice which is not in fact implemented in practice. A proper examination of this general claim is clearly well beyond the scope of this thesis. One need not necessarily share Hancock's political perspective, however, to share his doubts about the prospects for the implementation of meaningful environmental human rights within a legal system embedded in a capitalist economy.

In the case of the ECHR, for instance, the same tradition of teleological interpretation which allows the European Court of Human Rights to recognise environmental rights at all also sets strict limits on how far these can be allowed to interfere with the normal running of individual European economies, or of the EU as a whole. While Hancock may be right to see this as a manifestation of hegemonic power, lawyers would be more likely to describe it as the interpretation of European legislation as a coherent and dynamic body of law, aiming at the furtherance of the underlying objectives of the ECHR and the EU Treaty.⁵²

This means that the *telos* envisaged in any teleological interpretation of the ECHR effectively includes aims such as “greater unity between member states” and “effective political democracy” (ECHR, Preamble) – and as Henkin points out, “repeated references [throughout the ECHR] to “a democratic society” imply a particular Western conception of such a society” (Henkin 1990:388). Furthermore, while the ECHR is not formally an instrument of EU law as such it is nonetheless intimately bound up with EU law, and the Court tends to interpret the Convention, where doubt exists, as consistent not only with its own declared objectives but also with the EU Treaty in its most recent form. Thus the *telos* behind the ECHR arguably also includes the “four freedoms” of the Single Market: the free

52 See Acevedo (2000), Lee (2005), and Ryland (2005).

movement of goods, services, capital and persons. This may still not technically equate to the promotion of capitalism as such, but Hancock's assertion is already looking a lot less radical than it did.

Not everyone sees the connection between the ECHR and capitalism as problematic. For instance Marius Emberland, in the context of defending the Court's increasingly common practice of extending ECHR rights to commercial corporations as "legal persons", asserts that:

It would be meaningless to disconnect the Convention's democratic model from core values of a capitalist system since it embraces the value system of the liberal state, in which the company as protagonist of private enterprise has a natural place. (Emberland 2006:42)

This practice has however aroused considerable concern among legal scholars such as Gear (2006, 2007) and Baxi (2006), who argue that the global trend toward granting human rights to corporate bodies as legal persons is not only legally questionable and conceptually problematic, but also deeply damaging in practice to the rights (environmental and other) of actual human persons.⁵³ Echoing Hancock's concerns, Baxi (2006:258) argues that "increasingly, global capital claims a new order of international rights for itself in ways that have profound destructive impacts on the human rights of human beings everywhere". Indeed as summarised by Gear,

Baxi's central accusation is that the new corporation-driven paradigm of human rights seeks to reverse the notion that universal human rights are designed for the attainment of dignity and well-being of human beings and for advancing the security and well-being of socially, economically and civilizationaly vulnerable peoples and communities. The emergent paradigm insists upon the promotion and protection of the collective human rights of global capital in ways that 'justify' corporate well being and dignity even when it entails gross and flagrant violation of human rights of actually existing human beings and communities. (Gear 2007:513)

53 Environmentalists and other campaigners against the power and influence of corporations (eg Spencer 2004) have also mobilised against the attribution of human rights to corporate bodies. In the US, activists have successfully (so far) campaigned for local revocation of such rights (see eg CELDF 2009).

She goes on to note (ibid.:524) that “the disembodiment inherent in ‘legal humanity’ systematically suppresses a crucial distinction between corporations and human beings: *embodiment*”. This abstraction works in corporations’ favour where their interests come into conflict with those of “real” persons, since “material embodiment is the decisive actuality upon which the vulnerability of human beings to suffering (and the relative incapacity for the same order of suffering of corporations) turns” (ibid.:543). This means that in such contexts, as arguably in others, law “works in a way which is far more accommodating to corporate persons than human ones” (Neocleous 2004:164, cited in Grear 2007:524).

Given this background, it seems clear that the European Court of Human Rights is never likely to construe human rights in such a way as to endanger unity between member states, the EU’s “particular Western conception of a democratic society”, or the freedom of movement of goods, services, capital and persons. This in turn means in practice that it would be highly unlikely to endorse any interpretation of environmental human rights that conflicted with the continued growth and further integration of the EU’s market-based national economies. The growth strategies of these economies are premised on increasing individual wealth and resource consumption. Similar (though not identical) arguments apply to other jurisdictions. It seems therefore that while environmental human rights may in this context potentially be implemented in such a way as to help guarantee a floor level of resource consumption, no progress on identifying a ceiling should be expected from this quarter.

Furthermore it seems likely that this would remain the case even if environmental human rights were on paper explicitly and directly protected, as promoted by Hayward and by (at least some parts of) the UN. Whether the mechanism by which it comes about is

understood as hegemony or as politico-legal teleology, the result is the same. The concept of environmental human rights may perhaps be deployed effectively to promote floor levels of resource consumption, to the extent that this is congruent with the broader priorities of the political, economic and legal regime in which the instruments and processes of human rights protection are situated; but it is unlikely in practice to directly legitimise the imposition of ceiling levels.

4.7 *Environmental protection by default?*

Both direct and indirect approaches to the protection of environment-related capabilities and options as rights thus seem, in the end, relevant only to establishing floor levels of consumption, and to have little purchase on the problem of establishing ceiling levels. They are therefore able to make only a limited contribution to the project of identifying a range of acceptable resource consumption levels, and thence a range of sustainable lifestyles compatible with the protection of freedom.

It still remains, however, to consider the corollary of these approaches. The thought here, as discussed in chapter 3, is that if it were possible to identify the overall package of capabilities and options that should be protected (as rights or otherwise) because they are essential for a flourishing life, it could then be persuasively argued that other capabilities and options beyond these *may* when necessary be restricted in pursuit of environmental objectives, without contravening the core liberal injunction to protect personal freedom.

If rights are understood as legally protected capabilities, it is then almost tautologous to assert that no rights are infringed by restricting freedoms *not* required for the exercise of those capabilities considered sufficiently important to be so protected. Translating this into consumption terms, the claim would be that freedom to consume resources at levels *above* the level required for a flourishing life should not be protected as a matter of right. Now,

from an environmentalist perspective, it would clearly be very advantageous to be able to show that the level of consumption required for flourishing could in fact be sustainably available to all. This would establish that “overconsumption” beyond one’s equitable ecological footprint (Wackernagel & Rees 1996) is *not* required for flourishing, and therefore cannot be regarded as meriting protection as a matter of right. This could provide a liberal justification of measures aimed explicitly at restricting individuals’ resource consumption to a sustainable level; that is, a liberal justification for the setting of sustainability-based consumption ceilings. Arguably, in fact, no government could take such measures and remain recognisably liberal *without* such a justification.

But this convenient move cannot be so easily made without considerable further argument. There is no obvious empirical link between the level of resource consumption required for a flourishing life and the level determined by calculating the size of an individual’s equitable ecological footprint. Even if the former could be meaningfully quantified (no easy task in itself), the latter will always be contingent upon many complex and unpredictable factors, including future technologies and future levels of human population. We must surely allow the gloomy possibility that (perhaps in some hypothetical over-populated and/or resource-poor future) an equitable share of the available resources could be very meagre indeed.

Would it then just be mere wishful thinking for environmentalists to claim that a person can live a flourishing life given no more than an equitable, sustainable share of the earth’s resources? To answer this question requires the claim to be unpacked. Certainly, it could be argued that it rests in part on an implicit commitment to justice or even, more specifically, to egalitarianism. But it is not simply equivalent or reducible to a plea for just distribution of resources. It might also plausibly be said to involve an appeal to values of simplicity or

frugality: but this still does not really capture the essence of what is being claimed. The point here is that interpreting the claim as any more than either an article of blind environmentalist faith, or a statement that is merely contingently true (perhaps in times of abundance or low population), requires the positing of a specific *link* between the “required for flourishing” level and the “sustainable” level of per capita resource consumption.

Such a link cannot be derived from empirical quantitative data about either. Nor, I suggest, can it be derived from the starting point that securing the conditions for flourishing lives can be achieved purely by respecting individual rights. This is because it turns out on closer examination that embedded in the claim is a logically prior claim that human flourishing needs to be understood in the context of relatedness and interdependence. Chapter 5 will explore this more fundamental claim and its implications for the reconciliation of sustainability and freedom.

4.8 *Conclusion*

Chapter 3 argued that some form of capabilities approach potentially represented the best hope for liberal environmentalism, since it could in principle provide a consistent framework capable of justifying the protection both of personal autonomy and of the environment-related capabilities and options required for human flourishing. Noting that the institutionalised protection of capabilities translates in practice into a human rights approach, this chapter then examined the potential for an environmental human rights framework to contribute effectively to setting and enforcing the floors and ceilings to resource consumption levels required for the achievement of ecological sustainability. Both direct and indirect protection routes were considered, but it was concluded in both cases that, while these approaches may be helpful in setting floors, practical and political problems make them unlikely to contribute to the justification of ceilings.

Finally a related third approach, ‘protection by default’, was explored, which sought to derive a justification for setting consumption ceilings (at sustainable levels) from the insight that freedom to consume resources at levels *above* the level required for a flourishing life should not be protected as a matter of right. Once again, however, practical problems of uncertainty arose, threatening to undermine attempts to identify either a sustainable or a “required for flourishing” consumption level. Furthermore, and critically, it became apparent that an individualistic rights approach was incapable of demonstrating any link between the two.

5 Autonomy, interdependence and virtue

The conception of a human being as a rights-bearing legal person, inhabiting a defined and (in principle) inviolable sphere of individual autonomy, whose boundaries are policed by the enforcement of a political consensus, has undoubtedly been highly emancipatory in many contexts. As suggested in chapter 4, however, it is nonetheless conceptually ill-equipped to deal with the realities of embodied human lives. Grear notes evocatively that:

Legal individualism and the embodied social individual stand in relation to each other as the thin universalising representation of the mask stands to the complexity and irreducible uniqueness of the human face. The situated, complex, embodied human person is reduced to the hyper-rational universal man of legal and political rights, and '[r]ights are attributed to man (or originate in him) solely to the extent that man is the immediately vanishing ground (who must never come to light as such) of the citizen' (Agamben 1998:128). (Grear 2007:529-530)

The discourse of rights is hampered in dealing with the interdependent and relational aspects of human existence by its tendency to confuse respect for autonomy with respect for *separateness*. This confusion arguably reflects liberal societies' wider valorisation of idealised individualism. As Lorraine Code puts it:

A cluster of derivative assumptions now attaches to ideals of autonomy. Autonomous man is – and should be – self-sufficient, independent, and self-reliant, a self-realising individual who directs his efforts towards maximising his personal gains. His independence is under constant threat from other (equally self-serving) individuals: hence he devises rules to protect himself from intrusion. Talk of rights, rational self-interest, expedience, and efficiency permeates his moral, social and political discourse. In short, there has been a gradual alignment of autonomy with individualism. (Code 2000:77)

Though Code's plea for a more sophisticated conception of autonomy was made in the context of feminist epistemology, her analysis is equally relevant here, since the "alignment of autonomy with individualism" is also highly problematic in the present

context of understanding the relationship between freedom and ecological limits. The predominant cultural privileging of an excessively individualist “hyperbolised autonomy” (ibid.:78) hinders the recognition, valuing and protection of essential *relational* aspects of human subjectivity, and hence of what it is to be an autonomous person. I argue here that in the present context the relevant relationality is not only inter-human (as discussed by Code, and by other feminist writers such as the contributors to Mackenzie & Stoljar 2000) but also includes that between humans and the nonhuman world. Recalling from chapter 3 Deneulin’s worries about Nussbaum’s move away from Aristotelian objectivism towards the justification of the protection of capabilities by appeal to Rawlsian overlapping consensus, and thence to a rights approach, I therefore attempt in this chapter to retrace my steps and seek a different route, better equipped to recognise the essential relationality of the ecologically embedded human person.

Freedom, once understood (as suggested in chapter 3) in terms of the availability of the capabilities and options required for a flourishing autonomous life, can be seen to be far from equivalent to the condition of individualist self-sufficiency described in Code’s evocative caricature. Two core claims of this thesis are, firstly, that some such positive capabilities-based conception of freedom is to be preferred for both theoretical and policy-making purposes; and, secondly, that while the realignment of human societies to achieve ecological sustainability is potentially compatible with the protection of freedom thus understood, it is considerably less likely to be compatible with the protection of freedom conceived negatively as the maximisation of unconstrained self-sufficiency.

In this chapter I offer further support for these claims by considering the critical role of relationship, including in particular asymmetrical relationships of dependence, in the development of the autonomous individual. As argued in chapter 3, autonomy may be seen

as a necessary (but not sufficient) condition for a flourishing life; the development of autonomy through relationship thus turns out, perhaps unsurprisingly, to be a precondition of human flourishing. The aim here then, building on the perfectionist perspectives of Raz and Nussbaum explored in chapter 3, will be to establish a more contextualised and relational understanding of autonomy. In the first half of the chapter I recall JS Mill's views on the development of character, and examine the usefulness of the idea of narrative coherence, in an attempt to flesh out John Benson's (1983) notion of autonomy as a virtuous mean between heteronomy and "arrogant self-sufficiency". The second half of the chapter focusses on the later work of Alasdair MacIntyre (1999), in which the development of individual human beings as "independent practical reasoners" is conceived in explicitly relational terms as being intimately connected to the recognition of dependence. Acknowledgement of dependence, for MacIntyre, is in fact "the key to independence" (1999:85). MacIntyre frames this argument in terms of neo-Aristotelian virtue theory, arguing that the development of independent rational agency requires cultivation of "the virtues of acknowledged dependence". Finally I argue that this reasoning can and should be extended to consider relationships between human beings and the nonhuman world. This sets the scene for chapter 6's exploration of the conceptual and strategic implications of considering ecological sustainability within such a virtue theory framework, critically examining the concept of 'ecological virtue' and the potential usefulness of this concept in justifying resource consumption ceilings.

5.1 *Autonomy as a virtue*

John Benson has argued that autonomy itself may usefully be seen as a virtue, in the sense of a balanced mean condition between two vices. On the one hand there is the vice of deficiency, equating to heteronomy, being entirely governed by the will of others; on the other the vice of excess, which we might call acting as if one were an island. This is a condition for which we have no common name. Benson suggested it could be described as

solipsism, evoking an image of the wilful disregard of the existence of others. More accurately, he also suggested “arrogant self-sufficiency” (1983:5). This is a better characterisation, because what is being disregarded in such a condition is, in fact, not others’ existence but one’s interdependence and relationships with others, and thus important elements of one’s own identity. On such a view, if a society is to promote autonomy by protecting the conditions necessary for its development, it is the virtuous mean between heteronomy and arrogant self-sufficiency which should be nurtured. There is no moral or political obligation to promote or facilitate the vices of excess (“arrogant self-sufficiency”) or deficiency (heteronomy): on the contrary, social arrangements conducive to human flourishing will discourage both vices.

John O’Neill (1998) contrasts Benson’s virtue theory model with the more commonly encountered false dichotomy between autonomy and heteronomy. This apparent dichotomy is implicit both in simplistic liberal accounts of the “unencumbered self” (Sandel 1998) and in communitarian arguments against individualism such as that of MacIntyre:

From the standpoint of individualism I am what I myself choose to be. I can always, if I wish to, put in question what are taken to be the merely contingent social features of my existence. (MacIntyre 1985:220)

MacIntyre argues, against this standpoint, for an understanding of personal identity (and thus of individuals’ moral commitments) as constituted by the familial, social and historical context of a person’s life. What constitutes a good life for a particular individual is, from this communitarian perspective, determined in large measure by reference to the goods, traditions and practices of the community (or communities) to which that person belongs.

O’Neill is largely sympathetic to this view, but is concerned that it

appear[s] to embrace an indefensible form of heteronomy in which individuals find themselves simply defined by a history and tradition from which no proper distancing is possible. It is one thing to reject a picture of the self who free floats trying on different identities at will. It is another to defend a self who unreflectively embraces that historical constitution they find themselves born into. (O’Neill 1998:75)

Communitarian (and some feminist) critiques of liberalism, says O'Neill, are "misdirected if aimed against the value of autonomy as such" because when so directed they "accept a particular misconception of the autonomous agent that is being assumed". This need not be so, however: such critiques are "quite compatible with the value of autonomy understood as a condition of having an identity or character", and can in fact provide "an account of what autonomy in this sense involves and a diagnosis of what is wrong with the "unencumbered" account of the virtue" (ibid.:75-77).⁵⁴

5.2 *Autonomy, character and identity*

Understanding autonomy as a virtue, then, clarifies the fact that neither the person who "tries on different identities at will" nor the person who is entirely defined by history and tradition has genuinely developed an autonomous character. Indeed in such extreme cases, it could be argued (as noted in chapter 3) that in JS Mill's terms neither has developed much of a character at all:

A person whose desires and impulses are his own - are the expressions of his own nature, as it has been developed and modified by his own culture - is said to have a character. One whose desires and impulses are not his own, has no character, no more than a steam engine has character. (*On Liberty* III.5)

As argued in chapter 3, Mill's Aristotelianism is evident here. The picture is a clearly teleological one. The characterful individual is seen as self-governing; his desires and impulses are his own. These are neither arbitrarily chosen nor externally imposed but express his own (apparently for Mill somehow innate) "nature", as developed and modified by culture. Character in this Millian sense is clearly something that develops over time. Both for the good of individuals, and for the good of society as a whole (which is as he goes on to say later in the same paragraph, "better for containing many persons who have

⁵⁴ See Barclay (2000:56-58) for a discussion of the differences between feminist and communitarian perspectives on relational autonomy.

much character”), a key duty of government for Mill is to facilitate this process, and thereby to facilitate the development of characterful people. This underpins his more famous injunction that within the parameters of the harm principle, they should remain free to act on their own desires and impulses, in accordance with their character: this, effectively, is what it is to preserve their liberty.

Mill’s concept of character is closely connected to what we might now refer to as a person’s identity, where the term denotes something more than formal or numerical identity. In some contexts we may ‘identify’ a person simply as a name (even sometimes as a number), or a list of physical characteristics. But in such cases we are effectively establishing their identity as a physical object, confirming or denying that the object before me is object A, or that object A and object B are ‘identical’ in the sense of being, in fact, one and the same thing. However when we ask about their identity as a *person* we usually expect an answer in psychological, sociological and historical terms. Physical characteristics are part of the picture, but so are ethnicity, class, gender and so forth. Even this is not enough though: to have a proper picture of a person’s identity we arguably need to know where and how their life began, and what has happened to them in their life to date. We need to know, as Mill would have it, about their character: that is, both about their “own nature”, and about how this has been “developed and modified by culture”. We may plausibly say that we need, in fact, to know the story of their life.

MacIntyre argues that even in the realm of abstract philosophical enquiry it is impossible to make sense of the tricky questions of personal identity (such as “what is it about me that makes me the same person now as I was twenty years ago?”) without reference to character.

There is no way of founding my identity - or lack of it - on the psychological continuity or discontinuity of the self. The self inhabits a

character whose unity is given as the unity of a character. (MacIntyre 1985:217)

To have a character, and thus an identity, therefore implies being “the subject of a life that has some narrative unity, which is such that it is possible to tell a coherent story of its unfolding” (O'Neill 1998:79). As already noted, this cannot necessarily be said of all lives:

To have an identity involves moving in a mean between two conditions: on the one hand, allowing oneself to live a life for and defined by others, without reflection: on the other, of living a life as if it consisted of endless choices, in which one could in the post-modern jargon ‘play’ with different identities. (ibid.:77)

Mill would I think agree with O'Neill here, notwithstanding his advocacy of “experiments of living”:

As it is useful that while mankind are imperfect there should be different opinions, so is it that there should be different experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them. It is desirable, in short, that in things which do not primarily concern others, individuality should assert itself. Where, not the person's own character, but the traditions of customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness, and quite the chief ingredient of individual and social progress. (*On Liberty* III.1)

As this quote makes clear, by “experiments of living” Mill means *not* experiments with different identities, but attempts to live out “modes of life” conducive to one's *own* substantive identity or character. He is certainly arguing against heteronomy, but not in favour of denying or escaping one's character. It is also worth noting that his toleration of experiments of living stops “short of injury to others”; that is, it is still explicitly limited by the harm principle.

The freedom worth protecting, then, is not the freedom to play with different identities, nor the freedom to “live a life for and defined by others”, but the freedom to fully express one's own developing identity over time, to continue one's existing life in some

meaningful way that is determined neither by coercion nor by arbitrary choice but by *who one is*. To be genuinely free, I must be free to be myself.

5.3 *Freedom, identity and coherence*

The vicious character trait of excessive autonomy or “arrogant self-sufficiency”, then, can develop through a failure to recognise the situated and relational nature of our individual identities. Only if I am not concerned with maintaining a consistent identity can my choices be in any non-trivial way unlimited: if I am to act ‘in character’ my range of potential actions in a given situation will be relatively narrow, irrespective of external constraints. If, however, I make the mistake of seeing human beings solely as discrete atomistic entities, neglecting the contribution of my relationships to the constitution of my identity, I can be easily misled into thinking that the range of choices I can make while remaining meaningfully myself is wider than it actually is.

It is clear that the freedom to express one’s personal identity through genuinely autonomous action is a precondition for human flourishing. This is the fundamental freedom which, as Mill wanted us to, we should organise our societies in such a way as to protect. Conversely it is not apparent that freedoms to act in ways which are *not* significantly constitutive of identity (and thus of autonomy) merit the same level of protection. To deny a person the opportunity to act in some new way that ignores everything their life has hitherto consisted of thus seems at first sight considerably less of an injustice than to deny them the opportunity to continue the coherent pattern of their life.

A moment’s reflection, though, reminds us that in the real world there are many examples of lives which people want or need to escape from for very good reasons. Often, in fact, this escape will be an important part of the development of an autonomous

character, precisely *because* it involves breaking through the oppression of unjust or discriminatory social structures and abandoning or redefining abusive or otherwise problematic relationships. As Mackenzie and Stoljar (2000:23) put it, “in oppressive social circumstances, achieving autonomy may require the rejection of oppressive social relationships”. This is the point of O’Neill’s (and others’, eg Barclay 2000) worries about MacIntyre’s communitarianism: we must surely protect the freedom of those who “unreflectively embrace that historical constitution they find themselves born into” to change or escape that constitution if they *do* reflect on it and find it to be oppressive. More generally, while continuity is an important element of human life, change is clearly not intrinsically undesirable.

