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**CIVIL SOCIETY AND GREEN POLITICAL THEORY:
*THE POTENTIAL FOR RADICAL REFORM***

by

Deborah Doncaster

A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfillment of
the requirements for the degree of

Master of Arts

Department of Law
Carleton University
Ottawa, Ontario

19 April, 1996

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**Civil Society and Green Political Theory:
The Potential for Radical Reform**

submitted by **Deborah Doncaster, B.A.**

in partial fulfilment of the requirements for
the degree of Master of Arts

Thesis Supervisor

Chair, Department of Law

Carleton University
May 7, 1996

ABSTRACT

The purpose of this thesis is to introduce the 'discourse on civil society' to Green theory. The recent work of Jean Cohen and Andrew Arato, *Civil Society and Political Theory*, aims to provide a reconceptualization of civil society capable of resolving some of the central antinomies plaguing contemporary social and political theory. Green theory, although 'new' in that it emphasizes an essential recognition of ecological limits, tends to conform to, rather than transcend, the dialectics of contemporary social and political thought. As such, it often fails to conceptualize civil society as a sphere beyond that which is reducible to merely economic society or the 'private sphere'. Moreover, Green theory often conceptualizes modern society as a 'totality' implicated in the logic of industrialism. This reductionist view of civil society, hence, modern society, serves to perpetuate some of Green theory's major antinomies. Cohen and Arato claim that modern societies are separated into distinct realms of logic and that within modern society there is a third sphere, alongside the state and economy, which operates according to communicative logic. It is this sphere, I believe, which has the potential to facilitate and encourage the values of the Green movement. It is one of the central claims of this thesis, then, that Cohen and Arato's theory of civil society can help to resolve some of the antinomies within Green theory in the context of two major debates, first, between Green elite and participatory democrats, and secondly, between environmental rights theorists and ecocommunitarians.

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TABLE OF CONTENTS

INTRODUCTION	1.
CHAPTER ONE: Civil Society Revisited	17.
<i>The Revival of Civil Society</i>	17.
<i>Civil Society - The Sphere of Communicative Rationality</i>	23.
<i>Discourse on Civil Society- Its Contemporary Advocates</i>	30.
CHAPTER TWO: Elite vs. Participatory Democracy & Ecological Imperatives	45.
PART I: Cohen & Arato: The Antinomy of Democratic Theory	47.
1.1 <i>The Antinomy</i>	51.
1.2 <i>The Resolution for Democratic Theory</i>	53.
PART II: Green Democracy	64.
2.1 <i>The Green Case for Elite Democracy</i>	67.
2.2 <i>The Green Case for Participatory Democracy</i>	80.
2.3 <i>The Antinomy</i>	85.
2.4 <i>Civil Society & the Resolution for Green Democratic Theory</i>	87.
CHAPTER THREE: Rights Oriented Liberalism vs. (Eco)Communitarianism	103.
PART I: The Antinomy Within Social & Political Theory	104.
1.1 <i>The Antinomy</i>	106.
1.2 <i>Cohen & Arato's Resolution of the Antinomy</i>	107.
PART II: Environmental Rights vs. Ecological Communities	116.
2.1 <i>Animal Rights</i>	119.
2.2 <i>Ecological Communities</i>	121.
2.3 <i>Environmental Rights and the Liberal Democratic Tradition</i>	122.
2.4 <i>Ecocommunitarianism</i>	128.
2.5 <i>The Antinomies</i>	134.
2.6 <i>Potential Resolutions for the Antinomies Within Green Theory</i>	137.
CONCLUSION	159.
<i>Summary of the Chapters</i>	159.
<i>Recommendations for Future Explorations of Civil Society Theory</i>	166.
END NOTES	169.
BIBLIOGRAPHY	191.

INTRODUCTION

Civil Society and Green Political Theory

The purpose of this thesis is to introduce Green¹ social and political theory to the contemporary 'discourse on civil society'. This 'discourse on civil society' suggests the existence of an autonomous sphere of social action that is outside or independent of the realms of both the state and the economy and which is not reducible to economic society. 'Civil society' is meant, loosely, to encapsulate those aspects of social and associational life in which our cultural, legal, normative, linguistic, familial, educational and religious beliefs, values and institutions exist or are cultivated. It is the sphere of social life within modern societies where contemporary issues of social concern are discussed, deliberated and debated and it is the sphere, therefore, which serves to establish the normative, cultural, critical and democratic ethos of modern societies. As such, civil society theorists see it is a predominant site of political and social action, although they admit that the state and economy cannot be left out of consideration.

The recent work of Jean Cohen and Andrew Arato, Civil Society and Political Theory, provides the most penetrating analysis of civil society to have emerged out of the general 'discourse on civil society'. They provide a systematic and critical analysis of contemporary social and political theory and formulate a clear analysis of some of the central antinomies which have prevailed over the past fifteen to twenty years. Their analysis aims to provide an immanent critique of modernity and to revive the possibility of 'radical' democratic social transformation which stems from their conception of civil society.

Cohen and Arato's theory of civil society allows us to see both the negative and positive aspects of the processes of modernization. Most critics of modernity view the process of modernization as, simply, the strengthening of the modern welfare state and the capitalist economy to the detriment of civil society. Citizens, therefore, are subjected to the imperatives of the economy and the state. As such, they are reduced to mere 'consumers' and/or 'dependent clients'.

Green political theorists are no exception in this respect.² Greens are characteristically concerned with the harmful consequences of unsustainable economic growth and bureaucratized welfare states. Both the welfare state and the capitalist economy are said to be heavily implicated in the logic of industrialism and thus the exploitation of nature. Modernity is viewed as yielding unsustainable economic growth and alienating bureaucratic forms. As a result, many Greens believe neither the modern state nor the economy can be used to serve Green ends such as ecological and economic sustainability. Thus, they believe that 'civilization needs to be unmade' and replaced by a civilization premised upon ecological sustainability, whose social, economic and political institutions reflect a fundamental respect for nature.

Following Habermas' diagnosis of modernity, Cohen and Arato's theory of civil society allows us to appreciate the negative aspects of modernity, without, however, "confusing the negative side for the whole".³ Thus, although Cohen and Arato recognize and thematize the continuous "colonization" of every-day life by economic and bureaucratic forces, they also show the positive aspects of modernity such that modern societies are capable of producing 'radical' transformations, including the possibility of responding to the 'environmental crisis'.

The view of modernity offered by Cohen and Arato is that in the process of modernization, along with the expansion and strengthening of the economic and political subsystems, came their increased rationalization and efficiency, and, more importantly, a modernized lifeworld or civil society, whose members are free to engage in collective and associational life, to develop and reflect upon traditions, political, cultural and ethical norms, and to form solidarities and collective action in defense of the autonomy of civil society. In short, as the economy and state developed into separate subsystems, the rational and communicative potential of civil society was unleashed.⁴ The lifeworld, they explain, could not have been modernized without the strategic unburdening of communicative action coordination by the development of the two subsystems.⁵ Thus, the

process of modernization allowed for the development of a post-traditional, communicatively rationalized civil society.

The process of modernization, interpreted in terms of the development of both systems rationality and lifeworld (communicative) rationality, allows us to see the positive aspects of modernity. What Cohen and Arato want to stress, however, is that although the process of modernization allowed for the beginnings of a communicatively rationalized civil society, the process of a fully realized civil society is as yet incomplete, and further, is being severely threatened. Historically, the process of differentiation allowed for the possibility or early existence of a nascent civil society. The predominant weight given to the reproductive imperatives of the subsystems, however, proceeded at the expense of the full realization or rationalization of the lifeworld.

Cohen and Arato suggest that this trend is continuing within contemporary modern society. They claim that today, therefore, it is a real question as to whether one can count the gains of differentiation as unambiguous. As the institutions specialized in socialization, social integration, and cultural transmission are increasingly functionalized to serve the imperatives of uncontrolled and ever-expanding subsystems, and, as communicative coordination of action in civil society is replaced by the media of money and power, there will be more and more pathological consequences.⁶ The goal for Cohen and Arato is thus to decolonize, and to defend the autonomy of, civil society. Building up and institutionalizing collectivities and associations, they believe, will help to decolonize and defend the lifeworld from further penetration by the subsystems as well as to secure the resources of solidarity and communicative action necessary to influence them. Thus, rather than viewing modernity as strictly a negative phenomenon needing to be overcome, Cohen and Arato's theory of civil society offers the possibility of a more balanced response to modernity, yet one which also provides the possibility of radical reform, specifically, the expansion of democracy.

One of the central themes of this thesis is that Cohen and Arato's analysis of contemporary social and political theory, specifically the antinomies which plague it, speaks to the 'crisis' of Green theory. I believe that Green theory is in 'crisis' for two main reasons: the first concerns the lack of unity among Green theorists as well as between Green political theorists and the activities and self-understanding of New Social Movements; the second relates to the supposed 'newness' of Green theory. Many Green theorists have claimed that the politics of ecology are distinctly original and that concepts such as 'wholism', 'the natural', and 'ecology' have forced or transcended the bounds of contemporary social and political thought.⁷ Greens claim to provide a theory which places us above and beyond all previous political struggle, which holds the key to a qualitatively different future and, as Jonathon Porritt suggests, which expresses the only genuine opposition to the dominant world order.⁸

If the latter is the case, if Green theory is 'new' in that *Green principles* are capable of providing a coherent political theory which expresses the only genuine opposition to the dominant world order, then why is there so much diversity and contestation within Green theory? Some would argue that diversity has resulted from those who have gone astray from the original meaning or purpose of Green principles (for example, ecologists accuse environmentalists of selling out, and deep ecologists accuse social ecologists of being anthropocentric).

But this is not the only explanation for the differences within Green theory. Both Martin Ryle and Michael Saward have argued that Green values or principles do not in themselves imply a particular political theory, rather, they are ambiguous concepts subject to differing and contrasting interpretations and usages. Hence, Ryle states, the values of the Greens cannot be adequately anchored in 'ecology', but rather derive from a long tradition of progressive thought.⁹

I believe that Ryle and Saward provide a more convincing explanation of the diversity within Green political theory. As such, I believe that we can set out some of the

major debates within Green theory according to some of the debates and antinomies of contemporary social and political theory generally. It is in this respect that I have become interested in the work of Cohen and Arato. The purpose of this thesis is to consider the extent to which Cohen and Arato's theory of civil society, which claims to resolve many of the antinomies of contemporary social and political theory, can be applied to the debates within Green theory.

At the core of the debates within and antinomies of contemporary political theory, including Green theory, lies an impoverished, if not completely omitted, conception of civil society. By impoverished I mean the tendency to view civil society as a realm of social life which is distinct from the state but which is reduced to merely economic society. By reducing civil society to economic society, the associational, social, voluntary, cultural, legal, educational and normative aspects of life, including many of the activities of New Social Movements, are often either omitted from analysis or their importance is obscured or underestimated.

For some contemporary theorists, civil society is a sphere of public life which is relatively autonomous from the state and economy. Its relative autonomy has set the conditions for the emergence of New Social Movements, including the ecology or environmental movement. Although New Social Movements suggest as well as presuppose the existence of civil society (indeed often the objectives of these movements include changes with respect to peoples' attitudes, cultural and traditional norms and world views within the institutions of civil society - the family, churches, schools, social and leisure clubs, voluntary associations etc.) many contemporary Green social and political theorists either fail to thematize its existence or negate its social, democratic and political character by equating it almost exclusively with that of economic society. As such, these theorists (either implicitly or explicitly) suggest that society is exclusively composed of the private (interpreted as the economic and/or family) and public (state) spheres.

As a result, their overall evaluations of modern society and its ability to respond to the 'environmental crisis' are often considered exclusively in terms of the extent to which they believe that the state and/or economy can respond. Because, for many Greens (particularly among the radical contingents) the state and the economy are said to be implicated in the logic of 'industrialization' in that both are dependent upon unlimited growth and expansion, they are deemed impervious to ecological principles such as sustainability and therefore cannot be used in the service of Green ends. These theorists conclude that 'civilization needs to be unmade' and replaced by a society whose institutions are based upon ecological and economic sustainability and a fundamental respect for nature.¹⁰ These theorists, however, often fail to provide a coherent strategy for getting from the eco-bad to eco-good society and often begin with people waking-up to find their societies already transformed.

Furthermore, there is no unified vision of what sustainable societies might look like, specifically the political institutions which are to replace the institutions of 'industrialized' liberal democracies. William Ophuls, for example, provides a vision of sustainable societies whereby citizens are free to pursue private interests so as long as they cede their public or political interests to an 'oligarchy of best pilots' who have accepted the strong value priorities of the Greens. Murray Bookchin, Arne Naess, Jonathon Porritt and others, however, offer visions of sustainable societies characterized by labour intensive production, a cottage industry styled economy, and a fully participatory democratic polity thereby blurring any formal distinction between the various spheres characteristic of modern societies, specifically the demarcation between the state and the citizen body, as well as the economy (owners of production) and citizens.

Thus, radical Green theory provides us with two very different visions of sustainable societies making it difficult to understand the correlation between Green values or ecological imperatives such as sustainability and the appropriate or corresponding society, particularly the political institutions they necessitate. Which vision are we to pursue? Which political structure, an oligarchy or an Athenian styled polity, is to replace

the political structures and institutions of modernity? How can either vision be said to be consistent with or correspond to Green values when such visions are in contradistinction? Finally, what sacrifices does each entail? Ophuls's vision requires ceding all of our political rights to an ecologically oriented 'benevolent' sovereign. Bookchin's vision requires that we become fully engaged political beings therefore giving up many of our personal freedoms and leisure time. Both, however, would require that the pluralism characterizing modern society be subsumed under the general will for a society based upon ecological imperatives since, after all, "the ecological imperative reminds us that the protection of the Earth's natural systems is something we *all* depend on."¹¹

I suggest, given the current impasse of, and unrealistic sacrifices demanded by, radical Green political theory, that we need a more compromised or nuanced approach to modernity - an approach which begins by appreciating both the positive and negative effects of modernization. This includes recognizing the existence, nature and transformatory potential of civil society, as well as the necessary integrity of the state and economy and the effects of maintaining their integrity in terms of the transformation of modern society. I believe that if radical Green political theorists were to include a contemporary view of civil society within their conceptual models of modern society, their belief that 'civilization needs to be unmade' will be found wanting. This is the case not only because civil society is an important site and terrain of social and political action, but because significant changes to the structures of modern society, specifically, the expansion of democratization with respect to, or the dedifferentiation of, the state and economy, would likely result in the resurrection of a pre-modern society - a society in which, as Cohen and Arato argue, traditional communal norms would replace the 'progressive' and diverse norms, institutions, rights and values, including ecological ones, that we currently have or have the potential to affect.

Further, if the existence and orientation of New Social Movements suggests that civil society is a predominant site of solidarity and target of social and political action, then determining the potential of civil society to affect 'Green' change must be considered before

we are in a position to determine whether or not 'civilization needs to be unmade'. And since 'unmaking civilization' would no doubt be met with considerable resistance (although ecological imperatives might be in all our interests, our exact proximity to an 'environmental crisis' has yet to be established, and further, not all would put ecological imperatives before other interests or would be prepared to join an ecological movement heading towards a rupture of everything they do and believe) we must first determine the potential of civil society. In short, before we can figure out whether we should, or in fact could, as environmentalists or ecologists, be organizing for a revolution which complete unmaking implies, we must first consider, or at the very least acknowledge, the political and social possibilities available within modern society, namely, civil society. I believe that once we consider the nature and potential of civil society, that a rupture of modern society seems not only unlikely, but also unnecessary.

The 'crisis' of Green theory does not only apply to the radical contingents. Indeed, there would be no crisis if the more reform oriented contingents (those who do not believe that a total rupture of modernity is necessary in order to deal with environmental problems) provided a more promising or sound solution. According to the radicals, reformers include those engaged in lifestyle changes (Green consumers), those attempting to produce Green products (Green producers), and those who engage in Green political party and lobby-group activity - basically anyone attempting to use existing state and economic institutions in the service of Green ends as opposed to trying to dismantle or transcend them. The problem with these reform oriented activities, the radicals claim, is that there are definite limits to which the state and economy can themselves be transformed.¹² Thus, all we can expect from these types of reforms is 'incremental tinkering'.

Green theory suggests, then, that we have a choice between 'incremental tinkering' or 'complete unmaking', or as Ophuls puts it, between 'Leviathan' and 'Oblivion'. Given the ecological imperative, we are really left with no choice at all. As Michael Saward has said, "[T]he force of the expressed necessity of getting from the eco-bad to the eco-good society is presented by the choice being restricted to two alternatives, one of which is

rationally unchoosable."¹³ Only if one fails to conceptualize civil society or reduces it to either the economic or private sphere, however, does the recognition of these limits with respect to the state and economy pose such a choice. Cohen and Arato's theory of civil society, on the other hand, offers the possibility of 'radical reform' - one which recognizes the integrity of the economic and political subsystems, but which provides the possibility of transformation with respect to civil society, as well as the possibility of 'limiting' and 'influencing' the state and economy.

It appears that the incremental reformers, like the radicals, are oblivious to the resources and realities of civil society - the existence of its social, associational and political dimensions as well as the advanced 'self-understanding' of some contemporary social and political movements within it. New Social Movements, according to Cohen and Arato, have adopted "a self-understanding that abandons revolutionary dreams in favor of radical reform that is not necessarily and primarily oriented to the state." ¹⁴ They are engaged in projects which seek the defense (autonomy) and democratization of civil society, which accept structural differentiation, and which acknowledge the integrity of political and economic subsystems.¹⁵ I suggest that this is a realistic interpretation of New Social Movements as their politics generally include attempts to democratize all those institutions in civil society (to refurbish them along more egalitarian lines and to promote their communicative structures and means of consensus) which have perpetuated discrimination, inequality, and domination as well as attempts to organize solidarities for the specific purposes of influencing, rather than transcending or abolishing, the state and economy. Indeed, according to Jane Jenson:

Feminists, anti-racists, ecologists and gays insist on creating new spaces for new politics in the family, the city, the environment and the community. They reject the long-standing Left notion that the pre-eminent political spaces are the workplace, parliament, and nation ¹⁶

A Green theory or position which does not reflect the advanced self-understanding of these New Social Movements may be a force which impedes rather than expands the resolution of the crises of modernity, specifically, the ecological devastation characterizing

modern times. First of all, if New Social Movements are representative of the types of social and political activism and collectivism alive today, then the political climate within the 'masses' is one of 'radical reform' rather than revolutionary upheaval. The solidaristic tendencies of New Social Movements suggest, however, they will not accept incremental tinkering or meaningless reforms.

Secondly, New Social Movements reflect a diversity of perspectives pertaining to the norms and values of modern society. Such diversity suggests there is no one movement or movement contingency that can alone lead the way to radical reforms and that therefore, the nature and process of radical reform must be deliberative and democratic. Thus, in order to deal with the environmental crisis, ecologists will be required to prove the universality of the ecological imperative through open public discourses, a process which presupposes the autonomy of civil society and helps to build up the necessary resource of solidarity in terms of exerting effective influence over political and economic society.

It is the case that some Green theorists, rather than focusing on the state and/or the economy, are more concerned with the social, cultural, normative, personal, developmental or educational aspects of people's of society's relationship to nature. However, although they adopt the position of cultural reformers consistent with the civil society viewpoint - a viewpoint which would define such activity as targeting the institutions of civil society responsible for the reproduction of knowledge, culture, traditions, norms etc. - they tend not to situate this activity within such a social or political framework. These reformers, then, tend to engage in or thematize such activity without due regard for the structures of modern society, structures which allow for the possibility of cultural reforms.

By failing to situate such reforms within an overall conception of modern society, they lose their critical and political import. Cultural reformers are often accused of reducing the ecological crisis to a cultural rather than socio-economic/political problem. According to Bookchin, cultural reforms, while necessary, are not sufficient to overcoming ecological problems. He argues that the structures of modern society - the state and economy and the

differentiation between rulers and ruled, haves and have nots - must also be addressed if we are to redress environmental degradation stemming from patterns of domination and exploitation.¹⁷ Such a critique, however, is also premised upon a similar, impoverished or omitted conception of civil society, one that does not recognize its political or democratic potential both in terms of dealing with social and cultural norms responsible for perpetuating inequalities and in terms of effecting political and economic society.

According to civil society theorists, cultural reforms targeting the institutions of civil society, presupposing as they do the resource of solidarity, have the potential to both 'limit' and 'influence' the state and economy. This suggests that if cultural reforms were situated within an overall political model or theory, one which recognizes civil society as a distinct realm capable of redressing patterns of domination and exploitation as well as bearing influence on the state and economy, they would regain their critical and political import.

Cultural reformers and their critics, therefore, fail to thematize or conceptualize the existence, hence significance, of civil society - as a sphere distinct from the state and economy which is dependent upon this relative autonomy in terms of its potential to produce and challenge cultural norms. Nor do they see that civil society is imbued with the social, solidaristic and political potential to 'limit' and 'influence' the state and economy. Thus, they fail to recognize civil society as a sphere integral to the overall transformation of modern society.

Much of the present-day Green social and political theory, then, works with an impoverished notion of civil society. Indeed, many theorists do not provide a conceptual framework of modern society which includes a sphere of social interaction between economy and state. Rather, modern societies are often viewed by Greens as a 'totality' implicated in the logic of advanced capitalism or industrialization which thereby reduces civil society to economic society, and further, views the state as merely a supporter of, or that which is dependent upon, expansive economic growth. Hence, the goals for Green political theorists, intended to alleviate environmental degradation, are defined almost exclusively in terms of transforming the state and economy, as in the case of the reformers

(light greens), or in terms of abolishing or transcending the state and economy, as in the case of the radicals or fundamentalists (dark Greens). Although some Greens may be more concerned with the cultural, social, legal, normative, personal, developmental or educational aspects of peoples' or society's relationships to nature, they generally tend to disregard the structure of modern society ¹⁸ and thus fail to thematize or conceptualize the existence, and thus relevance, of civil society.

Through Cohen and Arato's work, it is possible to investigate whether the current "crisis" of Green theory, culminating in either an outmoded radicalism or an unambitious reformism, can be reconciled by introducing the concept of civil society. Although the above hints as to the potential and possibilities created by the (re)introduction of the concept of civil society to social and political theory, I will attempt to show this more explicitly and systematically in reference to some of the main debates, and the antinomies they encapsulate, within contemporary Green theory.

Cohen and Arato suggest there are three main contemporary debates plagued by contradictions or antinomies. They are: elite versus participatory democracy; liberal-rights theory versus communitarianism, and; the defense of the welfare-state versus neo-conservative advocates of the free-market economy. Often, within social and political theory, each side attempts to establish the "truth" or "reasonableness" of the one view over that of the other. Thus, in each case, the advocates maintain the superiority or necessary singularity of their view such that they cannot accommodate the principles or claims of the other. These debates, therefore, are often viewed as involving irreconcilable differences, the unfortunate result of which is the polarization, stagnation and limitation of contemporary social and political thought.

Many new political or social theories, although introducing new issues or viewpoints, tend to conform to, rather than challenge, these pre-established debates. This certainly appears to be true of Green political theory. Although much Green political theory claims to be new, unprecedented or extraneous to the left-right paradigm of social and

political theory, it nonetheless retains a quintessentially nineteenth-century intellectual framework, that of a dualistic conception of modern society: conceived of as two spheres, the state and society whereby society is reduced to or equatable with 'economic society' and/or the 'private sphere'.¹⁹ As such, the antinomies plaguing contemporary social and political thought are reproduced within Green theory. Many Green political theorists, then, rather than offering anything new, introduce Green variables or principles into the existing dialectics of contemporary social and political theory. As Martin Ryle points out:

It is clear that terms like 'wholeness', 'ecology', 'the natural' are subject to various and contradictory interpretations and usages (hence, precisely, the impulse to define them). They are not unambiguous sources of political meaning, but sites of political disagreement. The political meaning attributed to 'social ecology' or 'the ecological paradigm' really derive from, and can only be discussed in terms of, traditions and debates (individualism versus collectivism, competition versus mutuality, authority and hierarchy versus liberty and equality) which long predate the emergence of ecology as a scientific discipline.²⁰

It would seem that Green theory, and the differences found therein, can only be discussed in terms of such pre-established debates. This suggests that the revival of the concept of civil society, a concept which challenges traditional dualistic models and, in turn, addresses these debates and their antinomies, appears to be at the heart of the advancement of contemporary Green social and political thought.

Cohen and Arato believe that these debates can be largely resolved. They suggest that within each debate both sides contribute something to our understanding of the problems of modernity, although neither can stand alone. In focusing on one side, we lose the significant contributions of the other. Hence, one of the central assertions of Cohen and Arato's book is that their concept of civil society can resolve some of the central antinomies of these debates. Their objective is to establish these debates not as involving irreconcilable differences, but rather as involving antinomies, since, given the right conceptual tool(s), these contradictions are able to be overcome.²¹ Cohen and Arato state, "[O]ur intention here is not to prove that the concept of civil society can resolve all the relevant debates and antinomies but rather show that it opens up new and unexpected possibilities for a synthesis in each case."²²

Cohen and Arato, therefore, take an approach which tries to bring opposing views together, an approach which I believe can be applied to the antinomies within Green social and political theory in a way that allows us to incorporate many of the insights to modernity they provide as well as the political and social concerns they raise. The debates within Green theory that I will address parallel those debates outlined by Cohen and Arato. I believe that these debates encapsulate some of the major concerns and contentions within Green theory, since as Ryle points out, Green theory reflects, rather than challenges, many of the predominant debates within social and political theory generally.

Cohen and Arato's theory of civil society and their understanding of how it creates new possibilities for social and political theory, will provide the organizational and theoretical basis of my claim that their conception of civil society can be applied to the current "crisis" of Green theory, specifically the antinomies plaguing two of its major debates.

Chapter One of this thesis introduces the 'discourse on civil society' in terms of its historical and theoretical origins, as well as modern formulations. This chapter will also outline both the commonalities and differences among contemporary civil society theorists, highlight Cohen and Arato's unique conception of civil society, and introduce Jurgen Habermas who has greatly influenced the work of Cohen and Arato.

Chapters Two and Three discuss two of the three major debates outlined by Cohen and Arato: 1) elite versus participatory democracy, and; 2) rights-based liberalism versus communitarianism. Each chapter discusses how Cohen and Arato attempt to synthesize the antinomies within the respective debates, identifies the similar debates within Green theory, and then examines the extent to which Cohen and Arato's theory of civil society can be applied to, and thus resolve, the antinomies within Green social and political theory.

For the purposes of this thesis, the last debate taken up by Cohen and Arato, between defenders of the welfare- state and neoconservative antistatists, will not be addressed. There are several reasons for this omission. Though a debate exists within

Green theory between Ecosocialists²³, on the one hand, who maintain that the State is necessary to control the operation of market forces and in laying down the framework for a socially just and ecologically sustainable society and, on the other hand, free-market environmentalists who maintain that the free-market economy can be 'corrected' so as to accommodate and deal effectively with the realization of limited and non-renewable natural resources²⁴, the debate concerns which type of economy, planned or free, can accommodate the ecological imperative of 'unlimited growth'. The debate depicted by Cohen and Arato, between defenders of the welfare state and neoconservative antistatists, concerns not the type of economy since both accept or presuppose the capitalist economy, rather, the issue concerns the appropriate level of state-intervention in the economy necessary to maintain economic growth and political stability.²⁵

Furthermore, although the debates and antinomies within Green theory are similar, due to the fact that Green theory reflects rather than transcends the dialectics of contemporary social and political theory, Green theory does provide something 'new': an essential recognition of ecological limits, hence, an ecocentric orientation. Essential to ecocentrism is the recognition that humans are part of rather than separate from or above nature. That all life is interconnected suggests that human beings are not above (nor necessarily able to resolve through science and technology) ecological degradation. What needs to be considered, then, is whether Cohen and Arato's theory of civil society sufficiently grasps the fact of our fundamental interconnectedness with other beings or existent things, hence, an essential recognition of ecological limits. Thus, while I maintain that civil society theory can resolve the social and political aspects of Green theory (i.e., those aspects which reflect pre-established debates within social and political theory generally) there remains the question of ecological limits. I will attempt to deal with this question in the conclusion of my thesis since Cohen and Arato's theory of civil society and their depiction of the third debate, presupposes an acceptance of the capitalist economy.

In short, Cohen and Arato's dualistic social and political theory provides, in my view, an excellent understanding of the "crisis" of modernity and the potential of

democratic social transformation afforded by the concept of civil society. There are, however, a number of ambiguities within their theory concerning the appropriate or necessary changes with respect to the state and economy, the subsystems of the sphere of systemic rationality. While their theory of civil society affords a potential resolution to the debates between both Green participatory and elite democrats, as well as rights-based theorists and ecocommunitarians, it does so largely because the resolution takes place on the terrain of civil society, that sphere where communicative rationality predominates or has the potential to predominate.

The key point of the differentiation of civil society and its relevance for Green theory is that rational and normative critique is guaranteed as a permanent possibility wherever the logic or rationality of the sphere is communicative as opposed to systemic. In the sphere of civil society (and potentially economic and political society as distinct from the political and economic subsystems) where communicative rationality is the abiding logic, critique, discourse and publicity are always possible. Thus, unlike the economic and political subsystems which belong to the sphere of systemic rationality, there are no inherent imperatives that debar normative critique and the opportunity for discursive will formation.

In the conclusion of this thesis, I will consider the limitations of Cohen and Arato's dualistic social theory in terms of the relationship between the subsystems or systemic rationality and ecological limits. It must be made clear, however, that such a critique does not minimize the significance of 'civil society', rather, it emphasizes the importance of resolving the persistent dilemma of necessary changes with respect to the state and economy.

- CHAPTER ONE -

Civil Society Revisited

The purpose of this chapter is to explore some of the contemporary discourse on civil society as well as to highlight Cohen and Arato's unique conception of civil society and its relevance for contemporary social and political theory, particularly Green theory. Central to Cohen and Arato's theory of civil society is their concept of differentiation which holds that modern society is and ought to remain divided into three spheres, the state, economy and civil society. According to Cohen and Arato, maintaining structural differentiation is important for realizing the fullest potential of civil society, hence, the democratic social transformation of modern society. In this chapter I hope to establish an understanding of their concept of differentiation as it plays a fundamental role in the resolution of the antinomies plaguing contemporary Green theory.

The Revival of Civil Society

The idea of 'civil society' has recently been revived by Central and Eastern European intellectuals and is becoming of greater interest in the West. Certain historical events of the last several decades have proven the political viability of a strong sense of democracy and the need to recognize and defend the existence of spheres of autonomous social action. For example, according to Richard Wolin, it was the emergence of a new democratic sensibility within civil society that precipitated the collapse of communism in Eastern Europe.¹

Such recent events, along with the emergence of New Social Movements in the West which call into question the suffocating paternalism of the welfare state and whose politics presuppose the existence of an autonomous sphere of social action, have forced Western intellectuals to reconsider the political paradigms of both liberalism and Marxism. Civil society cannot reasonably be said to be synonymous with either the "bourgeois" state (Marxism) or the economy (liberalism) since the nature of both social movements from East

to West and the historical events of recent decades in Eastern Europe and South America, strongly imply the existence of autonomous spheres of social action. The efforts of these social actors are often aimed at ending the oppressive tendencies and encroachment of authoritarian regimes. According to Cohen and Arato, New Social Movements aim to limit, rather than to transcend or overthrow, the state and the capitalist economy.

Although it may appear that the collapse of communism and the crisis of the welfare state signals an unprecedented 'win' for political and economic liberalism, the untrammelled logic of economic growth is also being called into question. However, the logic or dynamics characterizing the various attempts at social reform bid farewell to traditional Marxist-inspired models of revolutionary upheaval and the corresponding belief in the necessity or reductionism (essentialism) of the class struggle.² Instead, particularly in Eastern Europe and South America, there has been a concern for establishing independent trade unions, political parties, civil liberties and cultural freedom. In the West, New Social Movements are responding to a plurality of forms of social as opposed to merely class based oppressions. Although this trend towards "radical reformism" signals the internalization of the values of political liberalism, there is also an awareness that political and economic liberalism has fallen short of its original normative potential to engender human freedom, plurality, and self-realization.³

According to Richard Wolin, the "discourse of civil society" as a sphere of autonomous social action, a realm that, on the one hand, resists assimilation to the merely "private" sphere of economic interests as well as the fully ritualized logic of existing institutionalized politics, on the other, seems to be a common denominator among various social and emancipatory struggles world wide. Thus, the revival of this discourse has largely developed in response to contemporary historical events. Although its genesis and theoretical origins can be traced as far back as Ancient Greece, the modern conception of 'civil society' systematically appeared within social and political thought for the first time in the eighteenth century.⁴

Within the original modern formulation, particularly within seventeenth century English political thought, the concept of civil society was synonymous with the 'commonwealth' or 'political society'. Thus, early use of the term 'civil society' conflated the state and society. Ellen Meiskins Wood explains, "[T]his conflation of state and 'society' represented the subordination of the state to the community of private property holders (as against both monarch and 'multitude') which constituted the political nation." ⁵ Late eighteenth century conceptions, slowly, began to identify civil society as a sphere distinct from the state but which was equated with bourgeois or economic society. Within this formulation,

...civil society represents a separate sphere of human relations and activity, differentiated from the state but neither public nor private or perhaps both at once, embodying a whole range of social interactions apart from the private sphere of the household and the public sphere of the state, but more specifically a network of distinctly *economic* relations, the sphere of the market place, the arena of production, distribution and exchange. ⁶

Whereas contemporaries such as Hegel had maintained this distinction between the state and civil (bourgeois or economic) society, Marx transformed this distinction by denying the universality of the state and by insisting that the state expressed the particularities of 'civil society' and its class relations. Consequently, as of the eighteenth century, the state-civil society dualism more or less disappeared from mainstream political discourse.⁷

According to Wood, it required Antonio Gramsci's reformulation to revive the concept of civil society as a central organizing principle of socialist theory. The concept of 'civil society' was employed by Gramsci in order to explain the ubiquitous nature of capitalist ideology (the "hegemony" of capitalism) beyond strictly state and economic relations. Class power, accordingly, is perpetuated not only through political and economic relations, but through the cultural practices of society. Thus, Gramsci revived the state-civil society dualism arguing that capitalist relations are not only continued through the activities and interests of the state and economy but also through social relations (within civil society). Wood suggests, "Gramsci thus appropriated the concept of civil society to mark out the terrain of a new kind of struggle which would take the battle against capitalism

not only to its economic foundations but to its cultural and ideological roots in everyday life." ⁸

Wood insists that Gramsci's conception of 'civil society' was unambiguously intended as a weapon against capitalism. The current usage of the concept of civil society, she suggests, has dropped this unequivocally anti-capitalist intent. Civil society theory emphasizes the plurality of social relations and practices among which the capitalist economy takes its place as one of many. As a result, she believes, civil society theorists are tending to weaken our resistance to the coercions of capitalism.⁹ Although according to Wood this indicates that many appear to be abdicating the traditional role of the Western Left as critic of capitalism, it is, perhaps, more reasonable to argue that civil society theorists are not abandoning the role of critic of capitalism, but rather, have abandoned the specific critique of capitalism maintained within the Marxist tradition. Contemporary civil society theorists do not mean to suggest that class oppression no longer exists or that the system of capitalism does not result in certain pathological consequences for society. Certainly many of these theorists maintain that the capitalist economy can define or influence social relations within civil society. For example, Cohen and Arato recognize and thus are concerned with the monetarization and commodification of social relations induced by the unlimited expansion of the capitalist economy.¹⁰

However, many civil society theorists want to suggest that civil society is not exclusively constituted by the capitalist economy or of capitalist relations, and deny that the state serves exclusively class interests. Civil society, rather, is commonly identified as a sphere encompassing a very wide range of institutions and relations including households, trade unions, voluntary associations, churches, hospitals, schools, etc. 'Civil society' is therefore generally intended to identify an arena of (at least potential) freedom outside the state but which is not reducible to merely or exclusively economic society or the economy. Thus, Wood is correct that the concept of civil society is meant to reduce the capitalist system (or the 'economy') to one of many spheres in the plural and heterogeneous complexity of modern society.¹¹ This does not necessarily, however, reduce the

importance of the capitalist system in terms of recognizing its negative side-effects. It only suggests that if we were to include other types of social relations in our understanding of the complexity of modern society, that we would begin to see new targets and sites for social and political transformation.

For civil society theorists, particularly Cohen and Arato, the means by which to address the problems with capitalism is not to dismantle it, along with the state which supports it, but rather to limit its expansion. Cohen and Arato, then, also maintain that the state is not merely a superstructure of the capitalist economy. Rather, they see it as a sphere of administrative (bureaucratic) organization, which is separate and distinct from both the economy and civil society. However, they believe that just as the untrammelled logic of the economy can affect the monetarization and commodification of social life, the untrammelled logic of the state can affect the bureaucratization, formalization and ritualization of social life. Hence, for civil society theorists such as Cohen and Arato, the state, like the economy, must be limited.

