

# Neo-republicanism, ecologism, and the goals of the State

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## 1 Republicanism

In his 1997 book, *Republicanism: a Theory of Freedom and Government*, Philip Pettit offers a comprehensive theory of government based on two main components, both of which are inspired by the long tradition of republican political philosophy: (i) a particular conception of freedom — freedom as non-domination — and (ii) a view about how best to frame a theory in which freedom as non-domination is taken to be the central political ideal.

Let us begin by considering the first component of the republican theory, its conception of freedom. According to the conception of freedom as non-domination, an individual, X, is *free* to the extent that he or she is immune from being subject to domination, where X suffers domination just in case some individual or corporate agent, Y, has the capacity to interfere in the choices that X is in a position to make, in a way that is not forced to attend to the avowable interests of X as X conceives them to be. Pettit calls this variety of interference *arbitrary*: it is interference that is subject only to the will or judgment of the interfering agent Y, and fails to reflect X's own.

The conception of freedom as non-domination (or, equivalently, of freedom as absence of arbitrary interference) differs significantly from the prevalent

liberal conception of freedom as non-interference. Specifically, whereas an act of interference by Y in the choices that X is in a position to make is necessary and sufficient for X's (liberal) freedom as non-interference to be compromised, such an act may be neither sufficient nor necessary for X's (republican) freedom as non-domination to be compromised. It may not be sufficient, because some acts of interference are non-arbitrary, and therefore compatible with freedom as non-domination. And it may not be necessary, because X's freedom as non-domination would already be compromised if Y merely had the capacity to interfere arbitrarily in his or her choices, whether or not that option was actually exercised.

A couple of examples will help to illustrate the previous point. Consider a government that is effectively bound to rule in accordance with laws, which, among other standard constraints, are publicly enacted, passed by the elected representatives of the people who live under them, apply uniformly to representatives and represented, and are challengeable before independent courts. Now it is inevitable that the government we are considering, like any government, will interfere in the choices its citizens are in a position to make: it will interfere when taxing, when regulating, when carrying out any of its programs and policies. In general, however, these acts will not constitute arbitrary interference, since they will be performed in accordance with laws satisfying legislative constraints whose effect is to force the government to track the avowed or ready-to-be avowed interests of those it governs. Under this scenario, then, there is governmental interference, but this interference does not translate into domination.

Consider now a different case. Imagine a government that effectively has the power to jail citizens without pressing charges, even if this power is rarely invoked. Persons living under such a regime have to be on guard against the possibility that their various activities, or those of the people they associate with, make them a target of imprisonment; as a result, they will consciously or unconsciously adjust their behavior to minimize the likelihood of such

an outcome. Since, under this scenario, the government has the power to interfere in an arbitrary way in the affairs of the citizens — to interfere in a way that is not forced to track the citizens' interests as they conceive them to be — their freedom as non-domination is compromised, even if no acts of interference of the kind in question actually occur.

So much for the conception of freedom as non-domination, at least for the time being. Suppose it is granted that freedom conceived in this way is an attractive political value, perhaps more attractive than the standard liberal conception of freedom as absence of interference. The question then arises of what place should the value be given in political theory. We thus come to the second main component of Pettit's republicanism, namely the position that the political ideal of freedom as non-domination is one that the State should try to promote (as opposed to a position according to which such freedom represents a constraint on how the government should pursue its various other goals). Pettit, that is to say, formulates his theory in consequentialist terms: on his view, appropriate institutions and policies are those that are set up so as to maximize non-domination. Pettit therefore finds it plausible to think — and claims that the authors writing in the republican tradition have found it plausible to think — that, in certain cases, it may be acceptable to tolerate a failure to honour non-domination, if such a failure represents an increase in non-domination overall (see, e.g., Pettit (1997) p. 102).

Like the conception of freedom as non-domination, the consequentialist shape of Pettit's republicanism is not susceptible of definitive defense or refutation in the abstract. Rather, under the assumption that these two are at least plausible components of a well-articulated political theory, the theory that results from combining them will be found to be acceptable if it passes the test of reflective equilibrium: if the institutions and policies the theory recommends are found acceptable, upon considered judgment. Thus, the consequentialist commitment to freedom as non-domination will be found wanting if it yields arrangements that, upon considered judgment, are

deemed objectionable. By the same token, the theory will find confirmation if the arrangements it yields are found to be admissible or desirable, or if adherence to it leads us to reform our original judgments in ways that prove, on reflection, to be compelling.