This important qualification however does not completely undermine the idea that some freedoms meaningfully affect my ability to be ‘who I am’ while others do not, and that for this reason the former are the more valuable. At this point it is helpful to recall Raz’s insight that autonomy requires not only independence of mind but also an adequate range of options. People who are genuinely escaping from oppressive social contexts are doing so not in order to experiment with different identities, but because they are in some significant way unable to express their *own* developing identity within their existing situation. The conditions for their autonomy are not fulfilled: they cannot truly ‘be themselves’, because they do not have an adequate range of options. Insofar as we champion their cause, we do so because we recognise, on the basis of their testimony but also often as a matter of empirical fact, that their free expression of their identity is inhibited by the inadequacy of their options. This is (at least in theory) the reasoning behind practices such as granting asylum to persons at risk of persecution in their own country for their ethnicity, gender, sexual orientation, or political convictions.

There are nonetheless cases in which the person's cause is less likely to be championed, because there is doubt about whether their range of options is really inadequate. To take a relatively trivial example, a young boy whose reaction to his parents' refusal to buy him an expensive and widely-marketed new computer game is to consider himself a victim of great injustice, and to run away from home, would probably be considered mistaken in his implicit assessment that his options are rendered inadequate by the lack of the game. While he has indeed been denied a particular course of action which he would have preferred to take, reasonable adults (including his parents) might justifiably seek to persuade him that despite the marketing and peer pressure, possessing and playing the game are not in fact essential prerequisites for a flourishing autonomous life.

In Raz's terms, it seems likely that the boy's range of options can in reality be adequate without the new option to play the game, and that the lack of it therefore does not compromise his autonomy. In Nussbaum's terms, while playing the game might constitute a new way of exercising a valuable capability, other ways of doing so are available. To translate these back into considerations of identity, the parents' implicit message is that possessing and playing the new game is not in fact as important a development of his identity as he believes. Convincing him of this (which may of course not be possible in practice) will require discussion not only of the intrinsic merits of the game, but of his developing identity: the conversation will centre on just what it is that he believes it would add to his life, and on where this belief originates. It might of course emerge through such discussion that the parents' assessment of the situation is incomplete or mistaken: perhaps, for instance, missing out on playing this landmark new game *now* really will seriously compromise the boy's chances of fulfilling a considered and cherished ambition to become a game designer in the future. In such a case an argument might perhaps be made that he is being deprived of a genuinely valuable option. Unless some such exceptional

circumstances are present, however, it is likely that the parents' original judgement will stand, and the boy's assessment of the impact on his range of options will be revealed as mistaken. The wider point here is simply that it is possible for there to be *dispute* about whether a particular option is genuinely indispensable to the development of a particular individual's identity and, furthermore, that the individual concerned is not necessarily the final arbiter of such dispute. I will return below to the question of the roles of 'significant others' in such disputes: it will suffice for now to flag up that as social beings we do not cease to need the guidance of others when we leave childhood.

From this perspective then, the key factor when considering the value of some new option for a particular person is not its novelty as such, nor some arbitrary presumption against or in favour of change, but the potential of the new option to contribute to the person's development and expression of their identity, and thus its importance for their autonomy. This throws a new light on the apparent dilemma raised above, about the relative values of the freedom to continue a coherent life-plan and the freedom to adopt a radically new way of life. If we value continuity (at least in part) because of its importance for the expression of character and identity then it is surely open to us to value change for the same reasons where appropriate. We value the freedom of the persecuted political asylum-seeker to start a new life abroad, in which they are able to live according to their deeply held convictions, for essentially the same reason that we value the freedom of the fifth-generation farmer to remain on their traditional smallholding: both are attempting to pursue a life which expresses and develops their identity. In both cases, to restrict their freedom to pursue such a life would (in the absence of compelling countervailing factors) be likely to be illegitimate because it would endanger their autonomy.

Cases like that of the asylum-seeker, though, are unusual. In fact they underline rather than undermine the original intuition that there is something more valuable about the freedom to continue with a coherent life than the freedom to arbitrarily or frivolously choose a new one. They do so because in such cases, although there is a dramatic change in the physical circumstances or events of the person's life, it is a change which *makes sense* in the context of that life. The twisting narrative of the asylum-seeker's life is one that we can understand, if we know enough about the earlier parts of that narrative, that is to say, about their identity. The narratives of most people's lives, however, contain few if any such dramatic twists. It is therefore reasonable and justifiable to question, when we come across such a radical discontinuity, whether the person in question is genuinely expressing their developing identity (or as Mill would have it, their character), or whether they are in O'Neill's terms "playing with different identities". Only in the former case is it likely to be true that the freedom to pursue the new activity or situation is genuinely constitutive of the person's autonomy.

The distinction will not always be easily made, however. Furthermore, consideration of difficult cases reveals a third possibility. Consider for instance cases of sudden ardent conversion to a religion, a cult, or a political cause. These may be genuine new expressions of an individual's developing character ("when I found the church I knew straight away it was where I belonged"), or experiments in "playing with identities" ("I just wanted to see what it felt like"). But there is also another possibility, all too common in such situations: the convert may have been subjected to some form of psychological manipulation. There is no clear or universal answer to the question of whether friends and family are justified in attempting to "deprogramme" such people, but it is clear that there can be considerable room for doubt in such cases as to whether the freedom to continue their new life is really constitutive of their autonomy.

5.4 *Coherence and sustainability - freedom to fly?*

To return to sustainability, consider now how environmental policies designed to restrain growth in short-haul air travel, such as carbon rationing or taxes on cheap flights, might be defended against the objection that the policy constitutes an unwarranted infringement of people's freedom to travel as they please.⁵⁵ The arguments considered above suggest that people's *reasons* for taking a particular flight are relevant to the importance *for them* of the freedom to do so. What role the flight plays in the wider narrative of their life is therefore an important factor in determining the seriousness of the infringement of freedom involved in making it harder (or impossible) for them to take it.

On this view there will be a significant difference between the impacts on, for instance, an agricultural worker who has recently started flying to Poland twice a year to see her children, from whom she is separated while working in the UK, and on a well-paid professional who has recently chosen to take two skiing holidays in the Alps every year. Despite the obvious risk of oversimplification, it seems reasonable to suggest that cases like the latter will often fall into the "playing with identities" category, while the former may well be a genuine case of a person for whom this new option of cheap air travel is one which allows them to continue the pre-existing narrative of their life. If this is taken to be so, then only in the former case will the freedom argument carry much weight. If it then turns out (as environmentalists claim⁵⁶) that a great many purchasers of cheap flights are in

55 Freedom-based objections to such policies should be distinguished from objections questioning (on empirical grounds) the necessity or efficacy of constraining air travel for environmental reasons. No argument is offered with regard to the latter: I take it as read here that the scientific arguments underpinning the claim that such constraint is required for environmental reasons (such as climate change mitigation) are sound.

56 Typical here is George Monbiot who, having quoted figures from the Civil Aviation Authority showing that higher income groups make up most of the recent growth in air passenger numbers (see also Cahill 2007:93-4), goes on to say:

I have the estimated figures for [Ryanair's] spending on newspaper ads in 2007. They show that it placed nothing in the Sun, the News of the World, the Mirror, the Star or the Express, but 52% of its press spending went to the Daily Telegraph (30). Ryanair knows who its main customers are: second-home owners and people who take foreign holidays several times a year. (Monbiot 2009)

the latter category, then the overall weight of such arguments will be correspondingly reduced.

It can also be argued that the upward pressure on expectations of mobility caused by commercial marketing may, in at least some cases, constitute psychological manipulation that leads individuals to make unreasonably inflated assessments of the importance for them of taking a particular flight.⁵⁷ This issue is certainly relevant to the regulation of airline advertising, but also becomes relevant to the regulation of flying itself, once “freedom to fly” is considered, as here, in terms of the contribution of a particular flight to a particular individual’s autonomy and flourishing.

There will of course still be cases, perhaps including the Polish agricultural worker, in which interference with the freedom to fly really will significantly impact on an individual’s autonomy. This suggests that, whatever regulatory mechanism is chosen, it is likely that some exceptions will have to be made where good reason can be shown. I do not intend here to underestimate the formidable political and practical problems likely to be entailed by any system in which people have to submit their reasons for flying for assessment by some official body. Nonetheless these might turn out to be lesser evils than the impacts of a blunter regulatory instrument which stopped people flying when they really did need to. An optimistic view of this dilemma would be that such arrangements might be necessary only for a transitional period: once the environmental problems associated with excessive flying are considered in terms of *why* people fly, the longer term policy aim would presumably be to create conditions under which the genuine need to fly arose less often. This might for instance entail measures aimed at increased localisation of economies, reducing reliance on international movement of both goods and labour, leading in the future to fewer people being put in the Polish woman’s predicament.

57 The issue of upward adaptive preferences, manipulated or otherwise, is discussed further in chapter 7.

It is worth restating here, once again, that none of this can justify arbitrary interference with freedom where such interference serves no greater purpose. The harm principle, properly understood, stands unaffected by these considerations. But this does not undermine the basic point that some freedoms are more deserving of protection than others, and that one important criterion in telling the difference will be the role played by the freedom in question in allowing particular people to preserve the narrative coherence of their life, and thus to protect the conditions of their autonomy, which in turn will allow them the possibility of flourishing.

Another important complication arises at this point, however. What about narratively coherent but unsustainable lives? In the case of aviation, what should we make of the person who says “but I’ve always gone skiing in the Alps twice a year, ever since I went with my family as a child!”? Arguments about the coherence of a life seem to go *against* the environmentalist seeking to justify the restriction of the freedom to fly in such cases - and there will be a lot of such cases in countries like the UK. Distributive justice arguments obviously apply here as well, but it is ecological considerations that make them bite. The problem of unsustainable consumption levels is precisely about the fact that it is not ecologically feasible to address distributive injustice by mainstreaming the lifestyles of the rich and privileged.

The position will therefore need to be refined, to support the claim that while such lives do seem to have narrative coherence, this does not necessarily mean that the freedom to continue them unchanged should be protected. It will not do however to simply state that the value of this freedom is somehow trumped by the fact they are ecologically unsustainable. Unless we are to simply abandon the attempt to protect the conditions for

autonomy and declare *tout court* that sustainability objectives can justify infringing them, we will need to say more about just how the narrative coherence of a life contributes (or not) to the autonomy we wish to protect. We will also need to say more about the specific relationship, if any, between such coherence and ecological sustainability. We have already seen (as in the case of the asylum seeker) that even major changes in an individual's established lifestyle or habits need not necessarily be detrimental to the narrative continuity of their life, and can indeed sometimes be a means of preserving it. Here, however, we are talking about more challenging cases, involving changes which the individual does not wish to make, and may well see as detrimental. It seems inevitable that justifying the imposition of such changes as compatible with respect for autonomy will involve contradicting the individual's view of what is important for the coherence of their life.⁵⁸

This may at first seem unlikely to succeed: after all, can I really be wrong about what constitutes the coherence of my own life? The idea of coherence, however, is not exhausted by the consideration of narrative continuity within a life. Each person's life is indeed a story in its own right, but it is also a part of many bigger stories, both social and ecological. As Warwick Fox (2006) notes, these larger-scale narratives can in turn also be more or less coherent, and individual and collective human actions can affect this. The remainder of this chapter will explore the relationship between individual autonomy and these bigger

58 This is of course another point where the perfectionism intrinsic to the present thesis becomes apparent. In suggesting that the pursuit of conceptions of the good life that appear in practice ecologically unsustainable be restricted by (for instance) imposing some kind of consumption ceilings on goods like flights, I am not seeking to deny anyone a good life, but to promote an alternative conception of the good life. At least one of the following claims is implied:

(a) that the good life is one which (among other characteristics) is lived in accordance with principles of distributive justice AND that (empirically) there is enough ecological space available for everyone to live a flourishing life if it is fairly shared out; or

(b) that the good life is one which (among other characteristics) involves acknowledging both principles of distributive justice and human ecological interdependence, and adjusting the amount of ecological space one takes up accordingly.

Although my intuition is that (a) may well be true, as noted at the end of chapter 4, demonstrating this would require a formidable amount of empirical evidence. I do not attempt this here since, as will be clarified in subsequent chapters, the position I seek to defend is a version of (b).

pictures.⁵⁹

5.5 *Dependent, Rational...*

If we were to ask just what it is that gives a person's life coherence, the answers we received would be likely to contain a lot of references to their relationships with other people, with society at large, with certain places, and so forth. As already noted, to a large extent my identity, and thus the continuity of my life, is defined by my relationships, and hence their maintenance and development is a core determinant of whether my life can be said to be going well. Many of the basic capabilities on Nussbaum's list have to do with functioning in ways that involve the constitution of identity by relationship, including asymmetrical relationships of dependency and care. Equally in Raz's terms, an adequate range of options will certainly include options to enter into, continue and develop meaningful relationships.

In *Dependent Rational Animals* (1999), Alasdair MacIntyre takes up this theme, pointing out first that, as we have seen, autonomy is seriously misinterpreted if equated with self-sufficiency. Rather than approach the question by considering autonomy as a virtuous mean, however, he takes a subtly different route. He begins by observing that there are many times in all our lives when we owe our survival, let alone flourishing, to the caring actions of others: yet this does not make us any the less autonomous. Our personal identity is in fact constituted in large part by our places and roles in the "networks of relationships of giving and receiving" that make up real human communities. Our development as independent practical reasoners, and thus as flourishing autonomous adults, relies on our understanding and acknowledgement of our dependence, and our practice of the virtues

59 Fox argues that we should in fact regard the relational quality of "responsive cohesion" (as exhibited paradigmatically by a "healthy" ecosystem, but also potentially within a life, in interhuman relations, and in well-designed built environments) as a fundamental ethical value. This ambitious argument is in my view an attractive one (though not without problems: for a succinct critique see Spector 2009), but I do not rely upon it here.

that this entails.

MacIntyre here consciously parts company with Aristotle who, reflecting the values of his own culture, placed great emphasis on the ‘manly’ virtues of self-sufficiency. This, says MacIntyre, is why Aristotle’s account of the virtues does not include any account of what he (MacIntyre) christens “the virtues of acknowledged dependence” (1999:9). MacIntyre observes (ibid.:6-7) that Aristotle here exemplifies a long tradition in moral philosophy of seeing obviously dependent persons such as the young, the old, and the seriously disabled as “them”, not as fully autonomous moral subjects but merely as objects of benevolence.

This false dichotomy between autonomy and dependence reflects, for MacIntyre, a “failure or refusal to acknowledge adequately the bodily dimensions of our existence” (ibid.:4), an attempt to distance ourselves from our “mere animality”, which is still prevalent despite our more recent theoretical acceptance of our evolutionary origins. He approvingly quotes Merleau-Ponty’s celebrated dictum “I am my body” (1962:206, quoted in MacIntyre 1999:6)⁶⁰, and also claims that Aristotle, despite his over-privileging of self-sufficiency, understood that practical rationality (*phronesis*) is itself an animal property, not an exclusively human capacity that separates us from animals (MacIntyre 1999:4-5). We are a lot like other intelligent animals: “human identity is primarily, even if not only, bodily and therefore animal identity, and it is by reference to that identity that the continuities of our relationships to others are partly defined.” (ibid.:8).

The virtues needed to develop from our initial animal condition into independent rational agents are in fact the same virtues needed to confront and respond to vulnerability and disability: these are the distinctive virtues of dependent rational animals. Dependence,

60 For relevant further discussion of Merleau-Ponty see Ingold (2000:168-170), Abram (1996:44-72), and Carolan (2009).

rationality and animality must be understood in relation to each other in order to arrive at an understanding of what it is for a human being to flourish:

[T]he virtues of independent rational agency need for their adequate exercise to be accompanied by the virtues of acknowledged dependence... failure to understand this is apt to obscure some features of rational agency. Moreover both sets of virtues are needed in order to actualize the distinctive potentialities that are specific to the human rational animal. (ibid.:9)

More generally:

What it is for human beings to flourish does of course vary from context to context, but in every context it is as someone exercises in a relevant way the capacities of an independent practical reasoner that her or his potentialities for flourishing in a specifically human way are developed. So if we want to understand how it is good for human beings to live, we need to know what it is to be an excellent practical reasoner, that is, what the virtues of independent practical reasoning are. (ibid.:77)

This knowledge must include, he says, what it is for the others who play a part in the process of an individual's development to perform their part excellently: we need to know "what the virtues of caring and teaching are and how they relate to the virtues of the practical reasoner" (ibid.:77). In order to actualise our potentialities, and thus to flourish, we have to develop our powers of independent practical reasoning, aided by those around us. This transition to making our own independent practical judgements is threefold, including firstly the development of the ability to evaluate reasons and hence change our reasons for action, and thus our actions. This can be impaired by many factors including disability or upbringing. The second element is the development of the ability to "stand back from desires" – this also depends heavily on input from others and on the development of sophisticated relationships with them, both for our initial socialisation and because we do need others to a greater or lesser extent to satisfy our needs, both physical & psychological. Thirdly, we must "[move] from awareness only of the present to awareness informed by an imagined future" – that is, develop the ability to envisage different sets of goods to be achieved and different modes of flourishing. Again, this development is

“vulnerable to a range of threatening contingencies”, especially with regards to sickness and disability. “What disability amounts to depends not just on the disabled individual but on the groups of which that individual is a member.” This is also true of non-physical deprivations. For instance, expectations inculcated in a child can be either over-optimistic or over-pessimistic. (ibid.:72-76)

Significant failure in any one of these three, on the part of the individual or of the teachers (including parents) will be liable to produce or reinforce failure in the others. We cannot adequately develop as independent practical reasoners in isolation. Nor can we simply be given a set of formulas to follow, since “knowing how to act virtuously always involves more than rule-following” (ibid.:93): going beyond rule-following requires the exercise of practical reasoning, which must itself be learnt. Thus even where rules can be formulated, we will always begin by needing someone to teach us which rules are applicable in which situations:

We become independent practical reasoners through participation in a set of relationships to certain particular others who are able to give us what we need. When we have become independent practical reasoners we will often, though not perhaps always, have acquired what we need, if we are to be able to give to those others who are now in need of what formerly we needed. We find ourselves placed at some particular point within a network of relationships of giving and receiving in which, generally and characteristically, what and how far we are able to give depends in part on what and how far we have received. (ibid.:99)

Discussion of how these transitions occur leads MacIntyre to his major conclusion that “acknowledgement of dependence is the key to independence” (ibid.:85). The truth of this statement is applicable, for MacIntyre, not only in psychoanalysis and developmental psychology but in the broader context of lifelong human moral and intellectual development. He argues that it is precisely, and only, through fully understanding and accepting our dependence and developing the virtues of acknowledged dependence that we can come to understand just what it is to be *independent*.

Crucially, all this is not only about raising children and caring for the unusually dependent. Even as independent adults we “continue to the end of our lives to need others to sustain us in our practical reasoning” (ibid.:96). We may go astray through intellectual error, but also through moral error such as unwarranted projection or plain insensitivity. In fact “our intellectual errors are often, though not always, rooted in our moral errors. From both types of mistake the best protections are friendship and collegiality” (ibid.:96). We rely on friends, family & expert co-workers to make us aware of mistakes and shortcomings in our practical reasoning. This does not of course rule out reaching, defending and acting on original conclusions: but it does mean that we need good reasons for doing so (ibid.:96-7). We help each other to develop our unique identities, for none of us could successfully do it alone, and in so doing we further develop our own. In fact, says MacIntyre with a nod to Wittgenstein: “I can be said truly to know who and what I am only because there are others who can be said truly to know who and what I am.” (ibid.:95)

5.6 ...*Animals*

Turning from rationality and dependence to animality, MacIntyre is keen to stress the developmental similarities between humans and other animals. We have, he says, “a first animal nature and in addition a second distinctively human nature” (ibid.:50). While our development as independent practical reasoners, and thus as flourishing adult humans, is unique to us as creatures with highly developed rationality, it is similar in kind to the development and flourishing of other animals, particularly sociable animals, and especially those closest to us such as primates and other large mammals. While Thomas Nagel (1974) may have been right to claim that we cannot know what it is like to be a bat, MacIntyre claims (1999:58) that we do have at least some idea of what it is like to be a gorilla.

The similarities are both environmental and social. All animals need food, warmth, shelter, and so forth, and as infants or vulnerable adults we are dependent on others both for provision of these necessities and for the maintenance of our place in the social structure which determines our access to them. But beyond this there is also the level of education and socialisation into understanding the goods of the group. In particular, MacIntyre draws (ibid.:21-28) on scientific studies of dolphin behaviour to show that we do not have a monopoly on complex social structures, networks in which the individual has a “right place”. The good of the group, and the nature of its complex relationship to the good of the individual, is not only something vital for flourishing in both species, but also something which not just for humans but also for dolphins must be learned – and which can only be learned by being taught.⁶¹

What constitutes flourishing for a dolphin, a gorilla, or a human will undoubtedly look different: but there is nonetheless a common meaning, particularly since we are, all three, social animals. Whether for individuals or for populations, evaluations of flourishing are made on the facts. Such evaluation certainly involves identifying characteristics of individuals, but remains incomplete without an understanding of the good both of the individual and of the group. These social considerations are critical, not only for informing debates about how we should treat other animals, but for understanding ourselves.