Thus, civil society theorists typically maintain the need for "radical reform" and that such a need applies equally to modern societies developing in the East and South from under the dictates of authoritarian regimes, as well as to formally democratic societies in the West who are subject to the illiberalism of the capitalist economy and the bureaucratic encroachment of the welfare state. Richard Wolin explains the nature of the "radical reformism" within Cohen and Arato's conception of civil society:

In this context, "radical reformism" entails a (a somewhat Weberian) recognition of and respect for the quasi autonomous logics of the economic sphere and state administration. While acknowledging the imperative necessity of a "rational" economy (characterized by markets) and state administration (characterized by legally codified formal rules and procedures), the rebirth of civil society suggests the cultivation of a third sphere of social action that would offset the commodification, formalism, and proceduralism of the other two.¹²

Thus, the point of "radical reform" is not to overcome or overthrow, but rather to limit the expansion, of both the capitalist economy and the administrative state. Limitation requires recognizing and encouraging the autonomy, the social, cultural, and associational

dimensions, as well as the democratic ethos and institutions, of civil society. According to a theory such as Cohen and Arato's, the state and economy should be limited so as to not interfere with the autonomous, democratic articulation of values and needs of civil society and thus the normative bases and potentials of modernity.¹³

Wood indicates that there are generally two principal ways of conceptualizing civil society: either a sphere which is distinct from both the state and economy; or, more commonly, as a sphere which is separate from the state but which encompasses the 'economy' within a larger sphere of multiple non-state institutions and relations.¹⁴ Wood cites Jean Cohen's work in *Class and Civil Society* as representative of the former view and John Keane's *Democracy and Civil Society* as representative of the latter. Generally, however, both views emphasize the plurality of social relations and practices within modern societies among which the capitalist economy takes its place as one of many. Although Wood herself is skeptical of the reduction of the capitalist economy to one sphere among many within complex societies, since she believes this negates the critical potential of the Western Left, she states there are some positive aspects of this concept.

Wood suggests two main benefits to civil society theory. First, it focuses our attention on the dangers of state oppression and thus the need to place limits upon the actions of the state by organizing pressures against it within society. The contemporary impetus for this concern, as I have mentioned above, is coming (largely) from Eastern Europe where there are continuous attempts to build civil oppositions against state oppression. Further, the crisis of the welfare state has forced the Western Left to realize the limitations of social democracy and its faith in the state as the agent of social transformation or as the corrective agent of the capitalist economy. "In other words", Wood summarizes, the concept of civil society "revives the liberal concern with the limitation and legitimation of political power, and especially the control of such power by freedom of association and autonomous organization within society, too often neglected by the Left in theory and practice."¹⁵

Second, the concept of civil society recognizes and celebrates difference and diversity. The emergence of New Social Movements, not based on class, but which are sensitive to the various dimensions of human experience, has forced the Left to reconsider its reductionist, monistic and economistic tendencies. Wood explains, "[T]his new pluralism invites us to appreciate a whole range of institutions and relations neglected by traditional socialism in its preoccupation with the economy and class."¹⁶

The revival of the concept of civil society is relatively recent. It is largely in response to the specific historical conditions mentioned above that the Left has begun to reconsider Marx's position with respect to his assimilation of the state-civil society distinction, and consequently, to reconstruct a new conception of civil society and of economic-state-social relations. In addition to Cohen and Arato, other notable contemporary civil society theorists include John Keane, Paul Hirst and Michael Walzer. These authors differ in terms of the two principal ways of conceptualizing civil society noted above by Wood, as well as in terms of how systematically developed their concepts of civil society are. I will discuss these differences in turn in order to show the superiority of Cohen and Arato's theory of civil society and its relevance for Green theory.

Civil Society: The Sphere of Communicative Action

Cohen and Arato appear to be among the few, if not only, contemporary civil society theorists who conceptualize the economy as a realm distinct from, as opposed to situated within, civil society.¹⁷ Because Cohen and Arato's conception of civil society provides the basis of my argument that the concept of civil society can offer new insights into contemporary social and political theory, specifically Green theory, it is necessary to provide some further comments as to the importance of this distinction.

Cohen and Arato develop a tripartite model of state-society-economic relations whereby civil society is structurally differentiated from the state and economy. Civil society is structurally differentiated through constitutional rights and according to a unique operating logic. They state that civil society exists only where there is a juridical guarantee

of the reproduction of the various spheres (state, economy and civil society) in the form of sets of rights.¹⁸ Following Habermas, they contend that civil society is organizationally distinct in that it operates on the basis of communicative rationality and interaction, whereas both the economy and the state operate on the basis of systems rationality. The economy and state are distinct since the economy is subordinated to the imperative of money, while the state is subordinated to the imperative of power. The economy, then, cannot be situated as a sphere within civil society since the economy and civil society are organized on the basis of two distinct logics, hence, belonging to two distinct spheres.

In terms of devising their conception of the tripartite structure of modern society, Cohen and Arato have drawn heavily upon Habermas' 'critique of functionalist reason' and dualistic social theory.¹⁹ Habermas identifies all those social structures which operate on the basis of instrumental (purposive rational or success-oriented) action as belonging in the sphere of the 'system'. In capitalist society, all institutions tied to the 'steering media' of money and power are located within this sphere. Both the economic and political subsystems are located within this system of instrumental (purposive rational) action since the economy is tied to the 'steering media' of money, and the state to the 'steering media' of power.²⁰ Thus, the two subsystems are coordinated on the basis of systems logic/rationality and participate in the same fundamental social function, that of system integration.²¹ According to Cohen and Arato, the notion of system integration "refers to the unintended functional interdependencies of the effects of action coordinated without reference to actors' orientations or norms." ²²

In the second sphere of society, the lifeworld, communicative action predominates. According to Habermas, in capitalist society, this type of action occurs largely outside the influence of the state and the economy. The lifeworld, therefore, is an autonomous sphere of social action, coordinated on the basis of communicative rationality whereby social actors are socially integrated through interpretations of a normatively secured or communicatively created consensus.²³ Habermas explains, "[T]he Lifeworld is, so to speak, the transcendental site where speaker and hearer meet, where they can reciprocally

raise claims that their utterances fit the world (objective, social, or subjective) and where they can criticize and confirm those validity claims, settle their disagreements, and arrive at agreements." ²⁴ It is through communicative action that actors locate and date their utterances in social spaces and historic times. Communicative action serves to transmit and renew cultural knowledge, social integration and the establishment of solidarity and socialization as well as the formation of personal identities.

For Habermas, then, the distinguishing and differentiating character of the lifeworld is its coordination on the basis of communicative, as opposed to systemic, rationality. Cohen and Arato maintain that although Habermas does not explicitly provide a theory of civil society, his analytical distinction between the logics of the system and lifeworld allows them to situate civil society within a general theoretical framework, specifically, a tripartite conception of modern society.²⁵ The concept of lifeworld cannot be translated directly into that of civil society. Rather, it is a specific dimension of the lifeworld which corresponds to their conception of civil society.

Cohen and Arato explain that, for Habermas, the lifeworld combines two distinct elements: One is the transmission of traditions and background assumptions, embedded in language and culture which people in society draw upon in their day to day lives in order to get by and communicate; the other is its structural components or the institutional mechanisms for the reproduction of culture, society, and personality. According to Cohen and Arato, the structural differentiation of the lifeworld occurs through those institutions specialized in the reproduction of traditions, solidarities and identities. Thus, they state, "[I]t is this institutional dimension of the lifeworld which best corresponds to our concept of civil society." ²⁶

Extrapolating from Habermas' basic theoretical framework, Cohen and Arato posit a conception of civil society which suggests that civil society is structurally distinct from the two subsystems on the basis of its coordinating logic, that of communicative rationality. They maintain a tripartite framework of modern society by recognizing that although the

economic and political subsystems operate on the basis of instrumental action and thus both belong in the sphere of the 'system', they are distinct in that the economy is subordinated to the imperative of money, the state the imperative of power. Thus, again, it is important to understand that for Cohen and Arato, unlike other civil society theorists, the economic sphere cannot be situated as a sphere within civil society since they operate on the basis of two distinct rationalities.

Cohen and Arato provide a brief analysis of how it is that modern societies became structurally differentiated according to these distinct rationalities.²⁷ Thus, it is not simply the case that their conception of civil society merely differs from the other major theorists, rather, their version lays claim to one which realistically accounts for the historical processes of modernization. Again, their explanation is largely derived from Habermas, this time with respect to his analysis of the 'uncoupling of system and lifeworld'.²⁸

According to Habermas, the processes by which the subsystems are strengthened and become coordinated on the basis of systems rationality is simply that they slowly became independent organizations with specific purposes or particular functions. As independent systems, they necessarily were and continue to be concerned with their internal coordination (their specific functions and purposes) and thus have developed a logic of their own.

For example, with respect to the economic subsystem, the development of the system of monetary exchange, according to Habermas, represents the foundation of a subsystem that grows away from normative contexts. Habermas explains, "[T]he economy can become constituted as a monetarily steered subsystem only to the degree that it regulates its interchanges with its social environments via the medium of money."²⁹ Within a subsystem, which has been differentiated out for a single function relevant to society as a whole, the scope for organizational accomplishment and thus system rationality expands. Therefore, the subsystems of the economy and state were differentiated out of society generally for respective functions relevant to society as a whole. Each served a

particular function and were coordinated on the basis of particular media (money and power respectively). As such, economic and regulative or administrative activities, once within the realm of society as a whole (and which were coordinated on the basis of communicative rationality), now exist within differentiated or independent realms coordinated on the basis of systems rationality.³⁰

Although the other theorists of civil society recognize it as a sphere which engenders the communicative elements noted by Habermas, Cohen and Arato, they seem to fail to recognize that the means by which it came to be so was through the increasing differentiation of the state and economy from society as a whole. For, I suggest, to situate the economic sphere within the sphere of civil society is to deny this process of modernization and the rationalization of the lifeworld, hence civil society. What Cohen and Arato, following Habermas, want to stress is that, historically, the strengthening of the economic and political subsystems resulted in the unburdening of the lifeworld from coordinating all aspects of life.³¹ They claim that the lifeworld, hence civil society, could not have been modernized without the strategic "unburdening" of communicative action coordination by the development of the two subsystems.³² According to Cohen and Arato,

...the differentiation of the subsystems of economy and state from the lifeworld is a precondition for releasing the cultural potentials of modernity and for freeing communicative interaction from ritualistically reproducing sacralized, conventional norms. The lifeworld cannot be internally differentiated, the institutions of civil society cannot be modernized, subjectivity cannot be decentered, and roles cannot be challenged unless communicative interaction is unburdened from the task of coordinating all aspects of life.³³

Thus, according to Cohen and Arato's interpretation of the historical process of modernization, the economic sphere cannot be situated as an autonomous sphere *within* the sphere of communicative action and therefore the lifeworld and civil society. Rather, it is a sphere of instrumental (purposive-rational) action tied to the 'steering media' of money and therefore belongs in the sphere of the 'system'.

Further, they suggest that it is only with this particular conception of civil society and the bases of its differentiation from economy that the slogan "society vs. the state"

gains its critical potential. For, if civil society is equatable to economic society or if the economy exists within the larger sphere of civil society, then this slogan appears primarily as a call to economic and political liberalism. Thus, Cohen and Arato claim that it is only with their conception of civil society that we can understand the phenomenon of 'radical reformism' or the 'discourse on civil society' being expressed world-wide:

...only a concept of civil society which is properly differentiated from the economy (and therefore from "bourgeois society") could become the centre of a critical and social theory in societies where the market economy has already developed, or is in the process of developing, its own autonomous logic.... Thus, only a reconstruction involving a three-part model distinguishing civil society from both state and economy has a chance to underwrite the dramatic oppositional role of this concept under authoritarian regimes and to renew its critical potential under liberal democracies.³⁴

Modern societies, then, are realistically conceived as encompassing these spheres of the economy, state, and the lifeworld (of which civil society is a part) which are structurally differentiated on the basis of their requisite coordinating logics - that of systems logic in the case of the subsystems, and that of communicative logic in the case of the lifeworld.

Finally, according to Cohen and Arato, it is critically important for modern societies to remain structurally differentiated, i.e., to maintain this distinction between subsystems and civil society, since to dedifferentiate them would be to threaten the autonomy of civil society, hence, the democratic potential of modern societies. The significance of the concept of civil society for Cohen and Arato is that it is an area of social life, in which communicative rationality directed towards the realization of democratic consensus, can flourish. Again, Cohen and Arato take their lead from Habermas.

Habermas, as well as Cohen and Arato, notes the paradox of modernization - both its negative and positive aspects. In the process of modernization, the lifeworld, and civil society, get differentiated out from the subsystems which unleashes its positive democratic potential, but at the same time, systems logic develops and strengthens so as to pose a threat to the lifeworld in the guise of colonization. For Habermas, the most significant implication of the distinction between system and lifeworld is that the expansionary

tendencies of modern capitalism lead to the penetration of more and more aspects of social life by instrumental rationality which results in the 'colonization of the lifeworld'.³⁵ Thus, Habermas' most general prescription is that a rich and multi-layered 'public sphere', not subordinated to the state or the market, is necessary for the lifeworld to flourish and to be able to repulse the invasive threat of instrumental rationality to sustain morally defensible social and political action.³⁶

Following Habermas, the democratic potential of modern society, for Cohen and Arato, lies in the strengthening of structural differentiation (to more or less restrict communicative rationality to civil society, and systems rationality to the subsystems). For the other theorists of civil society, Hirst and Walzer for example, its democratic potential lies in the ability or the extent to which the associational and cooperative aspects of civil society can dedifferentiate themselves from the economy and the state. They seek, similarly to Cohen and Arato, not to totally usurp either the economy or the state, but rather to limit them. They seek to limit capitalism, however, by encouraging alternative forms of market agency, such as cooperatives, non-profits etc., and to limit the state by turning over (some of) its functions to the democratic associations of civil society.

According to Cohen and Arato's interpretation, these civil society theorists are wrong to suggest, as do Hirst and Walzer, the possibility of: a) decentralizing the state, so that there are more opportunities for citizens to take responsibility for (some of) its activities, and; b) socializing the economy through a diversity of market agents, communal as well as private.³⁷ Cohen and Arato believe that in order to offset further colonization we need to more deeply entrench structural differentiation. Walzer and Hirst suggest projects which seek to undermine differentiation since the above signifies an attempt to extend the coordinating logic of civil society (communicative rationality) to the formally organized spheres of action, the state, in the first instance, and the economy in the second. The implications of this distinction, between the desire to strengthen structural differentiation and the desire to obscure it, will be discussed in the following subsection.

For now, it is important to recognize that Cohen and Arato situate the economic subsystem within the sphere of systemic rationality and civil society within the sphere of communicative rationality. The other models of civil society offered by Hirst, Walzer, as well as Keane, by situating the economic sphere within civil society, deny the historical process of modernization which "uncoupled" these two spheres.

Further, Cohen and Arato support the integrity of the subsystems. They believe that their relative autonomy from social contexts is important in terms of effective and efficient functioning. Thus, to socialize the economy or to decentralize the state would inevitably lead to ineffective systems. Most importantly, however, anything which threatens structural differentiation (including attempts to socialize or democratize the state and economy) threatens the democratic, solidaristic, cultural and normative potential of the lifeworld, hence civil society since these are ultimately dependent upon maintaining, if not strengthening, differentiation. Thus, the central idea, for Cohen and Arato, is not to totally democratize the state or the economy, but to promote democratic institution building in civil society. They seek innovative ways of 'limiting' and 'influencing' both the bureaucratic state and the self-regulating market economy with respect to the lifeworld.

The Discourse on Civil Society: Its Contemporary Advocates

Each of the other contemporary civil society theorists, namely Hirst, Walzer and Keane, contribute something to our understanding of the significance of civil society for contemporary political and social theory. Each one focuses on particular aspects of the concept, whereas Cohen and Arato include them all. I will, however, provide a brief overview of some of their works so as to introduce some of the competing 'discourse on civil society'.

John Keane's main project is to address some of the fatalistic consequences posed by Weber's analysis of the welfare state and the bureaucratization of everyday life. Keane's, *Public Life and Late Capitalism*, consists of a compilation of essays written by Keane which respond to Weber's claim that the technical superiority of bureaucratic

organizations ensures their continuous expansion to ever more realms of social life thereby threatening the distinction between the state and civil society, a process which thereby poses a threat to democracy itself. According to Keane, Weber concluded that under contemporary conditions, the renunciation of the struggle for democratic public life becomes imperative or inevitable. Thus, for Weber, only "passive democratization" is possible.

According to Keane, Weber seriously misjudged the degree to which bureaucracies would catalyze power struggles in defense of the principle of autonomous democratic discussion.³⁸ He argues, various struggles, as represented by New Social Movements, effect continuous readjustments within bureaucratic organizations and also enhance the conditions of growth of autonomous public spheres.

The primary purpose of Keane's work is to develop a series of arguments which show the limitations of bureaucratic theory. For Keane, however, the state remains an important element of society. He explains that the achievement of democratic socialism would become possible only insofar as political institutions could defend autonomous public spheres, realize their demands, and mediate their conflicts and antagonisms. To offset the potential of bureaucratic rule, however, a certain amount of decentralization or ceding of state power to a plurality of public spheres, as well as the expansion of public spheres within civil society which would retain the effective power to check and control their political representatives, would be required. Thus, political authorities would be strictly accountable to the sovereign publics for their administrative activities.³⁹

While Keane focuses on the limitations of bureaucratic theory (that which has been developed primarily by Weber), Cohen and Arato include an analysis of both the contributions and limitations of Weber in order to explain, first, the imperative of a formally rationalized, hence, bureaucratic state administration, and secondly, the need to limit the administrative state so as to heighten the normative basis and democratic potential of modern societies. Cohen and Arato, however, develop a more systematic theory than

does Keane. Keane admits that his theses, taken together, do not provide a comprehensive model of civil society or of democratic socialism. Rather, he suggests, the provisional claims provided by these theses should be taken as provocations to reconsider the democratic potential of our times. Cohen and Arato attempt a systemic analysis of the democratic potential of modernity, and provide a comprehensive theory of civil society. Thus, they provide a more complete picture of the possibilities provided by 'the discourse on civil society'.

Keane's work does suggest certain relevancies for Green theory, specifically relating to one of the central Green value assertions of the Green movement, that of decentralization. Keane's view of decentralization, however, is not one of full or complete decentralization as Green decentralists would have it. He maintains that the state is necessary for administrative purposes, a position consistent with Green critiques of the Green decentralist position. These critiques claim that small decentralized communities would always require some sort of mediating agencies (comprised of official representatives) between communities for the purposes of regulation and administration. These Greens, however, do not then suggest that so long as some form of state (mediating agency) is established, decentralization would be a good thing (at least not in the first instance). Rather, they believe a centralized state, committed to Green values (such as sustainability and a heightened respect for nature) is necessary in order to have a society living according to Green values.⁴⁰

Keane's view of civil society cannot be applied so as to resolve the tensions between Green decentralists and Green statists. I believe that one of the only ways to resolve the tensions between these views is to apply Cohen and Arato's theory of civil society, a theory which suggests the strengthening, as opposed to weakening, of structural differentiation. Keane's theory implies some structural dedifferentiation, specifically, the dedifferentiation of the state and civil society in certain contexts in order to offset bureaucratic rule. Implicit is the assumption that citizens, in taking over some of the state's functions, would not themselves become bureaucratic. Cohen and Arato suggest that the

imperative of the state is power. Ceding some of the governments functions to various public bodies, therefore, would invite the imperative of power into the lifeworld. It is likely, then, that such public spheres would be run according to this imperative and therefore become hierarchical and bureaucratic themselves.

The distinction here (between an official governing public sphere and a 'political public sphere') is subtle, but nonetheless important. Cohen and Arato, following Habermas, employ a distinction between the 'political system' where the steering mechanism of power predominates and the 'political public sphere' where communicative rationality prevails. Where government responsibilities are ceded to the public thereby creating an official governing public sphere, the steering mechanism of power would predominate. (After all, what would be the difference between these bodies and the existing public service or even Crown Corporations such as Ontario Hydro?) It is in this respect, according to Cohen and Arato's thesis, that systems rationality has and will continue to invade or penetrate the lifeworld. The alternative they propose is the development of 'political public spheres', the expansion of parliamentary chambers, trade and labour unions for example, and the institutionalization of discursive and democratic civil associations, which, without any official authority or 'power', would be based upon and encourage the communicative interaction of the lifeworld as opposed to getting caught up in systems logic. As autonomous, democratic, solidaristic and communicative public bodies grow, so too does: a) the modernization of the lifeworld and civil society essential for releasing its cultural and normative potential; and b) the capacity of the public to "influence" the economic and political subsystems from a principled standpoint based upon the needs of civil society.

Thus, Cohen and Arato would strengthen differentiation in order to limit the state and the penetration of systems rationality (including a bureaucratic mentality) from entering the lifeworld. Although they envision discursive and democratic public spheres or institutions within civil society, their purpose is not to rule or govern (to take over state responsibilities), but rather, to strengthen solidarity and the communicative rationality of

the lifeworld. This is necessary in order to accomplish three objectives: a) to "decolonize" the lifeworld, that is, to undo the bureaucratic and ritualized mentality of the institutions of civil society which limits their ability to respond to and accommodate new values, norms, ideas and so forth, in order to establish common norms and a democratic sensibility, and even, perhaps, find new ways of organizing ourselves and help one another; b) to "limit" the further penetration of systems rationality into the lifeworld resulting from the invocation of the imperatives of the political and economic subsystems, and; c) to bear "influence" over the economic and political subsystems. I believe that it is in this respect that Cohen and Arato speak to Green theory.

At the heart of what Green theory has to offer is a post-materialistic value system premised upon a heightened respect for nature. Living "in harmony" with nature requires the adoption of non-materialistic and non-power oriented values. Hence, if it is the case that the state and economy are implicated in the logic of industrialism (or systems rationality), perhaps, then, it is important to establish or encourage a new logic within civil society. Communicative logic or rationality, freed from systems imperatives, is open to a plurality of perspectives and values. Although some of the concerns raised within the context of a discursive public sphere or institutions of civil society may be materially or power oriented, they would always be open to challenges, including those posed by the Green movement. Communicative rationality, the abiding logic of civil society, unlike systems rationality, always guarantees the possibility for normative and critical debate, allowing people to discuss, and through consensus, determine new values, means of co-ordination, lifestyles, and objectives with respect to the state and economy.

Decentralization in this respect refers, then, not to public bodies which have taken over certain state functions, but to autonomous public spheres with the potential to establish their own value systems for the purposes of either meeting one another's needs (thereby "limiting" the penetration of the subsystems) or forming a solidaristic front in order to "influence" the subsystems.

To live according to Green values (or values discursively decided) requires a certain amount of autonomy from the state and economy. It does not, however, require their abolition. Although people may become less materialistic, people will always need, even want, certain things. Thus, an economy, particularly an efficient economy, will always be necessary. The idea, then, is not to abolish the economy, but rather to limit it by encouraging and persuading people to limit consumption (as well as their reliance on the public purse) and to find alternative ways of organizing and meeting one another's needs. The state, similarly, will always be necessary in order to provide public subsidies as well as to implement policies or rules based upon the norms or convictions discursively and mutually decided by members of the public. Only in public spaces external to the state (in the institutions of civil society as opposed to official public bodies) can we engage in the democratic articulation of values and needs of civil society, hence the determination of the normative bases and potentials of modernity

Thus, a communicative and solidaristic civil society, as opposed to one which takes over certain state functions, has the potential to encourage the convictions of the Green movement and provides a basis from which to organize ourselves according to new values and non-hierarchical patterns of organization (including those which correspond to 'living in harmony' with nature). If it is the case, as the ecological imperative suggests, that the threat to the ecosystem is in all of our interests to redress, then autonomous and discursive public spheres would provide Greens with the forum to present their arguments and win public support. It is only after this is achieved that we could expect, in a democratic society, the state and the economy to reflect Green values. Cohen and Arato's concept of structural differentiation and its implications for democratic theory, including Green democratic theory, will be fully elaborated on in Chapter Two of this thesis.

Michael Walzer, in an article entitled, "The Civil Society Argument", explains what the civil society argument contributes to contemporary political and moral theory. Walzer provides a systematic analysis of the popular versions or responses to the question

concerning the appropriate setting for the good life. He believes that the civil society argument provides the newest, and perhaps most compelling response to this question.

Walzer suggests that in our theoretical undertakings we have tended to neglect the networks through which civility is produced and reproduced. Walzer, like most civil society theorists today, is concerned to identify those social, cultural and associational elements of every-day life which serve to reproduce social, as opposed to merely political or economic, relations. Consistent with the dominant trend within civil society theory, Walzer sees the market as a sphere situated within civil society but which does not constitute all of civil society.⁴¹ Further, he suggests that the market and civil society are distinct from the state and sees that the state itself is a necessary feature of complex modern societies.

Walzer attempts to situate civil society theory within contemporary social and political theory by contrasting various responses to questions concerning the good life. Social and political theorists of the nineteenth- and twentieth- century, Walzer explains, have sought to provide answers to the questions: "[W]hat is the preferred setting, the most supportive environment, for the good life? What sorts of institutions should we work for?"⁴² He identifies four familiar responses to these questions all of which are problematic in that each assumes such questions must receive a singular answer. He states, "[E]ach of them neglects the necessary pluralism of any civil society".⁴³ Walzer identifies these four 'rival ideologies' or responses as; the communitarian, the socialist, the capitalist, and the nationalist.

For the communitarian, the preferred setting for the good life is the political community, the democratic state, within which we can be citizens (freely engaged, fully committed, decision making members of a polity). To live well is to be politically active and to work together towards the determination of a common destiny.⁴⁴ He claims that the most common criticism of this position is not that this version of the good life isn't good, but rather, that it isn't the 'real life' of very many people in the modern world.⁴⁵

The second response involves a turning away from the idea of participatory political activity and focuses instead on economic activity, a position which can be found in Marx and among the utopians he had hoped to supersede. According to Walzer, the preferred setting for Marx is the cooperative economy, where all can be producers - artists, inventors and craftspeople. The state is only something which ought to be maintained so to set productivity free. Once productive activity is free, on this view, politics would simply cease to be important and eventually the state itself would wither away. The standard criticism of this view is that it is not so much that the state would wither away, but politics and democracy.

The third response, according to Walzer, holds that the preferred setting for the good life is the market place, where individuals are consumers (rather than 'producers' or 'citizens') who choose among a maximum number of options. "To live well is not to make political decisions or beautiful objects; it is to make personal choices".⁴⁶ It is the activity of choosing that makes for autonomy. Such a market based society, like the productively free society, largely dispenses with politics requiring at most a minimal state. The standard criticism of this position is that autonomy often collapses into egoism or possessive individualism.

The fourth setting of the good life is said to be the nation. Within the nation, we are loyal members bound to one another by ties of blood and history. "To live well is to participate with other men and women in remembering, cultivating and passing on a national heritage... Individual members seek the good life by seeking autonomy not for themselves but for their people."⁴⁷ Thus, there is an element of social solidarity within this view. However, the criticism of this view, Walzer offers, is that nationalism is most often invoked when a threat is being posed.

Walzer believes all of these answers to be wrong-headed because of their singularity. He claims, "[T]hey miss the complexity of human society, the inevitable conflicts of commitment and loyalty".⁴⁸ Walzer suggests that a fifth response is provided

by the concept of 'civil society'. The civil society argument, Walzer explains, is a corrective to the four ideological accounts of the good life; part denial, part incorporation. It challenges their singularity, but has no singularity of its own. According to Walzer, the civil society argument holds that:

...the good life can only be lived in civil society, the realm of fragmentation and struggle but also of concrete and authentic solidarities, where we become...sociable or communal men and women. And this is, of course, much the best thing to be. The picture here is of people freely associating and communicating with one another, forming and reforming groups of all sorts, not for the sake of any particular formation - family, tribe, nation, religion, commune, brotherhood or sisterhood, interest group or ideological movement - but for the sake of sociability itself. For we are by nature social, before we are political or economic, beings...The phrase 'social being' describes men and women who are citizens, producers, consumers and members of the nation and much else besides - and none of these by nature or because it is the best thing to be.⁴⁹

Walzer suggests that the civil society argument is a liberal version of the four previous answers: it accepts them all, insisting, however, that each leaves room for the others. In this respect, civil society becomes the actual terrain where all versions of the good are actually practiced, as well as worked out and tested.

According to Walzer's interpretation, civil society is a sphere which is separate from the state, but which situates the market within it. There is no aspiration that the state wither away, nor Walzer forewarns, should there be. Democratic civil societies require democratic states - states, however, which are beyond the liberal conception as a mere framework for civil society.⁵⁰ In terms of the economy, it is accepted by the civil society argument that the capitalist economy is the prevailing economic system. Because the economy is situated within civil society, however, Walzer believes that the economy can be appropriately constrained by communal as well as private initiatives.⁵¹ The degree to which a variety of alternative market associations are developed will determine the relative strength and limits of the capitalist economy.⁵²

Thus, Walzer provides a brief sketch of the civil society argument through its response to the preferred setting of the good life. In terms of a viable or motivational political theory, however, Walzer admits that it is not as captivating or emotively

compelling as the other four. He suggests, "[I]t cannot be said that nothing is lost when we give up the single mindedness of democratic citizenship or socialist cooperation or individual autonomy or national identity. There was a kind of heroism in those projects - a concentration of energy, a clear sense of direction, an unblinking recognition of friends and enemies." ⁵³ Associational engagement, then, can be said to be at the heart of the political of civil society. As such, the civil society argument, Walzer states, can be said to inspire the rallying cry: 'join the association of your choice'. While thereby conceding an inclusivity the others do not, such a politics does not easily make for either heroism or simplicity. Walzer concludes by stating that there is no magic formula for making connections or strengthening the sense of responsibility, however, we should by now accept that such aims are not achievable through a single unified struggle. A political theory which valorizes social and cultural associations, solidarities, etc., for their own sake as opposed to for the sake of some particular version of the good life or some ideological (or utopian) vision, he believes, may provide a better formula.

Walzer provides a preliminary explanation of the superiority of the concept of civil society in terms of its response to the question of the preferred setting for the good life. Cohen and Arato do not restrict their analysis of civil society to one which explains its benefits to contemporary theory in terms of its response to this question of the preferred setting of the good life. One of the major contributions of their work is to show explicitly how their concept of civil society can overcome (or provide a synthesis of) some of the major antinomies plaguing contemporary social and political thought. Cohen and Arato also situate their conception of civil society within an overall political model. They, therefore, provide a more comprehensive analysis of this concept and its implications for social and political theory beyond the particular problem addressed by Walzer.

Perhaps most importantly, Walzer's interpretation of the civil society argument makes it appear more liberal than need be. With his version we get a sense that civil society is little more than a terrain of action whereby each citizen is free to pursue their own vision of the good life. He therefore undermines the political, democratic and solidaristic potential

of civil society capable of, and indeed necessary for, limiting the expansion of the bureaucratic state and capitalist economy. Although Cohen and Arato would likely not deny the rallying cry of "join the association of your choice" is indicative of the political aspirations of civil society, they would suggest this is not the full picture. Joining an association is not meant to become an insular or exclusionary activity. Building up solidarities, collectivities, associations and the overall communicative infrastructure of the lifeworld, would provide citizens with the opportunity to learn from and understand one another, to negotiate and compromise, and to develop a democratic sensibility or ethos. Solidarity, communication and mutual consensus, as opposed to the mere toleration of difference, is what gives civil society theory its political import. For Cohen and Arato, the 'resource of solidarity' is necessary to, or a precondition for, "decolonizing" the lifeworld and civil society, as well as "limiting" and "influencing" the political and economic subsystems.

I suggest that for some Greens, the preferred setting of the good life is within small, rural, ecological communities. Within the ecocommunity, we are loyal members bound to one another (both human and nonhuman others) through the recognition of the interconnectedness of all life. In the ecological community, the human species is 'decentred', i.e., appears as one species among many.⁵⁴ To live well is to live in harmony with nature as opposed to dominating it. Living in harmony with nature requires that we recognize the laws of nature and that these, to the greatest extent possible, serve as the regulative ideals of the community.⁵⁵

With respect to Green theory, Walzer's interpretation of civil society suggests that anyone wanting to pursue a life according to Green values would be free to do so within the parameters of civil society. They should, however, respect and tolerate difference as others should respect theirs.⁵⁶ Cohen and Arato's theory of civil society, although a political theory which valorizes social and cultural associations, solidarities, and difference, on the other hand, is also a theory which promotes the democratization of civil society. Hence, theirs is a theory which reflects the reality of pluralism and individualism as well as

promotes communication between diverse groups and individuals. In this respect, Cohen and Arato's theory of civil society, while respecting difference, also encourages the resolution of difference.

Thus, while not restricting people from pursuing a life based upon Green values, Cohen and Arato's theory also does not prevent Greens from trying to persuade others to do the same through the institutions of civil society responsible for the reproduction of culture, language, traditions and so forth. Their theory also opens up the possibility of influencing the state and economy with respect to Green values, albeit Green values which have been discursively determined and mutually agreed upon by members of civil society. Cohen and Arato's theory of rights, reinterpretation and usage of Habermas' discourse ethics, as well as their conception of civil society will be discussed further in Chapter Three of this thesis. It is here that an elaboration of their discussion with respect to individualism and pluralism will be situated in the context of their resolution of the antinomies between rights-based liberalism and communitarianism.

Paul Hirst develops a much more extensive political theory than does either Walzer or Keane which he entitles, *Associational Democracy*, whereby the concept of civil society is central. For Hirst, civil society provides a realm of social life in which, through the establishment of democratic associations, members can actually take responsibility for certain state activities. Further the economy is situated within civil society although civil society is not exclusively constituted by the economy. The extension of voluntary, cooperative and democratic associations within civil society, according to Hirst, has the potential to influence or socialize the economy by building a greater diversity of market agents, both communal and private. Thus, for Hirst, like Walzer, there is a recognition or acceptance of both the administrative state and capitalist economy. Both the state and economy, however, need to be limited as opposed to abolished. Hirst's conception of civil society suggests that both the state and economy can be limited by developing democratic associations within civil society. According to Hirst, the bureaucratization of civil society would be limited by ceding certain state responsibilities to civil associations. In the case of

the economy, Hirst suggests alternative economic associations would provide a greater diversity of market agencies (non-profits, co-operatives etc.) thereby limiting the imperialism of the capitalist market and the inequalities it tends to produce.

Hirst claims that modern associational democracy can only be a more or less extensive supplement to liberal representative democracy. In this sense, associationalism extends and enhances liberalism and does not seek to supersede it. The most central normative claim of associationalism is that: Individual liberty and human welfare are both best served when as many of the affairs of society as possible are managed by voluntary and democratically self-governing associations.⁵⁷ The hope is that voluntary self-governing associations will gradually and progressively become the primary means of democratic governance of economic and social affairs. Associations, however, must be protected by a public power that can enforce the rule of law and be funded by the public purse through taxation. In short, associative democracy aims at a manageable and accountable state, but not an ungoverned society or a society based upon economic governance. Associationalism, according to Hirst, does not strip down and diminish civil society or the public sphere as liberalism does, but actually revitalizes and extends it.

Hirst, like Cohen and Arato, therefore attempts to provide a comprehensive analysis of civil society by situating this concept within an overall political theory. Although Hirst situates the concept of civil society within a political model, he does not explicitly show its relevance to or significance for contemporary social and political theory. Cohen and Arato take as their starting point six positions (or three debates) within contemporary social and political theory and show how their concept of civil society can positively effect each and every one. Further, Cohen and Arato would argue against Hirst's project for civil society since it attempts to limit the state and economy through giving over some of their functions to voluntary and associational democratic publics, hence undermining as opposed to strengthening differentiation. Although Hirst is not suggesting that citizens assume particular state functions, rather, voluntary and democratic associations are to replace them, this distinction is undermined since such associations remain tied to the state through

subsidies based upon taxation and the said basis for their authority (a public power which can enforce the rule of law on their behalf).

In summary, then, Cohen and Arato include a number of aspects and address various theoretical positions in order to provide a comprehensive theory of civil society, whereas the other theorists focus upon particular aspects. Further, they provide a particular conception of civil society which situates it as an autonomous sphere of social action, separate and distinct from both the state and economy. They provide a thorough explanation of how it is that civil society is autonomous and thus differentiated, as well as why it is important, in terms of the democratic potential of modern societies, that its differentiation be recognized, maintained, and strengthened. Thus, Cohen and Arato offer a theory of civil society whereby civil society is the most appropriate locus of the democratic political activity of social movements wherein they can address the environmental crisis without getting caught up in the logic of the state and economy.