Let me close this section by noting that the reason that Pettit's republican theory rests only on the two components described so far is that, according to him, a consequentialist commitment to freedom as non-domination has a simplifying effect: a good political arrangement *just is* one in which freedom as non-domination is successfully promoted. As he puts it, the "republican ideal of freedom supports and unifies a compelling manifesto of political demands [...] If a state and a society looks after the freedom as non-domination of its members, then most other desiderata will look after themselves" (Pettit (1997) p. 7).

## 2 Two dimensions of freedom

Let us now sharpen the conception of freedom as non-domination introduced in the previous section by introducing a distinction between, on the one hand, the *intensity* with which a person enjoys freedom as non-domination, and, on the other hand, the *extent* over which the person enjoys such freedom<sup>1</sup>. The intensity with which X enjoys freedom from arbitrary interference depends on how little or how much X's choice scenario can be made worse by an agent or agents having the capacity to arbitrarily interfere with X's choices. Thus, X enjoys freedom from arbitrary interference with special intensity if no agent has the capacity to arbitrarily remove some option previously accessible to him or her, or to arbitrarily increase the cost or decrease the expected or actual benefit of an available option, or to deceive or mislead X with respect to what are his or her options or their costs. A person enjoying freedom with intensity in this sense will be able to enter social interactions from a privileged position, and can be regarded as the holder of a considerable

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<sup>1</sup>See Pettit (1997) pp. 75–77, 103–106, 289–292.

amount of power. If, on the contrary, there are agents who have the capacity to worsen X's choice scenario without paying heed to what X conceives as being his or her interests, then the intensity with which this person enjoys freedom diminishes — indeed, X's freedom is compromised.

A second dimension of freedom is determined by the range and ease with which a person can exercise non-dominated choice — by the extent to which that person can enjoy his or her freedom as non-domination. Suppose a person is not subject to actual or potential acts of arbitrary interference, and thus enjoys freedom with intensity. It may still be the case that few options are, as a matter of fact, available to him or her. For example, a person may be born with a physical handicap that impedes the performance of a class of activities normally available to others; or he or she may not have enough resources to participate in certain activities; or his or her ability to engage in some undertakings may be constrained by non-arbitrary legal limitations. By assumption, these are not cases in which the freedom as non-domination of the persons in question is compromised; still, there is a clear sense in which in these cases the exercise of freedom has been qualified or conditioned.

### **3 Republicanism and the concern for the environment**

The brief introduction to the fundamental components of republican political theory given in the previous two sections will serve as the conceptual framework within which I will be working in this paper. At this point I want to start asking questions about how one would justify or defend governmental policies conducive to the preservation of the environment from the perspective of republicanism. On what principles, for example, would one rest claims to the effect that, e.g., certain polluting activities should be regulated or phased-out, or that some areas of the planet should be isolated as much as possible from human intervention, or that the members of an

endangered species should be protected?

There is one type of situation in which republicanism offers a direct avenue of justification for environment-protecting policies. These are cases in which some agent deliberately and knowingly pursues an activity that, by degrading the environment, negatively impacts the choice scenario of a person, or, more likely, of a group of people. When, for instance, a factory discharges PCBs into a river, and those responsible for the factory's operation know that these chemicals are toxic, they interfere (at the very least) with the choices that people who live in the vicinity of that water source are in a position to make, without attending to their interests as they understand them to be: it prevents them, among other things, from using the river as a source of drinking water or of food, or from using it for irrigation, or for recreation. Those responsible for the operation of the factory are, then, interfering arbitrarily in the lives of a number of people. In its concern to maximize non-domination, a republican state is justified or even required to step in and apply regulatory or punitive measures in order to put a halt to the dominating activities, and it is also justified in taking restorative measures, with the aim of extending the now-reduced choice scenario of those affected by the polluting acts.