There is however, though MacIntyre deals with this only in passing, an even more fundamental similarity between us and other animals. Whether an animal population can plausibly be said to be flourishing, and to have good prospects of continuing to do so, will

61 Our most unique feature, the use of complex language, also comes under the spotlight. MacIntyre attacks those who claim that because other animals do not use language they cannot act for reasons. We should beware, he says, not only of assuming too easily that other species do not use language, but also of making too much depend on language and overlooking the importance of prelinguistic reasons for action. He also argues (ibid.:43-51) that Heidegger was wrong to say that animals cannot perceive something “as” something else. Heidegger, says MacIntyre, made it too easy for himself by failing to consider the interesting and intelligent animals. He also overemphasised the importance of language: the fact that we cannot imagine how animals apprehend things does not mean they do not or cannot do it.

depend not only on the health (broadly construed) of specific individuals, or even of the group, but will extend to an ecological analysis of the integrity and resilience of the ecosystem(s) of which their habitat forms a part. Despite our huge variety, we are all vulnerable physical creatures who flourish only in particular physical conditions, in particular relationships to certain other life-forms and environments. Could MacIntyre's concept of "virtues of acknowledged dependence" then be expanded to consider what virtues might be associated with the acknowledgement of these wider relationships? In the context of inter-human dependence, MacIntyre suggests, the virtues of acknowledged dependence cluster around care, justice and generosity (ibid:119-128). Their possession and exercise allow us to understand and discharge our own responsibilities as a member of a community, a network of giving and receiving. But beyond this, the exercise and transmission of these virtues also maintains the coherence and integrity of these networks, of the social arrangements within which our individual flourishing lives unfold. Chapter 6 will attempt to find a parallel to this structure at the ecological level, and thereby to identify 'virtues of acknowledged ecological dependence' whose exercise tends to maintain the coherence and integrity of the natural environment, or at least of those features of it we depend on.

Human adaptability is not unlimited. We need clean air and water, wholesome food, warmth and shelter: but we are more fragile even than this suggests. As we are only now discovering, our healthy development relies on the presence of some elements and complex biochemical compounds, and on the absence of others. Endocrine-disrupting anthropogenic chemicals released into groundwater, for instance, seem to be causing a worldwide decline in amphibian populations (as fewer healthy males are born): in humans, they may well be associated with delayed puberty in boys, and early development in girls.⁶²

⁶² See Beebe & Griffiths (2005); Hayes et al. (2002); Nebesio & Pescovitz (2007); Den Hond & Schoeters (2005).

It is an inescapable and self-evident feature of our physical embodiment that we are dependent not only on other humans, nor only on the other discrete species and natural resources we make instrumental use of, but on a certain level of healthy and stable functioning of our ecological environment as a whole. It has become equally clear that, due to consequences of our own actions, this can no longer be taken for granted.

The picture is further complicated by the fact that, for a given individual, not just *any* bit of ‘healthy human habitat’ will necessarily do. Relationships with specific *places* often play an important role in constituting personal identity, and an equally important role in maintaining community. The loss or degradation of a local environment can have consequences beyond its strictly ecological impact. This consideration leads into the substitutability debate in the literature of sustainability (discussed in chapter 1), but there is also an important point here about how we *differ* from other animals. Places, and qualities of places, matter to people for all kinds of reasons and help constitute their identity: their destruction or degradation can unquestionably have an impact on our flourishing, both as individuals and as communities.⁶³ In a sense this is even more true of other animals. For instance, the identity of a sheep from one of the hefted flocks culled from the Cumbrian fells during the 2001 foot and mouth outbreak could be argued to be at least as bound up with place as any human. But our rationality and our unique propensity to consciously manipulate our environment bring another layer of complexity.

We as humans are accustomed to seeing ourselves as highly adaptable and capable of living in many different environments: but in fact outside a fairly narrow range of conditions we can do this only by employing our technological aids to replicate the conditions our bodies require. Even if the requisite technologies functioned perfectly and

63 See Albrecht 2005 for discussion of “solastalgia”, the substantial mental and emotional problems associated with the common modern experience of the literal loss of loved places.

were freely and universally available, it would remain very much open to question whether or not a life in a replicated environment could ever really be a flourishing one. Our rational nature, which enables us to degrade environments and then to attempt to repair or replicate them, also gives us the ability to tell the difference between them. What can never be replaced or substituted is precisely that quality of originality or otherness which ‘non-human nature’ is so often felt to have, and which in practice we value so much, despite the conceptual paradoxes involved. Yes, we can sometimes be fooled, but in general we can tell the difference, and it does seem to matter.⁶⁴

5.7 *Autonomy and sustainability*

Overall then, it seems clear that the complex fabric of our interdependent relationships, which as MacIntyre shows is so crucial to the constitution of identity and the development of autonomy, is woven not only from threads linking human individuals but also from those linking each of us to the wider non-human world. Consideration of what we have in common with other animals can help us to fully recognise the ramifications of the inescapable physicality of our existence as human beings. As living creatures, we exist not only as discrete individuals but also, and simultaneously, as nodes in ecological as well as social networks. If to be genuinely free is to be free to be oneself, then this must include freedom to play one’s full part in those networks, be they ecological or social, global or local. The conditions required for us to express and develop our individuality, to function fully as autonomous ‘subjects of a life’ (Regan 2003), therefore include the protection, maintenance and development of the integrity of these networks.

To act autonomously, I have argued in this chapter, is not to act without reference to the existence, interests or preferences of others, but to act in such a way as to express one’s

⁶⁴ See Hailwood 2004 and Goodin 1992 on nature’s ‘otherness’: on restoration and the ‘faking’ of nature, see Elliott 1982 and Katz 1985.

unique individual identity. This in turn requires acknowledgement of the central role of relationality and interdependence both with particular other human beings, and with our social and communal structures, in constituting that identity. I have suggested that it further requires us to take account of the undeniable fact that our interdependence extends well beyond the boundary of our species, and that we therefore need to adopt a more contextualised understanding of both personal identity and autonomy, which will allow us to include this ecological embeddedness as a key human relationship. That this has become such a pressing consideration is largely due to the recognition that current human activities are endangering the resilience of the global systems which preserve and regulate the state of the planet within which we have evolved. The continued prevalence of this state is not only essential for the preservation of ‘wild nature’ as a source of aesthetic value, but may well be essential for there to exist flourishing human lives at all.

Consideration of this may lead us back towards further reassessment of the theoretical distinction between basic needs and preferences. Contrasting the availability of breathable air with the continued existence of the snail darter (see chapter 2) is all very well, but most important environmental policy decisions tend not to fit squarely into one category or the other. More complex still, these decisions are not independent of one another. What should we do about climate change, fishery collapse, soil erosion, salinisation or deforestation? To any one such problem, the response can be (and often is) made that we can adapt to a changing environment. But what we do about one such problem will affect, and be affected by, other problems. There will also be cumulative effects. Making sense of all this requires us to think in terms of protecting the integrity of interconnected systems and the dynamic coherence of ecological narratives, rather than only in terms of protecting individuals’ interests and preserving discrete “bits of nature”.

This is where the slippery concept of sustainability comes in. We somehow have to decide what courses of action to take in the present to ensure that the situation in the future (at least) does not get any worse. Even with the best of intentions, by definition we still have to make these decisions in conditions of radical uncertainty. The daunting problems of empirical evidence-gathering make it all the more important that we should at least be clear about what ethical and political principles we are applying when we ask “just what is it that we should sustain?”. The argument developed here is that we owe it to future generations to do our best to preserve the possibility for flourishing autonomous lives, and that this in turn requires the preservation of the potential for meaningful interdependent relationships with an independently flourishing non-human world. Chapter 7 revisits the question of “what to sustain” from this perspective.

First however, in order to establish the compatibility of the ‘virtuous mean’ conception of autonomy suggested earlier in this chapter with the attitudes and dispositions towards the non-human world required for sustainability, we will need to look more closely at just what these ‘virtues of acknowledged ecological dependence’ might be. Perhaps, as Cafaro (2005b) suggests, a useful starting point would be extrapolation from the “environmental vices” which exacerbate our present predicament. As discussed in chapter 6, however, this *can* be only a starting point. In fact, of course, the language of ecological virtue is already in widespread use (van Wensveen 2006). But it can be taken as either metaphorical or literal – can we say in a properly Aristotelian sense that an ecologically virtuous life is actually a *better* life, or not? There are important strategic dimensions to this question, to which I return in chapter 7. At the conceptual level, however, MacIntyre’s framework is helpful here: the practice of the virtues of acknowledged dependence not only helps the community but also makes an essential contribution to the flourishing of the individual. So it would be, I suggest, with the corresponding ecological virtues - and this characteristic

may perhaps help us identify them.

5.8 *Conclusion*

This chapter has argued that leading an autonomous life requires a properly contextualised understanding not only of oneself as an independent entity but also of one's relationships both with other humans and with the wider world. Such an understanding certainly requires attention to the coherence and continuity of a life, but larger social and ecological narratives are also important. It has been argued that ecological sustainability, and policies aimed at achieving it, are compatible with, and indeed arguably essential to, autonomy understood in this way.

A virtue theory perspective has also been introduced: following Benson, autonomy has been interpreted here as a virtuous mean between heteronomy and arrogant self-sufficiency. As MacIntyre puts it, the acknowledgement of dependence is the key to independence, and to flourish as independent practical reasoners we need to develop the virtues of acknowledged dependence. The possession and exercise of these virtues not only benefits the individual but also maintains the integrity of the communities, the “networks of giving and receiving” within which we live our lives. In chapter 6 I extend this framework beyond the human communities considered by MacIntyre, to explore the idea of ‘virtues of acknowledged ecological dependence’.

6 The virtues of acknowledged ecological dependence

Chapter 5 considered some implications for liberal ideas of autonomy and freedom of the fact that our individual identity is in large measure constituted by relationship, and in particular of MacIntyre's (1999) insight that "acknowledgement of dependence is the key to independence". MacIntyre's picture of the development of the autonomous individual, as a process requiring cultivation of the virtues of acknowledged dependence, was found to support Benson's (1983) argument that autonomy should itself be seen as a matter of character, and specifically as a virtue, lying between heteronomy and arrogant self-sufficiency. Adopting a more relational conception of autonomy, it was argued, affects our understanding of what capabilities and options must be protected in order to allow a person to continue a flourishing autonomous life: this, in turn, affects decisions about what options may legitimately be restricted by consumption ceilings introduced for environmental reasons. Coupled with this relational understanding of autonomy, it was suggested, a virtue ethical approach can helpfully reframe potential conflicts between freedom and sustainability in terms of the sorts of relationships with the nonhuman world we should aim to facilitate for present and future humans. This chapter now seeks to develop a more solid ethical basis for this suggestion, by exploring in more detail the concept of virtues of acknowledged *ecological* dependence, and surveying some existing attempts to identify such virtues.

The relevant literature is primarily drawn from the emerging field of environmental virtue ethics, a sub-discipline of environmental ethics whose recent growth has mirrored the rising profile of virtue theory within ethics more generally⁶⁵. Beginning with a

65 See Stohr 2006 for a survey of the latter.

discussion of the relationships between virtue, attitudes to the nonhuman world, and human flourishing, the argument moves on to discuss what sort of action ecological virtue might be expected to result in, and to examine the congruence between this perspective and Aldo Leopold's (1949) injunction to preserve "the integrity, stability and beauty of the biotic community". The strategy of identifying ecological virtues by extrapolation from ecological vices is then explored, leading into a discussion of the relationship between ecological vice and consumer societies. (This latter theme will be further developed in chapter 7). A discussion of 'new' and 'old' virtues concludes that while a number of traditional virtues are very relevant in this context, characterisation of ecological virtue will be incomplete without recognition of some specific virtue along the lines of Hursthouse's (2007) "right orientation to nature", whose cultivation requires the acknowledgement of ecological dependence. Finally, it is argued that there exist close parallels between ecological virtue thus defined and the virtue of autonomy. Throughout the chapter a eudaimonist perspective is defended, in which virtues, including ecological virtues, are justified as such primarily on the basis of their contribution to the flourishing (*eudaimonia*) of the individuals who possess and exercise them.

6.1 *Ecological virtue and individual flourishing*

The application of virtue theory to modern environmental ethics arguably began with Thomas Hill's (2005 (originally 1983)) suggestion that in order to understand and identify what we feel is wrong with certain sorts of behaviour towards the nonhuman world, we will at least sometimes need to focus on qualities of the agent, rather than directly on either the action or the consequences. In many cases, neither utilitarian arguments about balancing competing interests and maximising utility, nor deontological ones about rights and duties, seem to capture the essence of our "moral uneasiness" (2005:49). Instead, says Hill, we need to ask questions like "*what kind of person [...] would cover his garden with asphalt, strip-mine a wooded mountain, or level an irreplaceable redwood grove?*"

(ibid.:50, emphasis added). His answer is that such a person typically lacks “that sort and degree of humility that is a morally admirable character trait” (ibid.:59). The lack of this virtuous character trait, he claims, is also likely to “reflect a lack of the openness of mind and spirit necessary to appreciate the best in human beings” (ibid.:56), and hence “those who value such traits as humility, gratitude and sensitivity to others have reason to promote the love of nature” (ibid.:57). Hill’s concern is not only with people’s attitudes toward nature, but with what these reveal about, and contribute to, their own overall moral character. Robert Hull summarises Hill’s view, while highlighting the imprecision of his argument, as follows: “insofar as proper humility is a (necessary? sufficient?) condition of developing all-around moral excellence, its cultivation fosters human flourishing” (Hull 2005:95).

Geoffrey Frasz (1993) takes up this theme from a more explicit virtue theory perspective, focussing on the virtue of “openness”, which he defines in Aristotelian style as a mean between false modesty and arrogance. Someone possessing the virtue of openness “is neither someone who is closed off to the humbling effects of nature nor someone who has lost all sense of individuality when confronted with the vastness and sublimity of nature” (Frasz 1993:279). In Robert Hull’s analysis:

While Frasz himself suggests that his description of openness is somewhat preliminary, the portrait that emerges of the person who has cultivated openness is that of one who is intellectually and emotionally focused on living as a plain member of the larger natural world. Insofar as openness engenders an enlightened appreciation of the environment, self, and other people, it makes available behaviours and experiences that enrich an individual’s life while motivating the considerate treatment of wild nature and other people. (Hull 2005:96)

John Barry (1999:31-36) essentially endorses Hill’s and Frasz’s view that the principal relevant virtue is some version of humility. Barry suggests that the person “closed off to the humbling effects of nature” is exhibiting what Ehrenfeld (1978) famously called “the

arrogance of humanism”. For Barry however (1999:31), it is the arrogance rather than the humanism which is the vice: ecocentrism is not the answer. Indeed he identifies ecocentric ‘deep ecology’ positions with Frasz’s opposite extreme, the loss of “all sense of individuality”, claiming that “unreflective sentimental or romantic views of human-nature relations” (ibid.:33) should also be seen as an ecological vice. Humility (equating roughly to Hill’s usage, and to what Frasz calls “openness”) should thus be seen as “a mean between a timid ecocentrism and an arrogant anthropocentrism” (ibid.:33). Barry goes on to argue (ibid.:38-76) that this ecological virtue of humility can in turn ground an ethic of “ecological stewardship”.

The importance of virtues to the green position resides in the necessity of self-restraint, prudence and foresight so that long-term (i.e. sustainable) well-being is not sacrificed or undermined by desires to satisfy immediate self-interest. This [...] is the essence of ecological stewardship. The latter may be thought of as the cultivation of those modes of character and acting in the world which encourage social-environmental relations which are symbiotic rather than parasitic. (Barry 1999:35)⁶⁶

For all these writers, possession and exercise of the relevant virtue(s) is seen not only as benefitting other people and the wider natural world, but also as important for the flourishing of the individual. As Barry points out (1999:34), this is congruent with Alasdair MacIntyre’s (1985, 1999) substantive but “thin” view of the good life for human beings. For MacIntyre, as noted in chapter 5, the exercise of the virtues of acknowledged dependence is critically important for the flourishing of the individual *as well as* tending to maintain the integrity of the community of which the individual is a part. Environmental virtue ethics extends this way of thinking beyond the human community, to consider character traits which tend to maintain the integrity of the natural world. Similarly to the virtues of acknowledged interhuman dependence, with which MacIntyre is primarily concerned, these traits are beneficial for the individual as well, not only because such integrity is itself important for human flourishing, but also because the recognition and

⁶⁶ For further discussion of the concept of ‘stewardship’ in environmental ethics, see Welchman 1999.

acknowledgement of our dependence upon it contributes to our understanding of our own identity.

6.2 *Integrity, stability, and beauty*

No discussion of what it might mean to act in such a way as to preserve the integrity of the natural world would be complete without reference to Aldo Leopold's (1968, originally 1949) celebrated land ethic: "A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise" (1968:224-5). Leopold claimed that:

The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land. [...] [It] changes the role of Homo Sapiens from conqueror of the land-community to plain member and citizen of it. It implies respect for his fellow-members, and also respect for the community as such. (1968:204)

Robert Hull's terminology in the quote above ("living as a *plain member* of the larger natural world") is clearly a deliberate reference to this passage from Leopold. The figure of Leopold still looms large over environmental virtue ethics, as indeed it has done over environmental ethics generally, particularly in the USA. Some work in the field (eg Cafaro 2005a) has suggested that the story of his life might serve as a key exemplar of environmental virtue. Other writers (eg Shaw 2005) have sought to justify character traits as environmental virtues by arguing that they are (or would be) exhibited by persons living in accordance with some principle like the land ethic as written (rather than as lived) by Leopold. This is a complex task, not least because of the difficulties of interpreting the land ethic in philosophically coherent ethical terms.⁶⁷ Nonetheless a considerable amount of work on the wider ethical implications of human ecological dependence has been framed,

67 Indeed in the course of one sympathetic attempt to do so, Baird Callicott (1993:132) notes Robin Attfield's (1984) comment that "Leopold the philosopher is something of a disaster". Leopold wrote as a land manager, not as an ethicist, and his writing on the land ethic does display some theoretical confusion. As discussed below, however, I do not seek here to rely on any of Leopold's philosophical reasoning.

at least in part, as commentary on the land ethic or on Leopold⁶⁸, and this emphasis continues in the more recent field of environmental virtue ethics. Partly for this reason, the present discussion of the virtues of acknowledged ecological dependence begins with environmental virtue ethicists' interpretations of some core Leopoldian ideas. As will become apparent however, while I certainly do not propose any uncritical endorsement of Leopold, the relevance of his ideas is more than historical.

Considerable effort has been expended in environmental ethics⁶⁹ on the defence of Leopold's proposal for the "enlargement of the community" against the telling charge expressed by John Passmore (1974:116) that only the sort of (human) community whose members "have common interests and recognise mutual obligations" can generate the relevant sorts of ethical obligation, and that Leopold's formulation therefore represents an unjustifiable conflation of distinct ecological and political uses of the term "community". Fortunately, the vexed issue of whether such reciprocity between moral agents can (or should) extend beyond the human need not detain us unduly here. Neither the acknowledgement of ecological dependence, nor enquiry into what character traits might be associated with such acknowledgement, requires a commitment to the notion of a biotic community as containing, or an extension of, a human community or polity in any political or ethical sense. We need not interpret Leopold's "biotic community" as a political one, moreover, to recognise that the land ethic represents a powerful and influential evocation of the sort of ethical commitments that the acknowledgement of ecological dependence might entail, albeit one that is more poetic than philosophical. As Ronald Sandler puts it:

[T]he sense of "community" proposed by Leopold is not a community of moral agents or a political community distinguished by, for example, cooperative practices or mutual obligations. For this reason, it is perhaps better not to characterise it as a community at all. Nevertheless, we are

68 See for instance Callicott 1989, 1993 and Rolston 1988. For a more critical interpretation see Holland 1995.

69 See eg Sylvan & Bennett 1994; Callicott 1989, 1993; Midgley 1995; Curry 2000

dependent upon and benefited by the ecological systems in which we are inextricably embedded, as are the nonhuman individuals towards which we should be caring and compassionate. Therefore, whether or not we can participate in deliberation or reciprocal concern with other “members” of the “community”, character traits that favour considerate “community” interactions (those that promote rather than undermine the land’s ecological health and integrity) are virtues. (Sandler 2007:83)

An important question arises here, however. While preserving the “integrity and stability” of natural systems seems a fair outline sketch of what is required for ecological sustainability (albeit with the important qualification that “stability” would now be understood by ecologists more in terms of the *resilience* of ecosystems than as the maintenance of static “climactic” states, as was current in Leopold’s day (see Worster 1994)), why should we follow Leopold in adding “beauty”? In the sentence immediately preceding the famous injunction to preserve stability, integrity and beauty, Leopold exhorts us to examine all land-use questions “in terms of what is ethically *and aesthetically* right, not just what is economically expedient” (1968:224, emphasis added). It seems clear that for Leopold, while the preservation of integrity and stability is an ethical matter, the preservation of beauty is essentially justified on aesthetic grounds. His writings combine ecological observation with poetic evocations of natural beauty, which is no doubt a major reason why they have been so popular and influential among environmentalists, including many of an ecocentric bent. Clare Palmer (1998:122-3) argues however that the inclusion of beauty in fact shows the anthropocentric nature of Leopold’s ethic - the beauty of the “biotic community” is important *for humans* - it provides, in Palmer’s term, a kind of “aesthetic harvest” alongside the more tangible benefits we get from well-functioning natural systems.

The inclusion of aesthetic considerations is, I believe, a strength rather than a weakness of Leopold’s formulation. Such intangible benefits can and do make significant contributions to human flourishing, yet this is an easily overlooked aspect of our ecological

embeddedness. There are, after all, many ways of perceiving “nature”, and the human place within it⁷⁰. Preserving the *beauty* of natural systems is likely to involve acting in ways that are responsive to, and guided by, our experiential and aesthetic responses to the natural world as well as our scientific ecological knowledge of it. While the former may be harder to define than the latter, and will certainly open up challenging questions around the culturally constructed elements of these responses, it nonetheless seems important and appropriate to include dispositions toward such action in our characterisation of ecological virtue. This can be justified, as above, solely on the basis of the contribution of such action to human flourishing. As suggested later in this chapter, however, attention to the value of human aesthetic experience may also contribute to the flourishing of nonhumans, and indeed to the preservation of the integrity of natural systems, as well as their beauty.

6.3 *Ecological virtues, land ethics and teleology*

Bill Shaw argues (2005:102) that notwithstanding the high esteem in which he has been held among ecocentric theorists⁷¹, as a professional environmental manager, Leopold does not in fact “invite us into a world of deep ecology” but “understands his ethic to be an extension of the anthropocentric vision”. Nonetheless, Shaw argues (ibid.:95), the “ultimate good” in Leopold’s ethic is “harmony within the biotic community”: this harmony consists in, and thus requires the preservation of, integrity, stability and beauty. In this respect the land ethic is teleological. It should be understood not literally as a proposal to extend political concepts of community, rights and citizenship beyond the human, but rather as “a set of attitudes and practices towards the unfolding or blossoming of natural systems (ecosystems) in accordance with their purpose or *telos*” (ibid.:94):

A forest, no less than a human, exhibits the capacity for internal self-direction - for growth, for blossoming, for achieving its *telos* [...] The attitudes and practices that serve the ultimate good in this new paradigm -

⁷⁰ For discussions of aesthetic experience of the non-human world, see Abram (1996), Brady (2003), Ingold (2000), and Carolan (2009).