Hirst, Walzer and Keane all offer theories of civil society which threaten dedifferentiation. Cohen and Arato's concept of civil society, on the other hand, aims to strengthen differentiation. According to Richard Wolin, Cohen and Arato's particular conception not only has certain theoretical significance, but also, practical import for contemporary political life world-wide:

This model of civil society proposes a self-limiting theory of democratization, insofar as it seek to limit - yet not usurp - the domains of state and economic action. Unless this model remains self-limiting, it risks the perils of societal dedifferentiation or "total revolution" - experiences that no one who has witnessed and learned from the egregious excesses of twentieth-century political life should be anxious to repeat.⁵⁸

Finally, the most important aspect of Cohen and Arato's work for the purposes of this thesis is their explicit claim that their particular conception of civil society can overcome some of the major antinomies plaguing contemporary social and political thought. Hence, my specific interest in the subsequent chapters is to consider the extent to which Cohen and

Arato's theory of civil society can resolve some of the similar debates and antinomies within Green social and political theory.

The first debate outlined by Cohen and Arato, between elite and participatory democrats, encapsulates the tensions within Green theory between ecoauthoritarians and Green elite democrats. Green elite democrats are those who believe that an elite democracy or some form of elite Green rule is necessary in order to deal with the complexity of modern society and to establish a societal commitment to Green values. Green participatory democrats, on the other hand, advocate that participatory forms of democracy are necessary to or compatible with Green societies. At issue for Green theory, is the compatibility between central Green value assertions and the defense or expansion of democracy. In the proceeding chapter I will argue that Cohen and Arato's conception of civil society can go a long way towards providing an understanding of and resolution for this debate. Cohen and Arato's program for the expansion of democracy, which maintains a commitment to structural differentiation, provides a unique justification for the connection between the assertion of Green values and the expansion of democracy.

- CHAPTER TWO -

Elite vs Participatory Democracy and Ecological Imperatives

Introduction

Greens often claim that society as we know it will crumble without acceptance of ecological principles such as the need to create sustainable societies. However, they often disagree about the appropriate political form which is to govern or bring about such sustainable societies. Central to Green political theory, then, lies the question of democracy. Many Greens offer a vision of sustainable societies which are more democratic than our present societies.¹ Commonly, the hope and belief is that truly ecological societies will be small, decentralized communities with decision making procedures based on 'direct' or 'participatory' rather than 'representative' democracy.²

Green advocates of participatory democracy, like participatory theorists generally³, are concerned with the normative core of democratic theory. They believe that citizens should have a much greater say over matters which effect their lives and offer models of sustainable societies which incorporate direct democratic participation into all spheres of society. The idea is to allow for a greater level of participation by opening up the entire range of administrative and economic institutions to the public. Hence these theorists tend to offer institutional models which replace rather than complement the undemocratic forms of elite democracy. Jonathan Porritt, for example, offers a list of twenty-nine characteristics of the 'politics of ecology paradigm' in opposition to the 'politics of industrialism' paradigm in which one item contrasts ecological politics' 'direct democracy' with the 'representative democracy' of industrial politics.⁴

On the other hand, some Greens are skeptical of the compatibility between central Green value assertions, such as ecological sustainability and a fundamental respect for nature, and democracy or the expansion of democracy. Richard Davy claims, "[I]t is difficult to see how many of the Greens' central propositions can be translated into politics

without very authoritarian methods".⁵ Indeed, according to Michael Saward, the ecoauthoritarian vision within Green theory fits with central Green values, whereas the communitarian direct democratic vision does not.⁶ Hence, there are Green theorists, such as William Ophuls, who have translated the central value assertions of the Green movement into an 'ecoauthoritarian' politics. At the opposite extreme of participatory democrats, then, lie ecoauthoritarians who believe that sustainable societies require a strong, centralized governing body who, for the benefit and survival of its citizens, adheres or governs according to central Green value assertions. This sovereign, however, is to be mutually agreed upon by all members of the polity. Thus, ecoauthoritarians take the model of elite democracy to its extremes.

Then there are those Greens who advocate the need for elite democracy but whose models approximate actually existing elite democracies. Such theorists attempt to unite Green theories of value (central Green value assertions) with a Green theory of agency (elite democracy). Robert Goodin, for example, attempts to derive a Green theory of agency from his 'Green theory of value'. Because his Green theory of value is essentially a theory of 'ends' (Greens are first and foremost concerned with actually alleviating environmental degradation and actually affecting sustainable societies) the appropriate political practice is that which can most effectively bring about such 'ends'. Accordingly, the most expedient and realistic political practice, for Goodin, is the formation of Green Parties, parties which, however, conform to the traditional methodology of electoral politics. Greens, according to Goodin, must form Parties and do politics in the standard sort of way in order to get elected, which is the ultimate goal, since, once in office Greens would be in a position to implement their substantive agenda. Thus, from Goodin's perspective, central Green value assertions correspond best to the elite model of democracy since elite democracies afford those in office with the power and autonomy necessary to implement Green imperatives and Green policy objectives.

Green elite theorists, like elite theorists generally ⁷, maintain the desire for a representative form of governance, hence, a differentiation between rulers and ruled. Both

ecoauthoritarians and Green elite democrats generally believe that the public has a vested interest in maintaining, if not increasing, levels of production and consumption. Thus, restricting citizen participation from decision-making processes is necessary in order for those in power to govern according to Green values or policies.

Within Green theory, then, the compatibility between central Green value assertions and democracy or the expansion of democracy emerges as an important issue. Green participatory theorists believe that central Green values are compatible with democracy and that truly sustainable societies will be those which extend direct citizen participation to all spheres of social, economic and political life. Green elite theorists, on the other hand, believe that central Green value assertions best correspond to some form of elite rule, ecoauthoritarianism being the most compatible, elite democracy being the next best or most plausible option.

This chapter will explore the potential synthesis of these views afforded by Cohen and Arato's theory of civil society. I suggest that if we were to follow the program for the expansion of democracy posited by Cohen and Arato, the tensions between central Green value assertions and democracy would be greatly reduced. This chapter will proceed by outlining the debate, as depicted by Cohen and Arato, between elite and participatory democrats within contemporary political theory. It will then illustrate how it is that Cohen and Arato's theory of civil society provides a synthesis of these two views. It will then turn to a more detailed discussion of the debates within Green theory, outline the antinomies, and consider the extent to which Cohen and Arato's concept of civil society can resolve these antinomies.

PART I: *Cohen and Arato: The Antinomy of Democratic Theory*

According to Cohen and Arato, the antinomy within democratic political theory involves two interrelated issues. The first concerns the normative core of democratic theory, the "citizenship principle", which includes the ideas of self-determination, political equality, discursive processes of political will formation, and the influence of autonomous

public opinion on will formation. Participatory theorists want to extend or bring to life the citizenship principle of democracy, whereas elite theorists want to maintain, if not strengthen, the division between rulers and ruled, thus, to limit the citizenship principle.

The second issue concerns the structural presuppositions of modern societies. As was noted seen in Chapter One, Cohen and Arato believe that in the process of modernization both the political and economic subsystems developed into relatively autonomous domains. They suggest that the modernization of civil society is dependent upon the structural differentiation or relative autonomy of the political and economic subsystems from the rest of society. The structural presuppositions of modern societies include, then, the differentiation of both the political system and economy from the citizenry or civil society. According to Cohen and Arato, elite democratic theorists maintain a commitment to the structures of liberal democracy or the differentiation between rulers (the political system) and ruled (the citizen body). Participatory theorists offer conceptual models of modern society which tend to dedifferentiate the political and economic subsystems from society. The idea is to provide a greater level of participation by opening up the entire range of administrative and economic institutions to the public thereby blurring, if not completely obliterating, any formal distinction between society, state and economy.

The Elite Model

According to Cohen and Arato, the elite model of democracy is premised upon the secret ballot, civil rights, elections and party competition. The *modus operandi* of politics is power, such that, the struggle to acquire power is at the heart of the political. What differentiates democracies from non-democracies, according to this model, is the means by which power is acquired and decisions are arrived at. A polity can be considered democratic, according to elite theorists, "so long as some core set of civil rights is respected and regularly contested elections are held on the basis of a universal franchise,... so long as

decision making involves compromises among elites and (passive) acceptance by the population...".⁸

The elite model of democracy, according to Cohen and Arato, prides itself on providing an operationalizable and empirically descriptive account of politics considered to be democratic: "It claims to be realistic, descriptive and empirically accurate, as well as the only model that is appropriate to modern social conditions."⁹ This view, Cohen and Arato suggest, holds that no modern society could function without both the phenomenon of power or the gap between rulers and ruled. A precondition for such a political system to remain stable, according to elite theorists, is that it must be shielded from "too much" participation by the population.¹⁰

Elite democratic politics hold no pretense that voters either set the political agenda or make political decisions. Political parties aggregate interests and decide which are to become politically important. Furthermore, they select issues and structure public opinion. Thus, the true function of the vote is to choose among bids for power by political elites and to accept their leadership. Voters are consumers and the political parties are entrepreneurs offering alternative packages or personnel. The competitive element is deemed to be the source of creativity, productivity, responsibility and responsiveness.¹¹

The elite model supports the division between ruled and rulers, hence the differentiation of the political subsystem from society. This division is justified on the basis that modern societies, as complex and pluralistic as they are, could not realistically expect to function without the phenomenon of power or the gap between political representatives and the public body. The ultimate concern is to maintain political stability - to produce decisions, to have them accepted, and to ensure orderly transitions. Limiting the citizenship principle to the vote, lobby activity, and so forth, is said to be a necessary condition for a stable society while satisfying the criteria for a democracy.

Participatory Democracy

According to Cohen and Arato, the theory of participatory democracy serves as a normative critique of the elite model. The normativists suggest the elite model, in its claim to provide an efficient and functional democratic political system within complex pluralist societies, fails to recognize that what makes for stability and continuity in a polity is not the same as what makes it democratic. Participatory theorists claim that the citizenship principle is missing in elite models of democracy. Elite democracies, in limiting participation, affect political apathy and civic primitivism among members of the public thereby curtailing their political spirit and sense of agency or responsibility. The gap between rulers and ruled and the restriction of political power to elites, deprive citizens of the opportunity to acquire a democratic or civic sensibility and the opportunity to have meaningful or effective political influence. "In short", Cohen and Arato explain according to this view, "the price of the elite model's realism is the loss of what has always been taken to be the core of the concept of democracy, namely, the citizenship principle." ¹²

The elite model, although it is conceptually dependent upon and lays claim to the principles of democratic legitimacy, nevertheless fails to live up to them in practice. Cohen and Arato state, that according to the normativists view, "[I]t loses all criteria for distinguishing between formalistic ritual, systematic distortion, choreographed consent, manipulated public opinion, and the real thing."¹³ According to participatory theorists, direct democratic participation would allow citizens, and not only elites, to acquire a democratic political culture. Cohen and Arato state, "[T]he participatory model of democracy maintains that what makes for good leaders also makes for good citizens - active participation in ruling and being ruled (i.e., in the exercise of power) and also in public will and opinion formation." ¹⁴ Advocates of participatory democracy believe that through political participation citizens will assume or develop a civic (as opposed to personal or private) identity whereby they can learn to tolerate diversity, temper fundamentalism and egoism, and develop the ability and willingness to compromise.

As a conceptual alternative to representative or elite democracy, Cohen and Arato claim, participation theorists offer institutional models which replace rather than complement the undemocratic forms of elite democracy. This conceptual alternative, as yet only a theory, aims to solve all the problems of democracy with the single tool of increased participation within each and every sector of modern society. The idea is to allow for a much greater level of participation by opening up the entire range of administrative and economic institutions to the public.¹⁵

1.1 The Antinomy

Cohen and Arato summarize that participatory theorists recoup the normative core of democratic theory at the cost of using, what their opponents view as, a naive or hollow approach. Because they conceptually attempt to dedifferentiate the state, economy and society, whereas the conditions of modern society demands their differentiation, they are accused of "utopianism" and/or "anti-modernism" by their opponents. Cohen and Arato state that they are sympathetic to this particular criticism of participatory theory.

Cohen and Arato further observe that while elite theorists are reconciled to the complexities of modern society and accept differentiation, according to their opponents, they abandon the normative core of democratic theory. The opponents of the elite view claim that without spaces for the active participation of the citizenry in ruling and being ruled, without a decisive narrowing of the gap between rulers and ruled, to the point of abolition, polities are democratic in name only. Cohen and Arato agree with the normativist's claim that what makes for stability and continuity within a polity is not the same as what makes it democratic and therefore fully support any expansion of democracy so long as the structural presuppositions of modern society are maintained.

Cohen and Arato summarize that participatory theorists, by maintaining a strong commitment to the core of democratic theory, do so at the cost of abandoning the structural presuppositions of modernity. Elite theorists, conversely, support the structural

presuppositions of modernity at the cost of abandoning core democratic principles. They suggest, therefore, that the antinomy between these two views is the following:

Contemporary democratic theory involves either some rather undemocratic adjustments to the "exigencies of complex industrial societies" coupled with an abandonment of the normative core of the very concept of democracy, or it proffers somewhat hollow normative visions that cannot be reconciled with the institutional requirements of modern society.¹⁶

As modern societies grow and become more complex, as cultural pluralism and differing value systems increase and/or become more firmly entrenched, we can realistically expect that existing social and environmental conditions will be exacerbated. We can fully expect, then, according to the elite view, that elite democracies will and ought to respond to the growing complexity and urgent demands of industrial societies by way of some rather undemocratic adjustments, potentially, a narrowing of the gap between rulers and ruled. In short, if the complexity of modern society presently demands limiting the citizenship principle, we can expect that if modern societies were to become more complex the citizenship principle would be further limited. In light of the discussion presented in Chapter One, whereby Richard Wolin speaks of the growing democratic sensibilities world wide and the particular concern for the increasing bureaucratization of the welfare state in the West, it is difficult to imagine that citizens would withstand further limitations regarding their political freedoms. Hence, if stability is the major concern for elite democrats, they must recognize that there is a limit to which they can stabilize the polity by way of revoking political freedoms.

Alternatively, according to the participatory view, we can and should respond to the growing complexity of social and environmental conditions by making advances toward the full realization of the citizenship principle in order to provide people with an opportunity to develop a sense of civic mindedness and solidarity. The likely assumption is that citizens, in a position to make meaningful and influential decisions, will learn to negotiate and compromise, as well as to develop adequate tolerance levels, in order to offset the increasing pluralism and complexity of modern societies. Unfortunately, they tend to oversimplify the matter. Modern societies, or particularly citizens of modern societies, benefit

from and are dependent upon certain freedoms and resources afforded by the differentiation of society, state and economy. It does, then, seem somewhat naive to suggest that they will happily or willingly give up certain benefits and freedoms emanating from the structural presuppositions of modern society so that they can become full-fledged political beings. Although many may wish to have a greater say in political and economic matters, this cannot be said to be synonymous with wanting to become fully engaged in political and economic decision-making processes day in and day out.

Thus, the choices presented by contemporary democratic theory in terms of dealing with the growing complexity of modern society appear insufficient and out of sync with the social and political realities or sensibilities of citizens in modern societies. Cohen and Arato's theory of civil society, by recognizing the independent existence of civil society provides us with a promising response to the complexities of modern society and the current problems of democratic theory than does either side of the antinomy. They claim that their theory of civil society provides a synthesis of these two positions since it is able to retain both the normative core of democratic theory as well as the structural presuppositions of modern society. They believe that with their conception of civil society, it is possible to conceive of the democratization of formally democratic societies without threatening structural differentiation.

1.2 Cohen and Arato: The Resolution for Democratic Theory

Cohen and Arato's conception of civil society claims to resolve the antinomy between elite and participatory democrats. Like the participatory theorists, Cohen and Arato believe that increased public participation in the institutions of civil, economic and political society will produce 'good citizens' capable of civic virtue, tolerance, temperance and compromise. They also support the institutional requirements of modern society and accept that there cannot be a total integration of the state, economy, and society as there may have been in the Greek *polis* and the medieval city-state under the republican tradition. As such, they accept the differentiation of the state, economy and society. According to Cohen and

Arato, it is important to retain, if not strengthen, the structural differentiation of modern society - specifically, to maintain the distinction between the lifeworld or the sphere of communicative interaction, from the subsystems or the sphere of systems rationality. Thus, it is on the basis of their notion of differentiation that Cohen and Arato attempt to overcome the antinomy between elite and participatory democratic theory.

There are two primary reasons why Cohen and Arato support differentiation. The first is economic and administrative efficiency. Cohen and Arato believe that the steering mechanisms of power and money, which coordinate action in the state and economy (respectively), must be respected if we expect them to function efficiently.¹⁷ If we were to open up the entire range of administrative and economic institutions to the public, the steering mechanisms of power and money would no longer have autonomous jurisdiction within their respective domains. Furthermore, we would thereby supplant or offset the systems rationality of the state and economy with the communicative rationality of the lifeworld.

All this is to say that the state and economy, their levels of efficiency and means of coordination, are dependent upon their isolation from social concerns. To make money or a profit, as is the imperative of the economy, it is necessary that the economy be able to operate 'freely', independent of social, normative, cultural, political concerns. To exercise power, as is the imperative of the state, the state must be somewhat autonomous from the public. For if we were to narrow or obliterate the gap between rulers and ruled we would lessen or eradicate the 'power' of government to uphold laws, constitutional rights, policies and so forth.

The second reason concerns the necessary conditions for the modernization of the lifeworld. The modernization of society (the lifeworld) has been and continues to be dependent upon the development and differentiation of these two subsystems. Cohen and Arato state that the lifeworld, "could not be modernized without the strategic unburdening of communicative action coordination by the development of the two subsystems".¹⁸ To

maintain or continue the modernization of the lifeworld - to unleash its cultural, critical, normative and democratic potential - requires that the sphere of communicative rationality (the lifeworld) remain or become more autonomous and differentiated from the sphere of systems rationality (the state and economy).¹⁹

Thus, Cohen and Arato support the institutional basis of elite democracies believing that the state is and ought to remain separate and distinct from society. Therefore, they critique the normativists' position on the basis of their implied dedifferentiation of the three spheres. The need for steering mechanisms for the state and economy, they claim, "militates against total democratization along the lines of direct participatory models".²⁰ Further, according to Cohen and Arato, the modernization and democratization of civil society depends on its differentiation from the economy and state since their dedifferentiation would deprive civil society of time resources for democratic deliberation and decision making.²¹

However, Cohen and Arato also want to retain the normative core of radical democratic theory and therefore posit the possibility of further democratizing formally democratic societies. They clearly believe in the need to establish a more enlivened, democratic, and institutionalized political culture within the public or citizen body. They, like radical democrats, believe that active participation on the part of citizens in egalitarian institutions and civil associations, as well as in politically relevant organizations, can maintain or strengthen the democratic character (and civic ethos) of the political culture. They clearly believe, however, that the potential for the expansion of democracy and a democratic political culture, necessitates the differentiation of civil society from the subsystems. Such is the lesson from the history of modernization:

...the differentiation of the subsystems of economy and state from the lifeworld is a precondition for releasing the cultural potentials of modernity and for freeing communicative interaction from ritualistically reproducing sacralized, conventional norms. The lifeworld cannot be internally differentiated, the institutions of civil society cannot be modernized, subjectivity cannot be decentered, and roles cannot be challenged unless communicative coordination is unburdened from the task of coordinating all areas of life.²²

Thus, the opportunity for democratic participation and the conditions for an expansive democratic culture (which are or include decentering subjectivity, challenging and reflecting upon tradition, identities and embedded cultural norms, as well as free and abundant communication among citizens) suggests the need for the further differentiation and autonomy of the lifeworld from the subsystems. The idea is to further entrench differentiation in order to strengthen the pre-conditions for autonomous (freed from the influence of money and power) reflective and critical debate by and among citizens which in turn, Cohen and Arato believe, will strengthen the democratic ethos of modern society.

Cohen and Arato, like the elite theorists, imply that the conceptual alternative provided by the participatory theorists is hollow and naive. Indeed, they suggest that in reality, the coordinating logic of the subsystems demand their adherence to the imperatives of money and power. Civil society, on the other hand, is a realistic terrain for the expansion of democracy since its coordinating logic complements or is conducive to democracy. They state, "[I]t is our central thesis that democracy can go much further on the level of civil society than on the level of political or economic society, because here the coordinating mechanism of communicative interaction has fundamental priority".²³

Thus, Cohen and Arato differ from radical democrats in that they "locate the genesis of democratic legitimacy and the chances for direct participation not in some idealized, dedifferentiated polity but within a highly differentiated model of civil society itself."²⁴ The idea is not to totally democratize the state or economy, but to promote democratic institution building in civil society.

Cohen and Arato refer to their program for the expansion of democracy as 'the reflexive continuation of the democratic revolution'. Their objective is to harness predominant conceptualizations of the 'utopia of civil society' or 'revolutionary utopianism' by applying their concept of 'self-limitation'. They explain the traditional conception of the 'utopia of civil society':

The slogan "society against the state" has often been understood in a fundamentalist way to mean the generalization of participatory democratic

decision-making, as the coordinating principle, to all spheres of social life, including the state and economy. Indeed, the ideal of free voluntary association, democratically structured and communicatively coordinated has always informed the utopia of civil society, from Aristotle to Marx.²⁵

They fear that such a "totalizing 'democratic' utopia" threatens the very basis of modernity (differentiation and efficiency). As opposed to this, the 'self-limiting utopia of radical democracy' based upon the dualistic model of civil society (the differentiation of the sphere of communicative interaction - comprised of the lifeworld, and the sphere of systems rationality - comprised of the subsystems) refers to the restriction of communicative coordination of action to the institutional core of civil society itself.²⁶ The 'utopian horizon of civil society' thereby consists of the possibility of expanding democratic participation within civil society itself in place of imposing this organizing principle on all of society.

In short, according to Cohen and Arato, each sphere - state, economy, and civil society - is dependent upon a particular form of logic, that of systems logic in the case of the state and economy, and communicative logic in the case of civil society. Any attempt to radically extend one logic into another domain is self-contradictory, and ultimately, self-defeating. Communicative rationality provides the basis for the differentiation of civil society from the subsystems. To extend communicative rationality into the subsystems, the sphere of systems rationality, however, would result in the dedifferentiation of civil society, hence, its demise. Thus, the self-limiting aspect of utopia refers to, "the restriction of the communicative coordination of action to the institutional core of civil society itself, in place of imposing this organizing principle on all of society and thus dedifferentiating the steering mechanisms and thereby society as a whole." ²⁷

The differentiation of civil society and the promotion of democratic institution building within it serves a very important function, namely, the defense of the lifeworld against further penetration by the logic's and imperatives of the subsystems. Historically, the process of differentiation allowed for the possibility or early existence of a nascent civil society. The predominant weight given to the reproductive imperatives of the subsystems, however, proceeded at the expense of the full realization or rationalization of the lifeworld.

Cohen and Arato suggest that this trend is continuing within contemporary modern society. They suggest that today, therefore, it is a real question as to whether one can count the gains of differentiation as unambiguous. They state:

As the institutions specialized in socialization, social integration, and cultural transmission are increasingly functionalized to serve the imperatives of uncontrolled and ever-expanding subsystems, and, as communicative coordination of action in the relevant areas is replaced by the media of money and power, there will be more and more pathological consequences.²⁸

Therefore, as constituents of modern society and/or as members of New Social Movements we must defend the autonomy and expand the communicative rationality of the lifeworld by focusing on and building up its associational, communicative and organizational dimensions. This means respecting the integrity of the subsystems and accepting systems rationality as the coordinating logic of the subsystems, rather than seeking to replace it with communicative rationality through attempts at their democratization. The reflexive continuation of the democratic revolution or the potential for democratic social transformation, however, also depends upon the lifeworld being freed from systems imperatives. Thus building up the communicative associations is also important in terms of defending and decolonizing the lifeworld from penetration by systems rationality.

Cohen and Arato suggest, therefore, "[T]he project of a democratic civil society, its model of differentiation, is obviously one of decolonizing the lifeworld", since, "it is precisely colonization, or the penetration of the lifeworld by the logic of money and power, that today promotes a pattern of selective, primarily cognitive-instrumental, feedbacks of cultural potentials." ²⁹ Thus, in order to expand democracy, offset current patterns of socialization informed by the logic of money and power, and defend the autonomy of civil society, we must develop the communicative and associational infrastructure of the lifeworld.

Thus, Cohen and Arato believe that civil society is the place or sphere with the greatest democratic potential and thus for democratic social transformation. Their theory

does not, however, limit democratic participation to the realm of civil society. It only suggests that civil society is the most realistic, conducive and necessary sphere for the strengthening of democratic participation. They believe, further, that civil society and members of New Social Movements can bear an "external influence" on the economic and political subsystems so as to make them receptive to the needs and demands of citizens.

Cohen and Arato say they are not completely closed to the possibility of self-limiting attempts to democratize the state or the economy. They only argue against radical democratic projects which seek to totally democratize the subsystems, hence, threaten the dedifferentiation of modern society. They argue that there are receptors for the influence of civil society within political and economic society and that these can, within limits, be added to and democratized. Thus civil society and New Social Movements can bear an external influence over economic and political society - the "receptors" of the political and economic subsystems. Hence, Cohen and Arato focus on the relation and channels of influence between civil and the subsystems.

In their article, "Civil Society and Social Theory", and again in Chapter 9, of *Civil Society and Political Theory*, Cohen and Arato attempt to defend their concept of self-limiting radicalism, which they claim is often interpreted to mean the abandonment of all projects of democratization of the state and the economy.³⁰ Within Habermas' system/lifeworld duality, the state and economy are to be differentiated and co-ordinated on the basis of systems rationality or directed respectively by the steering mechanisms of power and money. Thus, civil society, based upon communicative rationality, is to exert only an indirect influence over the subsystems (through relevant channels of influence). His critics suggest that such a position begs an important question: "How can democratic will formation in civil society attain even indirect influence over functional subsystems which are "self-referentially closed" and, hence, "immune to direct intervention ?"³¹

Clearly Cohen and Arato follow the logic of Habermas' system/lifeworld duality, however, they believe that no system is self-referentially closed. Cohen and Arato respond

to the above concern by suggesting that no sphere (state, economy, lifeworld) is absolutely closed to the rationality of the others nor are they exclusively defined by one particular form of rationality. Rather, both systems and communicative rationality underlie or co-ordinate the subsystems and lifeworld. They suggest, "[T]he abstract categories of system and lifeworld indicate only where the weight of coordination lies in a given institutional framework".³²

Hence, cultural, social and personality-reproducing institutions have their centre of gravity in communicative/normative forms of action-coordination. Thus, they and Habermas speak to the possibility of decolonizing these institutions. But, Cohen and Arato claim, "we go further, by insisting on the possibility of democratizing political and economic institutions."³³ Although the centre of gravity of the subsystems is and must be on the level of steering performance through the media of money and power, i.e., systems rationality, this does not preclude the possibility of introducing communicative action into state or economic institutions:

Institutions which must be coordinated communicatively come under the heading of "civil society", whereas those which must be steered by money and/or power come under the institutional level of system. Neither dimension ought to be conceived of as "self-referentially closed" for both are open to democratization (albeit to different extents).³⁴

Attempts to open up the subsystems to communicative rationality, however, must be tempered "by the necessity of keeping intact the self-regulation of steering systems".³⁵

Cohen and Arato claim that the political issue is how to introduce public spaces into state and economic institutions without abolishing mechanisms of steering or strategic/instrumental action. Self-limitation would mean that the debate over how much and which forms of democratization are desirable in the subsystems must grant in each case the necessities of system maintenance.³⁶

Taking care to account for the different logics of the coordinating mechanisms of each sphere means that there are different forms of democratic participation open to each.

Thus, they speak of the 'plurality of democracies' possible within formally democratic societies since different logic allow for different discursive forms. The logic of those states governing liberal democracies are dependent upon the separation of powers, the rule of law, and efficient bureaucratic functioning. These are guided by the principle of due process which preclude the direct participation of everyone in policy making at the state level.³⁷ Thus, Cohen and Arato state, "participants can work at this level indirectly through party and parliamentary supervision, control and publicity - in other words, through the institutions of political society".³⁸ Cohen and Arato suggest the following as further legitimate means of mediation (external influence) between citizens and the state: the formation of new institutions of political society, for example, additional parliamentary chambers; the establishment of complementary local and regional structures which allow for more direct participation; the making of the procedures for revising constitutional principles or norms more open.

Within the economy, the requirements of efficiency and market rationality must be considered. Levels of participation and representation need to be reconciled with the social needs of production and consumption. The institutionalization of mechanisms of collective bargaining, codetermination, and representative worker's councils, shows that democratization is not totally incompatible with economic efficiency. Cohen and Arato suggest the following as additional forms of democracy that are possible and desirable with respect to the economy: consumer and producer cooperatives, employer and union representation within corporate bodies, councils with various powers, grievance committees, and, as we now see in Europe, new forms of ownership.³⁹

Basically, Cohen and Arato support any further attempts at democratizing the state and economy (involving institutionalizing various forms of participation) up to the point at which efficient steering and differentiation is threatened. The forms of participation they envision, thus, are not institutionalized within the subsystems themselves but rather within institutions which regulate and bear influence on their activities, i.e., those institutions which make up political and economic society. They state, "[T]he intermediary realms of

political and economic society thus have a double role: They stabilize differentiation while acting as receptors to the influence of civil society aimed at the economy and polity." 40

According to Cohen and Arato, Teubner states that collective bargaining and codetermination are examples of reflexivity in the economy. His goal is to generalize their lesson through a program of introducing constitutional principles into economic and administrative institutions. Cohen and Arato state, speaking generally, this program corresponds to the project of democratization argued for in this book.⁴¹ The project for democratization in relation to the subsystems is then, according to Cohen and Arato, not to increase public participation as an end in itself, nor should the results be judged by this standard. Instead, reflexivity aims at a level and specific type of participation that would make institutions "sensitive to the outside effects of their internal attempts to maximize internal rationality".⁴² Thus, the subsystems engage in a form of self-regulation, whereby reflexivity aims at establishing organizational structures geared to the optimal balancing of performance and function by taking into account the requirements of the external environment.

It is clear, then, that Cohen and Arato generally remain opposed to forms of participation directly within the subsystems. Rather, they suggest the subsystems are to be responsive to the "results of participation".⁴³ Instead of establishing spaces within the subsystems themselves whereby citizens can participate, debate and help to determine particular issues, policies etc., which effect them, Cohen and Arato suggest the establishment of spaces outside the subsystems, both within civil society and within "receptors" of the subsystems (namely economic and political society) which bear an external influence on them. In order for the subsystems to be responsive to the 'results of participation' represented by the 'receptors', it is necessary to establish "sensors" within the state and the economy. Thus, discursive forms (sensors) must be established as parts of the self-regulatory procedures of the subsystems themselves.⁴⁴

Basically then, members of the subsystems are informed of the deliberations and concerns of the public by members of political and economic society. Members of political and economic society thus sensitize the subsystems to 'the results of participation'. The subsystems are to respond to these concerns by weighing the imperatives of the systems against those of the public thereby giving the subsystems the flexibility to respond in such a way that does not threaten the purpose of efficiency of the subsystems. Establishing 'sensors' as part of the self-regulatory procedures of the subsystems themselves, will ensure, at the very least, their consideration of the public's interests, at the very best, their implementation of the public's interests.

Thus, for Cohen and Arato, the potential for democratic social transformation lies in the possibility of building up the associational and communicative elements of the lifeworld. This helps to defend and decolonize the lifeworld from systems penetration thereby laying the foundations for open engagement critical debate, the formation of associations, hence a more communicative, informed and organized public sphere. The opportunities for direct democratic participation and the chance to bear influence on the state and economy also obtain within their vision or program for the expansion of democracy. They conclude, "[I]t is therefore important that the plurality of democracies be articulated in terms of both types of discursive forms, in institutions linked to the subsystems and in the institutions of civil society." ⁴⁵

The appropriate project of the radical extension of democracy is, therefore, the democratization of civil society. Building democratic institutions within civil society serves both a defensive and offensive function. The former seeks to decolonize and defend the lifeworld from the penetration of the logic of money and power, i.e., to preserve the boundaries between the different subsystems and the lifeworld, by developing the communicative infrastructure of the lifeworld.⁴⁶ The latter seeks to exert influence of normative considerations, based on the imperatives of the reproduction of the lifeworld, over the formally organized spheres of action.

Thus, it is their general belief that democratization can go a lot further in civil society than in the spheres of the economy and state due to fact that the coordinating logic of the lifeworld, in which civil society is situated, is that of communicative interaction. Further, by building up democratic institutions in civil society, there is an opportunity, through the creation of organized solidarity, for citizens to have a far greater impact upon or influence over the subsystems. A kind of influence, however, which provides the subsystems an opportunity to balance public demands with the necessary conditions for systems maintenance. The kind of influence they envision is communicative, thereby allowing for a certain amount of flexibility for the subsystems to respond.

In summary, Cohen and Arato claim to provide a political theory able to reconcile the antinomies between elite and participatory theorists by positing the existence of civil society which enables them to retain the normative core of democratic theory while remaining compatible with the reality and necessity of the structural presuppositions of modernity. Indeed, they suggest that the potential for democratic social transformation is dependent upon the democratization of civil society and the autonomy and integrity of the political and economic subsystems. In the following section of this chapter, the antinomies within Green democratic theory will be determined. The intention is to explore the potential resolution afforded by Cohen and Arato's theory of civil society.

PART II *Green Democracy*

Within Green political theory, there are both utopian and practical aspects concerning the antinomies of Green democratic theory. The utopian aspects are specific to Green visions of the politics and/or polities of sustainable societies. The practical aspects concern the means by which sustainable societies will be brought about. Both aspects, however, involve differing views as to the compatibility between Green values or goals and, first, the normative core of democratic theory, secondly, the structural presuppositions of modern society.

Greens are concerned with whether or not, or to what extent, sustainable societies or societies committed to central Green value assertions allow for democracy or the expansion of democracy. Do sustainable societies enable or demand more or less democracy than present industrial societies? Many Greens give this question a categorical 'more' or 'less' response. Each end of the spectrum of Green democracy, namely, ecoauthoritarians and radical 'Green democrats', believe that liberal democratic institutions are ineffective or inappropriate for sustainable societies.

William Ophuls, representing one end, clearly believes that the 'environmental crisis' demands adherence to a very strict elite form of rule and, therefore, that 'less' democracy is what we can expect if we are to live in sustainable societies. From Ophuls' point of view, "liberal democracy as we know it... is doomed by ecological scarcity; we need a completely new political philosophy and set of institutions".⁴⁷ Ophuls recommends, following the logic of Thomas Hobbes and Garrett Hardin, a form of elite rule by a "man or group of men" who have wholly accepted the strong priority of central Green values.⁴⁸

The hopes of contemporary radical Green democrats, those who lie at the opposite end of the spectrum, is that sustainable societies will be 'more' democratic than our present societies.⁴⁹ In the work of Porritt, Bahro, Bookchin and others, the radical Green aim is to deepen democracy, to institute direct or participatory democracy in decentralized units far from the impersonal and distant institutions of state characteristic of modern liberal democracies.⁵⁰ Saward notes that while there is no unified vision of 'Green democracy':

Most visions of green democracy are, however, variants on a model of direct democracy in small, often rural, face-to-face communities, characterized by labour-intensive production, self-reliance if not self-sufficiency, a related minimization of trade and travel between communities, and decision-making by face-to-face assemblies along the lines of the Athenian assembly.⁵¹

Bookchin, for example, emphasizes public talk and public spaces in decentralized communities, breaking down distinctions between politics and administration, and the need

for 'reempowerment' of the people through "participation, involvement, and a sense of citizenship that stresses activity, not on the delegation of power and spectatorial politics".⁵²

Central to the Green direct or participatory democratic position is a concern for citizens to have more say over matters which effect their lives. They, like the participatory democrats depicted by Cohen and Arato, are committed to the 'citizenship principle', hence, the normative core of democratic theory. Further, the underlying thrust of radical Green democratic models is the dedifferentiation of society, the state and the economy. Thus, radical Green democrats believe that central Green values are compatible with the normative core of democratic theory, but not, however, with the structural presuppositions characteristic of modern, industrial society.

The underlying thrust of Ophuls' vision of a sustainable society is the further demarcation between rulers and ruled. A society based upon Green principles is one in which citizens renounce their political freedoms to an oligarchical sovereign committed to the salvation of the planet. Ophuls' vision, then, implies that Green principles are compatible with the structural differentiation of modern societies, specifically the differentiation between rulers and ruled, and incompatible with the normative core of democratic theory which emphasizes the citizenship principle.