It is important to take a moment at this stage to answer a question that naturally arises with respect to how the republican framework is intended to work. Regarding the above example, could it not be argued that the regulatory, punitive, or restorative measures taken by the government in order to promote the freedom as non-domination of one group of people, would have the effect of worsening the choice scenario of the members of another group of people, namely the factory owners and workers, without attending to their interests as they conceive them to be? And indeed, could the new group of affected people, on this view, not be extended beyond the factory owners and workers to the consumers of the goods produced at the factory, who would in a regulated environment have to pay more for those

goods, and in that way see their choice scenario reduced, and their interests not tracked? The answer to this objection begins by noting that the interests of people that the republican state is concerned with protecting are *politically avowable* interests, i.e., interests consistent with wanting to participate in a shared social endeavor. The interests of a factory owner to make as much profit as is possible, without regard to the damages caused upon others, or the interests of consumers to purchase goods that are as cheap (to them) as possible, are not interests the republican state is concerned to protect. On the other hand, the interests of a factory worker to have a good job are politically avowable: and in this case the role of the government is to provide incentives for the transformation of productive processes in existing industries, or to promote the generation of jobs in industries that, in their operation, do not cause environmental damage that leads to the violation of a group of people's freedom as non-domination.

Let us return to the question of how environment-protecting policies or measures are justified or defended from a republican point of view. Although we have seen that such justification is readily available in situations where acts of arbitrary interference are committed (where the fact that such an act was committed is something that can be objectively ascertained, and indeed is publicly salient), it is clear that not all forms of human-driven degradation of the environment are due to such acts. For example, as we know, the release of enormous quantities of carbon dioxide into the atmosphere is contributing to the rise of the average temperature of the planet. The CO<sub>2</sub> is released, among other causes, by the use of combustible fuel for activities that go from cooking with firewood to generating electricity, from taking many forms of transportation, to producing most consumer goods and industrial output. These activities are not just legal and permitted: the life of virtually every human being is organized around them. In addition, the damage done to the environment by engaging in activities where combustible fuel is used is usually inadvertent, and as such is unlikely to constitute an act of domination.

Moreover, such actions are, for the most part, individually innocent; the environmental damage caused by them cannot be blamed on an individual or a relatively narrow group of individuals, but rather is the outcome of the repeated performance of those kinds of actions by billions of individuals, every minute, over the years.

Now, to the extent that the degradation of the environment reduces the choice scenario of individuals, then from the perspective of freedom as non-domination, it will be regarded as a problem in need of attention and remediation. For although the gradual destruction of the natural environment may not come as the result of a specific agent acquiring the capacity to arbitrarily interfere with the choices available to an individual or a group of individuals, and hence may occur without individual freedom as non-domination being compromised, the fact remains that a degraded environment will offer less opportunities for individuals to exercise their undominated choice, or make it more difficult for them to exercise that choice. Thus, the degradation of the environment entails a reduction of the extent over which, or the ease with which, individuals enjoy their freedom as non-domination (see §2). This may happen, most radically, as a result of individuals living shorter or less healthy lives due to contamination, but also as the result of there being less opportunities to commune with, or learn from, or beneficially exploit nature.

Insofar as it can be argued that the degradation of the environment as the aggregate result of actions that are blameless from the point of view of freedom as non-domination conditions the freedom of individuals, even if it does not compromise it, then it becomes possible to further defend or justify governmental institutions and measures oriented towards environmental protection or conservation. A republican government, that is, is not limited in its environment-protecting role to the regulation or punishing of environment-degrading activities undertaken by agents that assume a dominating role, but also extends to the taking of measures that, in preserving the environment,

tend to extend the scope of choices available to its citizens.

## 4 Limitations to the republican strategies for motivating environmental protection

Although, as we have seen, it is possible to justify certain environmentally-preserving governmental measures on purely republican principles, that does not mean that such justification extends to all measures that we would deem desirable on independent grounds.

Imagine, for example, a situation in which a city draws water from underground sources at a rate that is known by officials not to be sustainable. If the situation continues, then it can accurately be predicted that in one hundred years there will not be enough water to sustain the population, and, moreover, it may be predicted that due to the resulting barrenness of the region, unique, fragile ecosystems and species within it will disappear. Now this second prediction — that a local ecosystem will disappear — has little direct relevance from the point of view of motivating a change of course on the basis of republican principles: ecosystems are not the sort of things of which republican freedom can be coherently predicated, so they are not a source of direct concern from the republican point of view (I will return to this point). On the other hand, it would seem that the first prediction — that the future inhabitants of the city will not have water — should be a source of direct concern for a republican polity. But on the basis of what principle should the government take measures today with the objective of avoiding that future misfortune? Even if it could be argued that the failure by present officials to come up with plans to avoid future scarcity — i.e., an act of omission — constitutes an act of interference in the choices of the future inhabitants of the city, it could certainly not be argued that it constitutes an act of *arbitrary* interference in their choices, insofar as arbitrary interference is one that fails to take account of the interests of those interfered with, as