⁷¹ See eg Callicott (1989, 1993) and Rolston (1988, 2005).

the land virtues - tend to preserve the stability, integrity and beauty of natural systems. (ibid.:94)

In this picture then, what Shaw calls the “blossoming” - or, to revert to the terminology previously employed, the flourishing - of *human* individuals and communities is best served by acting so as to facilitate the integrity, stability and beauty of the natural systems of which humanity is a part. Thus, as already noted above, the exercise of those virtuous character traits that lead us to embody these attitudes and practices not only preserves these natural systems in good order, but also benefits the human individual who possesses them. What Shaw here calls “land virtues”, ie those character traits which cause their possessors to act in such a way as to preserve the stability, integrity and beauty of natural systems, seem to equate fairly closely to virtues of acknowledged ecological dependence. More concisely, we might refer to these as ecological virtues. Shaw argues for three such virtues, each of which he takes to be “an adaptation of a traditional virtue”: these are “respect (or ecological sensitivity), prudence, and practical wisdom or judgement” (ibid.:100). I now briefly examine each of these in turn before moving on in search of a more detailed characterisation of ecological virtues.

For Shaw, “respect for biotic communities (hence ecosystems and ultimately the biosphere) equates with a respect for things with a *telos*”: this respect is taken to provide a non-instrumental reason, independent of human interests, why human impact on a species or an ecosystem should never be such as to undermine its integrity, stability or beauty (ibid.:100-101). We are thereby justified in considering respect, which in this context equates to ecological sensitivity, as a virtue.

What Shaw fails to note, however, is that this argument has been widely and rightly criticised⁷². Even from a thoroughgoing Aristotelian perspective, it is far from clear that ecosystems can have a *telos* in the way that an individual plant, animal or human being does. Although Shaw is not alone in believing that they can⁷³, both in ecology (as summarised in Worster 1994) and in environmental philosophy⁷⁴, much work has been done showing that the temptation to view ecosystems as having and realising definable (and therefore valuable) end states is one to be resisted. As Sandler points out (2007:78-9; see also Sober 2002), while it certainly makes sense for us as humans to talk of, and to attempt to preserve, the stability, integrity or resilience of an ecosystem, this does *not* imply that they are in themselves goal-directed systems:

When ecosystems appear to be goal-directed systems that maintain or repair themselves or that tend toward some stability or equilibrium, this is only a by-product of the behaviour of the individuals pursuing their own good and the natural features that compose the ecosystem. (Sandler 2007:79)

This is not however to say that integrity and stability (and indeed beauty) do not exist in natural systems, or that we should not value them, or that ecological sensitivity is not a virtue. My argument here is that it is, but that we cannot plausibly represent ecological sensitivity as an attitude flowing directly from respect for things with a *telos* (analogously to, for instance, compassionate treatment of an individual animal). Moreover, while it can be argued more indirectly⁷⁵ that organisms within the ecosystem have *teloi*, that we should therefore promote *their* flourishing, and that *this* should lead us to respect the ecosystem as a whole, and thereby to regard ecological sensitivity as a virtue, as discussed below this approach also turns out to have its own problems. As already suggested, and discussed further below, my own view is that ecological sensitivity can be more plausibly and securely justified as a virtue in eudaimonist terms, as making an essential contribution to

72 For instance by Taylor (1986), Holland (1995), and Connelly (2006a).

73 See eg Sterba (1998) and Johnson (1991).

74 See especially Brennan (1988:146-156), but also Holland (1995) and Cahen (1988).

75 As it is, for instance, by Sandler (2007:76-80, 2008) and Taylor (1981, 1986).

human flourishing.

Prudence, by contrast, is justified by Shaw as an ecological virtue in fairly straightforward eudaimonist terms as a matter of human self-interest. This *enlightened* self-interest, however, is “not to be confused with selfishness and the radical pursuit of freedom that is certain to be destructive of community bonds.” His point here, in addition to a focus on “long term well-being rather than immediate preference gratification”, is that “the prudent course of action for the human species, or the course of action exhibiting a high degree of “enlightened self-interest”, would surely link the well-being of the ecosystem with our own” (Shaw 2005:101).

Finally, Shaw’s third “land virtue”, practical wisdom or judgement, is “understood as permeating the other two” (ibid.:101). Real-world decision-making involves applying sensitivity and prudence in complex situations, and this in turn requires practical wisdom. Judgement, as Shaw acknowledges here, can be seen as more of a “metavirtue” (Connelly 2006b:54).

So far, then, I have provisionally identified the virtues of acknowledged ecological dependence as those which, in Shaw’s restatement of Leopold, “tend to preserve the stability, integrity and beauty of natural systems”. These, for Shaw, include (at least) two new applications or interpretations of traditional virtues: *prudence*, reinterpreted as awareness of the link between our own wellbeing and that of the ecosystem(s) we inhabit, and *respect*, reinterpreted as ecological sensitivity. To these he adds one further traditional virtue, *judgement* or practical wisdom, which is required in order to properly apply the first two. These three seem plausible as far as they go, but this is still a rather broad-brush picture. Is it perhaps possible to identify ecological virtues at a more fine-grained level?

6.4 *Ecological virtues, sustainability and relationship*

A wide range of more specific character traits are certainly suggested as candidates for the broader category of *environmental* virtues in existing literature. Louke van Wensveen (2000), in a survey of just 18 influential environmentalist texts, found mention of 189 virtues and 174 vices. Wensveen's examples, it should be said, include examples of the more colloquial usages of virtue language which I discuss in chapter 7. Even within academic environmental virtue ethics *per se*, however, such lists can be long. This is perhaps unsurprising, since as Sandler observes, "it is because of the ubiquitousness and multifariousness of our relationship with the natural environment that environmental virtues and vices are legion and their fields pervade our lives" (Sandler 2007:145).

True to his word, while making clear that his list is far from exhaustive, Sandler offers (ibid.:82) a tabular "typology of environmental virtue" containing twenty-seven separate environmental virtues, subdivided into six categories. Some of these cannot really be interpreted as virtues relating specifically to the acknowledgement of ecological dependence. For instance Sandler lists as "virtues of environmental activism" cooperativeness, perseverance, commitment, optimism and creativity. These are clearly character traits conducive to successful environmental activism, but they would be so for *any* form of activism. Likewise his list of "virtues of environmental stewardship" (ibid.:55), comprising benevolence, loyalty, justice, honesty and diligence, seems to be composed largely of those virtues generally important for persons in positions of authority or trusteeship.

Nonetheless other categories *do* contain exactly the sort of traits that could be connected with the acknowledgement of ecological dependence. The "virtues of sustainability", for

instance, are listed as temperance, frugality, farsightedness, attunement and humility, while the “virtues of respect for nature” are given as ecological sensitivity, care, compassion, restitutive justice, and nonmaleficence. These two groups can, I think, be approximately interpreted as respectively elaborating in more detail Shaw’s two broad-brush virtues of prudence and respect. As may by now be apparent, however, this is a necessarily imprecise equivalence. There are few clear-cut categories here, and different writers on environmental virtue ethics often use the same terms in subtly different ways⁷⁶.

The most obviously pertinent of Sandler’s categories here is the “virtues of sustainability”. Sandler does, I think, understand the preservation of ecological sustainability as primarily a matter of enlightened human self-interest (Sandler 2007:43-46). To this extent, he claims that the possession and exercise of the virtues of sustainability (as listed above) is necessary for human flourishing. After all, a fundamental prerequisite of flourishing as an individual human being is the availability of certain basic goods dictated by biological requirements: for instance, we all need wholesome food, clean water, and sufficiently low levels of toxic pollution. It follows, therefore, that it is virtuous to maintain and vicious to endanger the availability of these basic goods.⁷⁷

However Sandler disagrees with Wensveen’s (2001:227) stronger claim that such basic goods considerations can establish that *any* “genuine virtue includes the goal of ensuring ecosystem sustainability”. Sandler (2007:45) objects to this, on the grounds that it is “implausible” to claim that people cannot be virtuous if they live in an environmentally unsustainable society. The fact that flourishing may not be possible for others later in time does not imply that I cannot flourish now, unless the possibility of my flourishing now is

76 Shaw, who *equates* “ecological sensitivity” with “respect for nature”, considers it to *include* things like care, compassion and nonmaleficence, whereas Sandler uses the phrase “ecological sensitivity” more narrowly, leading him to expressly include these other virtues alongside it to make up a broader category of “virtues of respect for nature”.

77 See the discussion in chapter 2 of distinctions between basic and nonbasic environmental goods.

affected either directly by what will happen in the future, or by my knowledge or expectations of what may happen in the future. For instance, I may reasonably be concerned about the availability of environmental goods for my children, or whether my present achievements will be seen as significant by future people, or whether long-term projects I have started will come to fruition. But even in these cases, says Sandler, the theoretical possibilities of somehow providing basic environmental goods artificially, or from a slowly degrading environment, make it impossible for basic goods arguments to justify “as longitudinal and robust a level of environmental concern as many would like” (ibid.:48). The argument that it is virtuous to ensure the continued availability of basic environmental goods can therefore only justify “virtues of *weak* sustainability”, that is:

[C]haracter traits that under most conditions (so long as there is not a sufficiently stable artificial alternative) dispose their possessor to maintain or promote a limited-term sustainability (one that extends for at least a few generations) at a weakly sustainable level (one concerned with the production of certain kinds of goods rather than with maintaining the multifarious bases for their production). (ibid.:49)

This does indeed seem rather weak. If Sandler is right about this, then his prudential “virtues of sustainability” *per se*, (temperance, frugality, farsightedness, attunement and humility) turn out to have surprisingly little connection with the preservation of the integrity of natural systems. Taken in isolation, the fact that they are based on safeguarding the provision of *basic* environmental goods seems to render their practical implications hostage to the outcome of the substitutability debates discussed in chapter 1.

Sandler then recalls, however, that the nonhuman world provides us with not only basic goods but also aesthetic goods, recreational goods, and opportunities for physical, intellectual, moral and spiritual exercise and development (ibid.:50). Dispositions “conducive to conserving these goods and opportunities” should therefore also be seen as virtues, in addition to those pertaining to the preservation of more basic environmental

goods. Furthermore, Sandler argues (ibid.:50, 82), in order to properly recognise and enjoy these goods, people require the relevant character traits: the “virtues of communion with nature”, which include character traits such as receptivity, wonder, love, and aesthetic sensibility.

Here, then, we have a further argument for the inclusion as ecological virtues of character traits related to human beings’ aesthetic, emotional and spiritual relationships to the natural world, as well as those related to the rational perspectives of environmental science. These virtues have the effect of strengthening the overall package. A person concerned to preserve the availability of not only basic goods but also the more intangible experiential goods provided by the natural world, and possessing the character traits needed to recognise and appreciate these, will be a more effective defender of ecological sustainability. This is largely because such goods are far harder, and arguably often impossible, to find artificial substitutes for. To recall, it was argued in chapter 1 that a ‘strong’ conception of ecological sustainability, characterised by a presumption against the avoidable destruction of ‘irreplaceable nature’ and hence by only very limited acceptance of the idea of substitutability between natural and human-made ‘capital’, need not rest on ecocentrism but can emerge from an enlightened anthropocentrism focussing on the multifarious and irreplaceable contributions of an intact nonhuman world to flourishing human lives. This enlightened anthropocentrism includes both the capabilities approach explored in chapters 3 and 4, and the eudaimonist ecological virtue approach developed in this chapter, which supports the argument by means of exploring these contributions to human flourishing and considering what virtues, what human character traits and dispositions to action, are conducive to maintaining situations in which such contributions continue to be made.

For Sandler the “virtues of communion with nature” are (rightly in my view) justified in prudential, eudaimonist terms: while their possession and exercise is likely to have beneficial effects for nonhumans and be effective in preserving the integrity of ecosystems, they also contribute to human flourishing, and it is this that makes them virtues. By contrast the “virtues of respect for nature” (ecological sensitivity, care, compassion, restitutive justice, and nonmaleficence) are justified in Sandler’s model in non-eudaimonist terms. They are seen as virtuous, that is, because of their contribution to the flourishing of nonhumans, not because of any direct contribution to that of humans (ibid.:72). This structure is similar to Shaw’s: the distinction is once again clearly made between ecological virtues of prudence and those of respect, where the former contribute to the flourishing of the human agent, and the latter to the flourishing of nonhumans.

There is substantial debate about this structure in environmental virtue ethics, reflecting more general differences of opinion about eudaimonism between virtue ethicists.⁷⁸ Chapter 7 addresses some important political implications of these differences, in the context of discussing the prospects for the promotion of ecological virtue. Here, however, it will suffice to note the connection between the justification of an ecological virtue in non-eudaimonist terms and the implied intrinsic value of the end taken to justify it, such as the flourishing of a nonhuman individual or the integrity of an ecosystem. As already suggested, and argued in more detail below, environmental virtue ethics need not be based on notions of intrinsic value, and is more robust if it is not. I tend, following Philippa Foot (2001) and Rosalind Hursthouse (1999, 2007), to favour eudaimonist justifications for ecological virtues. My intuition in fact (though I do not claim to offer a conclusive argument for this proposition) is that in principle, with sufficient attention to the value of the *relationships* between humans and the rest of the world, *all* the relevant virtues could

78 See Prior 2001 for an overview of the disputed role of eudaimonism in virtue ethics. For detailed application of this debate to Sandler’s work, see the recent exchange between Sandler (2008), McShane (2008), and Thompson (2008).

be justified in eudaimonist terms as contributing to human flourishing.

In the course of his discussion Sandler does in fact stress the importance of recognising and building “meaningful and beneficial relationships with the land and its denizens” (2007:51). Such relationships not only bring various kinds of “enrichment” to human beings, but “these personal benefits are attached to ecological ones, since those who are familiar with the land tend to care for it and are less likely than others to exploit and degrade it” (ibid.:51). This observation not only recalls the discussion in chapter 5 about the constitution of identity through relationship, but also seems to capture an important aspect of acknowledged ecological dependence, which I think both Leopold and MacIntyre would recognise.

6.5 *Extrapolation from ecological vices*

The objective here though is not to delve any deeper than necessary into ethical theory in general, or virtue theory in particular. The aim is simply to identify the sorts of character traits associated with acknowledgement of the ecological embeddedness of human lives, and hence with the creation and maintenance of ecologically sustainable societies. These traits are identified as virtues because of the essentially eudaimonist argument outlined at the end of chapter 5, following MacIntyre, that the acknowledgement of ecological dependence is important for one’s own flourishing, as well as making it possible for others to flourish.

As may already be apparent, it can be hard to identify these traits at a manageable level of generality, without generating unwieldy lists or getting into complex issues of ethical theory. There is a complementary approach available at this point, however. Reflection on ecological virtue is not simply an abstract philosophical exercise: it proceeds from the very practical and urgent recognition that many of our current practices and social structures are

detrimental to the integrity of natural systems and thus, to this extent at least, also detrimental to human flourishing. Recalling this suggests an alternative strategy. Rather than (or as well as) trying to build up a picture of an ideal person as a paragon of ecological virtue, why not start from where we are, by identifying character traits which underlie and perpetuate these unsustainable practices and structures?

From a virtue theory perspective such traits may be termed ecological vices: and consideration of these may help us to identify the contrasting virtues. This approach also has the merit of bringing to the fore the critical importance of social influences on individuals' character. Philip Cafaro (2005b), for instance, considers the pernicious effects of greed, not only on greedy individuals themselves and on the societies in which they live, but also on natural systems: greed, he notes, is a driver of overconsumption, and thus of unnecessarily increased pressure on natural resources. He concludes:

In America, we are raised to be greedy. [...] Advertising emphasises consumption as the primary means to happiness and works by increasing our dissatisfaction with life. [...] Our colleges and universities teach applied avarice in their economics classes and business schools. [...] We cannot eradicate the vices from human beings. However, there are practical steps we can take to limit greed and promote its contrasting virtues: thrift, modesty, generosity and contentment. [...] Taking these personal and political steps would be good for us and good for nature. (Cafaro 2005b:150)

The observation that “thrift, modesty, generosity and contentment” can all be considered “contrasting virtues” to the clear vice of greed illustrates the complexities that quickly arise when virtue theory is applied to the real world⁷⁹. It is nonetheless worth reiterating that here, as elsewhere, vices cannot be understood simply as polar opposites of the corresponding virtues. Broadly, while Cafaro is not explicit, it is clear that he interprets each of these potential virtues as a mean between the vice of greed on the one hand and a corresponding vice at the other end of a spectrum.

⁷⁹ This is of course not unique to virtue ethics: deontology and utilitarianism, for instance, are hardly free of such problems.

In all four cases, though there are subtle differences, the person possessing and exercising the relevant virtue strikes a virtuous mean between greed and some kind of excessive self-denial. The common element between the four might be described as a mature and thoughtful relationship to wealth and possessions. The acknowledgement of ecological dependence, I suggest, is associated with and indeed helps to develop this reflective maturity. This acknowledgement is an important part of developing a properly contextualised picture of the self and its place in the world. A person who has developed such a picture is arguably less likely to manifest the disposition towards unreflective and essentially unlimited acquisition of material goods that we recognise as the vice of greed.

Cafaro also examines gluttony (ibid.:140-143), which evidently harms people, but also drives ecologically harmful overintensification of agriculture. This might at first sight seem no more than a special case of greed. Cafaro argues however that beyond this, the overindulgent attitudes to food so common in affluent consumer societies, whether manifested as quantitatively excessive eating (leading to obesity and other health problems) or as obsessive desire for particular ingredients and varieties (regardless of seasonality, cost or environmental impact) specifically reveal a childish, undeveloped, and unreflective character. It also betrays a preoccupation with *physical* gratification which is likely to be related to an underdeveloped appreciation of non-material routes to fulfilment. Again, the vice seems connected to a lack of maturity. Growing up is in part a process of recognising limits to the pursuit of gratification – and the limits are ecological as well as social. Learning about ecological limits, and about how to applying this knowledge independently, is an important part of acknowledging ecological dependence.

As for which virtues are to be contrasted with the vice of gluttony, while Cafaro does also suggest that gratitude and thoughtfulness are relevant, he primarily endorses “the virtue traditionally opposed to gluttony”, which was temperance. This seems right, as far as it goes: a temperate relationship with one’s physical appetites, reflective and balanced rather than compulsive, and a sense of their relative importance in the achievement of overall fulfilment and flourishing, will clearly benefit individuals, society, and the nonhuman world. Yet there is a more specifically ecological and relational point to be made here. The dysfunctional attitudes to food and eating so prevalent in modern consumerist societies speak not only of an introspective failure to develop a proper perspective on our appetites, but of a more outward-directed failure to properly grasp and respect the intimate metabolic connections between our human bodies, the food we eat, and the natural systems involved in its production. To recall John Barry’s comment, this seems a clear example of an area in which acknowledgement of our ecological dependence may make us more likely to develop symbiotic rather than parasitic relations with the nonhuman world.

Two further character traits are considered in the same chapter. As with greed and gluttony, Cafaro considers harms to “nonhuman nature” (ibid.:139) (as well as to human individuals and communities) associated with apathy and arrogance, and concludes that these should also be considered “environmental vices”. Under the heading of apathy, ecological harms caused by physical laziness (manifested as, for instance, over-reliance on “labour-saving” devices, or as a preference for driving instead of walking or cycling) are briefly noted (ibid.:151), and a justification is thus implicitly suggested for seeing such laziness as an environmental vice. The corresponding virtue could perhaps be described in terms of a proper appreciation of the value of physical activity and fitness, though the value (and associated virtue) of stillness might also be invoked here. Once again, this

seems connected to the development of a mature understanding of the physicality and ecological embeddedness of the human body.⁸⁰

Arrogance, for Cafaro, is “an overvaluation of ourselves and a undervaluation of others” (ibid.:144). He notes, like Hill, that “arrogant indifference to nature and arrogant indifference to people often go together”. This “arrogant indifference to nature”, which results in wholly instrumental treatment of the nonhuman world as “ha[ving] value only if it is useful to humans”, he terms anthropocentrism:

The arrogance of anthropocentrism cuts people off from the reality of nature. [Recreational] off-road vehicle users arrogantly destroy the wild nature that others want to appreciate and whiz through it so fast that they learn nothing about it themselves. In the Niger Delta, Chevron and Shell are arrogantly displacing traditional ways of life based on small scale agriculture and sustainable fishing. Anthropocentrism as an intellectual outlook also cuts us off from reality, as we ignore nature’s stories and tell false and truncated stories about ourselves. (ibid.:146)

It is not obvious here whether Cafaro’s disparaging use of the term anthropocentrism reveals metaethical commitments to ecocentrism, or to the existence of intrinsic value in nature: but his position does not require such commitments, and indeed is stronger without them⁸¹. The argument that the vice of arrogance prevents us from perceiving, and acting to preserve, non-instrumental value, and that this leads to harm both to us and to nature, thus does not require such commitments. Nor therefore does Cafaro’s conclusion, that “instruct[ion] in nature’s diversity and beauty” can help us escape the vice of arrogance, and develop the contrasting virtue of a “proper human pride” based not on “setting ourselves up as tyrants over the rest of creation” but on humility, attentiveness and respect

80 Cafaro also (ibid.:151-153) interprets apathy as a lack of social and political engagement with environmental issues. Clearly, significant harm to both natural systems and human communities is caused by people’s failure or unwillingness to be socially and politically active environmentalists, particularly perhaps when this represents a failure to act on privately held environmentalist convictions. This though is an instance of a more general vice, not a specifically ecological one: harm is similarly done, we might say, by people’s failure to engage politically in pursuit of, for instance, equality or justice. Insofar as this failure is due to apathy, in the environmental arena as elsewhere this general vice of apathy contrasts with the general virtue of political participation, broadly construed.

81 For discussion of this point see O’Neill (1992, 1993) and James 2006

for the natural world (Cafaro 2005b:147).