Given that most Greens with whom we are concerned live within liberal or social democracies, the practical question to be addressed is the instrumental value of elite democracies in terms of bringing about Green goals. Thus, Greens question whether or not our existing political institutions are capable of facilitating the transition from industrial (growth) societies to Green (sustainable) societies. Greens, such as Martin Ryle and Robert Goodin, believe that liberal democratic structures sufficiently enable the political aspirations and value assertions of the Green movement to be fulfilled through them. According to Ryle, the very fact that many Greens have constituted themselves as electoral parties underlines the acceptance, by Green Parties, of the liberal-democratic tradition.⁵³

Andrew Dobson, on the other hand, questions the role of and potential for Green political parties and pressure group activity to affect the Green agenda. He believes that the institutions of liberal democracy are impervious to the demands of the Green movement, particularly the will for a more participatorily democratic society. Further, in the wider Green movement (outside of Green Parties) there is an anarchistic, decentralist tradition which is more skeptical about electoral politics. They stress the limitations of the electoral tradition and the need for a more participatory, community-based political life.⁵⁴ Thus, some Greens typically argue that more, not less democracy is necessary in terms of affecting a 'Greener' society. Robert Paehlke, for example, is wary of the private interests of governmental officials, thus, he states, "[I] conclude that the resolution of environmental problems may well be more promising within a political context which is more rather than less democratic".⁵⁵

Thus, both the practical and utopian aspects of Green theory suggest the debate between elite and participatory democrats concerns two issues: the compatibility between Green values and the normative core of democracy theory, and; the compatibility between Green values and the structural presuppositions of modern society. The purpose of this section is to explore the rationales behind these conflicting Green positions, to determine their antinomies, and to consider the extent to which Cohen and Arato's synthesis can be applied to resolve the antinomies. The fact that the debate within Green theory involves the two issues highlighted by Cohen and Arato suggests that their resolution is certainly relevant, if not essential, to a potential resolution for Green theory.

2.1 The Green Case for Elite Democracy

There is no one Green political theory or theorist representative of the elite democratic position depicted by Cohen and Arato, therefore, I have pooled together a number of theorists in order to present a picture of the elite Green position. The concern among elite theorists, according to Cohen and Arato, are: social complexity and stability which justifies limiting the citizenship principle, and; the accusation of the "utopianism" or

"anti-modernism" inherent to the normative view which also justifies maintaining the differentiation between rulers and ruled. Both William Ophuls and Robert Goodin represent stains within Green political theory which accept the need to retain, if not strengthen, the differentiation between the state and the rest of society in order to maintain social stability and, more importantly, ecological sustainability. Martin Ryle criticizes the utopian and anti-modern tendencies of Green visions of sustainable societies. Michael Saward, Goodin and Ryle all suggest that there is no necessary or philosophical connection between Green value assertions and democracy, or the expansion of democracy.

There are, then, a number of Greens who believe that elite democracies, specifically the differentiation between those who rule and those ruled, are compatible with and necessary to Green theory and practice. Perhaps the most obvious and extreme example is provided by William Ophuls. Ophuls' general view is that, in modern times, as environmental degradation leads to a greater and greater situation of scarcity, we, as citizens, are approximating a return to the conditions of 'the state of nature'. Our current political norms and institutions valorize personal and political freedom and were developed at such a time when unlimited growth and absorption were realistically conceivable. Because we have reached the carrying capacity of the commons (we are approaching limits on the way we use resources to create wealth) our current political values and institutions no longer correspond to modern conditions. We thus have a choice between maintaining our political and personal freedoms at the cost of, at best, a 'return to the state of nature', at worst, self-destruction, or renouncing our personal and political freedoms, on the basis of the common will for survival, and to entrust these to an ecologically oriented and benevolent sovereign. The choice, therefore, is between 'Oblivion and Leviathan'. Ophuls' choice is Leviathan.

For both Hobbes and Hardin, Ophuls explains, people are driven by desire for gain, particularly in a situation of finite resources and uncertainty, to behave in self-destructive ways. Thus, in the state of nature (or freedom among the commons) people are perpetually struggling to attain power in order to gain wealth, security and reputation.

Motivated by their passions to end fear, perpetual struggle, and life of isolation and brutishness, reason tells them that they ought to live in peace with one another, and that clearly, everyone would be better off if they obeyed this 'natural law'. Thus, people must give up their freedom or 'natural rights' to do anything or have anything in order to live in peace. "In other words, men have the capacity - even the right - to engage in mutually destructive behaviour, but any reasonable man must see that mutual self-restraint would be greatly advantageous." ⁵⁶

The problem is that all people must renounce their natural rights together, otherwise, those who obey this 'natural law' will be at the mercy of those who don't. The solution, then, is to create conditions that will make it safe for everyone to obey the laws of nature: "Hobbes says that the only way to erect a common power sufficient to guarantee peace among men is for them to come together and by majority decision 'confer all their power and strength upon one man, or upon one assembly of men'." ⁵⁷ People must give up their natural political rights to the absolute sovereign. Because people are incapable of disinterested judgment, public decision must be left completely in the hands of the sovereign.

Furthermore, Ophuls argues, according to Hobbes, it is wrong to associate freedom with the exercise of political rights. Giving up one's political freedoms to a sovereign affords 'real freedom' for citizens. Citizens can enrich themselves through industry, the arts and sciences and generally enjoy the fruits of civilization. Thus, Hobbes' answer to the tragedy of the commons is a benevolent form of autocracy with power residing in the hands of one or a few.

Ophuls argues that the liberal responses (by Locke and Smith) to Hobbes' assertions can be challenged in light of today's 'environmental crisis' and the problem of scarcity. Locke and Smith agreed with Hobbes about human nature: people are selfish hedonists rationally seeking gain. However, they believed that goods were not so scarce that people must inevitably fight over them. The struggle for power, accordingly, is greatly

reduced since, in a state of economic growth people have an opportunity to create their own wealth or to carve out their own niche so to speak. He states, "Competition is not dangerous as long as the stakes are not total and every man can take away some sort of prize." ⁵⁸ Accordingly, Government is reduced to a mere referee with modest powers and minimal institutional machinery: "Government is required only to keep participants in the game honest".⁵⁹ Ophuls continues, "[T]hus, Locke and Smith find that by removing Hobbes' zero-sum-game assumptions they can relax his political conclusions... the assumption that the carrying capacity of the commons has not been reached is crucial. Given this assumption, one can permit a wide sphere of private rights without seriously compromising stability and other public goods." ⁶⁰

According to Ophuls, the Lockean conception of politics had a specific historical setting for which it was in most respects entirely realistic and even morally appropriate. With the discovery of the New World, an enormous body of wealth without proprietors became available. Many of the pioneers of the Great Frontier were in a position to cultivate wealth given the abundance of land and natural resources, and to establish a political ideology as well as set of institutions which gave them the freedom to pursue economic advancement. According to Ophuls, "the by-products of this wealth was freedom and our peculiar modern institutions and values, such as individualism and democracy." ⁶¹

Today, the realities of the environmental crisis and the problem of scarcity suggests that the Lockean conception of politics no longer pertains to modern conditions. Because it is principally the Lockean conception of politics that has molded our own institutions, Ophuls argues, it is the 'logic of the commons' which is therefore enshrined in our political institutions and mores. Our current political system was deliberately set up to allow, even encourage, the ruthless, competitive exploitation of the commons. Although Government's role as referee has grown over the years as the numbers of players has risen and the complexity of the game has increased, the fundamental nature of the game has not changed. Ophuls states;

Our problem is not so much that our institutions no longer work the way they should - they work only too well even now in permitting the continued ruthless exploitation of the environment - but that the assumptions about the carrying capacity of the commons which supported these institutions are no longer true.⁶²

Ophuls argues, because we are reaching the carrying capacity of the commons, we need to move towards a "steady-state" society - a society which has achieved a basic long-term balance between the demands of a population and the environment that supply's its wants.⁶³ Ophuls notes that because individual conscience and the right kinds of cultural attitudes are in short supply and are not in themselves sufficient to overcome the 'logic of the commons' enshrined in our political mores and institutions, only a Hobbsian sovereign can deal with this situation of scarcity effectively. People must, therefore, renounce their personal and political freedoms to a sovereign who has accepted the central priority of a sustainable (or steady-state) society.

Ophuls obviously takes the elite model of democracy to its extreme. What is important to recognize about Ophuls is his acknowledgment of the complexities of modern society and the degree to which environmental degradation impacts upon and exacerbates this complexity. From Ophuls point of view, we require some "undemocratic adjustments to the exigencies of complex industrial societies", specifically a widening of the gap between rulers and ruled, in order to prevent a twentieth century tragedy of the commons. There are many Green theorists, however, who believe that Green values or principles correspond best to the existing elite model of democracy since it is the model of democracy which exists, and because it provides a sufficient gap between rulers and rules to afford those in office with the power and autonomy necessary to implement Green imperatives and Green policy objectives

Robert Goodin indicates that elite democracies have the capacity or are necessary to further the Green agenda. He believes that elite democracies afford those in office with the power and autonomy necessary to implement their substantive changes. Hence, if Green Parties are elected as the official party or if they hold enough seats in parliament, he

believes that they will be in a position to implement the Green agenda. His goal, then, is to establish an appropriate political platform for Green Parties.

For Goodin, the most appropriate stance is simply, that which is most likely to get them elected. And that stance which is most likely to get them elected is the one which conforms to traditional electoral methods. He states, "[T]o implement their substantive agenda, greens will have to form parties of an ordinary kind, fight elections in the usual way, and do parliamentary deals of the standard sort - at least for a while."⁶⁴ [emphasis added]

A number of Green Parties, or factions within Green Parties, subscribe to Green theories of agency, including: principles of action (democratic participation, non-violent action); party organization (grassroots democracy, rotation in office) and; political structure (decentralization, local action), in an attempt to incorporate normative (democratic) elements to Green political theory and practice. Goodin opposes such forms of agency. Goodin believes that Green Parties ought to adopt the methodology and organizing principles of mainstream parties as demanded by elite democracies, as opposed to altering their internal structure or means of co-ordination. This is necessary in order to get elected, seize power and to influence parliament, hence, to bring about Green policy objectives.

For example, 'rotation in office' (rotating leadership) and implementing 'grassroots democracy' (the consultation by Green Parties with local party units regularly and meaningfully) are problematic for Goodin in that these particular forms of agency undermine the potential of Greens in office to influence parliament to their greatest potential. According to Goodin, in order for Greens to take a unified stand on issues before parliament, hence to wield their parliamentary power, time is better spent by official members of the Green party (the MPs) engaging in discussion and strategizing among themselves. Consulting local constituents and engaging in endless discussion runs the risk of divisiveness among Green members of parliament (due potentially to indecision or the special interests of a particular constituency) thereby blunting their parliamentary power.⁶⁵

In short, attempts by Green Parties to introduce 'grassroots democracy' into their methodology, "prevents their parties from doing what parties must necessarily try to do, which is to seize and exercise political power." ⁶⁶

Goodin claims that certain principles of Green political action, such as participatory democracy and decentralization are problematic given certain socio-political characteristics of modern society. The problem with participatory democracy is, simply, time:

The more people taking part in meetings, and the more meetings strive for unanimity, the longer - and the more meetings - it takes to make any decision. We might therefore say, paraphrasing Oscar Wilde's famous quip about socialism, that the trouble with green politics is that it would take up too many evenings.⁶⁷

Goodin argues, because so many members and potential participants cannot be expected to be present for every discussion and decision, the point of 'grassroots democracy' is thereby undermined.

According to Goodin, the problem with decentralization is the diffusion of power. Here Goodin is not necessarily criticizing a particular methodology of Green Parties, rather, he is critical of 'decentralization' as a political or social aspiration of the Green movement. The ideal world to which Greens aspire, according to Goodin, is a world of decentralized communities governed by direct democracy, one rationale being that the underlying enemy of both humanity and nature is "the bigness of things". ⁶⁸ Accordingly, Greens often seek to substitute the bigness of industrial societies, world markets, mass political organizations, bureaucracies, etc., for decentralized, democratic societies with political, social and economic institutions locating power on the smallest scale (or as close to home as) possible. Another rationale for decentralization, according to Goodin, is that it is believed that people will be encouraged to participate more in the political life of their community if the community is small enough to ensure that their participation makes a difference.

According to Goodin, what this would lead to, in effect, is the diffusion of the power necessary to offset the environmental crisis, since, the smaller the community, the less and less the community's decisions will ordinarily matter to the ultimate outcome. In short, Goodin argues, people will be given more and more power over less and less. So even though a particular community may be "Green" (which in itself is unfounded assumption) it will not be in a position, will not have the power, to prevent the unfolding of further environmental degradation surrounding it.

Hence, the specific nature of the environmental crisis exacerbates the problem of bringing about effective (in terms of alleviating environmental degradation) participation within decentralized communities. Goodin suggests that when we consider that the nature of the environmental crisis is global, it follows that more and more of what really matters (our environment) will necessarily be left to the responsibility of those who mediate negotiations between communities. He states, "[I]t ought to be obvious that the smaller the individual communities, the more crucial becomes coordination between the communities." ⁶⁹ Goodin summarizes:

Hence, decreasing the size of the political unit increases members' control over internal affairs and of increasing the relative importance of external negotiations - which are, of necessity, entrusted to community representatives rather than being conducted through mechanisms of direct democracy. ⁷⁰

Goodin concludes by stating that given the global nature of the environmental crisis, there must necessarily be a role for centralized agencies to facilitate the coordination of smaller political units, whether they be nation-states or smaller political units as envisioned by participatory democrats and decentralists.⁷¹ Thus, the nature of the environmental crisis and the necessary means of addressing it (time and power), will always demand some sort of division between rulers and ruled. Saward notes similarly, "...indeed, the broader question of links between decentralized communities and the extent to which extensive links might undermine the autonomy and scope of decision-making in individual community assemblies, is a persistent theme in the critical literature".⁷²

Goodin's position concerning the appropriate political stance for Green Parties stems from the following argument. He explains that his Green theory of value (his take on the central value assertions of the Green movement, principally, the alleviation of environmental degradation) is essentially a consequentialist theory, whereas Green theories of agency (direct democratic participation, decentralization, Green lifestyle recommendations etc.) are essentially deontological. Thus, the Green theory of value and Green theories of agency are concerned with two distinct things - the former with ends (particular outcomes) and the latter with means (right actions).⁷³

Because the Green theory of value is essentially a consequentialist theory, Goodin argues that Green theories of agency need only be considered in terms of the likely consequences of ascribing to a particular form of action as opposed to the principled reasons for a particular form of action.⁷⁴ Because, he believes, direct democracy and decentralization are 'ineffective', and in fact detract from bringing about the desired objectives, they are of little, if no, value. Thus, with Goodin, we see an explicit example of a Green theorist who believes in elite democracies because of the power afforded to those in office, and who sees no 'good' (practical as opposed to just) reason for Greens to support or encourage the normative principles of democracy.

Thus, Goodin clearly does not have a problem with, and in fact sees the benefits of using, the operational methods of liberal-democratic structures as a necessary first step in bringing about the ultimate Green agenda. He believes that elite democracies are instrumentally valuable, since, they provide Green parties with an opportunity to present their agenda, persuade the public as to the viability, if not absolute necessity, of their proposals, and in the event they are elected, the freedom and power, to implement their substantive agenda. Green Parties must, therefore, adopt the operational methods of electoral politics, as opposed to altering their internal structure (through 'grassroots democracy and rotation in office) in order to get elected and to wield effective parliamentary power.

Goodin also argues against the utopian elements of Green visions of decentralization and participatory democracy on the basis that the global nature of the environmental crisis demands centralized agencies (states) in order to coordinate environmental policies and regulations for all smaller units. Decentralization undermines the power (or co-ordination) necessary to alleviating environmental degradation. Constraints on peoples' time and indecision due to 'endless discussion' (no doubt the result of diverse and opposing positions thereby capturing the pluralism characterizing modern societies) are features of participatory democracy which run contrary to the immediacy and ever increasing proximity of the environmental crisis. Thus, the diffusion of power and the element of time, both of which are integral features of participatory democracy and decentralization, makes them, in short, unrealistic or ineffective political aspirations and methods for Greens to adopt.

Goodin concludes, "[To] advocate democracy is to advocate procedures, to advocate environmentalism is to advance substantive outcomes: what guarantee can we have that the former procedures will lead to the latter sort of outcomes?"⁷⁵ Since there is no guarantee, and because as of yet there is no adequate philosophical linkage between Green theories of agency and Green goals (the alleviation of environmental degradation) Greens must concern themselves with the most effective and efficient, as opposed to the 'right' or just, ways of obtaining their goals.

Many Greens in fact argue, similarly to Goodin, that there is no necessary of philosophical connection between central Green values and the normative value of democracy. Both Michael Saward and Martin Ryle are sympathetic to the elite model of democracy and advance criticisms of the participatory view on the basis that there is no necessary connection between the central value assertions of the Green movement and the participatory or normative value of democracy.⁷⁶

Ryle argues that many differing forms of ecological politics and sustainable societies can be derived from 'nature' or 'ecological imperatives'. Hence, a society adapted

to ecological constraints could take a variety of forms.⁷⁷ Thus, according to Ryle, a commitment to democracy, liberty and equality is not inherent to ecological politics. Ryle claims, "[T]he values of the Greens, their commitment to justice and liberty, cannot be adequately anchored in 'ecology', but derive from a long tradition of progressive thought and struggle - liberal, libertarian and socialist "⁷⁸ Ecologism must join forces with socialism, Ryle argues, in order for Greens to adopt a commitment to democracy, equality, liberty and so forth. And, the most appropriate meeting ground for ecology and socialism, according to Ryle, is elite or social democracy.

Saward argues that central Green value assertions more easily obtain to the elite (or authoritarian) view of democracy, than to the participatory view. According to Saward, both Robert Paehlke and Jonathan Porritt provide lists of values of the Green movement whereby democracy (either direct or participatory) are included as basic values alongside such specific values as 'local production for local need', 'low consumption', 'labour intensive production', 'voluntary simplicity', 'sustainability' etc. The basic problem for Saward is that deeming such things to be desirable in an ultimate sense seems to require that all people ascribe to certain similar values or to behave in certain similar ways. But, the commitment to direct or participatory democracy implies a respect for various opinions or varying and differing values - ones which may be inconsistent or conflict with, central Green values. A commitment to democracy, Saward explains, must clash with core Green values which, if taken on board, limit the range of acceptable policy outcomes beyond those self-binding constraints that democracy logically requires.⁷⁹ Thus, according to Saward, a commitment to Green values implies less, rather than more, democracy.

Saward notes that one way in which Greens have tried to connect central Green values to democracy is to argue that democracy can be derived from principles of nature. Accordingly, the principal features of the natural world are said to include: diversity, interdependence, and longevity. From these, certain social and political prescriptions have been drawn: toleration, stability, democracy, equality, and tradition. We need only take one example to show the ambiguity of such a derivation. Diversity in nature implies toleration,

stability, equality and democracy in human social and political contexts. Yet longevity in nature implies tradition in human social and political contexts. Saward asks, "[D]id not Burke oppose republicanism, and the rights of the working class and agricultural labourers to express their concerns themselves without their 'betters' doing it for them, in the name of tradition?"⁸⁰ How, then, does tradition fit with democracy or equality? Further, Saward notes, just about any prescription could surely be derived from 'nature', for example, 'freedom', 'autonomy' and 'the survival of the fittest'. Indeed, predation implies and thus justifies a highly competitive social and political context whereby morals, regulations, rights, crime and punishment become irrelevant or meaningless.

Thus, Saward concludes, there is no necessary or philosophical connection between central Green value assertions and democracy, and further, that central Green value assertions more easily obtain to the elite (or authoritarian) view of democracy, than to the participatory view. From the perspective of elite Greens, then, it is difficult to justify a commitment to both central Green value assertions and democracy, particularly the expansion of democracy.⁸¹

Thus, according to elite theorists, modern conditions, particularly the present and impending state of the environment, may very well require some rather undemocratic adjustments to "the exigencies of modern societies". Elite theorists, ranging from Goodin to Ophuls, believe that the complexity of modern societies necessitate some form of elite Green rule. They support the differentiation between rulers and ruled on the basis of time (Goodin) and power (both Goodin and Ophuls). Whereas Goodin believes that decentralization and participatory democracy diffuses the power essential to overcoming environmental degradation, Ophuls believes that political power must be concentrated in the hands of a few in order to offset the potential of our return to a 'state of nature'.

In another version of elite theory, Martin Ryle provides a critique of the anti-modern and utopian elements of the radical Green democratic position. Ryle believes that the utopian elements of Green political theory, specifically the will for small-scale societies

characterized by direct democratic participation and a labour intensive 'cottage industry' style economy, stems from the belief that an ecologically sound politics requires a move away from social democracies dependent as they are upon unlimited growth and industrialization. Ryle, however, is critical of such "utopian visions". This aspiration towards a return to the 'past' is, he explains, to a transformed past - a past purged of oppression and poverty and the ignorance of fanaticism. Ryle argues that this sort of vision therefore reflects an ambivalence about 'progress'.

The problem with utopian visions of this sort is that it is assumed that by returning to some version of the past whereby people are engaged in the forces of production and decision making processes, people (all people) will be equally engaged. For, if certain social and humanitarian progressions have come about alongside the development and centralization of the state and economy, than it cannot be assumed that a return to a pre-industrial, agrarian society, will also be a society where equality and justice resides.

Thus, Ryle argues, such assumptions lead to an essentially regressive utopianism. He states, "that kind of vision is, first of all, fatally abstract in the actual midst of a densely populated, preponderantly urban society whereby almost all manufacture is by mass production."⁸² Further, he states:

The regressive-utopian rejection of industrial production is also in my view wrong in principle, quite apart from its unfeasibility as the basis of a transitional economy, since modern factory methods represent immense savings in labour time, which might, in another society, free us for creative leisure. They give us, moreover, products... which few of us would willingly dispense with and which certainly cannot be made in domestic enterprises or craft workshops.⁸³

Ryle summarizes that we therefore need a new politics which articulates a more 'compromised' response to modernity.

From the above, then, we can discern several key aspects of the Green elite view of democracy consistent with the view summarized by Cohen and Arato. Goodin and Ophuls show the tendency away from any concern with the normative core of democratic theory. Both are ultimately concerned with the attainment of either a Green society or Green policy

objectives and believe that democracy or the expansion of democracy serves to undermine these goals. They both clearly believe that modern conditions, particularly in light of the impending environmental crisis, demand some form of elite governance by those who have accepted the priority of central Green value assertions. Like the elite democratic theorists depicted by Cohen and Arato, Goodin and Ophuls defend and encourage the differentiation between rulers and ruled and override the normative core of democratic theory, 'the citizenship principle'.

Saward provides us with a critique of those Greens who support the expansion of democracy highlighting the inconsistency between ascribing to central Green value assertions and the expansion of democracy. He argues that a commitment to central Green value assertions more easily obtains to the ecoauthoritarianism vision than to Green visions of participatory democracy. He believes that a possible compromise (a less inconsistent position) may be elite democracy. Saward, therefore, suggests that a commitment to central Green value assertions implies some form of elite Green rule since democracy or the expansion of democracy encourages diverse opinions which are likely, within pluralistic societies, to be inconsistent with central Green values.

Martin Ryle provides us with a picture of the unrealistic or unrealizable aspects of ecological utopianism emanating from Green visions of sustainable societies which depict a polity characterized by direct democracy and labour intensive production. What Ryle criticizes is the anti-modern tendencies within Green theory, specifically, political ecologism, which translates into some form of "utopian socialism". Therefore, like the elite democrats depicted by Cohen and Arato, Green elite democrats critique the "anti-modern" or "utopian" elements of radical participatory democratic theory.

2.2 The Green Case for Participatory Democracy

According to participatory theorists, both the capitalist economy and social or liberal democratic state are implicated in the logic of industrialism - the logic of unlimited growth and expansion. They believe, therefore, that liberal democratic institutions neither enable

nor correspond to central Green values such as sustainability and participatory democracy. Jonathan Porritt argues, for example, that the 'paradigm of industrialism' needs to be replaced by the 'paradigm of ecologism' such that the politics of industrialism, elite or representative democracies, are to be supplanted by the politics of ecologism, direct or participatory democracy.⁸⁴

The alternatives to elite democracies presented by participatory theorists are often conceptualized as decentralized, participatory democratic communities. Most visions of Green democracy, according to Seward, are variants on a model of direct democracy in small, often rural, face-to-face communities, characterized by labour-intensive production, self-reliance if not self-sufficiency, a related minimization of trade and travel between communities, and decision-making by face-to-face assemblies.⁸⁵

Murray Bookchin, for example, believes that the future of life on this planet pivots on the future of society - on social, economic and political reconstruction along ecological lines.⁸⁶ In order to establish an ecological society, he argues, we need to decentralize cities into confederally united communities sensitively tailored to the natural areas in which they are located. Such communities are to be powered by ecotechnologies, such as, solar, wind and methane based sources of energy. They require the substitution of creative work for insensate labour and emphasize artful craftspersonship over mechanized production.

For Bookchin, the most appropriate politics for ecological societies are similar to "the democratic polis of Athens some two thousand years ago: the formation of policy by popular assemblies and their administration by mandated, careful, supervised boards of coordinators"⁸⁷ What made Athenian politics unique, according to Bookchin, was that it produced institutions that were extraordinarily democratic - even directly so - by comparison with the republican institutions in the so-called "democracies" of the Western world.⁸⁸

Bookchin believes, fundamentally, that the domination of nature by human beings is inextricably linked to the domination of human beings by other human beings. Thus, in

order to live according to ecological imperatives or in harmony with nature, we must redress power inequalities between human beings, specifically, we must narrow or obliterate the gap between rulers and ruled and between haves and have nots. Power must therefore be diffused in face-to-face democracies, among the people, who are empowered as partly autonomous, partly social beings - that is to say, as free individuals, but as individuals responsible to popular institutions. Empowerment of the people in this sense, Bookchin argues, will constitute a challenge to the nation-state and representative democracy.

The idea, then, is to replace the political paradigm of industrial society based upon representative democracy, with the political paradigm of sustainable society based upon direct or participatory democracy. Clearly, participatory theorists see an absolute incompatibility between central Green value assertions and the structural presuppositions of modern society, specifically the differentiation between rulers and ruled, as well as between the haves (those who own or operate the means of production) and have nots.

Further, participatory theorists, like Bookchin, want to recoup the normative core of democratic theory, namely, the citizenship principle, which is believed to have been lost:

The full reality of citizenship has begun to wane, and its disappearance would mark an irrevocable loss in human development. Citizenship, in the classical sense of the term, meant a lifelong, ethically oriented education to participation in public affairs... It meant the cultivation of an affiliation with the interests of the community, one in which the communal interest was placed above personal interest, or more properly, in which the personal interest was congruent with and realized through the common.⁸⁹

Citizenship principles or communal ideas, according to Bookchin, are to be revived and extended to all spheres of life - social, political and economic. He believes political, economic and social interests would come together under a participatorily democratic society. For example, property and economic interests would be shared, belonging to the community as a whole, not to producers (workers) and owners (capitalists). Property and economic interests would thus become generalized: workers, farmers, professionals and the like would deal with property and goods as citizens, not as members of vocational or

social groups.⁹⁰ Thus, ecological societies would give rise to individuals for whom the collective interest is inseparable from the personal, the public interest from the private, the political interest from the social.

Green participatory theorists, like those depicted by Cohen and Arato, want to recoup the normative core of democratic theory and offer models which attempt to incorporate the citizenship principle into the full range of economic and administrative activities thereby obliterating any formal distinction between society (the lifeworld) and the subsystems (the state and economy). It is apparent that Green participatory theorists, like participatory theorists generally, believe that the solution to the problems of modernity, particularly industrialism and unsustainable economic growth, requires the active participation of citizens in all spheres of society. Thus, for Green participatory theorists, elite democracies do not correspond to the political and social aspirations (decentralization, participatory democracy and sustainability) of the Green movement.

According to Dobson, elite democracies not only do not correspond to Green visions of ecological or sustainable societies, they are incapable of facilitating the transition from industrial to sustainable societies, precisely because, the political institutions of elite democracy are impervious to Green principles such as participatory democracy.⁹¹

Dobson, thus, challenges the potential for Green parties within the context of elite democracies to affect Green changes. He is wary of the ability of Green parties to maintain party integrity. He states that political institutions are always tainted by precisely those strategies and practices that the Green movement seeks to replace. He argues that changes within the Green party of West Germany (Die Grunen), is an example of the colonization demanded and tempted by parliamentary activity.⁹² The commitment to rotation in office and the democratic principles it embodies were heavily endorsed and followed by Die Grunen. In May of 1986, it was formally abandoned. Dobson states, "[T]his is not because the principles in themselves were found wanting but because they were unworkable, as originally conceived, in the context of parliamentary politics."⁹³ Dobson,

then, has strong doubts that a sustainable, participatorily democratic society can be brought about through electoral politics, regardless of whether the Green Party is in power.

Thus, Greens who endorse participatory democracy tend to believe that liberal democracies, specifically its political institutions, are impervious to modifications along participatory lines and therefore cannot accommodate central Green value assertions. Therefore, sustainable and participatorily democratic societies require the establishment of new social and political institutions that replace, rather than complement, the existing institutions of liberal democracies.

In summary, Green participatory democratic theorists, like the participatory theorists outlined by Cohen and Arato, are concerned with the normative core of democratic theory. Those like Bookchin, want to extend the citizenship principle into all spheres of social, economic and political life in order to eliminate the hierarchical structures responsible for the various forms of human and nonhuman exploitation inherent to modern societies. Indeed, most radical Green democrats want to supplant the 'politics of industrialism' with the 'politics of ecologism', a politics which conforms to the vision of sustainable societies depicted by Saward. It is apparent, then, that Green participatory theorists believe that in order to adhere to the normative core of democratic theory, as well as the central value assertions of the Green movement, we must abolish formal distinctions between rulers and ruled.

Further, just as the advocates of participatory democracy outlined by Cohen and Arato believe that through political participation citizens assume or develop a civic identity and sense of responsibility, Green theorists have argued similarly that through participation in small, local communities, people will develop a sense of personal, civic and ecological responsibility. Green radical democrats, (communitarians, decentralists, ecoanarchists etc.), according to Eckersley, attempt to encourage people to develop an alternative culture to the present and pervasive industrial culture. They work toward, "the development of an appropriate ecocentric emancipatory culture - a culture that is infused with a democratic

ethos and a sense of personal, civic, and ecological responsibility."⁹⁴ Indeed Bookchin's comments reflect the tendency of participatory theorists to believe that a democratic sensibility and polity is essential to overcoming the problems of modernity, particularly the alleviation of patterns of domination and exploitation, including environmental degradation.

2.3 The Antinomy

Cohen and Arato state that the antinomy between elite and participatory democrats is the following: Contemporary democratic theory involves either some rather undemocratic adjustments to "the exigencies of complex industrial societies" coupled with an abandonment of the normative core of the very concept of democracy, or it proffers a somewhat hollow normative vision of participatory politics that cannot be reconciled with the institutional requirements of modern society.

Within Green political theory, certainly Ophuls' comments are explicitly representative of the former since he believes the resolution of Green values and the salvation of the planet requires a tightly controlled state (i.e., an oligarchy of 'best pilots' who have accepted the strong priority of central Green values). Ophuls argues that only when people are willing to give up their vast political freedoms and mutually agree upon an ecologically oriented sovereign will the conditions for a truly sustainable society be met. He therefore accepts the structural presuppositions of modern society, specifically the differentiation between rulers and ruled, and further, implies that Green values are incompatible with democracy.

Goodin argues that sustainable societies or the Green agenda are realistically achievable through the formation of Green Parties who seize and exercise political power. Democracy, therefore, should be limited to the elite model. Thus, Goodin also accepts the division between rulers and ruled and argues explicitly that Green values correspond best to elite models of democracy precisely because elite democracies afford those in office with the power and autonomy necessary to implement their substantive agenda. Furthermore, Goodin argues against participatory democracy as a social or political aspiration of the

Green movement. Attempts by Green parties to incorporate 'grassroots democracy' into their methodology, for example, is problematic in that it encourages "endless discussion" due, no doubt, to the diversity and heterogeneity of the citizen body. Thus, Goodin captures the essence of social complexity which affords the justification of elite theorists to restrict or shield the state from the "excess" demands of the population.

Thus, those Greens who support elite or liberal democracies can be said to believe that the demands of complex industrial societies (and the resulting degradation of the environment) can be dealt with by some rather undemocratic adjustments to the "exigencies of complex industrial societies". Further, elite theorists are not concerned with the normative core of democracy, since, according to Ophuls, giving up political liberties will in effect provide citizens with a greater sense of personal freedom in exchange, or, according to Goodin, since a commitment to democracy does not necessarily follow from his 'Green theory of value'.

Among radical Green democrats, the idea is to replace elite or representative forms of democracy with direct or participatory democracy. Participatory democracy is to extend to all segments of society in order to obliterate established patterns of domination and exploitation such as the formal demarcation between rulers and ruled.⁹⁵ Radical Green democrats believe that Green political and social objectives, specifically participatory democracy, cannot be reconciled with the institutional requirements of modern society. Dobson, for example, sees that participatory democracy (or the normative core of democratic theory) and the institutions of liberal democracy are irreconcilable:

The exclusive nature of these institutions, which is constitutive of them, makes it impossible for them to be used for inclusive ends. If they were to be inclusive, in the sense of participatory, then they would be something other than they are. On this reading, participatory politics demands the radical restructuring (if not abolition) of present institutions rather than their use in the service of participation. Attempts to press them into such service will necessarily result in the progressive dilution of the original project.⁹⁶

That most visions of Green democracy, according to Saward, are variants on a model of direct democracy in small communities, characterized by self-reliance if not self-

sufficiency, and decision-making by face-to-face assemblies, is further evidence that many Green advocates of participatory democracy see the incompatibility of liberal democratic structures and Green democratic, self-sufficient, sustainable societies. Thus, Green participatory theorists offer a normative vision of sustainable societies which cannot be reconciled with the institutional requirements of modern society.

Saward states that Green advocates of participatory democracy face a dilemma similar to socialists in so far as they deem certain things to be desirable in an ultimate sense, but proclaim attachment to democracy and the respect for a diversity of values which it implies.⁹⁷ Given that the Green movement outlines very specific value assertions, it would follow that for such values to determine and direct the future of society, a strong state committed to such value would be required. Accordingly, the authoritarian vision (and potentially the elite democratic vision) fits with central Green values whereas direct democracy does not.⁹⁸ Saward suggests, therefore, that the central conflict between elite democrats (or authoritarians) and advocates of participatory democracy concerns the compatibility between democracy and Green values.

I therefore suggest that the antinomy between elite and participatory Green democratic theory can be summarized as the following: Contemporary Green democratic theory involves either some rather undemocratic adjustments to the "exigencies of complex industrial societies", specifically those urgent needs or demands posed by the potential threats to the planet, coupled with an abandonment of the normative core of the very concept of democracy, or it proffers a somewhat hollow normative vision that cannot be reconciled with either the institutional requirements of modern society or the central values of the Green movement.

2.4 Civil Society & The Resolution for Green Democratic Theory

Cohen and Arato's conception of civil society claims to retain the normative core of democratic theory while remaining compatible with the structural presuppositions of

modernity. The purpose of this section is to consider the implications of this synthesis for the antinomies of Green democratic theory outlined above.

It is clear that within the Green participatory democratic position there is a concern with the normative aspects of democratic theory. According to Cohen and Arato's concept of civil society, it is possible to further democratize formally democratic and structurally differentiated societies. They, like radical democrats, espouse active participation on the part of citizens in egalitarian institutions and civil associations, as well as in politically relevant organizations, in order to maintain and strengthen the democratic character (and civic ethos) of the political culture. Cohen and Arato claim that their theory is the only realistic way of accommodating the normative aspects of democratic theory.

Cohen and Arato agree with the participatory theorists that the normative aspect of democratic theory is essential and not to be abandoned. However, they argue that the differentiation of modern society is not (easily) reversible, and thus that the normativists' dedifferentiating democratic vision is ultimately naive. A more sophisticated vision recognizes that the ground of normative democratic potential is civil society which is and ought to remain distinct (allowing for some influence via the receptors) from the two subsystems.

Thus, Cohen and Arato believe similarly to Dobson, that the 'state' or the institutions of liberal democracies would be other than they are if they were to be given over to the principle of radical or extensive participatory democracy. While Dobson concludes that these institutions need to be radically restructured, if not completely abolished (so as to allow for full participation), Cohen and Arato maintain a commitment to their structural integrity and organizing principles based upon systems logic and the imperative of power, arguing for the extension and democratization of their "receptors" in a limited capacity and the democratization of civil society in an unlimited capacity. Cohen and Arato's theory of civil society suggests that the Green normative aspects of democracy

are essential but that such a normative vision does not require, nor should it, the abandonment of the liberal democratic structures of contemporary society.