they conceive those interests to be. Even if by dint of the elasticity of our concepts we allow ourselves to claim that those not yet born have interests, it would certainly be too much of a stretch to claim that those not yet born have a conception of what their interests are, or will be.

The kind of conceptual difficulty just described is not unfamiliar to moral and political thinking, and in particular to moral and political thinking that engages with environmental concerns. For example, Elliot (1989) argues that the coherence of the strategy of defending environmental policies on the basis of the rights of future people is put in doubt by the fact that rights have to be understood as pertaining to particular individuals. In particular, it is not clear that by failing to adopt some conserving policy, and hence bequeathing to future people a world in which they will be less well-off than the (different) future people who would have come into existence had the conserving policy been adopted, any future person's rights have been violated. In a similar vein, Schwartz (1978) argues that we do not have obligations to our distant descendants to adopt policies whose aim is to provide some significant benefits to posterity, essentially because if we were not to adopt such policies, the future people affected from this non-adoption are different from the future people who would have existed had the policies been adopted.

The considerations at play in the example of the future water-deprived city can be generalized in order to reach the conclusion that the foreseen consequences of environmental degradation cannot be said to be a factor that compromises the freedom as non-domination of future people. As before, however, the conceptual resources of republicanism allow us to make a different — weaker — argument for the adoption of policies aimed at mitigating conducts that, if perpetuated, can be expected to have a significant negative impact on the environment. The idea would be to argue that permitting the perpetuation of those conducts would, in effect, reduce the extent over which, or ease with which, future people exercise their undominated choice, hence conditioning their freedom as non-domination. This argument is le-

gitimate because, unlike the putative interests or rights of future people, or our obligations to them, the part of the choice scenario that pertains to the environment that will be available to future people is independent of their coming or not into existence: whoever they happen to be, a world will have been bequeathed to them by present generations, and depending on the decisions presently made by us, that world may offer members of future generations more or less opportunities to exercise their choice.

It is possible, then, to justify preservationist policies on the grounds that they tend to increase the extent over which present and future people, whoever they happen to be, exercise their freedom, and hence that their adoption tends to promote freedom overall. Unfortunately, this line of justification is feeble. One reason for this is that the calculus according to which certain policies have the effect of increasing the extent over which, or ease with which, people exercise their undominated choice, is rather crude. For there are bound to be a number of such policies, and it is not clear which principles are to be used for comparing them, and for deciding which of them to prioritize. In addition, whereas it is anathema from the republican point of view for some people to be dominated, it is only a desideratum that people enjoy a wider range of undominated choice. There are many factors that condition the freedom of individuals that, due to the finitude of resources, the government cannot systematically help them overcome. What is more, since any governmental measure aimed at expanding the range over which, or the ease with which, people exercise unarbitrarily interfered with choice (i) comes at a material cost and (ii) must be carried out by means of legislation (in order to avoid the specter of arbitrariness), and furthermore, since (iii) taxation and legislation, even when enacted as a result of procedurally fair, non-arbitrary processes, are themselves factors that restrict the range over which, or the ease with which, people exercise unarbitrarily interfered with choice, then one concludes that there is a limit to how far the government can go in helping people to enjoy a wider range of undominated choice before this

very attempt becomes counterproductive from the point of view of freedom as non-domination.

## 5 Should republican principles be supplemented?

Given the above-discussed limitations on how to defend measures to protect the environment if one only assumes strict republican principles, the question arises of whether the striking simplicity of the republican theory is not, in the end, more a handicap than a virtue. For if it is our considered judgement that environmental concerns are of prime importance, and if the environment-protecting measures that are able to find a justification on republican principles fall short of that standard, then the republican theory fails to pass the reflective equilibrium test.