Arrogance is often cited as a key ecological vice, not only (as by Cafaro, and also by Barry and Hill above) in explicitly virtue theoretical contexts, but also by environmental writers more broadly. Louke van Wensveen's survey of ecological virtue language identifies it as heavily emphasised in the work of, among others, Murray Bookchin (1982 - see Wensveen 2000: 49) and Thomas Berry (1988 - see Wensveen 2000: 74). She goes on to comment that

The vice of pride, or *hubris*, first on the traditional list as the most pernicious of sins, is a major concern in the environmental movement. [...] Ecologically minded people often refer to this form of pride as human arrogance or anthropocentrism. Such an attitude is harmful, the argument goes, because it ignores the intricate network of relationships in which humans find themselves. As a result, human actions are not geared towards sustaining this network; they do not contribute to what ecological prudence recognises as a good. (Wensveen 2000:98)

Here we have perhaps returned to where this chapter began. As Wensveen shows, arrogance in this context is strongly and widely associated with *ignorance* or *denial* of ecological dependence. As we have seen Frasz and Barry argue, there is a (less common) opposite vice characterised by “loss of individuality” (Frasz 1993: 279) or “quietism” (Wissenburg 1993, quoted in Barry 1998: 33). Between the two lies the virtuous mean identified by Barry and Hill as humility, which by contrast is associated with a reflective *acknowledgement* of ecological dependence, and tends to “encourage social-environmental relations which are symbiotic rather than parasitic.” (Barry 1999:35)

6.6 *Ecological virtues and consumerist societies*

Much of this language of character, virtue and vice seems quaint and old-fashioned today. This is no doubt partly because outside philosophical ethics and certain religious traditions we only normally encounter virtue terminology in colloquial usages, which tend to refer to *practices* (such as recycling or volunteering) as virtuous, rather than discussing

underlying character traits. It is probable, however, that another major reason why such talk sounds anachronistic is that the implicit value structures of modern consumerist societies have turned character traits previously thought of as vices into virtues. Peter Wenz points out that Lewis Mumford already understood this in 1956:

Observe what has happened to the seven deadly sins of Christian theology. All but one of these sins, sloth, was transformed into a positive virtue. Greed, avarice, envy, gluttony, luxury and pride were the driving forces of the new economy: if once they were mainly the vices of the rich, they now under the doctrine of expanding wants embrace every class in [industrial] society. (Mumford 1956, quoted in Wenz 2005:205-6)

Wenz goes on argue that consumerist society, importantly but not exclusively through advertising, fosters, encourages and indeed relies upon the prevalence of “traditional vices”, specifically pride, envy, greed, intemperance, selfishness and indifference. Given the “baleful” effects of consumerism on both the environment and on people, he argues, these traits should nonetheless still be considered vices: specifically, though not exclusively, as environmental vices. By contrast traditional virtues such as frugality, appreciation, temperance, self-development, dedication, generosity, empathy and benevolence tend to “inhibit the consumerism that impairs human flourishing and degrades the environment” (Wenz 2005:207). Thus “people in industrial consumer-oriented societies should cultivate traditional virtues to benefit themselves, other human beings, and the nonhuman environment” (ibid.:212). Proceeding from a similar analysis, Sandler writes:

Consumptive dispositions are bad for people. Greed, intemperance, profligacy and envy are vices. They tend to be detrimental to their possessor’s well-being, and they favour practices that compromise the environment’s ability to provide environmental goods. Moderation, self-control, simplicity, frugality and other character traits that oppose materialism and consumerism are environmental virtues, inasmuch as they favour practices and lifestyles that promote the availability of environmental goods. (Sandler 2007:60)

While, as Cafaro notes (2001:47), “the exhortation to avoid materialism and subordinate economic activities to higher values was already old in Athens and Jerusalem 2500 years

ago”, this is nonetheless a recurring theme in environmental virtue ethics, as of course it is in much mainstream environmentalist writing.

MacIntyre also has consumerism (and indeed capitalism) in his sights, and makes clear that consumerist societies are detrimental to the relationships which the virtues of acknowledged dependence help to build and maintain. In answer to the question “what are the types of political and social society that can embody those relationships of giving and receiving through which our individual and common goods can be achieved?” (MacIntyre 1999:129), he observes that

[E]conomic considerations will have to be subordinated to social and moral considerations, if a local community that is a network of giving and receiving is to survive, let alone thrive. [...] [T]rying to live by Utopian standards is not Utopian, although it does involve a rejection of the economic goals of advanced capitalism. For the institutional forms through which such a way of life is realised, although economically various, have this in common: they do not promote economic growth and they require some significant degree of insulation from and protection from the forces generated by outside markets. Most importantly, such a society will be inimical to and in conflict with the goals of a consumer society. (ibid.:145)

Should we then conclude that the virtues of acknowledged ecological dependence can in fact be entirely reinterpreted as instances of those traditional virtues, such as frugality, humility and temperance, which stand in opposition to environmentally destructive consumerist societies? Strong arguments can indeed be made, as we have seen, that (re)embracing such traditional virtues would in practice go a long way toward reorientating our societies toward ecological sustainability. It can also be argued from more theoretical perspectives that our current predicaments and priorities are not really so unique in the history of humanity as to require new virtues. James Connelly (2006b:70-71) suggests that

[E]nvironmental and nonenvironmental virtues [...] overlap, with old ones typically being put to new uses, and extending their scope and reference. This follows from the fact that we are seeking to generate a practical

conception of a sustainable common environmental good, not an entirely new aspiration unrelated to all our previous goals and ideals.⁸²

6.7 “*Right orientation to nature*”

It will not suffice, however, to posit a straightforward equivalence between ecological virtues and what we might call traditional anticonsumerist virtues. Connelly is no doubt right that the overlap between the two sets of virtues is substantial. But before taking it to be complete, we should check for relevant virtues which do *not* fall within it. After all, if we are seeking to identify virtues of acknowledged ecological dependence, should we not be positing at least some virtues *specifically* concerned with our actions and attitudes toward the nonhuman world?

Rosalind Hursthouse (2007) considers this question and concludes that we do indeed need to add one new such virtue, which she terms “right orientation to nature”. Accepting that “much of what is wrong with our current practices with regard to nature springs from [...] familiar and ancient human vices - played out, in environmental ethics, on a new stage” (Hursthouse 2007:157), she goes on to note that

[D]efending the green belief in terms of the old virtues and vices involves a particular strategy. Each old virtue or vice mentioned is considered in the context of the new area of our relationship with nature, and thereby acquires a new application or dimension. [...] We acquire a new perception, or understanding, of what is involved in being compassionate, or greedy or short-sighted or properly humble or arrogant; some of the old vices and virtues get reconfigured. (ibid.:158)

This reconfiguration is of course precisely the strategy applied by most of the writers considered above. But, Hursthouse asks, how *can* old virtues in fact get reconfigured in

82 Various counterarguments are possible here. Empirical arguments could be made that we really *do* face such new and severe dangers (such as runaway climate change and widespread ecosystem collapse) that new virtues are required to guide wholly new patterns of behaviour. Alternatively, it might be argued that since our consumerist societies “developed” from previous, overtly Christian, societies which supposedly went to great lengths to inculcate precisely these traditional virtues, some new perspective *is* likely to be required if the whole cycle is not to repeat itself. In particular, proponents of new virtues based on respect for the intrinsic value of nature may well argue that such respect, though widespread in other cultures, has never been a feature of the “Western” mindset, and did not feature among the traditional Athenian or Christian virtues. None of these intriguing empirical arguments are pursued here, however, as it is essentially immaterial to the present thesis whether we see ecological virtues as new, or as modern instances of older virtues.

this way?

How, after all, is the reconfiguration of the familiar virtues and vices to be brought about except by a radical change in our ways of thinking and feeling about, and hence acting in relation to, the natural world? [...] But a “way of thinking, feeling and acting in relation to” some field or area of activity is, quite often, an ethical character trait, a virtue or a vice. If what is needed is or are a new way or ways, perhaps what is needed is at least one new virtue, explicitly concerned with our relationships to nature. (ibid.:160)

Hursthouse proceeds to carefully reconstruct the concept of “respect for nature” as the *virtue* of “right orientation to nature”. As discussed above, Shaw and Sandler associate ecological sensitivity with respect for nature, which they both take to be a new application of the more general traditional virtue of respect, justified in non-eudaimonist terms. Hursthouse’s eudaimonist approach however is significantly different. She first argues, against the influential view of Paul Taylor (1981, 1986), that respect for nature should be seen as “a character trait rather than an attitude” (Hursthouse 2007:162). Respect for nature cannot simply be “adopted” but requires inculcation and continued practice:

What [Taylor] describes [...] is being rightly oriented to nature, through and through, in action, emotion, perception, sensibility and understanding. What is involved in “adopting” this attitude would, according to what he says about it, manifestly have to be a complete transformation of character. [...] Can having “respect for nature”, as he describes it, not come about at all, given that it cannot simply be adopted or taken up? The problem is solved if we construe it as a virtue. You can’t just decide to have [...] virtuous character traits. But they can be acquired through moral habituation or training, beginning in childhood and continued through self-improvement. (ibid.:163-4)

The emphasis here on “moral habituation and training, beginning in childhood and continued through self-improvement” strongly recalls MacIntyre’s descriptions of the ongoing familial and social processes by which the virtues of acknowledged dependence are developed and maintained.

The basis and scope of respect for nature as a virtuous character trait are then examined. In Taylor’s “biocentric deontological” (ibid.:165) picture, the ethical rationale for urging

respect for nature rests on the attribution of “inherent worth” to living things⁸³. For Taylor, the fact that living things have a *telos* or “a good of their own” means that they are “members of the Earth’s Community of Life” (Taylor 1986:44), and this in turn means that, like humans, they are entitled to respect, in a Kantian sense of entitlement to being treated always as ends rather than only as mere means. Thus, also like humans, they should be treated as having “inherent worth”. This is also, broadly speaking, the view taken by Shaw and Sandler. Yet substantial problems follow from building in “inherent worth” as a foundational premise in this way. One is the thorny question of resolving competing claims between the interests of living things, once both are considered to have inherent worth for the same reason. Do some living things - for instance humans - have *more* inherent worth than others? Neither yes nor no seem satisfactory answers⁸⁴.

Hursthouse however focuses on a different problem: it is hard to see how Taylor’s framework can ground respect for *inanimate* natural features or systems, which seems to weaken it considerably. Taylor’s “community of life” excludes the “soils and waters” that are explicitly included in Leopold’s version of an “expanded community” (even though Leopold also confusingly refers to this “community” as “biotic”). It also seems capable of justifying respect for the *integrity of natural systems* only indirectly, via respect for their living components. This is the same problem alluded to above in relation to Shaw’s teleological reading of Leopold. From the perspective of acknowledging human ecological dependence this looks, as it does to Hursthouse, like a serious shortcoming of Taylor’s approach.

One potential move at this point is to adopt a “deep ecology” perspective (such as that of Naess 1989) which would extend ideas of teleology and/or intrinsic value further still, to

83 Taylor’s usage here is broadly equivalent for these purposes to what is more commonly called intrinsic value. For an examination of the distinctions between such phrases in this field, see Stephens 2000.

84 This way lie the complexities of animal rights theory, which are well beyond the scope of this thesis.

encompass mountains, oceans, ecosystems and so forth. Hursthouse argues, however, that a virtue approach renders this problematic move unnecessary, since inherent worth or intrinsic value is best seen from a virtue ethics perspective as a colloquial concept, not a foundational theoretical commitment. As such it is useful and appropriate as a heuristic tool, for instance in the “training of children in reasons for action and emotional responses” (Hursthouse 2007:165), but is not necessary or useful in the normative justification of respect for nature.

From the perspective of virtue ethics, Taylor’s introduction of the contentious notion of inherent worth is superfluous. “Regarding a living thing as having inherent worth” amounts to nothing more (though nothing less) in his account than regarding facts about whether a proposed course of action will benefit or harm a living thing as providing non-instrumental reasons for or against it, and it is his rich and insightful identification of this range of reasons which is significant. For, once they are identified, we can readily see how they might be used to inculcate a character trait - the virtue of “respect for nature”, or as I would prefer to call it (given the restrictive connotations of “respect”), “being rightly oriented to nature”. (ibid.:164)

This move away from inherent worth as a foundational ethical commitment in fact considerably *widens* the scope of natural entities, systems and phenomena for which respect is justified, since as Hursthouse reminds us (ibid.:165), Taylor’s version refers only to “respect for *living* nature”. She quotes a passage from Taylor in which he describes the “attitude” he has in mind:

One becomes aware that, like all other living things on our planet, one’s very existence depends on the fundamental soundness and integrity of the biological system of nature. When one looks at this domain of life in its totality, one sees it to be a complex and unified web of interdependent parts. (Taylor 1984: 44, quoted in Hursthouse 2007:165)

Hursthouse then points out the incongruity of the word “biological” here, asking:

Do the sun, the moon and the seas, the minerals in the earth, the ozone layer, have no role to play in maintaining the “domain of life in its totality”? [...] Drawing a hard and fast distinction between the animate and the inanimate seems particularly inappropriate in the context of environmental ethics. (ibid.:165-6)

Rejecting this distinction, respect for nature (or as Hursthouse prefers, “right orientation to nature”) is then reconceived to include not only respect for living things, but also for (at least some) inanimate natural features and phenomena, and for the integrity of whole natural systems themselves, including both their animate and inanimate elements. This is achieved not by the “deep ecology” route of *extending* the problematic idea of intrinsic value even further to encompass inanimate nature, but by elegantly circumventing the need for it.

[I]f we think of being “rightly oriented to nature” not as an attitude founded on an adult’s rational recognition of [the inherent worth of living things] but as a character trait arising from a childhood training that gives us particular reasons for action (and omission) in particular contexts, and shapes our emotional response of wonder, the hard and fast line [Taylor] draws between the animate and the inanimate becomes insignificant. (ibid.:166)

This character trait, of course, is not currently widespread in modern societies. But Hursthouse argues that seeing it *as* a character trait, as a virtue, and indeed as a *new* virtue which we should reorient our societies to better nurture, is more likely to achieve the desired result (of making it more widespread) than environmental philosophers’ attempts to persuade people about intrinsic value.

Possession of the virtue of being rightly oriented to nature quite generally is still a long way off. But the green belief does, after all, call for a radical change in us, something rather more radical, one would suppose, than a change in a few theoretical beliefs about intrinsic worth that few people but philosophers are conscious of holding anyhow. (ibid. 167)

6.8 *Orientation, relationship, normativity and exemplars*

I agree with Hursthouse that the virtues of acknowledged ecological dependence, the ecological virtues, will be incompletely specified if the package does not include a *specific* virtue along the lines of her “right orientation to nature”. Older “anticonsumerist” virtues such as temperance and frugality, as we have seen, should also be included, but these cannot capture the full picture. This is not only because of the arguments above about old and new virtues. The notion of *orientation* is also important in itself, because it facilitates a

closer focus on *relationships* between human and nonhuman worlds. From the perspective of ecological virtue we are certainly, in Hill's words, interested in "what kind of person": but we are interested in the person's interdependencies and relationships as well as in their 'internal' qualities. As Noel Castree points out, the complex relationship between human and nonhuman is itself a dynamic one, meaning that "the relationally constituted, and situationally variable, members of any ethical constituency cannot be ontologically fixed once and for all" (Castree 2002:10).

A virtue approach is arguably better equipped to handle this challenge than other, monistic forms of environmental ethics: a central reason for this is its focus on relationship. Rather than attempting a rigid calculative approach to environmental ethical problems by translating the relevant features into some common metric (for example intrinsic value (ecocentrism), duties to nature (deontology) or aggregate welfare of living things (biocentric utilitarianism)), virtue ethics allows for flexibility and the recognition that each new context is likely to be different. A fresh problem requires the relevant virtue(s) to be applied in fresh ways appropriate to the unique context, applying the "metavirtue" of judgement to work out just what these might be.

It might be objected here though that a "new" virtue is not really required since the virtue of humility, as envisaged (for instance) by John Barry, is in this context already very much about what Hursthouse calls "right orientation to nature". This is to some extent true, since in practice the virtues of "proper humility" and "right orientation to nature" may well turn out to mandate effectively identical behaviour and decisions. But as Sandler (2004) points out, extending and reinterpreting old virtues arguably provides only a weak normative foundation for environmental virtue ethics, since not every situation where ecological sensitivity is called for can necessarily be reinterpreted in terms that make

reinterpreted traditional interpersonal virtues applicable. If acknowledgement of ecological dependence is to be seen as normative for all humans in all situations, then an appeal to some specifically applicable virtue likely to motivate such ecological sensitivity (such as that of right orientation to nature) will be required. This does *not* mean that this ecological virtue will necessarily “trump” other (interpersonal) virtues such as justice, or that the ecologically sensitive course of action will always, on balance, be the one chosen by the virtuous person, but it *does* mean that ecological context will always need to be considered.

None of this, of course, tells us very much about what it would mean in practice to be rightly oriented to nature. Hursthouse is in fact somewhat pessimistic about our prospects of knowing this, suggesting that while “the very next generation may start to show us the way”, nonetheless “it is possible that we have already made such a mess that we shall not be able to live well, as part of the natural world, for many generations to come, if ever” (2007:170). Part of this pessimism comes from her conviction that we lack exemplars, wise people from whom to learn *what it is* to live in accordance with the virtue of being rightly oriented to nature. She observes that

It is possible, though this is contested, that we have glimpses of what it might have been like to live in accordance with the virtue of being rightly oriented to nature in the little we know of the lives of the Australian Aborigines and the Amerindians before European hegemony. But even if we knew a lot more about their lives and even if it were certain that they had possessed the virtue, this would not entail that that is how we should strive to live and be now. Human beings are essentially socially and historically situated beings and their virtuous character traits have to be situated likewise. A twenty-first century city-dweller who possessed the virtue to some degree could hardly manifest it in just the same ways as Australian Aborigines and Amerindians perhaps used to when they lived as hunter-gatherers. What we need to know is what would count as living in accordance with it *now* or in the near future. (ibid.:169)

This, I think, is overstated. It is still entirely possible to learn about different ways of relating to the nonhuman world from indigenous people. There are still many people on the planet who are not yet conditioned into modern consumerist relationships with nature,

and indeed many who have long been engaged in resisting such conditioning. There is no good reason to assume that we cannot learn anything useful from what Aristotle called the *phronesis* (practical wisdom) of such people. Anthropologists, and others, who can observe, listen and communicate while remaining attentive to the ever present dangers of romanticisation and projection, know that there is a great wealth of intangible as well as tangible knowledge that “they” can give “us”. Ingold (2000), for instance, shows at length how much we have to learn from indigenous hunter-gatherer and pastoralist societies about what it is to deeply know and *dwell in* an environment. Appreciating and understanding different perceptions of and orientations toward nature is not, by any means, only a matter of copying specific practices. We need not entirely share Hursthouse’s pessimism here.

6.9 *Ecological virtues and autonomy*

It remains, then, to examine the relationship between the ecological virtues, as discussed in this chapter, and those associated with autonomy and freedom. Practical, political and strategic aspects of this question will be discussed in chapter 7. First though, I briefly consider here the close structural parallels between the ecological virtues and the virtue of autonomy. My contention is that like the corresponding social virtues, the ecological virtues can help us to discern and understand the real boundaries of our autonomy, and thus to understand, develop and exercise it as a virtue in its own right.

John Benson, as discussed in chapter 5, describes the virtue of autonomy as follows.

The virtue of autonomy is a mean state of character with regard to reliance on one’s own powers in acting, choosing and forming opinions. The deficiency is termed heteronomy, and there are many terms which may be used to describe the heteronomous person, some of which suggest specific forms of the vice: credulous, gullible, compliant, passive, submissive, overdependent, servile. For the vice of excess there is no name in common use, but solipsism might do, or *arrogant self-sufficiency*. To be deficient in autonomy is to be *too dependent* on the support, prompting and advice of others. The opposite extreme is to rely on oneself when it would be more judicious to accept the counsel or testimony of others. (Benson 1983:5-6: emphasis added)

Arrogance, then, is cited both by Benson as a vice contrasting with the virtue of autonomy, and, as we have seen above, by environmental virtue theorists as a key vice contrasting with ecological virtue. This already suggests a connection between the corresponding virtues. In fact the phrase used by Benson to describe the vice of “excessive” autonomy, *arrogant self-sufficiency*, seems equally apt as a description of the ecological vice we might call a deficiency of humility (in Barry’s terms), or a particular sort of “wrong” orientation to nature (in Hursthouse’s). In both cases the person fails to properly acknowledge, appreciate and act on their connectedness, their essential interdependence, in one case with fellow humans and in the other with the nonhuman world.

The opposite vices in the two cases maintain the parallel. Benson characterises the deficiency of autonomy as a matter of being *too dependent*, leading to failure or inability to trust one’s own judgement. The corresponding ecological vice of “excessive” humility again represents, in Hursthouse’s terms, a failure to achieve a right orientation to nature. Like the deficiency of autonomy, it is a matter of failing to properly appreciate the true nature and extent of one’s relationships of dependence and interdependence: here the failure is perhaps an undue *overestimation* of dependence, leading a person to, in Frasz’s terms “los[e] all sense of individuality when confronted by the vastness and sublimity of nature”.

The development both of ecological virtue and of the virtue of autonomy thus requires proper understanding of the complex dependencies and interdependencies involved in human life and agency. In both cases, to recall MacIntyre, “recognition of dependence is the key to independence”. The virtuous person will neither over- nor under-estimate their dependency. They will learn, understand, acknowledge and act on the basis of the reality.

This is not an easy, quick or well defined process, nor one that need be done only once. As MacIntyre notes, the webs of our relationships, connections and dependencies are ever shifting: both autonomy and ecological virtue therefore necessarily involve continual dynamic processes of observation, reflection and adjustment.