Dobson's commentaries on and recommendations for Green political theory and practice suggest a theoretical model which recognizes the realms of the state and the economy exclusively. According to Dobson, because the political institutions of modern industrial society are impervious to Green change (extensive democratization), Greens cannot rely on the possibility of democratic transformation. He proposes an alternative strategy within what he assumes to be the only other significant realm of society, namely, the economy. He suggests the establishment of a class-based ecological movement. Greens, according to Dobson, should unite with those members of society who do not currently benefit from, or are not caught up in, the logic of industrialism perpetuated through the capitalist economy by the owners of production. According to Dobson, workers subjected to dangerous environmental conditions, and the unemployed who are sufficiently disengaged from and critical of the capitalist system, share an affinity with environmentalists. It is they who can supply the environmental movement with revolutionary subjects capable of transforming the capitalist economy and the (il)liberal democratic state which supports it.⁹⁹

When the only two spheres conceptualized are the state and the economy, and if the state is deemed impervious to (Green) change, then the only alternative option for change appears to lie with the economy. Dobson's revolutionary subjects are defined in reference to the economy or their economic status which suggests either an omission of civil society or, at the very least, a reduction of civil society to the economic sphere.

According to Cohen and Arato's theory, such a conceptualization, hence strategy for change, would be seen as premised upon an impoverished or omitted conception of civil society. By positing the existence of civil society, we are able to conceptualize the possibility of democratizing formally democratic societies. Though Cohen and Arato, like Dobson, believe there are limits to the extent we can democratize the political institutions of

liberal democracy, they suggest that civil society, as a sphere of communicative rationality situated within a tripartite conception of modern society, can (continue to) be democratized. Thus, it is possible to democratize formally democratic societies, not through democratizing its political institutions from within, but through democratizing civil society and expanding the institutions of political and economic society. Both strategies can be said to accommodate the normative concerns of Green democrats, namely, the expansion of the 'citizenship principle'.

Bookchin's commitment to radical democracy is based upon the belief that environmental degradation results from patterns of social and economic exploitation or domination. He claims that social ecology is an appeal not only for moral regeneration but also, and above all, for social reconstruction along ecological lines: "It challenges the entire system of domination itself and seeks to eliminate the hierarchical and class edifice that has imposed itself on humanity and defined the relationship between nonhuman and human nature."¹⁰⁰ As was mentioned in the Introduction of this thesis, although Bookchin suggests that cultural reforms are necessary to overcome ecological problems, they are not sufficient. He states,

It is crucially important to recognize that industrial growth does not result from a change in cultural outlook alone... It stems above all from harshly objective factors churned up by the expansion of the market itself, factors that are largely impervious to moral considerations and efforts at ethical persuasion. The effort by many well-intentioned ecology theorists is to reduce the environmental crisis to a cultural rather than a social problem... The point is not that moral or spiritual change is meaningless or unnecessary, but that modern capitalism is structurally amoral and hence impervious to any moral appeals. The modern market place has imperatives of its own, irrespective of who sits in the driver's seat or grabs onto its handlebars. The direction it follows depends not upon ethical factors but rather on the mindless "laws" of supply and demand, grow or die, eat or be eaten.¹⁰¹

Bookchin suggests that the means by which to alleviate social exploitation, hence, environmental degradation, is through the eradication of structural differentiation - between rulers and ruled, haves and have nots. Thus, while cultural reforms are important, changes with respect to the state and economy are paramount.

2

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PRECISIONSM RESOLUTION TARGETS

It seems, Bookchin, like Dobson, fails to sufficiently thematize civil society as well as the relationship between civil society, cultural modernization and democracy. And perhaps more importantly, the self-understanding and activities of New Social Movements. Civil society, according to Cohen and Arato, is the sphere within modern societies involving communicative processes of cultural transmission, social integration and socialization.¹⁰² They state:

A modernized life-world involves the communicative opening up of the sacred core of traditions, norms and authority to processes of questioning and discursive adjudication. It entails the replacement of a conventionally-based normative consensus by one that is reflexive, post-conventional, and grounded in open processes of communication.... the modernization of the life-world and of civil society constitutes the cultural and institutional precondition for the emergence of rational and solidary collective identities and autonomous actors who develop the capacity to, and responsibility for interpreting and lending significance... Cultural modernization... makes possible the development of post-traditional, post-conventional egalitarian and democratic forms of association, publicity, solidarity and identity.¹⁰³

Civil society is the realm, therefore, with the potential to challenge and transform dominant or traditional patterns of social integration and identities which contribute to social hierarchies, discrimination and oppression. Thus, civil society is the realm in which the values and norms that contribute towards patterns of social domination and exploitation can be challenged.

While cultural reforms are not sufficient to overcome social exploitation and domination Bookchin states (above) that they are at least necessary. It is important to recognize, therefore, the necessary preconditions for cultural change. Cohen and Arato suggest that a modernized lifeworld and civil society capable of transforming predominant cultural norms, is dependent upon the structural differentiation of the modern state and capitalist economy.¹⁰⁴ Such a thesis suggests Bookchin would have to choose between cultural reforms which presuppose structural differentiation and social reforms which, according to him, require structural dedifferentiation. I have already suggested that certain cultural reforms can be accommodated within civil society, particularly those cultural norms which contribute to discrimination, for example. But it is also important to note the

relationship between modern societies and the potential for democratic social transformation and as well as the relationship between structural differentiation and the potential for alleviating social forms of domination themselves, as opposed to simply the cultural norms which contribute to them.

Bookchin implies that social reforms require either the expansion of participatory democracy into the realms of the state and economy, or the replacement of the modern state with an Athenian styled polity, and the capitalist economy with a cottage-industry styled economy.¹⁰⁵ I assume the assumption is that former will presumably lead to the latter, although this is never quite clear within the radical democratic literature. Radical Green democrats or those who espouse some form of Green utopianism, often begin, to borrow Ellen Meiksins Wood's expression, "with citizens waking up one morning and finding their worlds already transformed."¹⁰⁶ Thus, I will address each of these goals or strategies separately.

The replacement strategy clearly implies a rupture of modern societies and presupposes a revolutionary consciousness among the masses as well as among political activists. According to Cohen and Arato, New Social Movements have adopted a self-understanding that abandons revolutionary dreams in favour of radical reform that is not necessarily and primarily oriented to the state. They state, "[W]e shall label as "self-limiting radicalism" projects for the defense and democratization of civil society that accept structural differentiation and acknowledge the integrity of political and economic systems."¹⁰⁷ Thus, if New Social Movements are representative of today's social and political activism, then the political climate is conducive to radical reform, not revolutionary upheaval. *How* we are to replace the existing state and economy thus remains problematic.

The democratization strategy suggests the possibility of radically democratizing the state and economy. However, if it is the case, that the economy has an internal logic or imperative of its own (money), and if this logic makes it impervious to moral appeals as

Bookchin suggests, presumably, then, the economy would also be impervious to extensive democratization, just as Dobson suggests the state is impervious to extensive democratization.

Cohen and Arato argue, alternatively, that the potential for democratic social transformation, is dependent upon maintaining, if not strengthening, structural differentiation. Many of the negative side effects of modernization, they argue, are the result of the penetration of systems logic into the lifeworld.¹⁰⁸ The expansion of the steering media of money "colonizes" the lifeworld. The result is the commodification or monetarization of social relations. The expansion of the steering media of power, similarly, "colonizes" the lifeworld in the forms of bureaucratization and ritualization. Thus, Cohen and Arato, like Bookchin, recognize the negative impact of the capitalist economy and centralized (welfare) state on social relations. Cohen and Arato's theory of civil society, however, allows us to appreciate these negative aspects of modernity without confusing the negative for the whole. Although Cohen and Arato recognize the continuous "colonization" of everyday life by the expansion of economic and bureaucratic forces, they argue that the strengthening, centralization, and structural differentiation of the economic and political subsystems also allows for a modernized, communicatively rationalized, and democratic life-world.¹⁰⁹

The potential to offset further colonization and to "decolonize" the lifeworld and civil society, accordingly, rests on the degree to which civil society can remain autonomous, hence structurally differentiated, thus, the degree to which, through democratic institution building within civil society, we can "limit" the further expansion of the subsystems. Social reforms, then, appear possible beyond merely their cultural basis (i.e., those cultural biases and norms which perpetuate social forms of discrimination). By limiting the expansion of the subsystems, we limit the capacity of the economy and the state to structure social relations. The lifeworld and civil society, freed from systems imperatives, can be opened up for the replacement of traditionally secured norms *as well as* existing forms of social organization, by communicatively achieved ones.¹¹⁰ Thus, civil

society is the terrain within modern societies capable of addressing certain forms of social organization and to encourage and actualize the 'empowerment' of many oppressed groups and individuals.

Furthermore, Cohen and Arato claim that no system is self-referentially closed. They suggest that no sphere (state, economy, lifeworld) is absolutely closed to the rationality of the others nor are they exclusively defined by one particular form of rationality. Rather, both systems and communicative rationality underlie or co-ordinate the subsystems and lifeworld: The abstract categories of system and lifeworld indicate only where the weight of coordination lies in a given institutional framework ¹¹¹ Although they recognize, similarly to Brookchin, that the economy has an imperative of its own, they suggest that the economy has the potential to be "influenced" as well as democratized, given that communicative rationality, to a certain extent, underlies the economic subsystem. The institutionalization of mechanisms of collective bargaining, co-determination, and representative worker's councils, shows that democratization is not totally incompatible with the steering mechanism of the economy.¹¹²

By recognizing the existence of civil society and the positive aspects of modernization, Cohen and Arato's theory of civil society is capable of accommodating the normative aspects of democratic theory, while not threatening differentiation. Furthermore, such a theory can be said to accommodate the central strategies of New Social Movements, including the Green movement: the replacement of traditional cultural norms, by communicatively achieved ones, within civil society; and the creation of "sensors" within political and economic institutions (institutional reform) and the democratization of political society, which would open up these institutions to the new identities and norms articulated on the terrain of civil society. This will be more fully elaborated in the following subsection. The key point is that the development of critical, reflective and normative standpoints are dependent upon defending and encouraging the autonomy of civil society. What this suggests is that our existing freedoms, of communication, assembly, speech, hence our ability to develop and organize ourselves according to post-traditional values,

such as Green values, is dependent upon building up the associational and communicative infrastructure of the lifeworld.

A Task For New Social Movements

To secure or fully realize the potential of a modern civil society and to defend it from the imperatives of the subsystems requires the preservation of the boundaries between the different subsystems and the lifeworld. Lifeworld contexts, freed from systems imperatives, can be opened up to allow for the replacement of traditionally secured norms by communicatively achieved ones - processes, Cohen and Arato claim, which have already begun but have not by any means been achieved.¹¹³ In this respect, ecologists, environmentalists, animal rights activists etc., all have something in common- the will to challenge and replace traditionally secured norms, such as anthropocentrism or human centrism, the human -nature dichotomy, the instrumental value of nature both flora and fauna and so forth. Thus, a central task for New Social Movements would be to defend and preserve the differentiation of the lifeworld.

It is in their interests to do so since, first, the existence of New Social Movements and various forms of collective action depend upon the autonomous (freed from systems rationality) interaction of the lifeworld, and secondly, once secured, lifeworld contexts can be opened up to the challenges posed by many New Social Movements, namely, the replacement of oppressive or discriminatory traditional norms, beliefs, identities etc., with communicative rationally achieved ones.

The goal of changing attitudes or traditional norms is a persistent theme among New Social Movements. According to Stephen Rainbow, the Green movement ascribes to the belief that if real change is going to occur, "then we must look beyond conventional changes of Guard at the level of the State and begin to change the way people think and what they value, i.e., the dominant cultural patterns in society must be transformed."¹¹⁴

According to Cohen and Arato's theory, however, the capacity for changing attitudes, as provided by the institutional dimensions of civil society responsible for the transmission of culture, cannot be taken lightly or be assumed to always exist. The capacity to engage in this type of activity is being threatened by the encroachment and penetration of the logic/rationality and imperatives (money and power) of the subsystems into the lifeworld and thus civil society. Thus, to defend this strategy or goal of transforming dominant cultural patterns and norms requires that New Social Movements also engage in the greater or prerequisite goal of the defense of civil society (its autonomy or differentiation) and its democratization (its coordination on the basis of communicative action).

Furthermore, the political and economic subsystems, according to Cohen and Arato's thesis, have the potential to be "influenced" by the norms articulated on the terrain of civil society. Green principles or norms, have the potential to influence the political and economic subsystems, therefore, to the extent that: a) we can limit the further penetration of systems rationality into the lifeworld which distorts our ability to communicate independent of materialistic and power oriented values, and; b) Greens can communicate their ideas and values to members of civil society and persuade them of their necessity and viability.

Civil society, therefore, is the sphere with the potential to accommodate many of the normative concerns and values of the Green movement. The extent to which Green values will have an impact, however, depends upon the degree to which civil society continues to be democratized. It is in this respect that Green values and the expansion of democracy are necessarily linked.

Green Values and Green Democracy

In light of Saward's contention that Green's need to question whether the very strong and substantive value assertions of the Green movement are reconcilable with the value assertion of democracy, particularly the expansion of democracy, it is important to address explicitly how Cohen and Arato's conception of civil society and their notion of the

reflexive continuation of the democratic revolution can deal this formulation of the antinomy specific to Green theory. Does a commitment to the extension of democracy necessarily force Greens to forgo a commitment to their other strong value assertions?

I believe that Cohen and Arato's theory provides an interesting and original response to this question. The most basic reason that a commitment to strong value assertions and democracy (or the expansion of democracy) are complimentary is that the ability to form strong value assertions, (i.e., to develop associations, collectivities etc., which in turn form these value assertions), depends upon the defense and expansion of communicative rationality and democracy (albeit primarily within civil society). That the formation of strong value assertions presupposes and is dependent upon the expansion of democracy makes the strong value assertions proposed by many Greens compatible with their value assertion for the expansion of democracy.

Moreover, the central value or imperative common to most Greens is ecological sustainability. Accordingly, Greens are typically concerned with economic expansion. Greens maintain that current levels and patterns of consumption and production need to be reduced. Cohen and Arato's theory of civil society suggests that the logic of the economy functions according to the imperative of money, the state, power. The logic of civil society, on the other hand, is that of communicative rationality. Furthermore, their theory of civil society posits the possibility of "limiting" the economic subsystem from penetrating civil society. Building up the communicative infrastructure of the lifeworld, they claim, will help to decolonize and offset further colonization of the lifeworld by systems logic. I suggested in Chapter One of this thesis that at the heart of what Green theory has to offer is a post-materialistic value system premised upon a heightened respect for nature and an awareness of ecological limits. Given that civil society is the sphere within modern societies run according to communicative rationality, I suggested, civil society is the sphere encapsulating, and capable of encouraging, non-power oriented and non-materialistic values.

Thus, civil society appears to be the sphere within modern societies most conducive to adopting Green values such as sustainability and a heightened respect for nature - values which encourage the substantive goal of limiting consumption. In so doing, civil society has the capacity to "limit" the economy. The expansion of Green values, therefore, depends upon the expansion of democracy within civil society, i.e., mediums (discursive processes) through which Greens can defend and encourage Green values. All this is to say is that although the state has the capacity or "power" to limit economic expansion through regulation, civil society also has the capacity to limit economic expansion, albeit through building up the communicative infrastructure of the lifeworld which provides a terrain conducive to the values of the Green movement. The communicative logic of civil society makes it more conducive, than either the state or economy, to the expansion or adoption of Green values.

We have now seen how Cohen and Arato's theory of civil society can accommodate the normative aspects of Green democratic theory. Cohen and Arato claim that efforts which attempt to replace the structural integrity of modernity with the radical democratic vision of dedifferentiation or decentralization are naive. Their tripartite model of state-economy-society and concept of the reflexive continuation of the democratic revolution seek the restriction of the communicative coordination of action to the institutional core of civil society itself, instead of imposing this organizing principle on all of society which would dedifferentiate the steering mechanisms and thereby society as a whole.¹¹⁵ The chances for direct participation are more realistically achievable, not in some idealized, dedifferentiated polity, but within a highly differentiated model of civil society itself. Therefore, in terms of the Green vision of participatory democracy, Cohen and Arato's synthesis of elite and participatory democracy, support its normative aspects, but not its structural one's.

While their theory respects structural differentiation and therefore maintains a distinction between the political subsystem and civil society (hence the demarcation between rulers and ruled), the point or necessity of this demarcation, according to Green

elite theorists, is to provide those in authority with the power and autonomy to implement the Green agenda. Cohen and Arato maintain that the imperative of the state is "power". Thus, there is no delusion within their theory that the state is and ought to be run according to this imperative. If Greens are elected to office, they could rule according to the imperative of power.

A key aspect of Cohen and Arato's theory, however, concerns limiting the penetration and impact of the subsystems within the lifeworld and civil society. The state, or the imperative of power, must be limited in order to allow for the democratization of civil society and the replacement of traditional norms with communicatively achieved ones, hence, to allow for the normative aspects of Green democratic theory. It would seem that among elite Green theorists, the idea behind gaining control of the state and their support of structural differentiation (the demarcation between rulers and ruled) is based upon the desire to bring about substantive changes. Ophuls implies that such substantive changes include the expansion of political power, or at the very least, the limitation of the 'citizenship principle'. Goodin, however, implies that substantive changes or Green policy objectives will not impact upon either the autonomy of the 'private sphere' or the basic operatives of the political system.

Goodin stresses, for example, that Green parties should be concerned with policy objectives rather than telling people how to live. He argues that a great many people attracted to the Green political message, and willing to bear the very considerable sacrifices that Green public policies might entail, simply will not bring themselves to endorse a position that seems to require them not only to vote for sensible policies but also to adopt what they see as silly beliefs about homeopathic medicines, tree spirits or pre-modern lifestyles.¹¹⁶ Thus, while the public may support Green policy objectives, according to Goodin, they are likely unwilling to support Green theories of agency, like Green lifestyle recommendations, decentralization etc. Greens, therefore, should limit their platforms to policy objectives rather than to incorporate ideas on how people ought to live or how politics ought to work. Thus, implicit in his view is an autonomous realm of freedom in

which people can pursue their own lifestyles, values and so forth. Although this realm appears as the 'private sphere', as opposed to civil society, he at least recognizes that there are and should be limitations with respect to the policies of the state. One is of course left wondering exactly what Green policy objectives are to apply to, but the key point for our purposes is that Goodin suggests, even if Greens are elected to power they are to respect and maintain the autonomy of civil society, or at least the 'private sphere', and the current *modus operandi* of the political subsystem. Goodin implies, then, that Green policy objectives can be achieved within the parameters of a liberal democratic state.

Conclusion

This chapter has attempted to show that Cohen and Arato's theory of civil society and imminent critique of modernity, holds the possibility of 'radical reform'. It offers what Ryle refers to as 'a more compromised approach to modernity' by recognizing both the positive and negative aspects of modernity understood as the strengthening and centralization of the political and economic subsystems which has allowed for the nascent existence of civil society. Further limitation with respect to the subsystems, hence, structural differentiation, holds the potential for the full realization of civil society and the replacement of cultural norms and modes of social organization with communicatively achieved ones. Cohen and Arato's dualistic social theory, which maintains that the logic of the political and economic subsystems is primarily, though not exclusively, that of systems rationality, suggests an opportunity to bear influence over the political and economic subsystems. The key paradox of modernity, however, is that limitation and influence presuppose developing the communicative logic and infrastructure of the lifeworld and civil society. Thus, New Social Movements, like the Green movement, have the potential to limit the expansion of the economic and political subsystems, as well as to replace cultural norms and existing forms social organization, the degree to which they can encourage the communicative logic of the lifeworld and the expansion of democracy within civil society.

Although Cohen and Arato see the politics of New Social Movements as promising, their concept of self-limitation means that New Social Movements should not aim so as to violate the principle of differentiation. Accordingly, New Social Movements should not aim to change the mechanism of representative democracy but rather help to make it function better by encouraging the democratic culture within civil society, since the democratization of civil society necessarily helps open up the framework of political parties and representative institutions. Cohen and Arato summarize the role of New Social Movements within modern democratic structures:

In our view, social movements for the expansion of rights, for the defense of the autonomy of civil society, and for its further democratization are what keep a democratic political culture alive. Among other things, movements bring new issues and values into the public sphere and contribute to reproducing the consensus that the elitelpluralist model of democracy presupposes but never bothers to account for. Movements can and should supplement and should not aim to replace competitive party systems.¹¹⁷

Is the establishment of Green Parties an attempt on behalf of the Green movement to replace the existing party system or to supplement it? Certainly on the face of it, Green parties, by their mere existence and choice of political action, seem to support rather than undermine the competitive party system. But is this what Cohen and Arato mean by the term "supplement"? Can the Green movement be considered self-limiting if its aim (or the aim of those within or who support Green parties) is to, once in power, bring all of society under the totality of the concept of ecological sustainability?

I believe that the answer to the question regarding the legitimacy of Green parties remains open given that it depends upon the specific goals and aspirations of the particular Green Party in question. I would, however, suggest that as long as Green parties remain committed to the idea of differentiation and support the integrity and logic of the subsystems, and thus limit their objectives to those compatible with liberal-democratic structures as defined by Cohen and Arato's conception of self-limitation, that the existence of Green parties would continue to play an important role in modern democracies.

Cohen and Arato argue that the differentiation and autonomy of civil society depends not only upon the expansion of communicative rationality. Civil society, they suggest, exists only where there is a juridical guarantee of the reproduction of the three spheres (state, economy and civil society) in the form of sets of rights. Because, according to Cohen and Arato, civil society is the sphere of communicative rationality, it is a sphere which encapsulates social and associational elements of public life. Rights, accordingly, secure the autonomy of social and communal interaction among and between various individuals and groups within society. Their theory of civil society suggests, then, that rights and community or social networks, are existentially linked. In the next chapter, I will argue that just as the expansion of democracy is not antithetical to central Green values, rights are not antithetical to ecologism, particularly the ecologism espoused by ecocommunitarians. I suggest that the 'ecological expansion of democracy', which posits the expansion of ecologically oriented public spheres mediating between civil society and political society, need to be secured by rights. Thus, new mediating spheres within political and economic society, established for the purposes of the influencing or sensitizing the subsystems to ecological norms, have the potential to be institutionalized through a politics of rights.

- CHAPTER THREE -

Rights Oriented Liberalism vs. (Eco)Communitarianism

Introduction

Cohen and Arato's tripartite model of state-society-economy suggests that civil society is structurally differentiated from the state and economy through constitutional rights. Civil society, they suggest, exists only where there is a juridical guarantee of the reproduction of these three spheres in the form of sets of rights. Thus, the existence and autonomy of civil society, of associational and community life, is guaranteed by rights. Their theory of civil society suggests, then, that rights, democracy and community life or associationalism are compatible, if not existentially interdependent.

This chapter outlines some of the major points of contention between rights based liberalism and communitarianism. Cohen and Arato suggest their concept of civil society and their reinterpretation of Habermas' discourse ethics can overcome the central antinomies between these two views. They also provide what they see as the necessary or appropriate constitutional model for pluralistic societies which does not abandon us to the disintegrative tendencies commonly associated with liberal-rights theory. By recognizing the social and associational dimensions of civil society, rights which secure the autonomy of civil society, secure not only the autonomy of individuals, but also individuals in association with one another. The underlying thrust of the previous chapter was to posit the possibility of democratic expansion within formally democratic societies. The underlying thrust of this chapter is to posit the possibility of expanding and institutionalizing associational and community life within rights-based liberal democracies.

The purpose of this chapter is to explore Cohen and Arato's synthesis of the antinomies plaguing the debate between rights-based liberalism and communitarianism in terms of the insights it provides for the similar debate between Greens who support rights

based liberal theories and democracies, and Greens who reject these in favour of more communitarian based notions (ecocommunitarians). I will argue that Cohen and Arato's reinterpretation of Habermas' discourse ethics and their theory of civil society (hence new 'rights thesis') can provide a potential synthesis for Green theory.

PART I: The Antinomy Within General Social and Political Theory

Cohen and Arato claim that at the core of the debate between rights-based liberals and communitarians are two issues: 1) *epistemological*- whether it is possible to articulate a formal, universalistic (deontological) conception of justice or whether all conceptions of justice are necessarily historically and culturally specific; and 2) *political*- whether the idea of freedom can be explicated primarily from the standpoint of individual rights or from that of the community's shared norms.¹ They state that each side advocates a set of opposing responses as to what constitutes the legitimating principles of a constitutional democracy.

Rights Oriented Liberalism

The standard for political legitimacy, according to liberal theorists, is a commitment to individual rights and political neutrality. The core principle for liberal rights theory is that individuals have rights which serve as restraints on government and others. These rights are conferred on individuals on the basis of their having some 'property' which is often an individualistic or atomistic concept, for example, moral autonomy, personal dignity etc. Thus, a right is universally applicable (regardless of subjective, culturally or historically specific conceptions of the good) to all those credited with such properties.

Liberal theorists insist that modern societies are not communities integrated around a single conception of the good life, rather, modern societies are characterized by a plurality of forms of life. Thus, to be able to lead one's own conception of the good life or to live freely, individual autonomy and individual rights must be secured. Rights, then, provide

modern politics with the principles of justice. Law and politics are binding or legitimate to the extent they respect individual rights.

Communitarianism

Communitarian critiques of liberal rights theory focus on its individualistic presuppositions and universalistic claims. Cohen and Arato suggest that according to the communitarian critique, liberal ideals of moral autonomy and individual self development are based on an atomistic, abstract conception of self as the subject of rights which leads to a focus on non-political forms of freedom (negative liberty) and an impoverished conception of political identity, agency and ethical life.

Communitarians view individuals as situated within social and historical contexts. Individuals are socialized into communities through which they derive their individual and collective identity, language, world concepts, moral categories, values, etc. Communities are independent sources of value and there are communal duties and virtues (loyalty, civic virtue) distinct from duties to others qua their abstract humanity. Duties of loyalty and membership are and must be primary. Community based standards and obligations replace universal principles and abstract moral duties.

Communitarians, according to Cohen and Arato, claim that what liberals see as universal norms grounded in the universal character of humanity are in fact particular norms embedded in shared understandings of specific communities. There are no duties pertaining to abstract (wo)man but only to members of a common community. The proper epistemological basis for moral theory, accordingly, is the community and its good, not the individual and his or her rights. The individual has rights to the degree that these flow from the common good. Summarizing communitarian concerns, Cohen and Arato state, "[O]nly on the common basis of a shared conception of the good life and only within the framework of a substantive ethical and political community can we lead meaningful moral lives and experience true freedom".²

According to Cohen and Arato, those communitarians who see themselves as democrats, posit that freedom does not equal moral rights but rather freedom refers to the way (processes) in which people decide what they want or ought to do. Freedom must have its original locus not in the individual but in society, its institutions, structures and practices. Civic virtue, that is, positive political participation and a sense of moral obligation, agency and belonging, is what generates freedom. Cohen and Arato explain that for communitarians, "[C]ivic virtue rather than negative liberty, the public good as distinct from the right, democratic participation unlike individual rights (and the concomitant adversarial political culture) involve a communal practice of citizenship that should pervade the institutions of society on all levels and become habitualized in the character, customs, and moral sentiments of each citizen." ³ Thus, Cohen and Arato suggest, "[B]y implication, on the strongest version of these claims, a society in which claims of individual rights proliferate cannot be a solidary community but must be alienated, anomic, privatized, competitive and lacking in moral substance." ⁴

1.1 The Antinomy

Cohen and Arato summarize the antinomy as follows: According to Communitarians, individual rights and political neutrality are considered to be the source of egoistic and disintegrative tendencies in modern societies and hence the main impediment to achieving a democratic society predicated on civic virtue. Rights promote individualism and egocentricity thereby laying the foundations for a society whose members lack civic virtue or a sense of obligation to others. Political neutrality or negative freedoms as guaranteed by government lays the foundation for a polity whose members are devoid of democratic sensibilities since their negative freedoms not only guarantee the freedom of certain individual pursuits but also their restriction from politics.

Liberal rights theorists counter with the contention that modern societies are precisely *not* communities integrated around a single conception of the good life. Modern societies are characterized by a plurality of forms of life; they are structurally differentiated

and socially heterogeneous. Thus, to be able to lead a moral life, individual autonomy and individual rights must be secured. Democracy, with its emphasis on consensus or majority rule, is dangerous to liberty, unless suitably restricted by constitutionally guaranteed basic rights that alone can render them legitimate in the eyes of minorities.⁵

1.2 Cohen and Arato's Resolution of the Antinomy

Cohen and Arato believe that the antinomy between the rights-based and communitarian positions can be overcome on the basis of a new theory of civil society. They state the ideas of rights and democratic political communities, today, belong to the same political culture. Hence, they need not be constructed as antithetical, (though they recognize that on the empirical level, rights of the individual (or group) may conflict with the majority and the "public interest", necessitating a balance between these two sides).

Cohen and Arato believe that the best aspects of rights based liberalism and democratically oriented communitarianism constitutes two mutually reinforcing and partially overlapping sets of principles. They claim there are two steps necessary to argue this thesis and thus to transcend the relevant antinomies: 1) one must show that there is a philosophical framework that can provide a political ethic capable of redeeming the normative claims of both; and 2) one must revise the conception of civil society as only the private sphere, which both theories ascribe to, in order to grasp the institutional implications of such an ethic.

Discourse Ethics

Cohen and Arato defend the principles of universality and autonomy of the rights thesis, but deny that this necessarily commits one to the idea of neutrality or an individualistic ontology (essence). Habermas' theory of discourse ethics provides a way to develop conceptions of universality and autonomy that are free of such suppositions. Discourse ethics, they claim, provides a philosophical framework for democratic legitimacy and rights as well as a solution to the antinomy.

Discourse ethics accommodates the insights of universal rights both procedurally (everyone has the right to engage in dialogues concerning issues which effect them), and conditionally (basic rights of moral autonomy serve as the preconditions for rational discourse). Discourse ethics also accommodates the democratic communitarian insights concerning abstract individualism, civic virtue, shared norms and democratic legitimacy through the procedures and outcomes of rational discourse.

With discourse ethics, universality does not mean neutrality with respect to a plurality of values or forms of life but rather refers to *metanorms of symmetric reciprocity* that are to act as regulatory principles guiding discursive practices of conflict resolution (universal and neutral procedural norms). Thus, procedures provide the abstract or universal conditions for the determination of shared norms. Norms which are discursively determined and agreed upon by all those potentially affected are legitimately applicable to all those involved within the discursive situation, hence to participants or members of the discursive situation as opposed to an abstract individual. Thus, we have a particular conception of justice which can be legitimately applied to citizens (as they are determined by their common interests they become common norms) which has been generated by granting the universal right of all person's to engage equally in the determination of norms which may effect them (impact upon their autonomy).

Discourse ethics also challenges the atomistic disembodied individual presupposed by deontological, or rights based, ethics. This discursive approach to ethics does not require that one abstract from one's concrete situation, need interpretations, or interests in order to derive ethical norms or policies. Instead it requires that these be freely articulated and that those involved be open to various perspectives. Cohen and Arato state, "[A]ccordingly, universality is a regulative principle of a discursive process in and through which participants reason together about which values, principles, need interpretations merit being institutionalized as common norms." ⁶ Discourse ethics thus can accommodate communitarian insights (the social core of human nature) without abandoning

the ideas of universality or moral rights (the right to develop and state an opinion or version of the good life, as well as to participate on equal grounds).

Cohen and Arato, however, retain the core principle of rights theory which suggests that everyone has certain basic rights to autonomy. They claim that without individuals whose autonomy is guaranteed by rights the demanding preconditions of rational discourse cannot in principle be met:

If all persons affected have the chance to assume dialogue roles, if the dialogue must be unconstrained, if each individual can shift the level of discourse, and if everyone can articulate their need interpretations, then practical discourse presupposes autonomous individuals with the capacity not only to be self-reflective regarding their own values but also to challenge any given norm from a principled standpoint. The process necessary for the requisite socialization of individuals would be impossible without institutionalizing moral autonomy and the mutual recognition of difference secured by rights.⁷

Therefore, constitutions which secure the autonomy of civil society are necessary to establish the preconditions for discourse ethics. Accordingly, basic rights can be interpreted as normative and constitutional requirements for participation in practical discourse about society. Discourse ethics, then, presupposes basic rights to autonomy.

Within discursive processes, everyone's vision of the good life and everyone's version of justice is to be given equal consideration. Those norms or positions concerning conceptions of the good life, which are discursively determined and agreed upon, become those which serve to guide the participants involved. Cohen and Arato suggest, however, that even if a norm has survived the most ideal process of discursive testing, it may conflict with the particular values or identity requirements of an individual or group. In the event there is no consensus, if the determined norms are unsatisfactory or considered unjust to certain participants, Cohen and Arato claim, "in these cases, the claims of justice have priority in the following sense: One cannot be compelled to renounce one's way of life, identity or moral convictions..."⁸ They explain:

Neither moral autonomy nor individual identity can be sacrificed to the collective identity or consensus of a group, because this would violate the very *raison d'être* of discourse ethics: to provide a formal principle for the legitimacy

of norms in a society that is plural and composed of individuals with distinct and differing conceptions of the good life...⁹

Although Cohen and Arato accept, as do rights theorists in general, that societies are pluralistic and thus that there is no one conception of the good life, they also, like communitarians, accept that norms or conceptions of the good life are culturally and historically specific. Thus, they continue:

Even in a situation that closely approximates the requirements of symmetric reciprocity, there is no basis for assuming either the absence of difference or the absence of change. Every consensus is, after all, only empirical and must be open to challenge and revision. From the standpoint of justice, we cannot know that today's value change on the part of a minority of individuals might not become tomorrow's general will. ¹⁰

Cohen and Arato conclude that individual judgment, differing ways of life, and experiments with new ways must be granted autonomy from the current consensus on what is just. Though this position may seem to give priority to the liberal notion of moral autonomy and thus the idea of negative freedom and individual rights, the traditional view of the private sphere as the only sphere within the lifeworld is what makes this priority appear negative (in the sense of prioritizing negative freedom).

Cohen and Arato suggest, although it is individuals who have rights, the concept of rights does not have to rest on philosophical or methodological individualism nor the idea of negative freedom alone. Most liberals and communitarians have assumed that the very concept of rights presupposes a certain conception of freedom and individualism. Cohen and Arato believe that only some rights involve negative liberty and none require an atomistic conception of individuality. It is here, they suggest, that a revised conception of civil society, together with a new theory of rights, must enter the analysis.

Civil Society

Cohen and Arato claim that with their reconceptualization of civil society, rights secure not only negative freedom (freedom from state intervention or penetration into the

lifeworld) but also positive freedom to engage in collective and associational life. Current rights theory equates civil society with the private sphere whereby negative liberty secures the autonomy of private, disconnected individuals. Given that the private sphere is commonly associated (almost exclusively) with private enterprise, private property is viewed as being at the core of the conception of rights. Consequently, civil society is reduced to the free market - a sector comprised of autonomous but egoistic, exclusively self-regarding, competitive, possessive individuals whose negative liberty it is the polity's task to protect. Cohen and Arato claim, "[O]nly if one places the philosophy of possessive individualism at the core of one's conception of civil society, and then reduces civil society to bourgeois society, does the rights thesis come to be defined in such a way".¹¹ They claim that this is only one conception of civil society but not the only one that can be derived from the rights thesis. They suggest:

If, however, one develops a more complex model of civil society, recognizing that it has public and associational elements as well as individual private ones, and if one sees that the idea of moral autonomy does not necessarily presuppose possessive individualism, then the rights thesis begins to look a bit different.¹²

Accordingly, rights do not only secure negative liberty, the autonomy of private, disconnected individuals. They also secure the autonomous communicative interaction of individuals with one another in the public and private spheres of civil society, as well as a new relation of individuals to the public and political spheres of society and state (including, of course, citizenship rights). On this reading, negative liberty is extended beyond the strictly private domain and into those areas of communication and public or associational relations. Thus, rights do not merely constitute an exclusively private domain freed from the state. Cohen and Arato claim, "[O]n the contrary, the rights to communication, assembly, and association, among others, constitute the public and associational spheres of civil society as spheres of positive freedom within which agents can collectively debate issues of common concern, act in concert, assert new rights, and exercise influence on political (and potentially economic) society."¹³

Democratic Legitimacy and Rights

Cohen and Arato's reinterpretation of Habermas' discourse ethics is said to provide the framework for discursive practices (within civil society) and a philosophical framework for democratic legitimacy and rights. It provides a standard with which citizens can test the legitimacy of sociopolitical norms, both those in existence and those deemed desirable or necessary.¹⁴ Discourse ethics also provides the standards with which to select those aspects of our tradition, collective identity and political culture that we wish to maintain and develop and that can provide the content for legitimate norms.¹⁵

Within liberal democratic societies, rights and democratic principles belong to the same sociopolitical culture. Discourse ethics enables us to see and expand upon this relationship. Discourse ethics presupposes, legitimates, and sustains basic rights, as well, it provides the framework for generating new rights.¹⁶ Cohen and Arato have claimed that their conceptualization of rights has yet to be realized within the constitutions of liberal democracies. In the course of amending and writing constitutions, discourse ethics requires that we arrive at (constitutional) rights by coming to agreement. Without individuals whose autonomy is guaranteed by rights, however, the demanding preconditions of rational discourse cannot in principle be met.