In the face of this challenge, a defender of the republican conception of politics is entitled to ask for an argument that shows that environmental concerns should have more political importance than her theory is able to accord to them. Two broad strategies may be adopted by those inclined to offer such an argument. The first one would be to claim that no human-centered approach to justifying the protection of the environment, including the one afforded by republicanism, sufficiently captures the extent of our moral obligations with respect to the environment. I will call this the *ecologist* strategy, and I will defer commenting on it until the next section (and will do so then only superficially). The second strategy would be to find some other human-centered concern, different from freedom as non-domination, on the basis of which to justify, defend, or demand the governmental undertaking of more aggressive environmental-protecting measures. But as we briefly saw in the last section, some apparently promising candidates for playing that role, namely the rights of future people, and our obligations towards future people, seem to be disqualified by the consideration that it is hard to make sense of the idea that people that do not yet exist hold rights, or that we could have obligations towards them.

On the other hand, the discussion of the last section also brought up the possibility of there being a situation in which we can foresee that the quality of life of our descendants, whoever they are, will be significantly lowered by the scarcity of an environmental resource. As seen through the republican prism, the problem identified with this situation was not that the freedom as non-domination of these future people would be compromised, for this incoherently involved invoking interests as conceived by people who do not exist, but rather that the choice scenario of any future inhabitant of a given place would be curtailed. But, as we saw, there is a limit to what a government founded on strict republican principles can do to address this issue, to say nothing of the fact that this way of looking at things seems to belittle the problem that these future people will face. In any case the view seems correct that, in a situation in which we have a credible forecast that, unless action is taken, the quality of life of our descendants, whoever they are, will be significantly lowered by the scarcity of an environmental resource, it is morally incumbent on us to take some sort of preventive action.

The intuition just voiced might be cashed out along the following lines. We know that future generations of people, whoever they are, will need, in order to live with minimally decent lives, certain environmentally-derived resources. We would be morally remiss to blatantly ignore needs that we know are certain to surface. We should therefore orient our political institutions in such a way that those needs are taken into account (assuming that it can no longer be taken for granted that, in the absence of specific measures, natural resources will be sufficient to cover the needs). But strictly republican principles, limited as they are to considerations of freedom, are not sufficient to justify that orientation. Hence those principles call for supplementation.

## **6 The ecologist strategy: some brief comments**

It must be admitted, however, that even if republican political theory were to be supplemented by an additional principle that ensures that certain

needs of future people that are sure to arise are taken into account in policy-making, this would only serve to justify a small fragment of environment-protecting measures. The strategy would be enough to justify, for instance, policies geared towards long term water preservation and atmospheric balance, but would not necessarily justify, for example, the protection of specific endangered species.

From the point of view of ecologism, this small-scale tinkering with republican political theory is besides the point. For the worth of the ecosystem, on the ecologist view, is quite independent of the countless benefits that it brings to humans: on that view, the ecosystem has intrinsic worth, and as such it is morally incumbent on us to preserve it to the greatest extent possible.

Let me, in closing, attempt to formulate the reason why the adoption of ecologist over human-centered justifications for the adoption of environment-protecting political measures one seems to me problematic. Suppose one accepts the view that the ecosystem has intrinsic worth — suppose one accepts, for example, that quite independently of any negative effects it may have on humans, permitting the razing down of swaths of ancient forest for short-lived private gain is morally blameworthy. Even so, it must also be accepted that the (global) ecosystem has changed radically before, and will continue to change. Hence, first, the acceptance of the intrinsic worth of the ecosystem is different from having a commitment to preserving it exactly as we have found it. Of course, second, failing to have a commitment to preserve the ecosystem as we have found does not mean that we have license to wantonly destroy parts of it. All that being said, let us now ask: what is the nature of the environmental challenge we currently face? I do not think that the threat that we face at the moment is the complete destruction of the ecosystem, the annihilation of all life on Earth. I do not think we humans have the power to do that even if we tried. The threat we do face is that we trigger major changes in the ecosystem the consequence of which is that

our life as a part of it is no longer comfortable — that we alter the benign conditions under which we evolved, and manage to transform our habitat into a hostile one. Even if one accepts the ecologist premise, then, it seems that our environmental concerns are inexorably human-centered. What I have tried to do here is to see to what extent a particular political theory, which I find plausible when environmental issues are not at stake, is able to give voice to some of those human-centered environmental concerns.

## References

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