The acknowledgement of *ecological* dependence, and the cultivation of the relevant virtues, is a critically important part of this process, perhaps more so now than ever. More abstractly, the understanding that this is the case is also important in its own right. If our conception of autonomy, and thus of freedom, is developed without due regard to the ecological limits revealed by such acknowledgement, then we risk trapping ourselves into believing that we can never be ‘free’. We also risk sacrificing many present and future lives, both human and nonhuman, on the altar of this unachievable ‘freedom’. As Robyn Eckersley (2006:275) argues, we should reject the idea that “sustainability is necessarily a constraint on autonomy” and see it instead as a *condition* for autonomy:

The ‘constraint interpretation’ contains a deep-seated anti-ecological bias in giving priority to the preferences of a sub-set of the existing generation who derive benefits from environmental exploitation. [I]t fails to factor in the ‘unfreedoms’ imposed on the present victims of environmental injustice, or the longer-term costs of failing to act for everyone – costs that are destined to increasingly restrict the choices of successive generations. By seeking to uphold the individual’s capacity and right to choose his or her own good over and above the idea of social deliberation about the common good, apologists for the liberal democratic state deny the fundamentally social character of individual conceptions of the good, and our collective dependence on the environment. (ibid.:275-6)

6.10 Conclusion

Ecological virtues, it turns out, are closely related to the virtue of autonomy. Both require ongoing observation, acknowledgement and understanding of the relational and dependent nature of human life and agency. A virtue perspective therefore helps us to see ecological sustainability and personal freedom as complementary rather than conflicting. The virtues associated with acknowledgement of ecological dependence are those which

lead their possessor to act in ways conducive to ecological sustainability: these dispositions and character traits include ‘traditional’ virtues such as humility, prudence and temperance, but also the more specific virtue of being, in Hursthouse’s phrase, “rightly oriented to nature”. Such orientation requires education in, and attentiveness to, not only the rational perspective of environmental science but also aesthetic and emotional engagements with the nonhuman world.

This chapter has defended a eudaimonist version of environmental virtue ethics, in which these dispositions and character traits are seen as virtues because of their contribution to the flourishing of their possessor, rather than because of any contribution to the flourishing of nonhumans or the integrity of ecosystems. (I have argued that the alternative, a hybrid or non-eudaimonist environmental virtue ethics, is metaethically problematic insofar as it relies on the concept of ‘intrinsic value’ in nature.) This eudaimonism makes the concept of ecological virtue consistent with the ‘enlightened anthropocentrism’ argument for strong sustainability outlined in chapter 1, and thereby makes it possible, as I show in chapter 7, for the promotion and facilitation of ecological virtue to make principled and coherent use of appeals to enlightened self-interest.

7 Virtues, capabilities and consumption

This final chapter considers the political and social implications of the discussion of ecological virtue in chapters 5 and 6, and relates this discussion back to the arguments of earlier chapters. It was argued in chapters 2 and 3 that facilitating flourishing lives is the legitimate aim of government, that effective policies directed at ecological sustainability can and should be viewed as a key part of achieving this aim, and that such policies are compatible with the protection of freedom properly understood. This compatibility was demonstrated by interpreting both freedom and sustainability in terms of capabilities for flourishing. Sustainability is, in a very real sense, a matter of preserving future people's capabilities for flourishing in an ecologically intact world (Page 2007). This is not only compatible with, but inextricably *intertwined* with the preservation of freedom, because freedom is itself one of these capabilities, as well as also being necessary for others.

Ecological virtue, it was argued in chapter 6, can also contribute to individuals' flourishing. Virtues and capabilities are complementary parts of the ecologically informed conception of the good life argued for in chapter 2. Promoting and facilitating ecological virtue, it is argued in this chapter, can help move human societies toward ecological sustainability, not least by reducing resource consumption. Empirical evidence suggests strongly that increased consumption (above minimum thresholds) does not in any case seem to increase "life-satisfaction". The same may well be true for increased "choice". A capabilities based analysis reveals what is going on here: neither necessarily contributes significantly towards a flourishing life, either directly or by delivering increased freedom. Maintenance of consumption ceilings via regulation of consumption drivers is thus legitimate, desirable and a key part of facilitating flourishing both now and in the future.

Encouragement and facilitation of ecological virtue is an important part of this. To be either a new or an effective approach, however, ecological virtue needs to be reflected in policy as well as demanded of individuals.

7.1 *Environmental virtue, citizenship and self-interest*

It was argued in chapter 6 that ecological virtues can be fully justified in eudaimonist terms. On this model, they are virtues because their possession and exercise contribute to the flourishing of the individual concerned. Benefits to other human individuals (including future people) and to the integrity of human communities, as well as beneficial effects on nonhumans and on the integrity of natural systems, cannot in themselves affect whether a character trait is seen as a virtue. This does not however mean that such external benefits are not valued. They are understood to contribute to the flourishing of the individual. Given a sufficiently rich and nuanced picture of human flourishing, which takes full account of the importance of interpersonal and ecological relationships, the concept of ecological virtue need not require the introduction of external or non-eudaimonistic ends as capable of justifying character trait as a virtue⁸⁵. This rich picture can emerge from an ecologically informed version of a capabilities approach. Capabilities and virtues are thus complementary parts of the substantive, more-than-procedural conception of the good life identified in chapter 2 as a prerequisite for effective sustainability policy.

The attraction of a eudaimonist model of ecological virtue lies not only in simplicity and philosophical consistency. It also has considerable political and strategic value, in that it allows the promotion of ecological virtue to appeal to enlightened self-interest. It can be argued, in fact, that only acknowledgement of the connection between ecological virtue and flourishing can make the concept of ecological citizenship politically useful.

85 See Thompson 2008; Prior 2001; Hursthouse 1999, 2007

Writers on environmental or ecological citizenship (such as Dobson 2003, Connelly 2006b, and Sagoff 1988) often observe that changing people's environmental attitudes and behaviour is better and more reliably achieved by somehow getting them to change their values than by the "carrots and sticks" route of financial incentives and penalties. Building a widespread sense of citizenship, including environmental citizenship, is seen as not only ethically preferable but also more effective than appeals to self-interest. There is nonetheless, of course, a significant element of self-interest involved in acting in such a way as to bring about a greener world. Persuading people not to drop litter may well be made easier by encouraging them to reflect on what sort of local environment they actually want to live in: self-interest, after all, is not only about money. However, free rider problems and problems of delayed effect quickly come into play. In the case of carbon reduction measures taken to mitigate climate change, for instance, there is a delay of at least 20 to 30 years: we are currently experiencing the climate effects of emissions increases which took place in the 1970s and 1980s (IPCC 2007). Any climate-related benefit accruing from not taking a flight today will not be felt for decades. It is not at all clear that it would be *irrational* to choose to live it up now and leave future generations to pay the price. Nor would it be irrational to calculatedly continue to reap material benefits from continuing to consume and emit at a high rate, while also enjoying the environmental benefits of others' reductions. Appealing purely to self-interest will, it seems, never deliver the goods.

It might be objected that this line of thought neglects another sort of self-interested motive. Some people may feel a warm glow of satisfaction at having done their citizenly duty, and experience this glow as a personal gain, worth pursuing purely for reasons of self-interest. But this will only be true of people who already have a belief in the value of citizenship, which leads them to feel good when they have behaved as a good citizen

would. For those that have it, such a belief may indeed be a strong motivating force. However, this is not really a matter of self-interest, except perhaps in rare cases where the belief in the value of citizenship is itself purely self-interested. More plausible is to say that in such cases people act (or aspire to act) in what they consider to be the way good citizens act because they genuinely believe they *should*, not just because they want the warm glow, pleasant though this may be.

Ironically perhaps, there is a sense in which the concept of ecological virtue makes appealing to self-interest seem viable after all. The possession and exercise of the virtues, on a eudaimonist model, makes for a genuinely better life: if I believe that an ecologically virtuous life will be a happier or more flourishing one then I may well be motivated to change my behaviour accordingly. This suggests a powerful political strategy: the ecologically virtuous life, if it is likely to be a better one, can truthfully be presented as (at least in part) its own reward.

This is not however the approach of Connelly's (2006b) influential recent chapter on the role of virtue in environmental citizenship, which essentially concludes that the concept is strategically useful but need not be presented as something to be taken literally. Acknowledging the need for people to be internally motivated to respond appropriately to environmental problems, he suggests that "virtuous eco-citizens will internalise the purpose and value of good environmental practices, and their obedience will thus transcend mere compliance, going beyond it toward autonomous virtuous activity" (Connelly 2006b:49). Connelly proposes an "impure" use of virtues, which does not require "endors[ing] virtue ethics as such" (ibid.:50) and is thus "not restricted to the Aristotelian idiom" (ibid.:51). He resists any metaethical commitment to the existence or value of virtue, and is content simply to claim that "consideration of the virtues is a crucial part of

green ethics and politics because exercise of the virtues is practically efficacious” (ibid.:50). It is practically efficacious, in fact, almost by definition, since “an eco-virtue is ecological thoughtfulness plus the disposition to pursue appropriate internally motivated action” (ibid.:60).

Virtues are still seen as teleological, but the *telos* in question, for Connelly, is no longer “internal to a conception of human flourishing”. It is instead “primarily outward directed and consequential, and the account of the virtues is accordingly couched in instrumental terms” (ibid.:50):

On this view, virtues concerning the environment are directed outward toward the realisation of environmental goods (and justified by their success in producing those goods) rather than human well-being or happiness (eudaimonia) in the Aristotelian sense. (ibid.:50)

An environmental virtue, in Connelly’s terms, is “a character trait a human being needs to realise environmental ends; if eudaimonia is also achieved, so much the better, but that is not the direct focus” (ibid.:51). He thus chooses not to make what he calls “the bold claim that what is good for the environment is *ipso facto* good for human flourishing” (ibid.:51). This choice is tactically advantageous, he claims, because it avoids “having to argue particular ontological claims prior to putting the virtues to good use”. It allows virtue language to be used without requiring people to actually adopt a new ecologically informed conception of the good life. This in turn allows him to make his use of virtue language consistent with his general claim that “attitudes need to change, but it does not follow that change needs to presuppose an ontology of deep ecology or the like” (ibid.: 50). This, for Connelly, means that we can present environmental virtue as fitting within an existing ethical tradition, with an established formal structure. His proposal to separate virtue from flourishing, however, is itself a bolder move than he acknowledges, and one that takes him further away than he admits from that tradition.

I will return below to the theoretical question of what Connelly means by “an ontology of deep ecology”, recalling that, as discussed in chapter 6, an environmental virtue ethics in which environmental virtue and flourishing are explicitly linked need not require or imply such an ontology. My first concern though is the more practical and political one, that Connelly’s approach of “couching virtue in instrumental terms” makes environmental virtue ethics more widely palatable simply by emptying it of real content and moral force. The apparent tactical advantages of divorcing ecological virtues from human flourishing are, I suggest, likely to be outweighed by the removal of the incentive to develop them.

Why exactly *should* potential “virtuous eco-citizens internalise the purpose and value of good environmental practices”, if they do not stand to have a better life by doing so? We can hardly appeal to their commitment to achieving the “common environmental good”, as Connelly implies, since this is precisely the commitment whose apparent absence we are trying to rectify⁸⁶. On Connelly’s model, people are required to internalise the value of pursuing not their own *telos* but the external, outwardly-directed *telos* of ecological sustainability. Environmentalists would no doubt agree that they should indeed internalise this – but of course this is the same message they have been struggling to get across all along. They struggle precisely because the perception that this external goal conflicts with the individual’s own interests may very well prevent its internalisation. Introducing the language of virtue will not resolve this conflict if virtue is divorced from human flourishing: the political usefulness of an appeal to virtue is greatly reduced without the claim that living a virtuous life is in itself beneficial.

86 Connelly cites T.H. Green in support of his view that the use of virtue language need not be eudaimonist, since “virtues are not private but social” (ibid.:51). Yet even in the quote given, Green acknowledges that *as well as* being social, “every virtue is self-regarding in the sense that it is a disposition, or habit of will, directed to an end which the man presents to himself as his good” (Green (1890) cited in Connelly 2006b:51).

There is also a related philosophical problem with this tactical non-eudaimonist use of virtue language. Can dispositions and actions really become virtuous because of discoveries in environmental science, independently of whether they contribute to flourishing human lives? A non-eudaimonist account of virtue is one thing, but a purely consequentialist account seems a step too far. If we end up simply saying that a disposition to act in a particular way becomes a virtue at the point when we discover that such action will “realise environmental ends”, virtue will have disappeared entirely as a meaningful ethical concept and become just an analogy or a rhetorical tool.

We do not have to follow Connelly down this path though. As has already been argued, the “bold move” of linking environmental virtue to human flourishing is neither as bold nor as politically unattractive as he claims. To illustrate this, it may be helpful to look a little more closely at the possible meanings of environmental virtue language.

7.2 *Tactical analogy or moral argument?*

What exactly is going on in appeals to the idea of ecological (or in Connelly’s case, environmental) virtue? There seem, roughly, to be five possible interpretations:

- i. Virtue language is sometimes used as a kind of *sociological* analogy, perhaps rather like Szerszynski’s (1997) “environmental piety” . Here there is no intent to encourage people to be virtuous, and no normative claim that they should be so, but simply observation and suggestion that they act or speak *as if* environmental issues were a matter of virtue. This category also includes journalistic usages facilitating shorthand mockery of an apparent new orthodoxy, as illustrated in stories suggesting that Prince Charles’s or Al Gore’s personal carbon footprints undermine their (implied) claims to be environmentally virtuous.

- ii. The language of virtue can also serve as a *normative* analogy, part of a rhetorical strategy to explain what is required of people and encourage them to do it. The desired effect here is for people to internalise compliance with a norm, but not for them literally to be virtuous people. The appeal to their desire to be (or to be seen as) virtuous people is a kind of marketing strategy, designed to get them to behave in the desired way. Examples of this kind of message, though they do not explicitly use virtue language, can be found on the UK government's websites (eg Directgov 2008) which exhort individuals to "act on CO₂" by calculating and reducing their personal carbon emissions.
- iii. Some talk of environmental virtue is in reality promoting a different virtue, that of good *citizenship*, which just happens empirically to include some environmental content. On this view flying less, for example, is genuinely virtuous, but only in the same way that voting in elections or paying one's taxes is virtuous: it is one of the actions characteristic of a good citizen. Closely related to the virtue of good citizenship, of course, is that of justice. An appeal to justice is also involved in this kind of appeal to citizenship, whether explicitly or implicitly. This is, broadly speaking, the view of environmental virtue implied by a republican citizenship framework, or by Dobson's "post-cosmopolitanism". (Dobson 2003).
- iv. Some environmental virtue discourse *does* want people to internalise and act on the idea of being environmentally virtuous *per se*, but purely for the sake of an "external *telos*" of ecological sustainability (or some such) to which the virtue is directed and which, it is believed, would be good to bring about. This may

well be good for an individual person indirectly, insofar as it helps bring about consequences which would be good for everyone, but it will not directly improve their life in and of itself. This, as I understand it, is Connelly's position. As argued above though, it seems in practice to just collapse into a variety of version (ii).⁸⁷

- v. Finally, virtue language can be used to argue that people should develop and exercise environmental virtue, since such virtue will not only contribute to realising ecological sustainability but also contribute directly to flourishing lives, because it is part of the realisation of each person's own individual *telos* as a human being. On this eudaimonist view the life of environmental virtue is at least partly "its own reward".

If the concept of environmental virtue is to carry moral weight and add something new, it seems clear that only version (v) can do the job. The other positions listed are either purely descriptive (i), reducible one to another (i.e. option (iv) reduces to option (ii)), or reducible to other pre-existing arguments (this is true of (ii) and (iii)). Using an analogy of the virtuous person to encourage internalisation of environmental norms may sometimes be rhetorically effective but says nothing about virtue. Promoting citizenship as a virtue (which might or might not include some level of environmental awareness) may well be a tactically valuable move, but is far from new and still does not say anything about the value of environmental or ecological virtue as such. Only from a position of genuine belief that an ecologically virtuous life is a better or more flourishing one can an honest and morally compelling argument for the development, inculcation and facilitation of such

87 On an alternative reading, Connelly's argument could perhaps be seen as a variant of option (iii), if it also included a specific commitment to the proposition that everyone has a duty of citizenship to act in pursuit of the common environmental good. This may well be Connelly's view, though he does not explicitly say so. However if we read him in this way, the concept of non-eudaimonist environmental virtue still does not ground any new argument, but becomes a cipher for talk about the duties of citizenship. It thus simply collapses into option (iii) rather than option (ii).

virtue be made.

7.3 *Eudaimonism, flourishing and the common good*

In classical virtue ethics the possession and exercise of the virtues is taken to benefit the possessor by contributing to their flourishing (*eudaimonia*): indeed this is a central part of what a virtue is (Prior 2001). As noted above, Connelly seeks to avoid this eudaimonist interpretation by setting up an “impure” framework in which environmental virtues are “directed” to an external *telos*, described as “the sustainable common environmental good”. I have suggested that this framework is problematic, and that in adopting it he weakens his argument by moving from morality to analogy. This, if I am correct, seems a high price to pay: so it is worth looking more closely at *why* he thinks it would be such a bold move to assert a direct link between environmental virtue and human flourishing.

One plausible justification for Connelly’s worry would be a political or tactical one, deriving from the desire to make his approach seem attractive and reasonable to those outside the radical environmentalist camp. The claim of a direct link might be taken to imply a view of the good life which appears at odds with those embodied in the environmentally destructive high-consumption lifestyles common in modern capitalist societies. However while this may well be true, it does not in itself give any reason to reject the claim. A different vision of human flourishing is precisely what is required if we believe that environmental citizenship involves something more than mitigating the impact of our current patterns of social and economic activity. If such a conclusion is to be avoided on pragmatic grounds then it becomes hard to see how talk of virtues can contribute to the development of environmental citizenship at all.

There is however a second, more theoretical, reason for hesitating to assert a direct link. This is that the link may appear to require a nonanthropocentric ontology of value. Deep

ecology is of course associated with such an ontology, which suggests this may indeed be the source of Connelly's concerns about an "ontology of deep ecology". On this view, we are guilty of an unwarranted anthropocentrism if we take account only of nature's value to humans, and it is this anthropocentrism which in fact lies at the root of our ecological crisis: only by moving to an ecocentric perspective can we recognise the true intrinsic value of the non-human world, and from there proceed to discover the proper ways to interact with it. Thus on the deep ecology view our own flourishing (or as deep ecologists (eg Naess 1989) might say, self-realisation) as human beings depends, in part, on this move away from anthropocentrism.

Holmes Rolston (a leading advocate of non-anthropocentric environmental ethics since the 1970s, albeit not a self-described "deep ecologist") claims, for instance, that virtue ethics with its exclusive focus on human flourishing cannot possibly capture the value of the non-human world. In order for an environmental virtue ethics to be capable of doing justice to nature, Rolston argues that it must be reconfigured as "an ellipse with two foci: human virtue and natural value" (Rolston 2005:69). This looks like precisely the sort of 'environmental virtue ethics with added deep ecologist ontology' that Connelly is worried about.

However, as discussed above and in chapter 6, there are other ways to argue that what is good for the environment is good for human flourishing. A eudaimonist environmental virtue ethics is perfectly consistent with an enlightened anthropocentrism. What Connelly calls the "sustainable common environmental good" is seen, on a eudaimonist model, as an important *part* of every human individual's flourishing, not as an "external *telos*". This does not mean of course that ecological virtues cannot in practice conflict with other virtues in the process of ethical deliberation, nor that they should always prevail if and

when such conflicts arise. Such conflicts are, on any virtue ethical model, to be resolved through the exercise of the “metavirtue” of judgement or practical reasoning. Nor does it imply that human flourishing is impossible within an ecologically unsustainable society⁸⁸. It means simply that the possession and exercise of those virtuous dispositions and character traits associated with the acknowledgement of human ecological dependence, and hence with preservation of the integrity and resilience of natural systems, is a part of the good life.

7.4 *Ecological virtue and policy*

As noted in chapter 4, Marcel Wissenburg (2006:25) argues that “allowing ecological concerns for ethical or ontological reasons to limit the range of admissible lifestyles” is consistent with liberal neutrality. This thesis has questioned Wissenburg’s assertion of consistency with neutrality, but agreed that the limiting needs to be done. I have suggested that such limitation *is* compatible with the protection of freedom, though not with some (neutralist) varieties of liberalism. Limits are required at both the top and the bottom. Chapter 4 concluded that the formalised protection of capabilities as rights and entitlements may be useful for setting and enforcing resource consumption floors at the bottom, but is unlikely to be effective as a means of justifying the setting and enforcing of ceilings at the upper end of the range. The problems encountered were due partly to empirical uncertainty about where ceilings might be set, but also, critically, to the unavoidable individualism of rights approaches.

Chapter 5 then focussed on the importance of relationship and ecological embeddedness for human flourishing, in an attempt to identify a less individualist approach that might better serve to reconcile the setting of consumption ceilings with the promotion and protection of individual freedom(s). This led, in chapter 6, to the concept of ecological

88 As suggested by Hursthouse (2007) but denied by Sandler (2007) - see discussions in chapter 6

virtue. Setting floors may perhaps be justified by a rights framework based on the protection of capabilities, but I have suggested that the justification of ceilings needs something like virtues. The two are entirely compatible, since virtues and capabilities may be considered complementary aspects of a substantive conception of the good life.

There are practical as well as ethical limits to what can be achieved coercively while respecting personal freedom. It would also be unrealistic to expect altruistic motivations to suddenly, and unprecedentedly, overwhelm self-interest in high-consuming ‘liberal democratic’ societies. Fortunately however, the choice is not merely between accepting coercion and hoping for altruism.

As argued above, the promotion and facilitation of ecological virtue can and should build on a sincere appeal to genuine self-interest, based on an ecologically informed notion of human flourishing. It can also do important work in mitigating a general weakness of any ‘floors and ceilings’ approach: the very real problem of uncertainty. The devalued academic reputation of the *Limits to Growth* report (Meadows et al 1972) clearly illustrates the dangers of theorising and policy-making based on modelling using empirical estimates of ecological limits, technological trajectories, prices, and population levels.⁸⁹ All estimates and assumptions, however ‘state of the art’, become hostages to fortune as history unfolds. There will *always* be unavoidable uncertainty about precisely where floors and ceilings should be set: yet this does not remove the need to set them. This not only gives rise to difficulties in setting them accurately, but also to the problem that empirical uncertainty is used (as it is for instance by Anderson & Leal (2001)) to support arguments that it is unnecessary, unjust, or even counter-productive to allow the concept of ecological limits to influence economic policy at all. Supplementing a capabilities approach with a concept of

89 It should nonetheless be noted that recent research (Turner 2008) has undertaken detailed analysis of historical data from the last 30 years and found that Meadows’s “standard run” scenario, which results in the collapse of the global system midway through the 21st century, has so far proved remarkably accurate.

ecological virtue can encourage a focus on awareness, acceptance and celebration of human ecological embeddedness, justifying an overarching precautionary principle of aiming to minimise impact, rather than always pushing to the (inevitably unclear) limit (Charlesworth 2008). The credibility and legitimacy of floors and ceilings set in this precautionary spirit is enhanced, in turn, by the ability to appeal to ecological virtue as an added justification for a precautionary approach.