Thus, rights can be interpreted as normative and constitutional requirements for participation in practical discourse about society. Discourse ethics, then, presuppose rights, however, rights also presuppose discourse ethics. The survival and expansion of basic rights depend on vital political cultures that allow for and promote the mobilization of concerned constituencies on behalf of rights. Cohen and Arato claim, "[T]he principle of rights thus requires the possibility of participation in societal public spaces."¹⁷ Discourse ethics, in this instance, implies the institutionalization of discourses in civil society that is crucial for positing and defending rights. Thus, rights require the institutionalization and autonomy of discursive practices (democratic participation) within civil society, and

discourse ethics requires the constitutionalization of rights which secure the autonomy and communicative logic of the lifeworld.

Finally, discourse ethics, Cohen and Arato explain, gives us arguments for having fundamental rights, whereby the core of the very meaning of basic rights entails the "right" to assert rights on the part of the citizenry.¹⁸ They state, the metanorms of discourse ethics can justify the principle of the right to assert rights, and hence the idea of rights itself.

Rights and Civil Society

According to Cohen and Arato, every society develops institutions for the transmission of culture, integration and socialization. Civil societies presuppose a juridical structure, i.e., a constitution that articulates the principles underlying their internal organization. In the modernized lifeworld, civil society exists only where there is a juridical guarantee of the reproduction of the various spheres (state, economy, and lifeworld) in the form of sets of rights. Rights must work to secure the differentiation of these three spheres, hence defending the lifeworld and civil society from the logic of the systems which otherwise would penetrate and distort the reproduction of cultural, social and socializing institutions. Cohen and Arato claim, "These institutions can be stabilized only on the basis of new forms of juridification, i.e., rights, which constitute the terrain of civil society, when accompanied by a political culture that valorizes societal self-organization and publicity."¹⁹ They suggest,

In this context, we can isolate three complexes of rights: those concerning cultural reproduction (freedoms of thought, press, speech, communication); those insuring social integration (freedom of association, assembly); and those securing socialization (protection of privacy, intimacy, inviolability of the person).²⁰

Thus, Cohen and Arato see these three complexes of rights as securing the differentiation of the lifeworld from the subsystems and as providing the organizational framework for the public spaces of civil society.

As was mentioned above, Cohen and Arato acknowledge that the structure of rights implied by their concept of civil society is not representative of any constitutions found today.²¹ The model of rights required by their conception of civil society put the rights of communication (the 'public' sphere) and the rights of the intimate (or 'private') sphere into the centre of the catalogue of constitutional freedoms. These rights would have priority over all political, economic, and social rights, which would constitute only their prerequisites.²² They state, "[T]he establishment of such a catalogue would indeed signify the institutionalization of a new model of civil society".²³

Within Cohen and Arato's interpretation of Habermas' discourse ethics there are three categories of rights: basic autonomy rights presupposed by discourse ethics; rights to communication, publicity and association which are implied by discourse ethics, and; rights which are the result of consensus. Basic rights to moral autonomy and communication are those which constitute the terrain of civil society. Although Cohen and Arato suggest that social rights may serve as prerequisites to these basic rights, social rights fall within the category of those rights which are the result of discursive processes and consensus. We can, however, agree to construe these as basic liberties.²⁴

Rights for Cohen and Arato serve three primary functions. First, rights serve to stabilize the boundaries between the lifeworld and systems, thereby defending the communicative rationality of the lifeworld. Secondly, by positing the rights to communication and association as central to the catalogue of constitutional rights these rights establish not only the autonomy of civil society but also its institutional basis. Thirdly, the rights to communication, assembly, and association, which constitute the public and associational spheres of civil society, serve as the basis from which agents can collectively debate (under the operatives of 'discourse ethics') issues of common concern and assert new rights.

Conclusion Part I

Cohen and Arato claim to provide a synthesis of the antinomies plaguing the debates between communitarians and rights-based liberalism on the basis of their reinterpretation of Habermas' discourse ethics and their reconceptualization of civil society. As was noted in the Introduction of this thesis, they aim to provide an immanent critique of modernity - a critique based upon the realities and promise of a modernized lifeworld and civil society. This chapter suggests that within contemporary modern societies, individual rights, associational or collective life, and democratic participation are necessarily interdependent, hence, need not be construed as antithetical.

Cohen and Arato's emphasis on moral autonomy and individual rights is meant to respect the reality of pluralism. Although modern societies are socially and culturally heterogeneous, there are predominant or common institutions within modern societies responsible for social integration, socialization and cultural transmission (schools being one example). Further, to encourage and develop a sense of civic mindedness, to understand and learn to tolerate differences, and to defend the autonomy of both individuals and collectivities, civil associations need to exist. Such civil associations, however, need to be run democratically so that no one cultural outlook or value system informs or governs it. The idea behind discourse ethics is to institutionalize procedures within civil associations so that everyone effected has the opportunity to take part in the development of norms, values, policies and so forth which are to govern them. Cohen and Arato's conception of discourse ethics suggests, then, the recognition of and need for social integration and socialization among and between various individuals and groups within society, hence, the need to collectively develop norms towards this end.

It is in this respect that their rights thesis does not abandon us to the individualistic, anomistic and disintegrative tendencies commonly associated with rights theory. Individual rights are meant, in part, to secure the preconditions for collective engagement or rational debate, i.e., by respecting individual autonomy we respect the rights of individuals to

develop or live according to a principled standpoint (a particular cultural outlook, a feminist or ecological identity etc.). Because modern societies require some social cohesion among or between groups, lest we disintegrate into separate and distinct societies, we need to further develop and democratize the associations within civil society.

PART II: Environmental Rights vs. Ecological Communities

A debate between rights-based liberalism and communitarianism is maintained within Green political theory. Essentially, this debate encapsulates the tensions between animal rights and environmental rights theorists such as Peter Singer, Tom Regan, Roderick Nash, Christopher Stone and Robyn Eckersley, on the one hand, and ecological communitarians such as Aldo Leopold, Rudolf Barho, Bryan Norton and Edward Goldsmith, on the other.²⁵

The antinomy, within Green theory, has two dimensions. The first dimension concerns the appropriate subject or basis for a 'natural' ethic. Animal/environmental rights theorists and ecologists differ over whether or not the interests of nature can be explicated from the standpoint of an individual animal or environmental entity, whereby an entity is understood as a measurable or quantifiable subject, such as a tree, a forest, a lake, a bioregion and so forth, or whether environmental interests must be explicated from the needs and interests of the bio/eco-community. The latter would argue, for example, that the interests or needs of a particular individual animal are contingent upon those of the species, or the interests of an individual tree are contingent upon those of the forest, both of which (the species and forest) are ultimately dependent upon the particular biosphere they inhabit. Ecologists, then, are concerned with protecting those relationships among and between various animal and plant species which, together, make up a biosphere or ecological community. It is the relationship between things, over and above the individuals or entities themselves, which is important to ecologists.

Perhaps a definitional description will help to clarify the distinction between environmental rights and ecological ethics. According to Warwick Fox, the concept of "environment" refers to the external conditions or surroundings of existent or living things which suggests a separation or distinction between a thing and its environment. It is in this respect that we can distinguish an animal or natural entity from its environment (a tree from a forest or from its particular place within a biotic community), isolate some property inherent to it, let's say sentience (the ability to have conscious experiences) or autopoiesis (the capacity to reproduce), in order to assign it rights. Thus, rights presuppose that an individual or entity can be identified or quantified, and assigned value, independent from its environment or relationship to other things. The term "ecology" refers to the relationships between all living or existent things thereby implying no separation, nor even a distinction, between a thing and its environment. All existent or living things, rather, are interdependent and inseparable.²⁶ Thus, according to an ecological ethical perspective, it is the relationships between things which are of concern to protect.

Environmental rights theorists retain a commitment to the individualistic and atomistic presuppositions of rights theory arguing that animals or environmental entities have rights and that justice or moral worth can be explicated from the standpoint of these individual rights. The ecologists claim that they are not necessarily or primarily concerned with individual animals or environmental entities, but rather their interests concern those relationships which sustain animal and plant species, ecosystems, bioregions, the exosphere etc. Thus, ecologists argue that the good of the biotic community ought to serve as the ultimate measure of the rightness or wrongness of human actions and the value of individual organisms or species.

The second dimension of the antinomy concerns the appropriate social and political context for the recognition of an environmental or ecological consciousness (ethics or existence). Animal and environmental rights theorists retain a commitment to liberal-rights theory, hence, rights-based liberal democracies. They argue that rights (whether moral,

legal, or political) are part of the fabric of liberal democracies, and that through rights discourse we can struggle for the recognition of the rights of nature. As Nash puts it, "[N]ature in the environmentalists' eyes is just the latest minority deserving a place in the sun of the American liberal tradition".²⁷ Rights theorists clearly see the liberal rights tradition or rights-based liberal democracies as having the capacity to take on the latest, and possibly the final, phase of widening our moral horizons to include nature.

Ecocommunitarians, on the other hand, view the liberal rights tradition as intimately bound to the institutional (ethical, legal, political) arrangements of modern societies premised upon the exploitation of nature. Aldo Leopold is often considered the founder of contemporary forms of ecological ethics.²⁸ His 'land ethic' serves as the basis for many ecological critiques of the rights position and provides the basis for alternative ecological ethics, lifestyles and modes of social and political organization said to be consistent with a society based on a fundamental 'respect for nature'. Basically, Leopold's 'land ethic' is considered to be holistic in its emphasis in that it concerns the good of the biotic *community*, as opposed to individual environmental entities or subjects such as trees, rivers, mountains etc. From this position many ecologists have developed alternative models for sustainable and ecologically ethical societies. Ecocommunitarians suggest, then, that the alternative to rights-based liberal democracies are 'biotic communities' whereby the relations of the biosphere are to provide a 'natural model' from which to derive appropriate human social, political and economic relations and institutions.

Within the first dimension, the appropriate basis for a 'natural' ethic, the debate is over which theoretical model provides a better basis from which to determine the interests and thus protection of the environment, from the standpoint of individual rights or from the ecological community's shared needs and interests. Within the second dimension the issue concerns which form of social organization will better serve environmental interests and protection, ecological communities or rights-based liberal democracies. We can, however, put the two together since rights-theorists retain a commitment to rights-based liberal

democracies, and ecological ethicists, for the most part, posit the need to create ecological communities in order to have a society which reflects a fundamental respect for nature.

2.1 Animal Rights

Bryan Norton provides a framework which identifies certain ideas he believes to be shared by all traditional theories of rights. His model can serve as a starting point from which to identify the rights-based side of the debate and to explain its unacceptability for ecological theory. Norton's 'Rights Model' is summarized below: ²⁹

1. <i>X is an identifiable individual.</i>	(1) implies that rights are individualistic in nature.
2. <i>It is in some meaningful sense possible to say that X has interests.</i>	(2) implies that one cannot attribute rights to an individual whom one cannot conceive of as having interests.
3. <i>Attributions of interests to X are not sufficient to entail corresponding rights to X.</i>	(3) reflects the view that interests are necessary but not sufficient for rights. Rights claims must be justified, legitimated and thus granted by a system of rules for adjudicating conflicting claims.
4. <i>If it is determined that an interest of X is also a right of X, this determination must depend upon characteristics of X.</i>	(4) rules out attributions of rights for an individual, X, when the claim which the right is based is purely a claim of a second party.

Norton uses the animals rights paradigm, which conforms to the basic model of rights theory he identifies, in order to challenge the compatibility of ecologism and rights theory. According to Norton, condition (1) requires the identification of individual subjects. Conditions (2), (3), & (4) of the model entail the assignment of interests and rights to individuals.

The animal liberation tradition, as developed primarily by Tom Regan and Peter Singer, is individualistic in its moral focus in that it identifies specific individual animals and treats their needs and interests as the ultimate basis for conclusions about the rightness or wrongness of human actions. Thus, Condition (1) is satisfied by animal liberationists since their focus is individualistic.

Animal liberationists, who can draw analogies between humans and animals, are able to satisfy Conditions (2), (3), & (4). Condition (2) requires the assignment of interests to X. Because animals, like humans, are able to have conscious experiences (can be said to have the capacity for intelligence or to feel pain), it is possible to suggest that animals have interests. Indeed, both Peter Singer and Tom Regan, the two leading animal rights theorists, argue that animals have similar identifiable properties to human beings and it is precisely these properties which justify their moral status as rights bearing entities.³⁰

Both Singer and Regan are concerned to draw analogies to human experiences and/or interests. Both defend the position that animals can be said to have interests. For Singer, because animals can feel pain, irrespective of rational ability, they, like humans, have an interest in avoiding unnecessary suffering.³¹ According to Regan, because there exists human beings whose rational faculties and abilities are marred yet who retain moral status, sound rational ability cannot be the sole criterion for moral status or subjectivity. He claims that the capacity for intelligence is the only justifiable basis for moral standing.³² Thus, for Regan, the analogy between human moral patients (infants and the mentally challenged) and animals can be made in order to support the claim that animals have certain interests.

Condition (3) entails the legitimation of X's interests or rights claims by an appeal to a system of rules or principles for adjudicating such claims. Because of an animal's capacity for intelligence or their ability to have conscious experiences, animal liberationists can appeal to principles of universality, neutrality, and impartiality in order to legitimate it's interests or rights claims.

Condition (4), whereby rights assigned to an object must be assigned, at least to some extent, on the basis of characteristics of that object rather than solely on the characteristics of others, is also satisfied by animal rights theorists since non-human animals can be said to have certain characteristics or properties, in and of themselves, to which rights can be assigned.

The similarity between Singer and Regan is that rights are conferred on individuals on the basis of their having some 'property' or quality. This 'property' is an individualistic or atomistic concept, i.e., sentience or the capacity for intelligence is the mark of the moral status to be conferred and provides the basis for the attribution of rights. This moral status is universally applicable to all those accredited with such properties which constitutes them as legitimate bearers of rights.

2.2 Ecological Communities

Given the humanistic and individualistic presuppositions of rights theory, Norton ultimately denies any potential compatibility between ecologism and rights theory. Regan and Singer maintain, in fact exploit, the humanistic presuppositions of rights theory. Norton argues that their successful utilization of the rights thesis rests on their ability to show that (some) animals share with human beings the requisite 'property' for moral considerability, hence rights ascription. The ability to have conscious experiences or to feel pain, however, cannot be said to be shared by all animal and plant species. By maintaining the humanistic presuppositions of rights theory, animal rights theorists effectively cut off the potential of including most, if not all, environmental entities from rights theory.

The individualistic premise of the rights model, according to Norton, conflicts with the starting-point of ecologism which emphasizes collectivities, systems, biotic communities and so forth. He feels that the development of a coherent ecological perspective which takes as its premise an appreciation for the contingency and interconnectedness of all (living) things would be severely limited by the "individualistic character of rights."³³ Thus, to isolate or individuate certain aspects of an ecosystem in order to assign it rights denies its connections with and need for the concurrent protection of the entire system. Norton claims that once the contingency of this relationship is recognized, the temptation is to continue the expansion of rights to apply to greater and greater portions of the environment, which, he states, results in the implausible suggestion that all existent things have rights.

Norton argues that if the granting of rights to the environment is too narrow (in that they are based upon sentient characteristics) certain environmental entities won't be protected. If it is too broad, however, if we were to say, for example, that all trees, rocks and rivers have rights, Norton argues, "the crucial analogy to human interests breaks down", because we cannot conceive of all such entities as having interests - either the ability to reason, or the desire to avoid pain.³⁴ He suggests, therefore, any attempt to support an environmental ethic with individual rights attributed to all living or existing things (broadly to all existent things as opposed to narrowly to all sentient beings) must abandon the argument from human analogy. Lacking a human analogy, rights attributions are quite arbitrary.

Other ecophilosophers, such as Mary Anne Warren, agree with Norton's objection to the individualistic premise of the rights model. Warren also identifies the atomistic tendencies of rights theory as problematic. Because, according to Warren, ecologists such as Aldo Leopold maintain an environmental ethic or 'land ethic', which is holistic in its emphasis in that, "it treats the good of the biotic community as the ultimate measure of the value of individual organisms or species, and the rightness or wrongness of human actions", ecologists have concluded that it is impossible to determine the value of an organism simply by considering its individual moral rights.³⁵

2.3 Environmental Rights and the Liberal Democratic Tradition

Robin Eekersley clearly believes it necessary for Green theory to adhere to specific tenets of the liberal rights discourse. She argues that one of the principles of ecologism, that nonhuman beings ought to have the freedom to unfold in their own ways and live according to their 'species life', is compatible with one of the central tenets of liberalism (particularly within the deontological tradition) which seeks to maximize autonomy.³⁶ Altering the humanistic and individualistic presuppositions of rights theory, she argues, would allow this liberal maxim to extend to environmental entities, including individuals (a

tree, a bear), collectivities (a forest, a species) as well as ecosystems (a biotic or ecological community composed of various plant and animal species).

Thus, Eckersley, and as we will see Christopher Stone and Roderick Nash, represent strains within Green theory which attempt to speak in terms of environmental rights - their struggle is to have the rights of environmental entities recognized within liberal democratic institutions.

Christopher Stone addresses the question of independent legal standing for protecting nonhuman entities. While Regan and Singer develop a moral case for 'basic rights' which is broadly consistent with the philosophical premises of the liberal legal rights discourse in that it concerns the moral value of individual subjects of a life, Stone is concerned to protect 'natural entities', ranging from individual trees, to forests, lakes, mountains and so forth, as well as self-conscious, individual subjects of a life (animals). Stone also differs from the animal rights theorists in that his argument proceeds not by way of analogy, but rather by way of legal anomaly. According to Stone, extending legal rights to natural entities is not 'unthinkable' when it is remembered that legal rights are conferred on 'nonspeaking' persons such as infants and fetuses, on legal fictions such as corporations, municipalities and trusts, and on entities such as churches and nation states.³⁷

Thus, using the legal precedents of rights for corporations, human "vegetables", churches and so forth, who have no "minds" per se, Stone argues that any entity capable of being harmed and benefited can acquire legal rights by legislation or by the extension of legal precedent through court action. Although his discussion is primarily legal, Stone suggests that legal rights for nature, once they are recognized by a court system, could gradually translate into moral rights for nature as well.³⁸

In, *The Rights of Nature*, Roderick Nash argues that the idea of morality ought to include the relationship of humans to nature. He suggests one way to think of this is as an

evolution of ethics from the natural rights of a limited group of humans to the rights of parts or all of nature (from individual natural entities, a tree or an animal, to collective entities, a forest, plant or animal species, bioregion etc.). From this perspective, Nash regards environmental ethics as marking out the furthest limits of American liberalism.³⁹

According to Nash, the defense of the rights of nature can take on two distinct forms. Some believe that it is right to protect and wrong to abuse nature (or certain of its components) from the standpoint of human interests. From this perspective it is argued that people have the right to a healthy ecosystem, clean air and drinking water etc. But the more radical meaning, states Nash, the one that really pushes American liberalism to its conceptual limits, is that nature has intrinsic value and consequently possesses at least the right to exist. From this perspective it is argued that nature itself possesses rights.⁴⁰

Nash defends this latter position from two ecological objections. The first objection concerns the adaptability of rights to nature. Nature, it is argued, cannot demand rights, nor can it fulfill moral duties or obligations. Nash suggests that although this may be the case, human beings can be posited as the moral agents who have the responsibility to articulate and defend the rights of non-human entities and individuals, (indeed this is the position as well of both Eckersley and Stone). Such a conception of rights means that humans have duties or obligations toward nature. Environmental ethics generally involves people extending ethics to the environment by the exercise of self-restraint, thus, rights-based ethics can accommodate this general prescription since the core principle of liberal rights theory is that individuals have rights which serve as restraints on governments and others.

The second objection concerns the character and influence of American liberalism. Some ecologists argue that to recognize the intrinsic value of nature and its right to existence, *in its own right*, does not merely push American liberalism to its conceptual limits, but rather, beyond them. The critics, according to Nash, argue that America's propensity for unlimited growth, intense competition, and the domination of nature runs

directly counter to ecological ideals such as stability, interdependence, and a community consciousness extended to include nonhuman beings and biophysical processes.

Contemporary ecophilosophers (Nash cites Murray Bookchin as an example) call for full-scale dismantling of American 'institutional and ethical frameworks', its societies and cultures.⁴¹ Without such revolutionary changes and the resulting establishment of an anarchistic 'ecological society', Bookchin predicts the end of humanity's tenure on the planet.

Nash believes that adherence to the natural rights tradition is a cultural given in America, essentially beyond debate as an idea. The liberal's characteristic belief in the goodness and intrinsic value of the individual leads to an endorsement of freedom, political equality, toleration, and self-determination. He believes that the most successful reform efforts in American history have occurred in the context of this liberal tradition. He clearly sees liberalism and rights discourse as capable of accommodating the radical implications of environmentalism and the rights of nature: "Much of the new environmentalists' criticism of American tradition is warranted, but in adopting a subversive, counterculture stance, they overlook one important intellectual foundation for protecting nature that is quintessentially American: natural rights philosophy, the old American ideal of liberty that they themselves apply to nature".⁴²

Thus, Nash, Stone, and Eckersley all believe that the liberal rights discourse can be amended so as to include environmental rights. Further, they believe that the liberal notions of autonomy, freedom ('from'), plurality, equality and liberty are important to environmentalism, specifically environmental entities, because of their consistency with one of the central tenets of ecologism, 'that nonhuman beings ought to have the freedom to unfold in their own ways and live according to their 'species life''. They suggest the principles of universality and neutrality provide the theoretical and practical (procedural or methodological) conditions within rights-based liberal democracies for environmental

advocates and animal rights activists to argue for and defend, by way of analogy or anomaly, the rights of nature.

Within the Green rights literature, there are two key points which are analogous to the central tenets of liberal rights theory depicted by Cohen and Arato - the possibility of and desire for a deontological conception of justice, and a commitment to the ideas of negative freedom and political neutrality. There is a concern within the animal and environmental rights literature to maintain the universal (deontological) conception of justice afforded by rights theory. For example, Eckersley is wary of utilitarian based conceptions of justice (the main liberal rival of rights theory) precisely because the aggregation of individual preferences or pleasures/utilities may result in the subjugation and abuse of certain minorities for the benefit of the majority. In contrast, the deontological tradition insists that there are certain 'basic' rights of individuals (however defined) which must not be bargained away by simple majorities. Rights, then, provide a legitimate framework for constraints on others and government.

Animal and environmental rights theorists argue that liberal notions of autonomy, freedom ('from'), plurality, equality and liberty could be extended to include natural entities. The liberal maxim of individual autonomy is consistent with one of the central tenets of ecologism, that nonhuman beings ought to have the freedom to unfold in their own ways and live according to their 'species life'. Furthermore, the principles of universality and neutrality provide the theoretical and practical (procedural or methodological) conditions within rights-based liberal democracies for environmental advocates and animal rights activists to argue for and defend, by way of analogy or anomaly, the rights of nature.

Eckersley, Nash and Stone all argue for the more radical application of rights theory which posits that natural entities have rights, in their own right, and believe that the liberal democratic tradition can accommodate it. Stephen Rainbow, however, argues that Greens should be concerned with the individual and autonomy rights of human beings. He is wary

of any ecopolitical scheme or philosophy, such as ecocommunitarianism, which gives overriding priority to ecological interests, particularly those which do so at the expense of the negation of social and cultural pluralism. His critique of the ecocommunitarian literature, then, is premised upon the desire to maintain, if not strengthen, the rights of human beings, rather than to argue that the liberal rights tradition can accommodate the rights of nature, in their own right.

In the concluding chapter of his book, which he entitles, "The Green Contribution to a Post Modern Future", he attempts to respond to the essentialist trends running through current Green socio-political theory. He asks whether Green politics will contribute to an eclectic, postmodern future (a future he sees secured through the strengthening of individual rights to autonomy and freedom) or whether it will join the chorus of divergent groups seeking a return to their particular set of values as the basis for guiding all of society.⁴³

He sees many ecocommunitarian theorists as belonging to the anti-modernist movement characterized by its desire to seek an end to anonymity and abstractness and a return to a greater sense of community, even if the price for this should be less autonomy for the individual. Rainbow believes that the better solution to the crisis of modernity, including the environmental crisis, will best be achieved through an open society based on a wide range of views and values. To this end, human rights to autonomy and freedom from constraint must be respected, if not extended.

He basically asks that Green theorists abandon their utopian schemes aimed at universal application. He states that in an increasingly pluralist environment such as that in which we live, mutual respect and individual rights will be of paramount importance. Greens must be committed to working as effectively as possible within a democratic, pluralist framework which respects the rights of individuals. He concludes, "[A]s much as anything, this book has been a plea for human rights, because future battles over resources could well lead to attempts to reduce human rights, but also because an environmentally

pristine and sustainable society without human rights would be an intolerable place to live." 44

Thus, Rainbow's comments suggest the recognition that modern societies are characterized by a plurality of forms of life. They are socially and culturally heterogeneous and therefore cannot be said to be integrated around a single conception of the good life. Individual rights to autonomy must be respected, not only so as to protect the social and cultural practices of different individuals, but to protect, or rather provide, the conditions necessary to establish a creative solution to the problems of modernity, including the environmental crisis.

There are, as we have seen, ecologists who do not share the faith of environmental rights theorists in the ability of rights-based liberal democracies to provide adequate protection for the environment. Those who believe that rights theory and discourse cannot adequately accommodate the holistic emphasis of ecological ethics, which stresses the importance of the "embeddedness" and "interrelatedness" of all existent and living things, have sought other moral ground. Often they have turned to communitarian based notions. Many have therefore adopted a vision of ecological communities based upon a fundamental respect for nature, and which accept the communitarian ethical premise that the needs of the community, over and above those of the individual, are paramount.

2.4 Ecocommunitarianism

Eckersley explains the development of ecocommunitarianism within Green social and political thought. She suggests the ecological and social critique of liberalism has lead many Greens to reject the philosophy of possessive individualism and turn toward alternative political theories that are more consonant with an ecological perspective or, at the very least, respectful of ecological limits. They have sought political theories which are, "better able to foster some kind of democratic, cooperative, and communitarian way of organizing social and economic life." 45 Communitarian based theories thus have provided

the framework for this alternative vision within Green social and political theory, for example, ecocommunalism, ecocommunitarianism, bioregionalism have become popular.

Ecological communitarians often challenge the logic of industrialism, modernity and civilization, as well as the liberal institutions of Western civilization (including its political and legal institutions and ethical frameworks) calling often for pre-civilized, small-scale societies based not on rationalism but on compassion, for others and the environment.

Rudolph Bahro, for example, calls for the creation of communal living on a widespread basis. Bahro believes that civilization needs to be unmade and argues that continued 'progress' is unsustainable, environmentally, economically, and psychologically. Thus, Stephen Rainbow summarizes "civilization itself is identified as the key problem, with fundamentalist greens often calling for a return to hunter-gatherer societies or the emulation of the lives of tribal people." ⁴⁶

Eckersley states that ecocommunitarianism is essentially an anarchist Green theory which seeks the development of human-scale, cooperative communities that enable the rounded and mutualistic development of human beings while at the same time respecting the integrity of the nonhuman world. The idea is to build stable communities in accordance with the 'principles of nature'. Progress, accordingly, is generally measured by the degree to which we are able to adapt human communities to ecosystems (rather than the other way around) and by the degree to which the full range of human needs are fulfilled.⁴⁷

Ecocommunitarian theorists argue that the cultivation of an attitude of respect for nature is a necessary aspect of human psychological maturity and self realization.⁴⁸ They view humans as forming part of a larger order or process, hence, there is a desire to resituate humanity within the overall 'web of life'.⁴⁹ Developing ecological communities which accord with the 'principles of nature', and whose socio-political-economic structures are derived from their physical and natural environments, ecocommunitarians suggest, will help to bring about humanities natural or ecological orientation. The needs and workings

of the biological community in which humans are situated will help define their identities as well as their general norms and prescriptions for behaviour.

Eckersley states that this goal of adapting human communities to ecological communities (bioregions) can be exemplified by the philosophy and practice of 'reinhabitation':

Reinhabitation means learning to live-in-place in an area that has been disrupted and injured through past exploitation. It involves becoming native to a place through becoming aware of the particular ecological relationships that operate within and around it. It means understanding activities and evolving social behavior that will enrich the life of that place, restore its life-supporting systems, and establish an ecologically and socially sustainable pattern of existence within it. Simply stated it involves becoming fully alive in and with a place. It involves applying for membership in a biotic community and ceasing to be its exploiter.⁵⁰

The basic idea is that human beings become members, rather than conquerors, of the biotic community. As members, their norms, behaviours, needs and interests are defined by or in relation to those of the biotic community. The biotic community (nature) serves as a regulative ideal. Learning to 'live-in-place', as members of a biotic or ecological community, suggests that individual human interests are to be subordinated to or measured against those of the communities.

Stephen Rainbow explains, similarly, that the notion of nature serving as a regulative ideal has been adopted by parts of the contemporary Green movement through concepts such as the 'bio-region'. Bio-regionalism, according to Rainbow, embodies the idea that the size and form of human communities should be confined by the natural environment of which they are a part. The bioregion, "is an area whose boundaries are determined by natural rather than human dictates, distinguishable from other areas by attributes of flora, fauna, water, soils, and land-forms, and the human settlements and cultures whose attributes these have given rise to."⁵¹

Edward Goldsmith provides a theoretical model of an ecological community in order to show its advantages, for both humans and nature, over existing industrial

societies. Goldsmith's communitarian vision provides an alternative to the atomistic individualism pervading large-scale industrial societies. He argues, in today's large societies the individual is merely an isolate. He suggests that the decreasing autonomy of communities and local regions and the increasing centralization of decision-making and authority in the cumbersome bureaucracies of the state, have been accompanied by the rise of self-conscious individualism. In small, self-regulating communities, Goldsmith claims that anthropologists have observed, there is by contrast no assertion of individualism, and certain individual aspirations may have to be repressed or modified for the benefit of the community. Thus, according to Goldsmith, there is a clear feeling that duties of loyalty to the community are and must be primary. Being a member of, and therefore loyal to a community has certain advantages.

Goldsmith argues that the community's dynamic is an essential source of stimulation and pleasure for the individual. He claims, "In fact, it is probable that only in the small community can a man or woman be an individual."⁵² An individual's identity and freedom, accordingly, derives from their membership within the ecological community. Goldsmith states, "no man controls another and each has very great freedom of action, much greater than we have today. At the same time they enjoy the rewards of the small community, of knowing and being known, of an intensity of relationships with a few rather than urban man's variety of innumerable, superficial relationships."⁵³

For those ecocommunitarians who see themselves as democrats, there is an emphasis on public participation in decision-making processes. Though they maintain that nature is to serve as a regulative ideal, in that it provides an overall ecological orientation (a superstructure, so to speak) for the community, they argue that it cannot be assumed that people within such communities will automatically live according to the "laws of nature" or the dictates of a particular bioregion. According to Goldsmith, the alleviation of environmental degradation and the development of an ecological community premised upon a fundamental respect for the laws of nature will no doubt require great restraint. Thus,

unlike many other ecological communitarians who assume that communities will naturally or spontaneously work to protect their environments, Goldsmith sees the need for internal coordination towards this end. Goldsmith supports the idea of a democratic polity within ecological communities because he believes that through participating in the decision-making processes for those norms which are to guide society, people will be more likely to respect, or subordinate their individual interests to, those norms. He argues:

In heterogeneous, centralized societies such as ours, the restraints of the stable society if they were to be effective would appear as so much outside coercion; but in communities small enough for the general will to be worked out and expressed by individuals confident of themselves and their fellows as individuals, "we and they" situations are less likely to occur - people having learned the limits of a stable society would be free to order their own lives within them as they wished, and would therefore accept the restraints of the stable society as necessary and desirable and not as some arbitrary restriction imposed by a remote and unsympathetic government.⁵⁴

Thus, Goldsmith believes that small communities are in a better position to develop consensual, non-coercive measures of self-restraint. He argues, the larger the community (society) the more likely legislation, police forces and the courts will be necessary to reinforce this restraint. But, he believes, such external controls can never be so subtle nor so effective as internal controls. Hence, he claims, "[I]t would therefore be sensible to promote the social conditions in which public opinion and full participation in decision-making become as far as possible the means whereby communities are ordered."⁵⁵ For Goldsmith, then, the small community provides an organizational structure in which internal or consensual controls are most likely to operate effectively. Community norms, shared or decided values provide the constraints for an individual's behaviour.

Thus, democratic ecocommunitarians emphasize radical decentralization and increased powers at the local level. Such a means of political organization is said to complement the way of life within the ecological communities just as existing political and social institutions complement industrial society.⁵⁶ The model of the ecological community sees a far greater emphasis on self-sufficiency in daily living, and less focus on material goods and work patterns necessary to sustain a high-consumption society. This model

reflects the desire to return to aspects of pre-industrial ways of life where village or extended-family based societies predominated. It romanticizes the pre-industrial way of life, particularly for its sense of community.⁵⁷

Within the ecocommunitarian literature there are two points which are analogous to Cohen and Arato's depiction of the central points of communitarianism. The first concerns the notion of the abstract conception of self, the second, the notion of freedom. According to Goldsmith and Eckersley, there is concern among ecocommunitarians with respect to the abstract or possessive individualism pervading industrialism (Goldsmith) and liberalism (Eckersley). Both the ecological critique of rights theory and the ecocommunal vision stress the importance of the ecological community either as the measure of moral worth or as providing the standards by which individual actions are to be encouraged or modified. Thus, community standards or the needs of the ecocommunity as a whole provide the general prescriptions for the behaviours and needs of its situated individuals.

According to both Goldsmith and Eckersley, the ecological community is said to provide the individual with a sense of common identity and an opportunity for full self-realization and participation. Hence, the cost of foregoing one's abstract individualism (absolute autonomy) is measured as a gain in terms of acquiring a sense of community, belonging and ecological self-realization (relative autonomy). The ecocommunal conception (or ecoanarchist which she identifies as a subsection of ecocommunitarianism) of autonomy is summarized by Eckersley:

Unlike the individualistic liberal model of autonomy, ecoanarchists defend a social model of autonomy that is secured by voluntary cooperation with, and is responsible to, the human scale community of which the individual is part. The dismantling of the State would not lead to social fragmentation but rather to spontaneous cooperation and the strengthening of social bonds between people. Anti-social behavior would be dealt with via community censure rather than via the inflexible rules laid down by the remote nation State.⁵⁸

The notion of freedom within the ecocommunal literature requires reconciling the basis of human freedom with the necessary conditions for the well being of nature.

Eckersley states that both liberalism and Marxism have generally regarded the domination of nature as the necessary price of human freedom. Ecocommunitarian theorists argue, however, the cultivation of an attitude of respect for nature is a necessary aspect of human psychological maturity and self-realization. Further, they are concerned to develop local socioeconomic arrangements that are oriented towards satisfying basic human needs, including psychological, spiritual and social needs. Eckersley provides the following explanation of the ecocommunitarian conception of freedom:

Unlike many Marxist and neo-Marxist theorists, ecocommunal theorists do not draw on the problematic distinction between freedom and necessity. True freedom or self-realization is not something that can be experienced only beyond "bread labor". Rather, it is a function of the extent to which an individual's entire range of needs are integrated and satisfied. What some liberals call "negative freedom" or "freedom from" (meaning the absence of constraints) is, for ecocommunal theorists, merely a condition for the realization of "positive freedom" or "freedom for", which is the rounded, mutual development of self-realization of the individual and ecocommunity.⁵⁹

Thus, freedom is not measured in terms of lack of constraints, rather, for ecocommunitarians, freedom is derived from a sense or feeling of inclusion. Restrictions or constraints based on the needs of a particular biotic community, also affords an opportunity for self-realization, since according to many ecocommunitarians (as well as deep ecologists), a true understanding or situated sense of self requires identifying as "part of" rather than "independent from" nature. Clearly, then, within ecocommunitarianism there is a standard belief that freedom can and ought to be explicated from the standpoint of the ecological communities shared norms.

2.5 The Antinomies

The antinomy, according to Cohen and Arato's depiction of the debates between rights theory and communitarianism, is the following: According to communitarians, individual rights and political neutrality are considered to be the source of egoistic and disintegrative tendencies in modern societies, hence, individual rights are considered to be the main impediment to achieving a democratic society predicated on civic virtue. Liberal

rights theorists counter with the contention that modern societies are not communities integrated around a single conception of the good life, rather, modern societies are characterized by a plurality of forms of life. Thus, to be able to live a moral life, individual autonomy and individual rights must be secured. Democracy with its emphasis on consensus and majority rule, is dangerous to liberty, unless suitably restricted by constitutionally guaranteed basic rights.

The antinomies which Cohen and Arato identify within the debate between rights-based theorists and communitarians also plague Green political theory. Ecocommunitarians see individual rights and the institutional and ethical frameworks of modernity and industrial society as a source of human alienation from or exploitation of nature and one another. They typically seek a return to small-scale societies where communal norms and dynamics require individuals to succumb to the needs and good of the community (defined by the bioregion they inhabit), while at the same time providing the individual with a unique, if not greater, sense of freedom and civic virtue. Ecocommunitarians see ecological communities as the best means of social organization for the protection of nature. The ecocommunitarian or holistic conception of justice maintains that the determination of value, norms, and good is dependent upon what is good for the ecocommunity as a whole and that therefore, the ecocommunity is to be given moral priority over the individual members.⁶⁰

The other side of the antinomy, as represented by Eckersley, Nash and Stone, underscores the importance of the concept of moral autonomy and moral rights since they suggest that in order to protect nature, the interests of environmental entities must be upheld, independent of the subjective (collective or aggregate) interests of human beings. In a society where value pluralism is predominant and whereby human beings are the only moral agents (nonhuman beings cannot be said to be capable of fulfilling moral obligations or duties) nonhuman beings are subjected to the various interests and imputed needs of human beings. Thus, individual rights to moral autonomy must be extended to nature.

Eckersley states, "[I]f the general moral premise of respect for the autonomy of all beings is accepted, then humans (as the only moral agents) must collectively acknowledge that human choices need to be constrained by a recognition and consideration of the interests of nonhuman beings - just as they must be constrained by a recognition and consideration of the interests of other humans to make the principle of autonomy workable." ⁶¹ Implicit in the rights or atomistic conception is the belief that it possible to determine the value of a natural entity, in and of itself or irrespective of its place within the larger exosphere.

Rainbow maintains that modern societies are characterized by a plurality of forms of life or conceptions of the good life. He believes that a society where differing values and ideas (hence individual rights) proliferate will be better able to come up with creative solutions to the crises of modernity, including the environmental crisis. Thus, Rainbow recognizes that modern societies are characterized by a plurality of life-forms and that any attempt to limit this plurality and reduce it to the particular conception of the good life as advanced by ecocommunitarianism would jeopardize basic freedoms and rights.

Both sides of the debate seem to offer one valid thing: communitarians recognize or are in tune with the interconnectedness of all life and are concerned to protect the community's interests since these interests pertain to the relations among beings as opposed to merely the beings themselves. But ecocommunitarians therefore run the potential risk of negating pluralism, indeed often verging on fascism (or so Rainbow seems to imply). Rights theorists, on the other hand, recognize the extent to which democracy or the aggregation of human interests (the majority), tends to subordinate the interests of nature (the most recent minority). They therefore support the deontological conception of justice afforded by rights theory which seeks to maximize moral autonomy which can serve as a constraint on human action. However, in terms of extending rights to nature, they must choose between either a narrow conception, which ultimately extends rights only to those environmental entities which satisfy the criterion of sentience, or a broad conception

whereby changing the criterion for rights ascription so as to be inclusive of almost all existent things leads to the implausible suggestion that all existent things have rights.

While Rainbow is concerned to protect human rights and believes that in so doing we establish the conditions necessary to come up with creative solutions to the environmental crisis, he forgoes any arguments ascribing rights to nature directly. Thus, although he does not face the dilemma that most environmental rights advocates face, he thereby leaves the protection of the environment dependent upon the values and rights of human beings.

2.6 Potential Resolution(s) for the Antinomies Within Green Theory

Robyn Eckersley attempts a potential resolution to the tensions between (animal) rights theory and ecologism. She attempts to restate the 'property' or characteristic necessary for rights ascription so as to be inclusive of both individual and collective environmental entities and which captures the holistic emphasis on interrelationships. Thus, rather than to render the connection between ecologism and rights theory as ultimately unworkable given the individualistic and humanistic presuppositions of rights theory, Eckersley suggests, "the extension of rights to nonhumans would necessarily involve a corresponding adjustment, restriction or redefinition of human rights."⁶² She claims that while resort to human analogies helps to break down the resistance to the idea of extending rights beyond the human fold, given the current parameters of rights theory, it does so only in relation to a limited category of nonhumans that bear a significant resemblance to humans (in Regan's case, this amounts to mature nonhuman mammals). Thus, in order to extend rights to environmental entities and employ arguments from analogy, the basis or 'property' of rights ascription must be changed.

Eckersley, therefore, attempts to rework the individualistic and humanistic presuppositions of traditional rights theory. She believes that the precepts of liberalism which identify certain 'properties' said to be necessary in order to be a legitimate bearer of

rights, can be modified so as to recognize environmental entities. She proposes that autopoietic intrinsic value theory can provide a new, ecologically oriented basis for liberal rights theory in that it can provide a new property by which to determine legitimate moral subjects or bearers of rights:

...autopoietic ethics attribute value to all entities, including individuals, that display the property of autopoiesis, which means, 'self-production' (this is essentially a definition of life-forms). Included in this category would be all individual biological organisms (e.g., human and non-human animals, birds, fish, reptiles, plants, and micro-organisms) as well as identifiable ecological entities such as ecosystems, and indeed the biosphere considered as a whole. The primary advantage of autopoietic intrinsic value theory over Leopold's land ethic is that it overcomes the individualcommunity (or atomistic/holistic) tension in the animal rights versus ecological ethics debate by recognizing the moral considerability of both individuals and ecological entities. It also provides a dynamic and relational, rather than static and atomistic understanding of individual and community development. ⁶³

Eckersley recognizes that while it is relatively simple to identify individuals, organisms, populations and species, it is not so easy to determine the boundaries of ecosystems or other collective entities with the degree of precision required for the purposes of rights ascription. She states, "[I]ndeed, identifying what is an entity for the purposes of assigning such rights is likely to be a very difficult, and ultimately, arbitrary exercise. Whatever autopoietic entity or ecosystem we choose (e.g., a lake) it is likely to form part of a larger collectivity (e.g., a larger watershed)." ⁶⁴ She argues, however, this does not necessarily require the abandonment of the quest to adapt the institutions of liberal democracy to ensure more systematic environmental protection. Nor does it demand the total abandonment of the rights discourse. She states, "[R]ather, it requires a further elaboration of the circumstances in which rights ascription might be appropriate in a world of nested communities with soft and overlapping social and ecological boundaries." ⁶⁵

By providing a new criterion for rights ascription, Eckersley stretches the analogy as far as it can go so as to take in the concerns of ecologists, namely, the identification of and interrelatedness of environmental entities. By remaining grounded in the rights tradition, however, she strains the analogy to the point of breaking. To extend rights to all

those existent things capable of self-reproduction is to extend rights essentially to all existent things. As a result we are left in moral paralysis since the whole point of rights theory is to give rights to some things and not to others on the basis of some morally justifiable criterion. A property or criterion that is inclusive of almost all existent things defeats the original purpose of rights theory which is to isolate or define those things or beings with moral value. She thus leads us to that implausible suggestion mentioned (above) by Norton - that all existent things have rights.

Thus, while Eckersley's proposal may resolve the tensions between (animal) rights theorists and ecologists in terms of identifying an inclusive property for rights ascription, she does not resolve the question of how to determine the moral worth of environmental entities or how to reconcile the rights of various and conflicting groups and individuals. Now that autonomy rights extend essentially to all things, the question of which or whose rights are to be upheld or given priority becomes increasingly relevant given that both social and ecological environments are characterized by 'soft and overlapping boundaries'.

What Eckersley's rights proposal attempts to retain is one of the central tenets of ecologism, that of the intrinsic value theory which states that environmental entities have their own inherent value regardless of the value assigned to them by human beings. Her concern to develop a new 'property' for rights ascription stems from her desire to maintain that environmental entities have value, hence rights, 'in their own right'. This leads her ultimately, however, to the implausible suggestion that all existent things have rights. Further, because environmental entities cannot posit, claim or defend rights on their own behalf, she suggests that guardians of the environment be established in order to include environmental entities in rights discourse. Guardians, presumably, are meant to reflect the authentic voice of nature.

Norton points out that ecologists themselves have often noted the arbitrary nature of concepts such as ecosystems, biospheres, species etc. Ascribing rights to environmental entities/subjects (in their own right), then, seems to presuppose a knowledge or way of

knowing about the environment, ecosystems, species etc., not yet possible. Eckersley herself accepts that our understanding of animal behaviour, animal welfare and the general functioning of life support systems is highly incomplete, hence, speaking on behalf of the environment in order to protect its interests requires a certain amount of interpretation and paternalism on the part of human beings. She states, "[R]ecent developments in modern science (physics, chaos theory) suggest that human understanding may never be complete in the sense that we may, in principle, never be able to predict the behaviour of nonlinear dynamic systems (i.e., most natural systems)".⁶⁶ Thus, any environmental moral theory which wishes to capture the 'essence' of the natural world will necessarily suffer from the inability of humans to fully understand or appreciate the true workings, needs or rights, of the environment.

Both rights based moral theories and ecological communitarian or holistic approaches concerned to protect ecosystems, plant and animal species, and so forth, face a similar dilemma in that each requires a certain amount of interpretation and paternalism on the part of human beings in order to posit the interests and needs of the environment (as in the case of rights theory) or from which to interpret and derive corresponding social relations from natural relations (ecocommunitarians). Thus, it is difficult to see how any ethical or moral theory can retain a commitment to intrinsic value theory. The idea that nature has its own inherent value independent of its value to human beings and that this value can either be represented by guardians for the purposes of defending its rights or translated into values which are to govern an ecological community, to a large extent, presupposes the ability of human beings to discern the intrinsic needs or true workings of the environment. What interests, protections, rights, or even truths we choose to extend to the natural world appears to depend, not upon our knowledge (*per se*), but rather, on the particular relationships, communities, principles and so forth, we are interested in defining.⁶⁷ It is here that I believe Cohen and Arato's reinterpretation of Habermas' discourse ethics can enter the debate and go some way towards resolving the tensions

between rights and the ecocommunitarian concern regarding the social and ecological embeddedness or interdependencies of humans and nature.

Discourse Ethics and Civil Society

The fact that any human-nature relationships or norms are necessarily dependent upon the interpretation and paternalism of human beings suggests, at the very least, the need or opportunity to discuss and share our standpoints concerning our interpretations of environmental realities. If, or since, it is the case that we are currently working with, and may always have, limited knowledge, a deliberative and democratic form of justice seems fundamental - not only so as to come up with norms or principles regarding the environment, but more importantly, to first develop, from a number of perspectives and points of view, a more comprehensive understanding of our environment or of ecological systems.

To develop norms concerning human/natural relations, then, I suggest, presupposes something like discourse ethics - the institutionalization of public spaces or discursive situations whereby we can come to more fully appreciate and understand environmental or ecological realities. Though the purpose of discourse ethics is to develop, rather than to determine, knowledge or 'truths', discourse ethics does not prohibit 'truth' claims. It only suggests that such claims should not be considered valid from the outset. Rather, they are to be open to challenge from a number of principled standpoints. It may be the case that certain 'truth' claims will prevail or it may be the case that they will not.

The philosophical framework provided by discourse ethics is said to be capable of redeeming the normative claims of both rights oriented liberalism and communitarianism. As we have seen, Cohen and Arato suggest that discourse ethics accommodates the insights of universal rights both procedurally (everyone has the right to equally engage in discursive processes concerning issues, norms etc., which effect them), and conditionally (basic rights to moral autonomy serve as the preconditions for rational discourse). Discourse

ethics also accommodates the communitarian insights concerning abstract individualism, civic virtue, shared norms and democratic legitimacy through the procedures and outcomes of rational discourse. Cohen and Arato's conception of civil society allows for the reinterpretation of negative freedom commonly associated with the liberal rights model. Rights which secure the differentiation of civil society and the autonomy of the lifeworld, not only secure negative liberty or the autonomy of private, disconnected individuals, they also secure the autonomous (free from the imperatives of the subsystems which distort our ability to develop normative and principled ideas or standpoints) communicative interaction between groups and individuals.

Thus, rights which secure the autonomy of the lifeworld and civil society, can be said to include the embeddedness of social relations. The embeddedness or situatedness of self is also accommodated within discourse ethics since, unlike other deontological conceptions of justice, discourse ethics allows or requires that participants *actually* be involved in deliberative processes. By being present and actually engaging in dialogue, through speaking for oneself, discourse ethics challenges the atomistic disembodied individual and abstractness presupposed by rights based ethics. Cohen and Arato argue that discourse ethics presupposes both the autonomy and integrity of individuals and their prior embeddedness in an intersubjective way of life.⁶⁸

Although Cohen and Arato's theory suggests that rights secure the negative and positive freedom of civil society, it is clear that they are speaking strictly about a civil society of human beings. Thus, while their conception of civil society and philosophical framework of discourse ethics captures the embeddedness of social relations, it does not explicitly capture the embeddedness of ecological relations. Ecocommunitarians insist that human freedom and a full sense of self requires acknowledging ourselves as part of, as opposed to independent from, nature. In order for Cohen and Arato's rights thesis and discourse ethics to accommodate ecocommunitarian insights, which is to capture the embeddedness of ecological relations alongside the embeddedness of social relations, and

in order for people to develop a principled standpoint with respect to nature (to see themselves as members of a biotic community) a prerequisite for rational debate, it would seem that any conception of civil society must include natural relations. Because, however, nature or natural relations exist everywhere, there is an opportunity for anyone to engage in the process of ecological self-identification. One need not live in a forest or some ecologically pristine environment to gain an appreciation of or respect for the ecological embeddedness of life.

Given, first, the ubiquitous nature of the environment, second, our incomplete knowledge of nature, and third, the fact that the value of nature ultimately comes down to the value human beings wish to assign to it (the whole notion of ethics and values are after all human constructs), rights which protect the autonomy of individual human beings and human associations from the penetration of the distorting logic of the subsystems, seem to secure, at this particular historical juncture, the necessary (though not sufficient) preconditions for those interested in the protection of nature.

This route seems to be followed by Stephen Rainbow and Ulrich Beck. Rainbow argues that having "a" vision of the environment, "a" necessary and particular change strategy, or "a" specific (utopian) vision of a sustainable-ecological society, if steadfastly maintained, has the potential to contribute to cultural leveling. Furthermore, he claims that ecotopias, such as those maintained by ecocommunitarians, raise too many imponderables, they pose a threat to human rights and fundamentally misunderstand the way in which the environmental crisis - which provides its *raison d'être* - will be resolved. He argues:

If we are to learn anything from the history of modern society in the twentieth century (from Nazism, Stalinism, or Pol Pot, for example), then the maintenance of an open society must be the primary goal of Green politics... Given the possibility that continued environmental degradation might be used to validate an autocratic political regime, it is essential that the defense of human rights becomes a core object of Green politics. This is essential not just from a human rights viewpoint, but also because it is the open society which is most likely to develop the necessary responses to the environmental crisis.⁶⁹

He states that it is already clear from a comparison of the environmental standards, policies, initiatives and lifestyles in different countries, that it is open societies, such as the Scandinavian democracies, which are taking the most concerted action to alleviate the environmental crisis and to pursue sustainable development.⁷⁰

Rainbow's comments suggest that in securing the individual and autonomy rights of human beings we secure the possibility for people to develop and pursue differing values, experiences and ideas, hence, an open society with the potential of producing creative solutions to the crises of modernity, including the environmental crisis. Cohen and Arato, as we have seen, argue similarly that individual rights to moral autonomy secure the conditions for people to develop principled standpoints and the capacity for self-reflection, without interference from the logic of the subsystems which distorts our ability to do so. Thus, in order to pursue a rational discourse concerning the protection of the environment, and because the protection of the environment ultimately rests upon the determinations of human beings, we need to secure and protect the autonomy of individual human beings, develop a discursive approach to ethics, and expand or institutionalize democratic participation within civil society as well as political and economic society.

According to Beck, it is precisely these kinds of rational discourses (among members of the public) which are necessary to counter, for example, the logic of technocracy - perpetuated by the monopoly of scientists and engineers in the diagnosis of environmental hazards and risks for society as a whole. In matters of hazards, Beck argues, no one is an expert, particularly not the experts. The effects of nuclear reactors are testable only after they are built, they cannot be pretested in a laboratory. Thus the public is in as much of a position to comment upon the effects of nuclear disasters (particularly those in closest proximity) as the experts.

Further, the threats and effects of nuclear and genetic technologies (Three Mile Island, Chernobyl, Hanau, Biblis, Wackersdorf, Exxon Valdez, and so forth) have, in themselves, taken over the roles of their own critics. Safety is measured not in terms of the

potential effects of a nuclear accident, but in terms of the likelihood of an accident. Beck states, therefore, that the most influential opponent of the threat of industry is industry itself: The power of the New Social Movements is not based only on themselves, but also on the quality and scope of the contradictions in which the hazard producing and administering industries are involved in the risk society.⁷¹ Thus, it is not just members of New Social Movements who are equipped with a critical perspective or principled standpoint from which to cultivate an oppositional force. The effects of environmental catastrophes has ensured that "[E]veryone between the Alpine chalets and the North Sea mud flats now understands and speaks the language of the nuclear critics. Under the dictates of necessity, people have passed a crash course in the contradictions of hazard administration in the risk society." ⁷²

Beck therefore proposes 'the ecological extension of democracy' which contains two interlocking principles: first, carrying out a division of powers between the producers and evaluators of hazards (Beck argues that presently it is precisely those who develop the technologies, the scientific experts and engineers, who, as an 'expert' body and according to their own internal standards, advise government officials as to the appropriate levels of risk and hazard for society as a whole); secondly, the creation of a public sphere - a public sphere which includes dissenting voices of both citizens and alternative experts. He explains:

The public sphere in co-operation with a kind of 'public science' would be charged as a second centre of the 'discursive checking' of scientific laboratory results in the crossfire of opinions. Their particular responsibility would comprise all issues that concern the broad outlines and dangers of scientific civilization and are chronically excluded in standard science. The public would have the role of an 'open upper chamber'. It would be charged to apply 'the standard: 'How do we wish to live' to scientific plans, results and hazards. ⁷³

Beck's idea of an 'open upper chamber' resembles Cohen and Arato's proposal for the expansion of democracy within political society - the development of extra-parliamentary chambers which are to mediate between civil society and the political subsystem. It is here that the needs, interests and values of civil society have the potential

to bear influence upon the steering mechanism of the political subsystem. Cohen and Arato suggest that such mediating spheres are to be secured by rights. According to Cohen and Arato's thesis, rights act as "barriers" protecting the lifeworld and civil society from the penetrating and distorting logic of the subsystems, as well, rights institutionalize "sensors" within political and economic society. Thus, rights secure or institutionalize those spheres which mediate between civil society and the subsystems - political and economic society. New mediating spheres of economic and political society, established for the purposes of the 'ecological expansion of democracy', therefore, have the potential to be institutionalized through a politics of rights since it is rights which serve to institutionalize "sensors".⁷⁴

With Rainbow and Beck, we can interpret an ecological defense of discourse ethics - of both democratic legitimacy and rights. Rainbow suggests the need to maintain if not strengthen individual rights in order to protect an open society, a society capable of providing the creative conditions and solutions to the problems of modernity and the environmental crisis. Cohen and Arato's theory of civil society suggests that the capacity for New Social Movements, including the Green movement, to formulate and organize according to autonomous normative values depends upon maintaining, if not strengthening, the autonomy of civil society. Civil society, Cohen and Arato claim, exists only where there is a juridical guarantee of the reproduction of the three spheres (state-economy-society) in the form of sets of rights. Thus, the existence and autonomy of civil society, of associational and community life, is guaranteed by rights. New Social Movements, then, presuppose or are dependent upon the autonomy of civil society, hence, rights.

Beck suggests the need to extend democracy - to institutionalize discursive practices within the institutions of civil society (and political society) - specifically for the purposes of posing questions of how we want to live or what risks, as a society, we are willing to subject ourselves to. Cohen and Arato's theory of civil society, or imminent critique of

modernity, suggests our capacity to establish "sensors" (mediating realms or 'upper parliamentary chambers') through a politics of rights. Furthermore, Cohen and Arato's conception of discourse ethics justifies the principle of the right to assert rights.⁷⁵ Thus, Beck's proposal need not be limited to risk assessment. Democratic public spheres can be established in any area or field of knowledge where human/natural relations are a concern. Within civil society, the capacity for the expansion of democratic associations is unlimited. The establishment of democratic public spheres within economic and political society, however, will likely require a strong and organized public will. Because these mediating spheres, as "sensors", would need to be secured through rights, the 'ecological expansion of democracy' can be interpreted as a struggle for 'environmental rights'.⁷⁶ In this respect, then, from an ecological perspective, we can see that rights and democracy need not be considered antithetical. In fact, they are, as Cohen and Arato maintain, complementary.

Although discourse ethics presupposes basic rights to autonomy and justifies the right to assert rights, it is clear that Cohen and Arato's reinterpretation of Habermas' discourse ethics is inherently humanistic. Thus, the downside of discourse ethics, from the perspective of animal and environmental rights theorists, is that individual or autonomy rights are meant to secure the preconditions for rational debate. Cohen and Arato argue that discourse ethics presuppose basic rights to moral autonomy. Such rights, they claim, are necessary prerequisites for people to engage in rational debate and to develop a principled standpoint. Individual rights to moral autonomy are to be defended, then, not for their own sake (as within traditional liberal rights theory) but because they secure: a) the autonomy and communicative infrastructure of the lifeworld, as well as the embeddedness of social relations, hence b) the preconditions for rational debate. Because animals and environmental entities cannot engage in rational debate, they cannot be said to be legitimate bearers of rights, in their own right.

Discourse ethics, for Cohen and Arato, also provides the appropriate discursive framework for people in civil society to determine the norms of society, say for example, norms relating to the appropriate attitudes towards animals and nature. In the course of amending and writing constitutions (for example, writing in rights for the environment or drafting an Environmental Bill of Rights) discourse ethics requires that we arrive at constitutional principles or rights by coming to agreement. Discourse ethics provides citizens with the opportunity to directly participate in democratic processes for determining and generating new rights (including rights of inclusion), norms, laws, policies, etc., since discourse ethics can justify the principle of the right to assert rights.

According to animal and environmental rights theorists, the inclusion of animal and environmental rights within the liberal model of rights, are dependent upon its conceptions of universality and neutrality. They suggest that the principles of universality and neutrality provide the theoretical and practical conditions within the institutions of liberal democracy for environmental and animal rights activists to argue for and defend, by way of analogy or anomaly, the rights of nature. Because animals, for example, are considered to hold characteristics similar to those of human beings, characteristics or "properties" said to provide the criteria for moral considerability universally applicable to all those recognized as having such properties, they can argue by way of analogy, that animals have what is required to recognize them as legitimate moral subjects. Because of an animal's capacity for intelligence or ability to have conscious experiences, animal liberationists can appeal to principles of neutrality, fairness and impartiality in order to legitimate its right to possess rights or, at the very least, its moral considerability. Thus, the principles of universality and neutrality, within the liberal rights model, provide the argumentative basis for the inclusion of animals and (potentially) environmental entities.⁷⁷

Within discourse ethics, however, universality does not mean neutrality with respect to a plurality of values or forms of life but rather refers to metanorms of symmetric reciprocity that are to act as regulatory principles guiding discursive practices of conflict

resolution. Universality is a regulative principle of discursive processes which provides participants with the opportunity to reason together about which values, principles and need interpretations merit being institutionalized as common norms. The point of discourse ethics and the principle of universality it maintains, is to challenge the atomistic disembodied individual presupposed by rights based ethics since, rather than abstracting from one's concrete situation or needs interpretation, these are to be freely articulated by those involved in the discursive processes. Thus, Cohen and Arato attempt to provide a communicative (or democratic) basis for legitimating norms or principles for members of civil society. No norm, they claim, is to be considered valid from the outset: "[O]nly an actual, practical discourse cooperatively engaged in by all participants potentially affected by the norm under discussion can lead to a rational consensus on its validity." ⁷⁸

What discourse ethics attempts to provide is an opportunity for people to represent themselves, their needs interpretations and their realities, within processes for developing norms of social interaction and processes for resolving norms under dispute. The norms agreed upon are valid on the basis of their having been the product of actual dialogue and participation, as opposed to being legitimated on the basis of an appeal to some abstract principle interpreted and defended by representative individuals.

It is obvious that animals and environmental entities cannot speak for themselves. Thus, the dimensions comprising the framework for discourse ethics excludes those incapable of speech and action from participating in the determination of norms, although they may potentially be affected by the norms under consideration or dispute. If the establishment of rights, norms, laws etc., requires that those effected be present so as to present their position and to be persuaded by others, then discourse ethics can only accommodate arguments for environmental rights, norms, laws etc., as they relate to the specific individuals (human beings) present. We could not, within the protocol of discourse ethics, argue for the rights of animals or environmental entities, in their own right, since the principles of universality and

neutrality now relate to the procedural norms guiding discursive processes among actual participants. This does not however, preclude the possibility of determining the need for environmental rights, as I have maintained above. It only suggests that there are limits to which environmental rights can encapsulate the rights of nature, in their own right.

Eckersley challenges deliberative forms of democracy precisely on the basis of their inability to provide for the protection of environmental entities, in their own right. She argues that only those environmental interests which coincide with human interests have an opportunity to be presented and debated within deliberative practices. Not all environmental interests, however, are reducible to human interests. She claims, despite the attractiveness of the case for deliberative democracy:

It does not attempt to restructure the ground rules of decision making to provide any explicit protection or recognition of nonhuman interests. That is, it is generally assumed that debates and decisions about generalisable human interests will effectively incorporate nonhuman interests. Yet these interests are not identical'. Only those aspects of the nonhuman world that have a bearing on general human welfare need be considered. Nonhuman species that have no apparent use to humans could quite reasonably be considered dispensable and their habitats destroyed on behalf of generalisable human interests (the possibilities of potential human benefit in the future could be dealt with via preservation ex situ in gene banks).⁷⁹

To fill this gap, she suggests that some kind of guardianship or trusteeship, some institutional form whereby citizens are able to determine and fulfill a human fiduciary responsibility or duty towards nonhuman beneficiaries who cannot represent themselves in the public arena, should be established.

It is difficult to see how discourse ethics can accommodate this suggestion given that it tries specifically to get away from representing interests and needs, preferring instead, that people speak for themselves - to define and represent their own interests and needs. Discourse ethics provides the opportunity for people to contribute, (in actuality), in processes aimed at generating rights, norms, policies, laws etc., for civil society.

Discourse ethics gets us away from dealing with rights in the abstract. The representation of interests within classical liberal rights theory, in both deontological and utilitarian forms, requires a certain amount of abstraction and speculation regarding human nature and human interests.⁸⁰ Discourse ethics, by requiring that individuals be present in order to define and (re)present their needs and to engage in actual reciprocal dialogue towards the formation of consensus, provides the conditions by which people themselves can make collective choices. Rather than being aggregated on the basis of some perceived view of human nature and human interests, norms or collective choices are reached through actual dialogue, actual reciprocity and actual consent. For those able to participate in such deliberative processes, discourse ethics overcomes some of the problems with respect to the representation and interpretation of their needs and interests. At the same time, however, discourse ethics effectively cuts off, if not delegitimizes, second hand (representational) forms of interpretation and representation.

I would like to suggest, this is only a problem if we are limited to representing the interests of the environment as Eckersley suggests, via guardians. The appointment of guardians is problematic within discursive processes and for discourse ethics since such guardians are not actually natural entities and thus cannot speak as natural entities, rather, guardians are representatives who attempt to speak on behalf of what they perceive (or assume) the interests of the environment to be. However, if we were to substitute the notion or role of the guardian with that of the notion offered by ecocommunitarianism, such a problem no longer exists. The basic idea among ecocommunitarians is that within ecological communities, human beings become members, rather than conquerors (or even representatives), of the biotic community. As members, their norms, behaviours, needs and interests are defined by or in relation to those of the biotic community.

This concept, applied to discourse ethics, suggests the capacity for people to enter discursive practices and to defend the interests of the environment, *as members of the biotic community*, as opposed to merely representatives. It is in this sense that discourse ethics

can accommodate the primary concern of ecocommunitarians which is to re-establish or identify ourselves as 'part of' nature thereby recapturing the embeddedness of social and ecological relations, while at the same time respecting the universal autonomy rights of individuals and groups to develop principled standpoints, including an ecologically oriented self-identification, and their rights to engage equally, as members of a biotic community, in the determination of norms and values.

To connect as a member of a biotic community, as I have stated above, need not be conceptualized in a narrow sense - as someone or a group of people attempting to live closer to the elements, in the woods or some such "natural" environment. To live as a member of a biotic community can simply mean identifying oneself, in a psychological sense, as a natural being - as part of and dependent upon, as opposed to above, separate or independent from, nature. Anyone, at any time and place, can come to appreciate the interconnectedness of life. Furthermore, some Greens suggest that the act of speaking as nature (as animals, for example) may be useful in that it reinforces the idea that humans *are* animals. Catriona Sandilands states, for example,

The recognition of the human being *as* an animal is the goal of ecological theorists who locate human existence within complex, ecospheric interactions. The construction of human beings as part of nature who happen to speak is also the goal of ecophilosophers who would have us reconnect to the natural aspects of ourselves as a way out of the ecological crisis, as a way of finding "speech" for non-speaking nature... The speech of human beings as nature - not over and above other species, but as part of the ecosphere - is seen as a way of reconnecting both to the nature outside and to the natural parts of ourselves that have been suppressed through centuries of environmental devaluation and degradation.⁸¹

Within a discourse ethics situation, the act of speaking as a member of a biotic community not only allows us to introduce "speech" pertaining to environmental preservation, it encourages, if not presupposes, that people begin to identify themselves as part of nature or a larger natural order. It does not require, however, that one's identity be fixed. Discourse ethics, can provide people with an opportunity to understand one another's realities and standpoints as well as to challenge them and create new standpoints.

There is no pretense within discourse ethics that we are searching for the truth and that through discussion or rational debate that we can come to determine or "know" the truth. Rather, discourse ethics appreciates that "truth", "identity" or "subject" are contingent. The point of discourse ethics is not necessarily to determine "truths", but to develop or construct norms, values, policies, laws, and so forth, for the purposes of social cohesion.

In short, while Cohen and Arato's conception of discourse ethics recognizes this (discourse ethics presupposes negative and positive freedom or the rights to individual autonomy and collective identification, and therefore respects the subjectivity and historical specificity of cultural pluralism) it also recognizes that in complex societies there is a need for stability, hence, common laws, policies, rules, norms etc. which are to be mutually determined by all those potentially effected. Thus, discourse ethics, as a philosophical basis for democratic legitimacy and rights, does not abandon us to the disintegrative tendencies commonly associated with rights. Although discourse ethics presupposes autonomy rights, it also emphasizes the communitarian insights pertaining to the social core and civic responsibilities of human beings.

There are, then, a number of positive aspects to discourse ethics and Cohen and Arato's rights thesis, from an ecological, if not environmental rights, perspective. First of all, as Beck points out, citizens are becoming increasingly aware of the environmental risks and hazards to which they are exposed. That we are in an era of 'ecological enlightenment' brought about by the obvious effects of the nuclear, chemical and genetic age, brings him to endorse the 'ecological expansion of democracy'. This suggests that we can expect increases in the likelihood of environmental concerns and perspectives being present in any deliberative setting which provides citizens with the opportunity to debate and determine common norms, policies, laws, values and so forth.

Secondly, rights which secure the autonomy and associational dimensions, hence communicative rationality, of the lifeworld, are a prerequisite for the challenges posed by many New Social Movements - the replacement of oppressive, traditional and discriminatory norms, beliefs, identities, including the dominant cultural patterns in society which support human domination over nature.

Further, Cohen and Arato's resolution of the antinomies between rights-based liberalism and communitarianism as we have seen involves two concepts; civil society and discourse ethics. The concept of civil society is said to allow for the reinterpretation of the rights thesis so as to encapsulate the notion of community. They argue that by recognizing 'civil society' or the associational spheres within the lifeworld, rights which traditionally have been interpreted to protect private enterprise or mere atomistic interests, can be seen to include those areas of communication and public or associational elements aimed at the reproduction of the lifeworld based upon communicative action. Thus, Cohen and Arato's conception of rights which protect the autonomy of civil society by securing the boundaries between the lifeworld and the subsystems are said to now protect communities and associations, as opposed to merely (possessive) individuals engaging in market activity.

Although within Cohen and Arato's version, rights which serve to protect communities and associations within the lifeworld do not extend to environmental communities comprised strictly of environmental entities, it is possible for them to extend to the protection of "ecocommunities" comprised of human beings attempting to live in harmony with nature. Eckersley claims that ecoanarchists are less concerned with bringing about general economic and political change (at least in the first instance) and more concerned to facilitate cultural renewal by establishing exemplary ecological communities within the 'shell' of existing society. These communities are established by encouraging people to exercise existing political and economic freedoms.⁸² Cohen and Arato's conception of rights would allow for and potentially strengthen the ability of people to engage in such alternative modes of living.

Arguably, ecological communities are concerned with cultural renewal founded upon a fundamental respect for nature, social integration based upon the belief that humanity and nature are not separate but are intimately bound to one another, and socialization based upon the belief in the interconnectedness of all life whereby seeing oneself as a part of nature (as part of the biotic community) is necessary to one's self-realization. If ecological communities, particularly their means of communication and coordination, is based upon their interconnection with nature, then such communities could potentially argue for their autonomy based upon their rights to cultural reproduction, social integration and socialization - the three complexes of rights Cohen and Arato claim should take primacy within constitutions of liberal democracies. The defense of these rights, however, must be recognized within the concept of self-limiting radicalism. Thus, ecocommunitarians or ecoanarchists must not go beyond the first instance since their ability to exercise rights which protect their means of coordination presupposes the differentiation of the lifeworld and the subsystems.

Cohen and Arato's theory of rights seems to provide a basis from which those human beings concerned to live in concert with nature can claim and exercise their rights to do so. Furthermore, the exercise of such rights may require the preservation or conservation of the environment. Ted Benton argues that the preservation of the "embeddedness" and "embodiment" of natural or ecological relations requires establishing basic environmental rights for human beings.⁸³ Benton claims that if we are to give moral priority to the autonomy and integrity of human beings (and I would include human associations) we must also give moral priority to the material and ecological conditions that enable that autonomy to be exercised. Autonomy, he argues, is not merely the result of negative rights and freedoms, but rather, of positive rights which ensure the satisfaction of the material conditions necessary for the social, bodily and ecological prerequisites of life. Benton proposes that basic environmental conditions be postulated as rights grounded in the human requirement for a physically situated sense of self. Such environmental rights

would "extend to the preservation of the ecological integrity of a sufficient geographical terrain for the living of that social life".⁸⁴

Within Cohen and Arato's conception of rights, social rights are one type of rights meant to secure the preconditions for their three complexes of rights. They state, the basic rights of communication and personal autonomy would have priority over all political, economic and social rights, which would constitute only their prerequisites.⁸⁵ Such rights, however, must be the result or content of consensus. Thus, ecocommunitarians, or anyone wanting to defend an ecological orientation, lifestyle, perspective, identity, organization and so forth could potentially argue, within discursive processes, for positive environmental rights, which would protect or preserve the ecological integrity of a sufficient geographical terrain, as a prerequisite for the exercise of their basic rights.

Thirdly, with discourse ethics, questions concerning the value of nature no longer presuppose a 'true' understanding or knowledge of nature, hence the appropriate scope of a particular biotic or ecological entity. Discourse ethics provides an opportunity for people to determine and assert 'new rights'. Within a discursive situation, the members involved come to define the community - they define the 'we'. It is within these contexts, then, that we can come to understand and create a context for the elaboration of the circumstances in which rights ascriptions might be appropriate in a world of nested communities with soft and overlapping social and ecological boundaries.