An appeal to ecological virtue, however, will be ineffective if directed only at individuals. To adopt the rhetoric without genuinely and sincerely reorientating environmental, economic and social policy to embody and facilitate ecological virtue would add little if anything to existing ineffectual exhortations to good environmental citizenship. It would also be both inconsistent and ethically objectionable, and thus very unlikely to gain support from anyone seeking more from environmental politics than a “performance of seriousness” (Blühdorn 2007). Objecting to hypocrisy is different to, and arguably more universally legitimate than, objecting to paternalism: if internalisation of particular values is to be expected of citizens then social and economic policy must itself clearly embody those values. For instance, exhorting individuals to “act on CO₂” and consider flying less (Directgov 2009), while simultaneously approving the expansion of Heathrow airport, is likely to fail, but more because it is hypocritical than because it is paternalistic.

Furthermore, the concept of ecological virtue cannot credibly be promoted without concurrent action to remove impediments to such virtue. This includes incentives to ecological vice, whether offered deliberately or accidentally, by government or by the private sector. Ecological virtue, and hence its promotion, serves human flourishing by (among other benefits) helping to bring about life-enhancing experiences of wholeness,

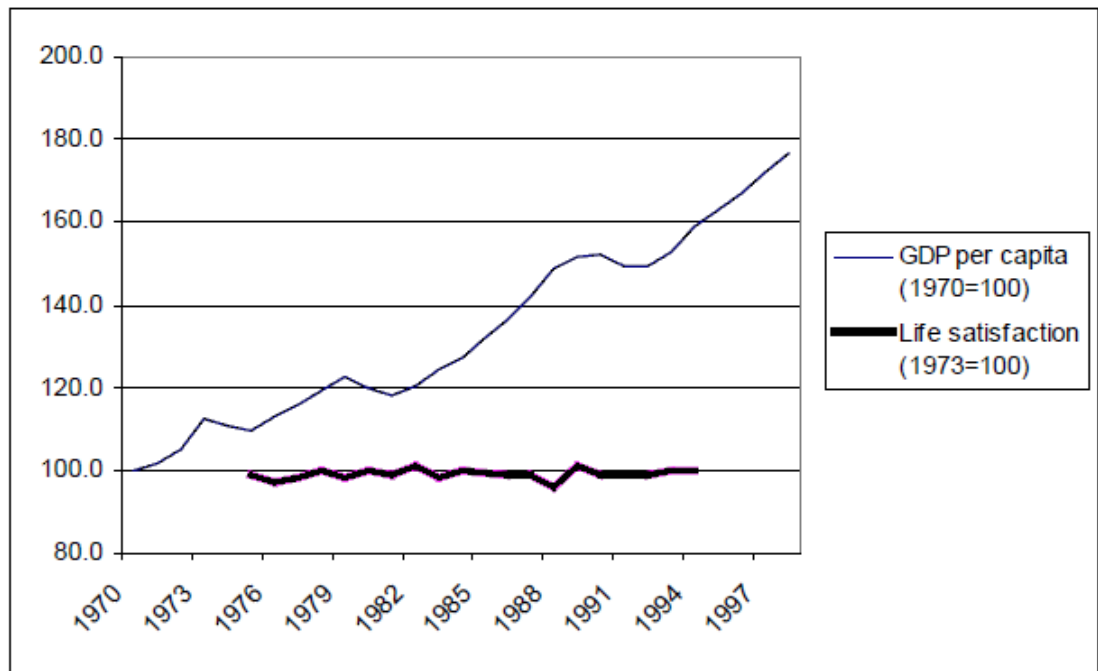
relatedness and coherence. Ecological vice, by contrast, endangers human flourishing, not only through the direct material consequences of environmental degradation such as resource scarcity and pollution, but also in more subtle ways such as the emergence of mental health problems related to the lack or loss of such experiences (Albrecht 2005; Roszak, Gomes & Kanner 1995).

I return below to the question of conflicting messages about consumption. First however some further justification of the position adopted here is required. It has already been argued in chapter 3 that where required for ecological sustainability, restriction both of aggregate consumption levels and of the availability of particular consumption options can be consistent with the protection of freedom. But a counter-argument is also required to the possible objection that such restrictions may threaten flourishing more directly, simply by depriving people of things that make them happy.

7.5 *Happiness, flourishing and consumption*

Empirical research⁹⁰ into levels of subjective happiness or “life-satisfaction”, consistently reveals that more consumption does not necessarily lead to more happiness. While GDP has soared in countries like the UK, as shown in the graph below, people’s reported level of satisfaction with their life has remained remarkably constant. As John O’Neill summarises it “while relative income correlates with life satisfaction, beyond a certain minimal point, increases in total wealth do not” (2008a:2).

90 See Donovan & Halpern (2002), Kahnemann & Krueger (2006), Layard (2005) and contributors to Kahnemann, Diener & Schwarz (2003), especially Argyle (2003).



UK life-satisfaction and GDP per capita 1973-1997, from Donovan & Halpern 2002:17

A major attraction of such hedonic research, and of policy-making informed by it, is that it holds out the promise of escape from the apparent “hedonic treadmill”, on which endlessly increasing consumption seems only to produce the same static levels of wellbeing. This clearly has important ramifications for achieving sustainability, particularly in affluent parts of the world. Decoupling wellbeing from consumption, and refocussing policy on the provision of goods which *do* provide satisfaction (such as health, trust, freedom, community, relationships with family and friends, and rewarding employment) looks like a prerequisite not only for achieving reductions in consumption levels but also for rendering these reductions politically acceptable.

From a capabilities perspective, however, the value of hedonic research lies not in the quantitative data about reported levels of life-satisfaction, but in what these data can reveal about underlying levels of capabilities, and thus of human flourishing. A capabilities approach does not aim simply to produce a situation in which people *feel satisfied* with their life, but to produce one in which they possess the combined capabilities required for a

flourishing life. Such a life is one with which they will have *good reason* to feel satisfied. But an increase in capability will of course often lead (via the enjoyment of new or enhanced functioning) to an increase in welfare: conversely, in the present context, if increased consumption is not correlated with increased welfare, it may well not be correlated with increased capabilities either. Does it matter, then, whether policy aims at increasing (subjective) welfare or (objective) flourishing? O'Neill argues that it does, pointing out that "well-being is not just a matter of subjective experiences. It is a matter of what one can do or be in one's life" (O'Neill 2008b:185).

Hedonic and capabilities approaches broadly agree on the goods required for a good life (such as freedom, health and fulfilling interpersonal relationships), and also agree that these are not necessarily correlated with individual wealth or rising GDP. But crucially, whereas in the hedonic framework these are seen as determinants of well-being, in an Aristotelian capabilities framework they are actual *constituents* of well-being:

We value these goods in themselves, not merely as a means to the good feelings that they might bring. While no plausible theory of well-being can deny that subjective well-being matters, it is not all that matters. Nozick's well-known experience machine illustrates the point. We would not plug into an experience machine that would promise us a lifetime of blissful experience, because [as Nozick puts it] 'we want to do certain things, not just to have the experience of doing them [...] [W]e want to be a certain way, to be a certain sort of person'. (O'Neill 2008a:8)

While hedonic approaches, which aim to reorient policy to maximise life-satisfaction, may be plausibly presented as a return to the utilitarianism of Bentham, O'Neill argues that as applied to consumption they represent a return to Epicurus, offering empirical confirmation of his claims:

The central aim of Epicurean philosophy was to free individuals from false beliefs that are the source of insatiable desires for objects that bring not happiness but anxiety and dissatisfaction: 'The stomach is not insatiable as the many say, but rather the opinion that the stomach requires an unlimited amount of filling is false' (Epicurus). (O'Neill 2008a:3)

O'Neill points out that Epicurus' arguments about the limits to the goods required for a good life are themselves an echo of Aristotle:

The amount of household property which suffices for a good life is not unlimited, nor of the nature described by Solon in the verse "There is no bound to wealth stands fixed for men". There is a bound fixed... (Aristotle, Politics, book 1 ch.8, quoted in O'Neill 2008a:7).

Against Epicurean hedonic approaches, O'Neill proposes an Aristotelian view in which "well-being is not just a matter of subjective states" (ibid.:5) but is about *objective* states. Life satisfaction surveys, says O'Neill, in fact capture "a subjective assessment of welfare", not "an assessment of subjective welfare". Appreciating this is critical for understanding and addressing treadmill effects. Only an "objective state account of welfare like that of the capabilities approach" (ibid.:10) allows us to notice the distinction between a hedonic treadmill characterised by unchanging (real) levels of wellbeing, and an *aspiration* treadmill, characterised by unchanging *assessments* of wellbeing.

A further distinction can then be drawn between those aspiration treadmill effects which are "signs that life is genuinely improving", and those which are "signs of mistakes about the nature and content of wellbeing" (ibid.:9). One example of the former would be the case of a musician who becomes "increasingly dissatisfied with her performances as she improves" (ibid.:9). More importantly perhaps, O'Neill also discusses cases where aspirations are revised upwards as result of overcoming adaptive preferences, such as where women become dissatisfied with their traditional lot as a result of literacy programmes. In both sorts of case, rising aspirations can be correlated with genuine improvements in wellbeing.

The more well-known aspiration treadmills related to consumption of positional goods or desire to own 'the latest model', however, are clearly in the latter category, driven as

they are by “mistakes about the nature and content of wellbeing”. It is worth noting here (though O’Neill does not do so) that where such mistakes result from social conditioning of expectations and desires, these damaging treadmills are *also* driven by adaptive preferences. Genuine wellbeing is again increased by escaping from conditioned expectations, only this time escape from the treadmill is associated with a *downward* rather than upward revision of aspirations.

Policy-making focussed on capabilities rather than on subjective assessments of wellbeing can therefore address consumption issues more directly, since it possesses a framework for understanding *why* more is not always better. This framework, in common with that underlying eudaimonist accounts of ecological virtue, rests on the idea that it is legitimate and desirable to embrace and act on objective standards of flourishing. This idea brings Wissenburg’s notion of a “range of acceptable lifestyles” into a clearer focus, albeit not one Wissenburg himself would endorse. As O’Neill puts it:

The modern Aristotelian can agree with the new Epicureans that it is possible to decouple improvements in quality of life from increases in consumption. There are upper as well as lower thresholds to the material goods that are required for the good life. While the capabilities and needs based approaches to the quality of life have traditionally been primarily concerned with problems of poverty and development, and hence with the specification of minimal lower thresholds, there is scope within the theory for a development of richer understanding of upper limits. [...] Beyond a certain point an increase in material consumption does not address central dimensions of the good life, such as affiliation, and may even be associated with losses in those dimensions. Where the new Aristotelians differ from the subjective welfare approaches is in the claim that policy needs to address these dimensions directly and not simply through subjective assessments. As such the approach is not prone to problems of adaptive preferences. (ibid.:10)

Achieving the decoupling of consumption from wellbeing is not just a matter of “shifting the beliefs and values of consumers so that they recognise their errors” (ibid.:11: see also Soper 2008). Framing the issue in these terms “fails to address the structural determinants of increasing consumption” (ibid.:11):

We live in economies where increasing consumption is a condition for the stability and reproduction of the economic system itself – where falls in ‘consumer confidence’ are indications of an economy in crisis. Policies for sustainability need to address not just individual beliefs but the institutional and structural determinants of behaviour, and hence address again fundamental questions in classical political economy about the organisation of economic life. (ibid.:11)

Thus while there is obviously a strong link between (on the one hand) O’Neill’s capabilities-based conception of a range of consumption levels bounded by upper and lower limits, and (on the other) the conception of this range that arises from considerations of ecological virtue, this does not mean that policy-makers should simply be in the business of exhorting individuals to reconsider their values and become ecologically virtuous. The task at hand is to reconfigure social and economic conditions to *facilitate* ecological virtue. I shall return below to the question of what this might involve. First however the discussion must be broadened to reconnect it with the concept of freedom. The above section should have gone some way toward addressing the objection that setting consumption “ceilings” might be detrimental to wellbeing. Effective intervention aimed at reducing resource consumption levels is however likely to affect not only aggregate *levels* of consumption, but also the *range* of goods available. Objections to such intervention therefore often focus on the issue of choice, specifically (and even more emotively) ‘freedom of choice’.

7.6 *Freedom of choice and consumption*

One consequence of increasing awareness of climate change is arguably that the idea of managing consumption levels has gained much more mainstream acceptance. ‘Ability to pay’, ‘beneficiary pays’, and ‘contribution to problem’ approaches to climate change burden-sharing all point towards a duty on rich countries to reduce their emissions (Page 2006, 2008); and it is increasingly accepted that this in turn will require reductions in individual resource consumption levels in those countries. It is no longer a minority

environmentalist position to claim that governments should not only incentivise more sustainable consumption choices by financial means, but should also actively encourage such choices through educational programmes. However the next step, carrying this through into economic policy, remains problematic for liberal democracies. Opponents object that liberalism requires the protection of “freedom of choice” in the sphere of personal consumption decisions, giving rise to a presumption against restricting or otherwise interfering with the range of goods and services produced and marketed for consumption.⁹¹ As Marcel Wissenburg puts it: “in the end [...] people’s needs - for company, children, food, travel, technology and trinkets - are private affairs; control, if possible at all, is impermissible” (Wissenburg 1998:212).

In fact Wissenburg candidly admits later in the same chapter that in reaching this conclusion he has “dodged the question of what exactly distinguishes needs from wants” (ibid.:226). Believing as he does that people’s preferences (including their consumption preferences) must be taken as given, he wants governments to similarly dodge this question, since to do otherwise would be to fail to be neutral between conceptions of the good life⁹². Wissenburg here is deliberately and provocatively bundling together different sorts of “needs” in order to make the point that the individual’s views on what her “needs” are should remain sovereign. The more perfectionist liberalism of the capabilities approach, however, possesses the resources to argue that while such things as food, travel and technology do indeed contribute to individuals’ flourishing, they do so in particular discernible ways which can and should be examined.⁹³ More is not always better, and problems of (upward or downward) adaptive preferences may result in mistakes about the

91 This line of thought is often coupled with arguments purporting to offer an economic rather than political objection to interventionism: however, while they are clearly linked, the two types of objection are nonetheless distinct, and only the political point is addressed here.

92 For discussion and critique of Wissenburg’s views on neutrality, see his 2001 exchange with Piers Stephens (Wissenburg 2001a, 2001b; Stephens 2001a, 2001b).

93 Trinkets, of course, as Wissenburg is well aware, are by definition goods whose continued consumption may well add little or nothing of value to a person’s life.

types or amounts of goods required for flourishing. As discussed above, the empirical evidence from hedonic research tends to support this more perfectionist analysis.

In terms of the psychological environment we inhabit, the notion that people's "needs" for travel, technology and trinkets are 'private affairs not to be interfered with' amounts to a strong defence of the *status quo*, in which publicly funded 'environmental citizenship' messages must compete with far better financed commercial marketing operations aggressively promoting unsustainable and increasing levels of consumption. This situation is not only confusing, contradictory, and wasteful of resources in its own right, but is also one in which efforts to reduce consumption are surely likely to fail. As Tim Jackson (2009) puts it, in a substantial report for the UK government for which several of the sources cited in this chapter⁹⁴ were commissioned as background papers:

[T]he structures and values that dominate society represent a culture of consumption that sends all the wrong signals, penalising 'good' environmental choices and making it all but impossible, even for highly-motivated people, to live sustainably without personal sacrifice. In this context, simplistic exhortations for people to resist consumerism are destined to failure. Urging people to insulate their homes, turn down the thermostat, put on a jumper, drive a little less, walk a little more, holiday at home, buy locally produced food (and so on) will either go unheard or be rejected as manipulation for as long as all the messages about high street consumption point in the other direction. For this reason, structural change must lie at the heart of any strategy to address the social logic of consumerism. And it must consist in two main avenues. The first is to dismantle the perverse incentives for unproductive status competition. The second must be to establish new structures that provide capabilities for people to flourish – and in particular to participate meaningfully and creatively in the life of society – in less materialistic ways. (Jackson 2009:11)

A key part of the argument of this thesis is that such structural change need not be seen as contrary to the objective of protecting freedom. Understanding this requires some examination of the relationship between "freedom of choice" and freedom more generally. One person's consumption choices may well close off significant choices for others: but then clearly, in a finite world, *any* given choice will have the effect of closing off some

94 Daly 2008, Kasser 2008, Soper 2008, and O'Neill 2008a

others somewhere. As Robyn Eckersley points out, however, when “social and economic structures” are excessively focussed on individual freedom of choice this effect is magnified, with both unjust and ecologically damaging consequences:

The liberal’s focus on the individual’s freedom to choose in the sphere of politics, economics and lifestyle (along with the corporation’s freedom to invest) deflects attention from the social and economic structures that shape and limit the horizons of individual choice (including environmental choice), and more so for economically marginal social classes and groups. When the liberal democratic state permits social actors to displace ecological costs onto others, it restricts the ability of environmental victims (both inside and outside the borders of the nation-state) to enjoy the full range of freedoms that liberalism supposedly upholds, including the freedom to participate or otherwise be represented in the making of decisions that bear upon their own lives. (Eckersley 2004: 242)

How then can we reconcile freedom of choice with the need to restrict unsustainable consumption choices? One approach would be to simply deny that such reconciliation is necessary at all, and to claim that the apparent value of freedom of choice *per se* is illusory, since this value in fact derives entirely from the value of the options being chosen between. After all, at one extreme it seems clear that there is little or no value in having a free choice between effectively identical options. What, after all, is the real value of being able to choose between fifty types of toothpaste? The fifty varieties can constitute a better “choice set” (Levett 2003) than forty-nine (or fewer) only if the fiftieth is qualitatively different in a valued way, which may very well not be the case. What makes a choice set satisfactory for a given chooser is the presence of valued options within it, not the number of options. This in turn will depend, of course, on the criteria (if any) which have been applied in determining the range of options available. Commenting on an analogous example from food policy, Levett observes that “having 30 different flavours of sausage to choose from in your supermarket does not necessarily make up for not being able to be sure that any of them are totally free of GM ingredients, growth hormones, etc” (Levett et al. 2003:47).

At this point it is helpful to recall from chapter 3 Joseph Raz's remarks about the relationship between an adequate and a maximised range of options. The latter, he points out, makes no greater a contribution to autonomy than the former:

While autonomy requires the availability of an adequate range of options it does not require the presence of any particular option among them... Denying someone a certain choice of ice cream is generally admitted to be insignificant to the degree of autonomy enjoyed by that person. (1986:410)

At the other extreme, meanwhile, we might also want to question the value of having a “free” choice between equally unsatisfactory options. This is particularly pertinent given that the plight of those facing such choices is often, as Eckersley points out, intimately connected with the choices of those at the other end of the scale. As the Archbishop of Canterbury recently put it, “it has become clear that lifestyles dependent on high levels of fossil fuel consumption reduce the long-term opportunities of basic human flourishing for many people because of their environmental cost” (Williams 2009).

For example, a struggling indigenous Andean farmer whose crops are failing due to reduced meltwater from retreating glaciers, caused by climate change exacerbated by the consumption patterns of the rich, may in theory have a “free” choice to buy imported food on the open market, though in practice she may well not be able to afford it.⁹⁵ What is certain is that she no longer has the freedom to choose to pursue her traditional lifestyle. In Levett's terms, her choice set has changed to one she has good reason not to favour: in Raz's, the conditions for her autonomy are (at least) threatened.

Cases like these make it clear that the simplistic “fetishisation” (Gray 1993:90) of freedom of choice characteristic of consumer capitalism is not only unsustainable but

95 For details of climate change driven glacier melting in the Andes, and associated water supply problems, see Coudrain, Francou & Kundzewicz (2005) and Bradley, Vuille, Diaz & Vergara (2006). For discussions of the impact of “free” market food policies on Andean indigenous agriculture and food security, see Cohn (2006) and Hellin (2005). Substantial rises in the prices of internationally traded agricultural commodities in the years since these studies have further aggravated the situation.

incoherent. But this still does not mean that freedom of choice has no value or is not worth protecting. As discussed by Raz, and above in chapter 3, preservation of the conditions of autonomy requires preservation of an adequate range of valuable options. The capability to make an uncoerced *free* choice between those valuable options is also essential for autonomy. This capability however, while it may well sometimes be detrimentally affected by other social or psychological factors, is not dependent on the number of options available.

7.7 '*Choice editing*' for sustainability

The upshot is that freedom of choice, properly understood, is indeed valuable in its own right. Possessing the combined capability (in Nussbaum's terms) to choose freely between an adequate range of valuable options (in Raz's) is itself a necessary condition of a flourishing autonomous life, and the value of this capability is not entirely reducible to the value of those options.

But this does not mean that the range of consumption choices cannot legitimately be restricted. There are well-established liberal justifications for restricting options which harm others. Furthermore, as discussed above and in chapter 3, there is in any case no real danger either of reducing people's range of options below adequacy, or of affecting their capability to make a free choice between those options, by removing non-valuable or non-distinctive options.

Unlike the Andean farmer, whose range of options may well have been reduced below adequacy, it is unlikely that the person deprived of the choice to purchase a particular new luxury product will have been harmed by this reduction of their freedom of choice. The contrast between the two cases may also remind us that the important and meaningful choices are not, in fact, usually those about consumption of marketed products and

services. Identity is not created through consumption choices, much as the marketing industries might strive to convince us otherwise. It might be further argued that in fact commercial advertising in general is detrimental to freedom of choice rather than supportive of it.⁹⁶

It is also worth mentioning here at least one way in which restriction of available consumption choices may be *protective* of individuals' freedom of choice. If, for instance, products with unsustainable carbon footprints are removed from a particular market, then it could be argued that at least some (ecologically concerned) purchasers thereby gain *increased* freedom of choice, since their choice need no longer be constrained by their desire not to purchase an unsustainable product. In Levett's terms, they have a better choice set to choose from, in that the range of available options is more likely to contain an option they favour. Protecting freedom of choice is not the same as maximising the number of options: fewer choices need not mean reduced *freedom* of choice.

Empirical arguments for the effectiveness of "choice editing" as a tool of environmental policy are also strong. The power of 'green consumerism' is now widely understood to be something of a free market myth. For example, a recent report for the UK government's Sustainable Development Commission surveyed 19 case studies of consumer products where there had been a substantial or partial shift towards a more sustainable supply chain, and concluded that the most efficient place to intervene in the consumption cycle is *before* consumer choice ever happens:

The evidence suggests that, historically, the green consumer has not been the tipping point in driving green innovation. Instead, choice-editing for quality and sustainability by government and business has been the critical driver in the majority of cases. (SCR 2006:2)

⁹⁶ This is an argument with which I have considerable sympathy, but not one developed here or essential to this thesis.

However, the report makes clear that businesses do not tend to initiate this process, adding that “voluntary industry initiatives rarely play a leadership role” (ibid.:3). Neither consumers nor producers, then, can be realistically expected to unilaterally act in such a way as to remove ecologically unsustainable options from a given market. The implication for sustainability policy is clear. The substantial reductions in consumption levels which will be required to achieve ecological sustainability, and thereby to fulfil ethical duties to future as well as present generations, will not be brought about by market forces but are likely to require interventionist “editing out” of many unsustainable options. As noted above, a key aim of this thesis has been to suggest that such intervention is entirely compatible with the protection of real freedom. More options to choose between does *not* necessarily equate to more freedom, of choice or of anything else. It *matters* what the new options are, and what they make possible: as Ian Carter (1999:201) observes, “there would appear to be a law of ‘diminishing marginal freedom’ with respect to the acquisition of options which are not significantly different from those one already has [...] because they provide [one] with diminishing marginal extents of available action”.

Nor is there much evidence to suggest that a larger number of options to choose between necessarily correlates with increased happiness or well-being. On the contrary, echoing the results discussed above showing the lack of a linear relationship between wellbeing and consumption levels, Schwartz’s (2005) survey of recent research in psychology concludes that the explosion of choice characteristic of affluent modern consumerist societies is in fact a significant contributor to the increased stress, anxiety and depression seen in such societies. These negative effects can eventually come to outweigh the benefits derived from increased choice:

The relation between choice and wellbeing is complicated. A life without significant choice would be unlivable. Being able to choose has enormous important positive effects on us. But only up to a point. As the number of choices we face increases, the psychological benefits we derive start to level

off. At the same time, [...] the negative effects of choice [...] begin to appear, and rather than leveling off, they accelerate. (Schwartz 2004:75)

The “success” of modernity turns out to be bittersweet, and everywhere we look it appears that a significant contributing factor is the overabundance of choice. Having too many choices produces psychological distress, especially when combined with regret, concern about status, adaptation, social comparison, and perhaps most important, the desire to have the best of everything - to maximize. (Schwartz 2005:221)

7.8 *Facilitating ecological virtue*

In short then, both empirical and theoretical arguments support the conclusion that neither increased overall resource consumption, nor increased levels of choice, can be assumed to be correlated with increased freedom, happiness or flourishing. There are, in fact, good grounds for serious doubt as to whether such increases, above certain (not necessarily static) thresholds, actually serve the interests either of individuals or of the wider communities to which they belong. Conclusive proof of this is of course impossible. However, fortunately, the present argument needs only to establish that there are such grounds for doubt. The aim is simply to undercut putative objections to the position advanced here, that actions leading to *reductions* in resource consumption levels, even with concomitant reductions in choice, can be both good for flourishing and consistent with protection of freedom.

I have taken it to be uncontroversial that such reductions will (to say the least) assist with the transition from our current predicament to a world of ecologically sustainable human societies, and that this transition would serve the interests of future people and non-humans. The more controversial question to which my argument has been addressed is that of whether the measures required for the transition can truly be said to serve the interests of *present* people. I have answered this question in the affirmative, on the basis that an ecologically informed understanding of the capabilities required for flourishing human lives reveals that it *is* in everyone’s interest now to, in John Barry’s (1999:35) phrase,

“cultivate modes of character and acting in the world which encourage social-environmental relations which are symbiotic rather than parasitic”.

This means that, as discussed above, ecological virtue need not and should not be presented as a matter of prioritising some kind of citizenly duty over one’s personal interests. This seems a strategically important conclusion for environmentalism generally, and particularly for notions of environmental or ecological citizenship. Whether the relevant community is conceived as a conventional (local or cosmopolitan) human polis, as in most environmental citizenship literature⁹⁷, or more metaphorically as a Leopoldian “community” reaching beyond the human⁹⁸, is irrelevant here. In either case, from the perspective of eudaimonist ecological virtue ethics, exhortations to good ecological or environmental citizenship that present ecological virtue or ‘pro-environmental behaviour’ as a matter of worthy sacrifice in which the greater good is prioritised above one’s own self-interest rest on an underdeveloped notion of self-interest. They thereby put themselves in the strategically disadvantageous position of attempting to persuade people to act against their own interests.

This perspective throws new light on the work of writers such as Crompton (2008), who argues that in order to succeed in bringing about significant change, environmental campaigners now need to overtly discuss and promote underlying values, rather than continuing with the prevalent and largely failed “marketing approach” of tailoring their message to individuals’ existing self-interest as economically rational consumers. Crompton cites Kasser (2006) in support of his argument that “marketing approaches” such as “small and painless steps” messages and “win-win” promotion of more ecologically efficient consumer goods (on the basis that they will be good for the consumer’s pocket as

97 See for instance Smith & Pangsapa 2008, and contributions to Dobson & Bell 2006.

98 As in, for instance, Leopold 1968, Shaw 2005, or Callicott 1989.

well as their conscience) will never achieve the absolute reductions in resource consumption that environmental campaigners seek. Kasser's psychological studies show that

[T]he more people focus on materialistic aims for money, image, and status, the more difficult it is for them to also focus on growing as a person, intimately connecting with other people, and contributing to the world at large. [...] [T]hese intrinsic aims for self-acceptance, affiliation, and community feeling are also the very values and goals that empirical research demonstrates promote personal happiness, positive social involvement, and ecologically sustainable behavior. (Kasser 2008:3)

This provides convincing support for Crompton's case that 'pro-environmental behaviour' will never be effectively 'sold' on the basis of appeals to "money, image or status". Indeed, as he points out, marketing professionals have long recognised the power of appeals to deeper motivations:

Advertising agencies fully understand the power of encouraging people to identify with the goods that they are trying to sell, and frequently speak of an 'irrational' love for an object which drives consumers to spend disproportionate amounts of money, going far beyond what might otherwise be spent on the basis of an objective assessment of a product's characteristics. The environment movement, however, tends to retreat from working with emotional attachment to the environment – particularly in policy discourse (where arguments are frequently based exclusively on economic calculus or enlightened business interest, even if they are tacitly underpinned by a set of more qualitative political considerations). Policy debates should not be decided on the basis of economic calculus alone, and the environment movement can help to infuse such debates with a broader set of values. (Crompton 2008:35)

I would endorse Crompton's points here, but would add that "infusing the debates with a broader set of values" should perhaps be seen *not* as giving up on the powerful strategy of appealing to self-interest, but as opening up those debates to include consideration of what the self-interest of an individual human being *really* consists of. An ecologically informed conception of human flourishing, and the understandings of capability and virtue that flow from it (as promoted in this thesis) could I suggest ground a fuller and more relational conception of self-interest, entirely compatible with, and indeed served by, a radical shift towards more ecologically sustainable lifestyles and social structures. As

Crompton notes, such a shift will require

engagement with the psychological motivations that drive consumerism, and the processes by which we come to identify ourselves. Much might be achieved simply by highlighting the strategies deployed by the marketing industry to promote the sale of particular goods or services as proxies for intrinsic values, when the inherent characteristics of these goods actually bear no relationship to these values (a convertible car, for example, does not confer freedom). (ibid.:36)

This underlines the point made above that facilitating ecological virtue in the present day requires removing incentives to ecological vice. This in turn requires (among other things) regulatory action addressing the production and marketing activities of corporate bodies, as well as the establishment of floors and ceilings around individual consumption levels. Arguments have been offered in chapters 2 and 3 justifying intervention aimed at removing such incentives: prohibiting marketing activities which drive unsustainable consumption may involve some restrictions of freedom, but they are likely to be justified restrictions of non-essential freedoms.

Notwithstanding the overtones of paternalism, in this context there is some truth in Mill's observation that "the first question in respect to any political institutions is, how far they tend to foster in members of the community the various desirable qualities moral and intellectual" (*Representative Government* II.2). Institutions (political or otherwise) which facilitate ecological virtue also thereby protect those essential capabilities for flourishing which relate to the need for human beings to live in the ecologically sustainable ways that the exercise of ecological virtue can help bring about. This facilitation includes positive educational and social measures encouraging ecological awareness and 'biophilia' (Fromm 1964, Wilson 1984) as well as regulatory measures such as those referred to above.

7.9 *Sustainability, flourishing and economics*

While this thesis has not attempted any significant engagement with economic theory, it is clear that the position advanced herein also strongly implies, at a conceptual level, the desirability of a shift towards more interventionist economic management and away from faith in the alleged beneficial effects of ‘free’ markets. The very concept of ecological sustainability is inextricably associated with deliberate control and planning of many aspects of local and global economies. As Kenny and Meadowcroft put it:

[T]he notion of sustainability [...] lead[s] to the suggestion that only certain conscious human strategies and designs can effect the achievement of a more socially and environmentally responsible range of futures. (Kenny & Meadowcroft 1999:4 - see also other contributions to the same volume)

Jackson argues that progress towards ecological sustainability, and towards the human flourishing which depends on it, will in fact require a wholesale reimagining of the goals of economics, to bring about some form of “steady-state economy” (Daly 1992, 2008) characterised by “prosperity without growth”:

There is something odd about the modern refusal to countenance anything but growth at all costs. Early economists such as John Stuart Mill⁹⁹ (and indeed Keynes himself) foresaw a time in which growth would have to stop. Herman Daly’s pioneering work defined the ecological conditions of a steady-state economy in terms of a constant stock of physical capital, capable of being maintained by a low rate of material throughput that lies within the regenerative and assimilative capacities of the ecosystem. What we still miss from this is a viable macroeconomic model in which these conditions can be achieved. There is no clear model for achieving economic stability without consumption growth. Nor do any of the existing models account fully for the dependency of the macro-economy on ecological variables such as resources and emissions. In short there is no macro-economics for sustainability and there is an urgent need for one. (Jackson 2009: 10)

A limited form of flourishing through material success has kept our economies going for half a century or more. But it is completely unsustainable and is now undermining the conditions for a shared prosperity. This materialistic vision of prosperity has to be dismantled. The idea of an economy whose task is to provide capabilities for flourishing within ecological limits offers the most credible vision to put in its place. But this can only happen through changes that support social behaviours and reduce the structural incentives to unproductive status competition. (Jackson 2009: 91)

⁹⁹ Jackson is referring here to Mill’s endorsement of a “stationary state” (*Principles of Political Economy* IV.6)

The arguments presented here have I hope provided some philosophical support for Jackson's view, which which I wholly concur, that what is required is "an economy whose task is to provide capabilities for flourishing within ecological limits". He is also correct that a "macro-economics for sustainability" is currently underdeveloped, though it can be argued, as it is by Rupert Read, that this is more a matter of political economy than of pseudo-scientific modelling:

[T]o believe that Economics is a science is already a political move – a move that already places severely in question the very values, the very needs, not to mention the very desired outcomes, that motivate a Green Economics (or a Green anything else). Taking up the demand for strong sustainability to be the watchword of our society is and must be the *taking up of a standpoint*. We need to take up that standpoint actively and not to pretend that any 'science' will or could save us the bother of having to do so. (Read 2007:319)

While further research is urgently needed here, this does not mean that action to reduce unsustainable resource consumption levels should wait until new economic theories, or indeed new understandings of political economy, are in place.

7.10 Conclusion

This thesis has argued for the pursuit of strong sustainability, justified on the basis of an enlightened anthropocentrism. It has defended the view firstly that achieving ecological sustainability will require eschewing liberal neutrality in favour of government based on a substantive and ecologically informed conception of human flourishing, and secondly that environmental policy based on such a conception need not be seen as conflicting with the preservation of autonomy or of freedom. I have attempted to flesh out the 'ecologically informed' part of such a conception while keeping autonomy and freedom in view, drawing on perfectionist and relational understandings of autonomy, and making extensive use of the concepts of capability and virtue. In so doing I have focussed in particular on the problem of the ecologically unsustainable resource consumption levels typical of affluent

capitalist economies, and concluded that while a capabilities approach (potentially including the institutionalised protection of environment-related capabilities as environmental rights) may be effective in establishing ‘floors’ at the lower end of the range of acceptable consumption levels, the setting of ‘ceilings’ at the top end is better justified by reference to a eudaimonist ecological virtue ethics.

This concluding chapter has argued that since the development and exercise of ecological virtues contributes to a flourishing life, it can and should be understood and promoted as a matter not of worthy sacrifice but of enlightened self-interest. Exhortations to ecological virtue directed at individuals by governments will however be neither credible nor effective unless accompanied by wholesale reorientation of social and economic policy to embody such virtue, and to remove incentives to ecological vice. This reorientation could include setting and maintaining consumption ceilings through, *inter alia*, regulation of consumption drivers and robust restriction of unsustainable options. Objections to such measures based on appeals to ‘freedom of choice’ are ill-founded to the extent that they neglect to examine the value of the options chosen between. Objections based on the notion that increased consumption brings increased happiness or wellbeing are also undermined by evidence that above certain thresholds there is little evidence of any such correlation.

Not only practical necessity, but also moral obligations to both present and future generations, require us to maintain and pass on a world in which all humans can live flourishing lives, as rational autonomous persons but also as consciously interdependent and ecologically embedded beings. Achieving this will require ecological virtue, both of individuals and of governments. Appeals to ecological virtue are entirely congruent with a capabilities approach to sustainability, as long as both are based on a substantive non-

procedural conception of human flourishing which accepts and celebrates our ecological embeddedness. The freedom we wish for future people, and also for ourselves, should be a more realistic and balanced version of freedom, based on this understanding of flourishing. Freedom conceived this way also has the merit of being potentially achievable.

Appendix 1: Extract from UNEP Global Environmental Outlook Report

(UNEP 2007:13-14)

Defining human well-being

Defining human well-being is not easy, due to alternative views on what it means. Simply put, human well-being can be classified according to three views, each of which has different implications for the environment:

1. The resources people have, such as money and other assets. Wealth is seen as conducive to well-being. This view is closely linked to the concept of weak sustainability, which argues that environmental losses can be compensated for by increases in physical capital (machines) (Solow 1991). The environment can only contribute to development as a means to promote economic growth.
2. How people feel about their lives (their subjective views). Individuals' assessments of their own living conditions take into account the intrinsic importance that environment has for life satisfaction. According to this view, people value the environment for its traditional or cultural aspects (Diener 2000, Frey and Stutzer 2005).
3. What people are able to be and to do. This view focuses on what the environment allows individuals to be and to do (Sen 1985, Sen 1992, Sen 1999). It points out that the environment provides the basis for many benefits, such as proper nourishment, avoiding unnecessary morbidity and premature mortality, enjoying security and self-respect, and taking part in the life of the community. The environment is appreciated beyond its role as income generator, and its impacts on human well-being are seen as multidimensional.

The evolution of these ideas has progressed from the first to the third, with increasing importance being given to the real opportunities that people have to achieve what they wish to be and to do. This new understanding of human well-being has several important aspects. First, multidimensionality is viewed as an important feature of human well-being. Consequently, the impact of the environment on human well-being is seen according to many different dimensions.

Second, autonomy is considered a defining feature of people, and of well-being. Autonomy can be defined broadly as allowing people to make individual or collective choices. In other words, to know whether an individual is well requires considering his or her resources, subjective views, and the ability to choose and act. This concept of human well-being highlights the importance of understanding whether individuals are simply passive spectators of policy interventions, or, in fact, active agents of their own destiny.

Appendix 2: Nussbaum's list of essential human capabilities

(Nussbaum 2000:78-80)

1. **Life.** Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.
2. **Bodily Health.** Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. **Bodily Integrity.** Being able to move freely from place to place; having one's bodily boundaries treated as sovereign, i.e. being able to be secure against violent assault, including sexual assault, child sexual abuse, and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. **Senses, Imagination, and Thought.** Being able to use the senses, to imagine, think, and reason — and to do these things in a 'truly human' way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing self-expressive works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to search for the ultimate meaning of life in one's own way. Being able to have pleasurable experiences, and to avoid non-necessary pain.
5. **Emotions.** Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by overwhelming fear and anxiety, or by traumatic events of abuse and neglect. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
6. **Practical Reason.** Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails protection for the liberty of conscience.)
7. **Affiliation.**
 - (a) Being able to live with and toward others, to recognise and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another and to have compassion for that situation; to have the capability for both justice and friendship. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)
 - (b) Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails, at a minimum, protections against discrimination on the basis of race, sex, sexual orientation, religion, caste, ethnicity or national origin. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.

8. **Other Species.** Being able to live with concern for and in relation to animals, plants, and the world of nature.
9. **Play.** Being able to laugh, to play, to enjoy recreational activities
10. **Control over one's Environment.**
 - (a) **Political** Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.
 - (b) **Material** Being able to hold property (both land and movable goods), not just formally but in terms of real opportunity; and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure.

Appendix 3: UNCHR draft principles on human rights and the environment

(Ksentini 1994)

Part I

1. Human rights, an ecologically sound environment, sustainable development and peace are interdependent and indivisible.
2. All persons have the right to a secure, healthy and ecologically sound environment. This right and other human rights, including civil, cultural, economic, political and social rights, are universal, interdependent and indivisible.
3. All persons shall be free from any form of discrimination in regard to actions and decisions that affect the environment.
4. All persons have the right to an environment adequate to meet equitably the needs of present generations and that does not impair the rights of future generations to meet equitably their needs.

Part II

5. All persons have the right to freedom from pollution, environmental degradation and activities that adversely affect the environment, threaten life, health, livelihood, well-being or sustainable development within, across or outside national boundaries.
6. All persons have the right to protection and preservation of the air, soil, water, sea-ice, flora and fauna, and the essential processes and areas necessary to maintain biological diversity and ecosystems.
7. All persons have the right to the highest attainable standard of health free from environmental harm.
8. All persons have the right to safe and healthy food and water adequate to their well-being.
9. All persons have the right to a safe and healthy working environment.
10. All persons have the right to adequate housing, land tenure and living conditions in a secure, healthy and ecologically sound environment.
11. (a) All persons have the right not to be evicted from their homes or land for the purpose of, or as a consequence of, decisions or actions affecting the environment, except in emergencies or due to a compelling purpose benefiting society as a whole and not attainable by other means. (b) All persons have the right to participate effectively in decisions and to negotiate concerning their eviction and the right, if evicted, to timely and adequate restitution, compensation and/or appropriate and sufficient accommodation or land.
12. All persons have the right to timely assistance in the event of natural or technological or other human-caused catastrophes.

13. Everyone has the right to benefit equitably from the conservation and sustainable use of nature and natural resources for cultural, ecological, educational, health, livelihood, recreational, spiritual and other purposes. This includes ecologically sound access to nature. Everyone has the right to preservation of unique sites consistent with the fundamental rights of persons or groups living in the area.
14. Indigenous peoples have the right to control their lands, territories and natural resources and to maintain their traditional way of life. This includes the right to security in the enjoyment of their means of subsistence. Indigenous peoples have the right to protection against any action or course of conduct that may result in the destruction or degradation of their territories, including land, air, water, sea-ice, wildlife or other resources.

Part III

15. All persons have the right to information concerning the environment. This includes information, howsoever compiled, on actions or courses of conduct that may affect the environment and information necessary to enable effective public participation in environmental decision-making. The information shall be timely, clear, understandable and available without undue financial burden to the applicant.
16. All persons have the right to hold and express opinions and to disseminate ideas and information regarding the environment.
17. All persons have the right to environmental and human rights education.
18. All persons have the right to active, free and meaningful participation in planning and decision-making activities and processes that may have an impact on the environment and development. This includes the right to a prior assessment of the environmental, developmental and human rights consequences of proposed actions.
19. All persons have the right to associate freely and peacefully with others for purposes of protecting the environment or the rights of persons affected by environmental harm.
20. All persons have the right to effective remedies and redress in administrative or judicial proceedings for environmental harm or the threat of such harm.

Part IV

21. All persons, individually and in association with others, have the duty to protect and preserve the environment.
22. All States shall respect and ensure the right to a secure, healthy and ecologically sound environment. Accordingly, they shall adopt administrative, legislative and other measures necessary to effectively implement the rights in this Declaration. These measures shall aim at the prevention of environmental harm, at the provision of adequate remedies, and at the sustainable use of natural resources and shall include, inter alia,
 - Collection and dissemination of information concerning the environment;
 - Prior assessment and control, licensing, regulation or prohibition of

- activities and substances potentially harmful to the environment;
 - Public participation in environmental decision-making;
 - Effective administrative and judicial remedies and redress for environmental harm or the threat of such harm;
 - Monitoring, management and equitable sharing of natural resources;
 - Measures to reduce wasteful processes of production and patterns of consumption;
 - Measures aimed at ensuring that transnational corporations, wherever they operate, carry out their duties of environmental protection, sustainable development and respect for human rights; and Measures aimed at ensuring that the international organizations and agencies to which they belong observe the rights and duties in this Declaration.
23. States and all other parties shall avoid using the environment as a means of war or inflicting significant, long-term or widespread harm on the environment, and shall respect international law providing protection for the environment in times of armed conflict and cooperate in its further development.
24. All international organizations and agencies shall observe the rights and duties in this Declaration.

Part V

25. In implementing the rights and duties in this Declaration, special attention shall be given to vulnerable persons and groups.
26. The rights in this Declaration may be subject only to restrictions provided by law and which are necessary to protect public order, health and the fundamental rights and freedoms of others.
27. All persons are entitled to a social and international order in which the rights in this Declaration can be fully realized.

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