Further, the 'we' created within a discursive situation (the actual participants come to form the collective 'we'), can come to be defined in a variety of ways. Participants entering as members of a biotic community (those who are there to present environmental interests), can arguably be said to be at a distinct advantage to the extent to which environmental interests are in fact in all our interests. Thus, if it is true, as many environmentalists and ecologists argue, that a healthy environment is in all of our interests

or necessary to our psychological development, presumably they will be in a strong position to argue and present their position formulated as a 'we', hence to determine the 'we' of a given discursive situation (whether within the institutions of civil society responsible for the reproduction of culture, or political and economic society) from which norms, policies, laws etc., can follow. Beck certainly maintains this advantage of environmental politics:

Nuclear contamination ... is egalitarian and in that sense 'democratic'. Nitrates in the ground water do no stop at the general director's water tap. All suffering, all misery, all violence inflicted by people on other people to this point recognized the category of the Other - workers, Jews, blacks, asylum seekers, dissidents and so forth - and those apparently unaffected could retreat behind this category. *The 'end of the Other', the end of all our carefully cultivated opportunities for distancing ourselves, is what we have become able to experience with the advent of nuclear and chemical contamination.* Misery can be marginalized, but it is no longer true of hazards in the age of nuclear, chemical and genetic technology. It is here that the peculiar and novel political force of those threats lies... It may be true that in the storm tide of threat 'we' are all in the same boat.⁸⁶

Conclusion

To summarize, within Cohen and Arato's reformulation of the rights thesis premised on their conception of civil society, rights secure the autonomy of individuals as well as the associational and collective dimensions of the lifeworld. Basic rights to autonomy and communication serve as a precondition for rational debate and provide the potential for Greens to establish an ecological standpoint through securing the negative and positive freedoms of civil society. They can also arguably secure the rights of those attempting to live as members of a biotic community. Cohen and Arato's theory satisfies ecocommunitarian interests because they are free to set up their exemplary communities and to argue for the security and/or autonomy of such communities because communities and associations are at the core of their conception of rights. With discourse ethics, Greens are in a position to persuade others and influence the determination of norms which affect nature by entering the dialogue as members of biotic communities. The principles of universality and reciprocity allows the interests and standpoints of Greens to be considered.

With Cohen and Arato's synthesis, however, we cannot argue for rights for the environment, in their own right, since they cannot be said to meet the preconditions for the ascription of 'basic rights'. We can, however, claim positive environmental rights for the protection of the ecological integrity of a sufficient geographical terrain, since such rights can be said to provide the prerequisite for the exercise of basic human rights to cultural reproduction, social integration and socialization. Furthermore, Cohen and Arato claim that individual rights and associational rights are central to their catalogue of rights. Strengthening these rights, Rainbow suggests, are necessary in order to secure the preconditions for the creative source and possible resolution of environmental degradation. The extent to which democracy is institutionalized and extended within civil, political and economic society, will, however, determine the extent to which Cohen and Arato's theory of civil society (rights and discourse ethics) can be successfully implemented and utilized. What this suggests, then, as was one of the central points of the previous chapter, is that members of civil society and New Social Movements must work towards the institutionalization and expansion of democracy within civil society, as well as economic and political society.

CONCLUSION

Summary of the Chapters

Cohen and Arato's theory of civil society is premised upon an immanent critique of modernity. They offer a view of modernity that does not confuse its negative aspects for the whole. Fundamental to their optimism is the belief that in the process of modernization, as the economy and state developed into separate subsystems, the rational and communicative potential of civil society was unleashed. This view of modernization affords a dualistic model for contemporary social and political theory - a model which challenges the reductionist view of civil society as synonymous with economic society as well as conceptions of modern society viewed as a totality implicated in a singular logic.

Cohen and Arato argue, following Habermas, that modern societies cannot be viewed as a totality based upon a singular logic. Rather, modern societies are split into separate realms, the lifeworld and system, which are integrated on different basis according to distinct logics. The lifeworld, including civil society, is the realm of social and personal relationships integrated on the basis of communicative logic or rationality. To it, is counterposed a system ordered on the basis of non-linguistic steering-media (money and power). Those spheres contained within the realm of the system are the state and economy.

Cohen and Arato's model of civil society, I have argued, challenges Green views of modernity which posit the singularity of the logic of industrialism and concludes therefore that civilization needs to be unmade and replaced by one premised upon a fundamental respect for nature. I have argued that a total rupture of modern society is unlikely for several reasons: New Social Movements reveal a diversity of social or political interests and identities which suggests there is no one revolutionary subject or identity; the politics of New Social Movements are oriented towards civil society (civil society is a terrain and site for change) and thus are not necessarily or primarily oriented to the state and economy;

changes with respect to the state and the economy involve politics of 'inclusion' and 'influence', as opposed to fundamental restructuring or complete abolition; furthermore, according to Ryle, contemporary industrial methods such as factories represent immense savings in time and moreover give us products which few would be willing to dispense with; finally, according to a members of a faction known as the "Realos" within the West German Green Party, there is no strategy for the realization of a qualitatively different kind of society as advocated by Green fundamentalists, the "Fundis" who desire the dissolution of industrial society.

In this thesis, I have attempted to argue not only that a rupture of modern society is unlikely, but that such a desire may be found wanting given the possibility of radical reform represented by Cohen and Arato's theory of civil society. Thus, this thesis has attempted to explore the implications of Cohen and Arato's concept of civil society and dualistic framework for contemporary Green social and political theory. In Chapter Two, I have argued that the radical Green democratic vision essentially misunderstands the relationship between democracy or the expansion of democracy, the preconditions for the influence of Green values, and the structural presuppositions of modern society. The radical Green democratic vision wants to replace, rather than complement, the undemocratic forms of elite democracy, by opening up the entire range of administrative and economic institutions to the public. The idea is to extend the organizing principle of democratic participation into all spheres of society thereby threatening the structural differentiation of modern societies along with administrative and economic efficiency.

I have argued, according to Cohen and Arato's thesis, that the potential for the expansion of democracy and the capacity for Green values to have influence, is maintained through structural differentiation, not dedifferentiation. Cohen and Arato have suggested that civil society, as it is organized on the basis of communicative rationality, is the most realistic and compatible terrain for the expansion of democratic participation. Cohen and Arato have also claimed that civil society is a necessary site for cultural and social reform. Dominant cultural norms and forms of social organization that are exclusionary,

hierarchical, discriminatory, and so forth are maintained within many of the institutions of civil society due to the expansionary tendencies of the subsystems which serve to 'colonize' the lifeworld. The expansion of democracy within civil society is therefore a project of 'decolonization'. Through the expansion of democracy within civil society, we can replace existing forms of social organization with communicatively achieved ones.

Furthermore, the democratization of civil society is necessary in order offset further 'colonization' resulting from the continued penetration of systems rationality into the lifeworld. The ability of the Green movement to lodge its normative critiques against the activities of both the subsystems and the lifeworld; to develop principled standpoints and to formulate Green values; to engage in various forms of collective action, and; to present resolutions to the problems of environmental degradation (without interference from the competing rationality of the systems and the imperatives of money and power), presupposes the priority of communicative rationality within, and the autonomy or differentiation of, civil society. Thus, the capacity to affect "real" change - to transform the dominant cultural patterns in society - requires that New Social Movements, like the Green movement, engage in the greater or prerequisite goal of the defense of the autonomy of civil society. Therefore, the potential of civil society, indeed the "utopian horizon of civil society", consists of the possibility of expanding democratic participation within civil society in place of imposing this organizing principle on all of society.

Moreover, Cohen and Arato have argued that attempts to radically democratize the state and economy are normatively indefensible because to do so would overburden the democratic process, discrediting it and opening it up to subversion by covert, unregulated strategic action. Thus, rather than to open up the economic and administrative realms to direct participation, Cohen and Arato suggest expanding the institutions of political and economic society. The creation of formal spheres of influence "receptors", extra-parliamentary chambers and unions for example, provides members or organizations within civil society with an opportunity to bear influence on the subsystems. Formalizing

participation in this respect allows the subsystems to maintain their integrity, both in terms of efficient steering performance and in terms of legitimacy.

According to Greens such as Robert Paehlke and John Dryzek, formalizing participation in civil and political society, that is, external to, rather than formally within, the state, has certain distinct advantages. Paehlke speaks of the problems with internally democratizing state institutions or bureaucracies. He suggests that one problem is that it is generally up to, and within the power of, the particular government agency to structure and in effect control public involvement.¹ Dryzek points out a second concern: there is a tendency for those who are involved in setting up and working within these structures, although coming from the 'outside' (for example, environmental advocacy groups), to become concerned with efficiency and co-ordination as demanded by the logic of state agencies thereby moderating their objectives.²

In the alternative to internal organized public participation, Paehlke supports the use of Royal Commissions (speaking here in the Canadian context) and other similar public forums, whose functions seem to correspond to Cohen and Arato's concept of mediation.³ Rather than to seek to coordinate the state on the basis of communicative or democratic rationality or to implant within the state a permanently organized realm of public participation, I believe that Paehlke's suggestion seeks what Cohen and Arato would define as an attempt to create and expand the receptor's of influence within political society. The benefit of this strategy, on Paehlke's account, is that through their autonomy and indirect relationship to the state, environmentalists can control and remain exclusively committed to their objectives. The alternative for Dryzek consists of an autonomous public sphere which seeks to exert influence over the economic and administrative subsystems:

The answer, it seems to me, is that discursive designs should seek immunity from the state - and so from capital and the market...Discursive designs could be located within and help constitute an autonomous public sphere, separate from but confronting the state... Today, an autonomous public sphere would be faced with the task of discursively constructing challenges to the state... The establishment of a public sphere of this sort does not, of course, bring with it the abolition of the administrative state. However, this establishment does

mean that the pressures upon the state from its capitalist and/or market context would be counterbalanced by the challenges from the public sphere.⁴

Thus, both Dryzek and Paehlke recognize certain problems with democratizing the state from within. Greens need to maintain a level of autonomy from the state in order to retain a commitment to Green values and to discursively construct challenges to the state. Dryzek indicates that a significant problem with the state is the overall economic orientation in which decisions are made. Thus, the purpose of a public sphere of the sort envisioned here is not to govern or take over from the administrative state, rather its purpose is to bear influence on it according to discursively constructed norms.

Cohen and Arato's theory of civil society opens up certain distinct possibilities for a resolution between radical and elite Green democrats. It retains a commitment to the normative core of democratic theory while remaining compatible with the structural presuppositions of modern society. It provides a unique understanding or rationale for the necessary connection between Green values and the expansion of democracy and suggests the possibility of "limiting" economic expansion. It also suggests that Greens or New Social Movements should not seek to undermine the competitive party system. Thus, although Cohen and Arato see the state as an administration run according to the imperative of power, and further, see the state as necessarily a liberal institution (their theory of civil society presupposes a liberal democratic state), by sanctioning the competitive party system there is an implicit recognition of partisan interests.

Thus, Green Parties with a particular bias towards the environment, according to Cohen and Arato's position, would have the power to implement Green policy objectives if elected to office. Though theorists like Goodin suggest that once in office Greens would be in a position to implement their substantive agenda, just how extensive those changes would be depends upon a number of factors: a) public support for Green values - the platform which gets them elected to office should theoretically be that which informs their policies once in office otherwise their success may be fairly short lived. Any platform, no matter how radical, presupposes public consensus. Thus, if Greens expect to make

substantive changes yet remain true to their election campaign, substantive changes can only be a result of public consensus. This means that the majority of the public is ready for, or has at least endorsed the need for, substantive changes; b) the existing checks and balances of the democratic, parliamentary system - the success of Green policy objectives presupposes that policy recommendations will get by parliament. If Greens are elected to office by an overwhelming majority and therefore hold a majority of seats in parliament, this will obviously be less of a problem. But that is precisely how elite democracies are supposed to work, through the public sanctioning of a particular party.

Because, however, Greens are aware of the overall economic orientation in which administrative decision are made given that the state, no matter how Green, is dependent upon money and revenue, Green Parties cannot be expected to resolve all the problems of environmental degradation or the exploitation of nature. Thus, the politics of the Green movement do not begin and end with the state. Rather, the politics of the Green movement must necessarily begin with the public and thus the realm of the lifeworld and civil society. The expansion of democracy within civil society, I have argued, appears to be an important, if not necessary, first step or precondition for the influence of Green values.

In Chapter Three, I argued that Cohen and Arato's reconceptualization of civil society and Habermas' discourse ethics can open up new possibilities for a resolution to the antinomies plaguing the debates between animal and environmental rights theorists and ecological communitarians. According to Cohen and Arato's reformulation of civil society, rights secure the autonomy (negative freedom) of individuals as well as the associational and collective dimensions (positive freedom) of the lifeworld. Thus, rights do not merely constitute an exclusively private domain freed from the state, on the contrary, rights to communication, assembly and association constitute the associational spheres of civil society as spheres of positive freedoms. Rights, then, serve to protect the autonomy of the individual and collective socialization of the members of civil society. Because rights serve to institutionalize, and secure the autonomy of, civil society, rights protect the

potential for Greens to establish an ecological standpoint immune from the distorting logic of the subsystems.

Cohen and Arato's theory captures the embeddedness of social relations. According to Cohen and Arato, discourse ethics presupposes both the autonomy and integrity of individuals and their prior embeddedness in an intersubjective way of life. Furthermore, discourse ethics presupposes cultural pluralism. One could say that the whole point of discourse ethics is to provide a situation for the articulation and resolution of different norms in a society which is culturally heterogeneous and in which there is a lot of fluidity among and between various groups and/or individuals. Free and voluntary association within and between various groups as secured by basic autonomy rights, provides the preconditions for rational discourse - the ability to articulate a perspective, value, interest or need from a principled standpoint, and the ability to understand, appreciate or challenge the articulations of others.

With discourse ethics, then, Greens are in a position to persuade others and influence the determination of norms which affect nature by entering the dialogue as members of biotic communities. The principles of universality and reciprocity allows the interests and standpoints of Greens to be considered. Their success depends upon the extent to which they can create a 'we' in a given discursive situation.

With Cohen and Arato's synthesis, however, we cannot argue for rights for the environment, in their own right, since they cannot be said to meet the preconditions for the ascription of 'basic rights'. We can, however, claim positive environmental rights for the protection of the ecological integrity of a sufficient geographical terrain, since such rights can be said to provide the prerequisite for the exercise of basic human rights to cultural reproduction, social integration and socialization.

Furthermore, Cohen and Arato claim that individual rights and associational rights are central to their catalogue of rights. Strengthening these rights, Rainbow suggests, is necessary in order to secure the preconditions (an open society) for the creative source and

possible resolution of environmental degradation. The extent to which democracy is institutionalized and extended within civil, political and economic society, will, however, determine the extent to which Cohen and Arato's theory of civil society (rights and discourse ethics) can be successfully implemented and utilized. Thus, according to Cohen and Arato's theory of civil society, the relationships between Green values, structural differentiation and the expansion of democracy, and the relationships between rights, democracy and community life or associationalism are compatible, if not existentially interdependent.

Recommendations for Future Explorations of Civil Society Theory

Perhaps the most significant, yet controversial, aspect of Cohen and Arato's theory of civil society for Green theory is their conceptualization of limitation with respect to the expansion of the subsystems. Although Greens are typically concerned with the harmful consequences of unsustainable economic growth and alienating bureaucratic forms, hence, the expansion of the two subsystems, the 'limits to growth thesis' underscores the primacy of the critique of economic expansion. Greens characteristically believe that the capitalist economy is inherently problematic in that it is dependent upon growth and/or expansion.

Cohen and Arato concede the fact that the capitalist economy is steered by the imperative of money and that economic efficiency requires its relative autonomy from social or normative concerns. The economy, they argue, has a logic of its own - it is contained within the realm of the system and therefore operates on the basis of systems logic. They also argue that the categories of subsystem and lifeworld indicate only where the weight of coordination lies and therefore that the state and economy are not totally closed to the possibility of communicative logic, hence democratization and influence. (However, the debate over how much and which forms of democratization are desirable in the subsystems must grant in each case the necessity of systems maintenance.) Thus, the democratization of economic society offers the possibility of influencing the economy.

The democratization of civil society, however, offers the possibility of limiting the economy and is therefore the strategy which seems to coincide with the specific goal of the Green movement to limit economic expansion. In the Introduction of this thesis, I argued that Green theory conforms to rather than challenges the existing dialectics of contemporary social and political theory. I also indicated that Green theory nonetheless does offer something new: an essential recognition of ecological limits. One question with which this thesis has been concerned is whether or not Cohen and Arato's theory of civil society sufficiently addresses ecological limits. I have argued that to some extent it does.

It is clear that Cohen and Arato want to limit economic expansion from penetrating the lifeworld and civil society. I have already discussed the significance of this for Green theory in terms of transforming dominant cultural patterns and forms of social organization which contribute to the domination and/or exploitation of nature. Furthermore, I have argued that the goal of reducing consumption and the adaptation of post-materialistic values, are achievable within the realm of the lifeworld and civil society. Thus, one way of limiting the expansion of the economy within the lifeworld is by limiting existing patterns and levels of consumption. I believe, moreover, that this strategy can help to limit economic expansion from penetrating the realm of the natural world. This, however, appears to be an unintended consequence of Cohen and Arato's theory of civil society.

I have suggested in Chapter Two, that Cohen and Arato's conception of civil society is inherently humanistic given that civil society is viewed as a sphere of communicative rationality. Thus, it is the realm of human associations which are to be protected from the further encroachment of the economic subsystem. Though I have interpreted Cohen and Arato's rights thesis to include positive environmental rights as prerequisites for the exercise of certain human freedoms or positive associations and therefore that a certain amount of geographical terrain can be preserved under this auspices, the fact that the logic and integrity of the capitalist economy is to be maintained, suggests an acceptance of economic expansion. How, then, can Cohen and Arato posit the possibility

of limiting the economic subsystem at the same time as respecting the integrity, logic and steering mechanism (money) of the economy dependent as it is upon expansion?

There are several ways of responding to this question. One way is to suggest that Cohen and Arato do not equate the logic of the capitalist system with, or see it as dependent upon, economic expansion. Another is to suggest there is an inherent contradiction in their theory. A third suggestion is that economic expansion is to be limited from penetrating civil society yet unlimited from penetrating the rest of the natural world.

I recommend, then, that further explorations of Cohen and Arato's work which undertakes to consider its implications for Green theory, needs to address this question. I would like to stress, however, that such a question does not reduce the significance or capacity of their concept of civil society to resolve those antinomies within Green theory which conform to pre-established debates within contemporary social and political theory generally. The fact that Green theory conforms to rather than challenges these debates suggests that the essential recognition of ecological limits on behalf of Greens has not penetrated their theories to the degree they imply.

It is clear from my reading of the Green literature, that Greens typically work with an impoverished, if not completely omitted, conception of civil society. I believe that such an omission severely undermines their ability to get beyond these debates and potentially, to sensitize the 'discourse on civil society' to the essential recognition of ecological limits. While I believe, and hope to have proven, that Cohen and Arato's theory of civil society does to some extent pose the need to limit economic expansion (at least from within civil society) the more ambiguous aspects of their theory concern changes with respect to the state and economy, both of which seem to be dependent upon economic expansion, and thus economic expansion into the realm of nature.

END NOTES

NOTES TO INTRODUCTION

¹ Like Marcel Wissenburg in Andrew Dobson and Paul Lucardie (ed) The Politics of Nature, Routledge, London and New York, p.3, I will use the word 'Green' to denote all variants of the environmentalist and ecologist persuasions. The reasoning for this should become obvious throughout the course of this thesis, but for now I shall explain that because I believe the concept of civil society can provide a framework which is inclusive of (and which challenges) a number of various Green positions, the concept of civil society also challenges the usage of Green versus green terminology and the bases of this distinction. For this distinction see, Andrew Dobson, Green Political Thought, Unwin Hyman Ltd., London, England, 1990, p. 205.

² Christopher Pierson provides a general overview of Green critiques of modernity (capitalism and the welfare state) in Beyond the Welfare State?, The Pennsylvania State University Press, University Park Pennsylvania, 1991, pp.92-98.

³ Jean Cohen and Andrew Arato, "Civil Society and Social Theory", Thesis Eleven, no. 21, 1988, p.48.

⁴ Jean Cohen and Andrew Arato, Civil Society and Political Theory, The MIT Press, Cambridge Massachusetts, 1994, p. 539.

⁵ Ibid, p. 439.

⁶ Ibid, p. 449.

⁷ Jonathan Porritt, claims that Green political theory departs from or goes beyond the traditional left-right spectrum. For example, communism and capitalism are "[B]oth dedicated to industrial growth, to the expansion of the means of production, to a materialist ethic as the best means of meeting people's needs, and to unimpeded technological development." in Andrew Dobson, Green Political Thought, Unwin Hyman Ltd., London, England, 1990, p. 29.

⁸ Jonathon Porritt, Seeing Green, Oxford University Press, England, 19xx, pp. 216-217.

⁹ Martin Ryle, Ecology and Socialism, RADIUS, London, 1988, p.12.

¹⁰ Jonathon Porritt, for example, believes that we need to supplant the 'paradigm of industrialism' with the 'paradigm of ecologism'. Andrew Dobson and Paul Lucardie, The Politics of Nature, Routledge, London and New York, 1993, p. 65.

¹¹ Ibid.

NOTES TO INTRODUCTION CON'T

¹² According to Andrew Dobson, the liberal (political) institutions of modern society are, for example, incapable of accommodating Green principles, such as participatory democracy. The nature of these institutions is exclusionary - they must necessarily exclude full or direct citizen participation. According to Murray Bookchin, the capitalist economy is impervious to Green values - the modern market place has imperatives of its own - the direction it follows depends upon the "laws" of supply and demand, grow or die, eat or be eaten.

¹³ Michael Saward, "Green Democracy?", in Andrew Dobson and Paul Lucardie, The Politics of Nature, Routledge, London and New York, 1993, p. 64.

¹⁴ Jean Cohen and Andrew Arato, 1994, p. 439.

¹⁵ Ibid.

¹⁶ Jane Jenson, "All the World's a Stage: Ideas, Spaces and Times in Canadian Political Economy", Studies in Political Economy 36, Fall 1991, p.48.

¹⁷ Murray Bookchin, "Social Ecology", in Michael Zimmerman et.al (ed.), Environmental Philosophy, Prentice Hall, Englewood Cliffs, New Jersey, 1993. p. 370.

¹⁸ Marcel Wissenburg in Andrew Dobson and Paul Lucardie (ed) The Politics of Nature, Routledge, London and New York, 1993, p.5. Wissenburg argues that Greens blame capitalism, industrialism, consumerism or humanism, egoism or individualism, without due regard for the structure of society, and therefore believe that the only way to save off ecological disaster is if we develop a new way of life, an alternative society and social consciousness.

¹⁹ Both Robert Goodin and Andrew Dobson are examples of prominent Green theorists who analyze and propose Green political theories which conform to this framework. See, Robert Goodin, Green Political Theory, Polity Press, Cambridge, UK, 1992, and Andrew Dobson, Green Political Thought, Unwin Hyman Ltd, London, 1990.

²⁰ Martin Ryle, Ecology and Socialism, RADIUS, London, 1988, p. 12.

²¹ The Oxford Dictionary defines an antinomy as, "a contradiction between two beliefs or conclusions that are in themselves reasonable; a paradox." The philosophical debate concerning antinomies centers on the question of whether or not antinomies can be resolved. According to Kant, an antinomy involves two incompatible answers to a question, both of which claim to be true. Kant saw contradiction as a negative criteria of truth: no two contradictory positions could both be true. Thus, he believed that antinomies could not be resolved, other than by perhaps determining or proving the truth or superiority of one position over that of the other. Hegel, conversely, believed that antinomies could be resolved. The appropriate solution to an antinomy, for Hegel, was to move to a new and higher concept or 'truth'. The resolution of antinomies does not involve a compromise, rather, it involves a higher, or more objective understanding. The process by which antinomies are resolved is commonly referred to Hegel's dialectic. Hegel's dialectic involves three steps: thesis, antithesis and synthesis. With the thesis, one or more concepts or categories are taken as fixed, sharply defined and as distinct from each other. This is the stage of understanding. The antithesis develops when we reflect on such categories and one or more contradictions emerge in them.

NOTES TO INTRODUCTION CON'T

This is the stage of dialectic proper; of dialectical or negative reason (critique). The synthesis is the result of this dialectic; a new higher category, which embraces the earlier categories and resolves the contradiction involved in them. This is the stage of speculation or positive reason. This new category or the synthesis is considered a 'unity of opposites'.⁽⁸¹⁻⁸²⁾ The new concept (the synthesis) usually involves a contradiction of its own (becomes a thesis in and of itself) and so thought, for Hegel, proceeds by successively revealing and overcoming contradictions until it arrives at the (infinite) absolute idea which is free of the sort of contradiction that generates further movement. What Hegel emphasized was that thought moves and that contradiction, rather than bringing knowledge to a halt, acts as a positive moving force in human reasoning. It is not simply the case that one side (the antithesis or critique) can challenge the truth of the other (the thesis) because, in the case of antinomies, both the thesis and antithesis are true. The thesis and antithesis, therefore, find their unity in a higher 'synthesis', 'truth', or 'idea'. Thus, progress and the attainment of truth requires resolving antinomies, since they lead us to the next stage of contradiction, and to the next, and eventually to the (infinite) or Absolute Idea.

²² Jean Cohen and Andrew Arato, 1994, p. xii.

²³ See both Robyn Eckersley, Environmentalism and Political Theory: Towards and Ecocentric Approach. State University of New York Press, Albany New York, 1992, p. 184, and Martin Ryle, Ecology and Socialism, RADIUS, London, 1988, p. 65.

²⁴ William J. Baumol and Wallace Oats, Economics, Environmental Policy and the Quality of Life. Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 1979, p. 71.

²⁵ Jean Cohen and Andrew Arato, 1994, pp. 11-15.

NOTES TO CHAPTER ONE

¹ Richard Wolin, "Jean L. Cohen and Andrew Arato, *Civil Society and Political Theory*", *Theory and Society*, Vol. 22 (4), August 1993, p. 576.

² Ibid, p. 577.

³ Ibid.

⁴ Ellen Meiskins Wood, "The Uses and Abuses of 'Civil Society'", *The Socialist Register*, Merlin Press, London, England, 1990, p. 61.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid, p. 62.

⁸ Ibid, p. 63.

⁹ Ibid.

¹⁰ Jean Cohen and Andrew Arato, *Civil Society and Political Theory*, The MIT Press, Cambridge, Massachusetts, 1994, p. 443.

¹¹ Ellen Meiskins Wood, 1990, p. 63.

¹² Richard Wolin, August 1993, p. 577.

¹³ Jean Cohen and Andrew Arato, 1994, p. 580.

¹⁴ Ellen Meiskins Wood, 1990, p. 63.

¹⁵ Ibid, p. 64.

¹⁶ Ibid.

NOTES TO CHAPTER ONE CON'T

17 According to Cohen and Arato, Gramsci himself posited a tripartite conception of modern society which viewed the realms of the state, economy and civil society as distinct. Jean Cohen and Andrew Arato, 1994, p. 118.

18 Jean Cohen and Andrew Arato, "Civil Society and Political Theory", *Thesis Eleven*, no.21 1988, p.44

19 Jean Cohen and Andrew Arato, 1994, p. 426.

20 According to John Tweedy and Alan Hunt: Habermas chooses the metaphor of 'steering' to describe the mode of functioning of the system to indicate the non-discursive nature of the mechanisms involved. Thus, the market has operations which are independent of communicative processes; changes in distant market forces can effect people's circumstances as when a fall in the world-market price of coffee, zinc or some other primary product brings dislocation to some Third World economy. We are 'steered' by the system, but we do not necessarily have any communicative capacity to control it. Steering mechanisms do not require justification and in that sense are non-rational: simply, 'money and power rule'. John Tweedy and Alan Hunt, "The Future of the Welfare State and Social Rights: Reflections on Habermas", *Canadian Journal of Law and Society*, Vol. 21, no. 3, September 1994, p. 299.

21 Jurgen Habermas, Theory of Communicative Action, Vol. II, Polity Press, Cambridge, 1987. Chapter Six contains a systemic analysis of the distinction between system and lifeworld.

22 Jean Cohen and Andrew Arato, 1994, p. 427.

23 Ibid, p. 427.

24 Steven Seidman (ed.), Jurgen Habermas on Society and Politics: A Reader, Beacon Press, Boston, Massachusetts, 1989, p. 171.

25 Jean Cohen and Andrew Arato, 1988, p.41

26 Ibid, p. 42.

27 Jean Cohen and Andrew Arato, 1994, pp. 433-442.

28 For an extensive explanation of this phenomenon see Steven Seidman (ed.), Jurgen Habermas on Society and Politics: A Reader, Chapter 9, "The Uncoupling of System and Lifeworld", Beacon Press, Boston, Massachusetts, 1989, pp. 188-228.

29 Ibid, pp. 205-206.

30 Ibid, pp. 207-208.

31 Jean Cohen and Andrew Arato, 1994, p. 539.

NOTES TO CHAPTER ONE CONT

32 Ibid, p. 439.

33 Ibid, p. 539.

34 Ibid, pp. vii-ix.

35 John Tweedy and Alan Hunt, "The Future of the Welfare State and Social Rights: Reflections on Habermas", *Canadian Journal of Law and Society*, Vol. 21, no. 3, September 1994, p. 295.

36 Ibid.

37 This is the view of civil society associated with the political model of 'associational democracy' or 'critical associationalism'. See Michael Walzer, "The Civil Society Argument", in Chantal Mouffe's (ed.) Dimensions of Radical Democracy, VERSO, London & New York, 1992, p.106.

38 John Keane, Public Life and Late Capitalism, Cambridge University Press, Cambridge, 1984, p. 6.

39 Ibid, p. 8.

40 See Robert Goodin Green Political Theory, Polity Press, Cambridge, 1992; Robyn Eckersley, Environmentalism and Political Theory, State University of New York Press, Albany, New York, 1992.; and Michael Saward, "Green Democracy?", in Andrew Dobson and Paul Lucardie, The Politics of Nature, Routledge, London & New York, 1993.

41 Michael Walzer, "The Civil Society Argument", Chantal Mouffe (ed). Dimensions of Radical Democracy, VERSO, London & New York, 1992, p. 100.

42 Ibid, p. 90.

43 Ibid.

44 Ibid, p.92. According to Walzer, this argument can be traced as far back as the Greeks, however, it was revived by Rousseau and resurfaced again in the 1960s in New Left theories of participation. Walzer suggests that the latter-day revivals of the New Left were highly theoretical and without local resonance.

45 Ibid. Walzer explains that this is so in two senses. First, the increasing size and power of the state (itself a result of responding to the demands of citizens), has resulted in it taking over those smaller associations subject to hands-on control. The state has become more and more representative, thus, the participation of citizens in the activities of the state is largely vicarious. Second, politics rarely engages the full attention of the citizens since they have too many other things to be concerned about. Above all, Walzer explains, they have to make a living and thus, are more involved in the economy than the political community.

NOTES TO CHAPTER ONE CON'T

46 Ibid, p. 94.

47 Ibid, p. 96.

48 Ibid, p. 97.

49 Ibid, pp. 97-98.

50 Ibid, p. 104. According to Walzer, the state is an indispensable agent for civil society in terms of providing the necessary constitutional, and at times financial, support for its various associations. Further, the state is necessary in order to provide civil society with political agency. The state must be responsive to and thus act on behalf of the members of civil society in terms of redressing systemic problems which serve to undermine an individual's or group's membership within civil society.

51 Ibid, p. 100.

52 Ibid, p. 109.

53 Ibid, p. 105.

54 Robyn Eckersley, Environmentalism and Political Theory, State University of New York Press, Albany, New York, 1992, p. 9.

55 As far as I know, no Green theorist has ever explicitly defined the Green vision of the good life or the preferred setting for the good life. Andrew Dobson, however, suggests that political ecologists insist that the vision of the good life "is much different from the one we presently lead". Andrew Dobson, Green Political Thought, Unwin Hyman Ltd., London, 1990, p.3. Further, he insists that political ecologism argues that care for the environment presupposes radical changes in our relationship with nature, and thus, in our present mode of social and political life. (p.13) Thus, I have posited this version of the Green response to the question concerning the preferred setting of the good life from Dobson's, and other's, accounts of political ecologism. Because there are many ecologies as well as many environmentalisms, this version cannot be said to be representative of all environmental or ecological theories. I have chosen to include just one here in order to introduce the significance of the concept of civil society for Green theory, or rather one faction of Green theory. It will be the primary intention of this thesis to show its significance for (many of) the other Green positions.

56 Michael Walzer, "The Civil Society Argument", Chantal Mouffe (ed). Dimensions of Radical Democracy, VERSO, London & New York, 1992, p. 109. Walzer believes that the civil society argument, in terms of cultural pluralism, parallels arguments for religious toleration or freedom. Just as religious toleration dulls the edge of religious conflict, cultural toleration may dull the edge of cultural conflicts and destructive nationalistic tendencies. By providing a setting whereby various forms of associations can freely develop along the lines of perceived visions of the good life, cultural beliefs and practices, religions, identities etc., civil society can produce a climate of toleration. By allowing free and voluntary associations to flourish, Walzer notes, "some observers think that neither religious faith nor national identity is likely

NOTES TO CHAPTER ONE CONT

to survive long". Thus, Walzer's 'civil society argument' implies the toleration, rather than resolution, of difference.

⁵⁷ Paul Hirst, Associative Democracy, Polity Press, Cambridge, 1994, p. 19.

⁵⁸ Richard Wolin, August 1993, p. 582.

NOTES TO CHAPTER TWO

¹ According to Michael Saward, "Dark Greens" represent strains within Green political theory who posit utopian visions of sustainable societies based upon participatory or direct democracy. Michael Saward, "Green Democracy?", in Andrew Dobson and Paul Lucardie (ed.) The Politics of Nature, Routledge, London and New York, 1993, p. 63.

² Ibid.

³ Cohen and Arato provide a list of the main players in the debate between participatory and elite democracy. Participatory democrats include: Peter Bachrach, Carole Pateman, and Sheldon Wolin. Andrew Arato and Jean Cohen, Civil Society and Political Theory, MIT Press, Cambridge, Massachusetts, 1994, p. 606.

⁴ Michael Saward, "Green Democracy?", in Andrew Dobson and Paul Lucardie (ed.) The Politics of Nature, Routledge, London and New York, 1993, p. 65.

⁵ Ibid, p. 63.

⁶ Ibid, p. 71.

⁷ According to Cohen and Arato, Elite democrats include: Joseph Schumpeter, S.M. Lipset, Robert Dahl, William Kornhauser, G. Almon and S. Verba. Andrew Arato and Jean Cohen, Civil Society and Political Theory, MIT Press, Cambridge, Massachusetts, 1994, p. 606.

⁸ Jean Cohen and Andrew Arato, 1994, p. 5.

⁹ Ibid.

¹⁰ Ibid, p. 6.

¹¹ Ibid, p. 5.

¹² Ibid, p. 6.

¹³ Ibid, p. 7.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid, pp. 7-8.

¹⁷ Ibid, p. 415.

¹⁸ Ibid, p. 439.

NOTES TO CHAPTER TWO CONT

¹⁹ Ibid, p. 442.

²⁰ Ibid, p. 415.

²¹ Ibid, p. 454.

²² Ibid, p. 539.

²³ Ibid, p. 417.

²⁴ Ibid, p. 19.

²⁵ Jean Cohen and Andrew Arato, "Civil Society and Social Theory", *Thesis Eleven*, No. 21., 1988, p. 52.

²⁶ Jean Cohen and Andrew Arato, 1994, p.456.

²⁷ Ibid, p. 456.

²⁸ Ibid, p. 449.

²⁹ Ibid, p. 455.

³⁰ Jean Cohen and Andrew Arato, 1988, p. 57.

³¹ Ibid, p. 57.

³² Ibid.

³³ Ibid.

³⁴ Ibid, p. 58.

³⁵ Ibid.

³⁶ Jean Cohen and Andrew Arato, 1994, p. 480.

³⁷ Ibid, pp. 415-416.

³⁸ Ibid, p. 416.

NOTES TO CHAPTER TWO CONT

39 Ibid, pp. 416-417.

40 Ibid, p. 417.

41 Ibid, p. 482.

42 Ibid.

43 Ibid, p. 487.

44 Ibid.

45 Ibid.

46 Ibid, p. 531.

47 William Ophuls, Ecology and the Politics of Scarcity, W.H. Freeman and Company, New York, 1992, p. 3.

48 William Ophuls, "Leviathan or Oblivion", in Herman Daly (ed.), Toward a Steady-State Economy, W.H. Freeman and Company, San Francisco, 1973, p.215.

49 Michael Saward, 1993, p. 63.

50 Ibid, p. 70. This is Michael Saward's interpretation.

51 Ibid, p. 71.

52 Murray Bookchin, The Ecology of Freedom, Cheshire Books, U.K., 1982 pp. 335-336.

53 Martin Ryle, Ecology and Socialism, Radius, London, 1988, p. 106.

54 Ibid.

55 Robert Paehlke, "Democracy, Bureaucracy, and Environmentalism", Environmental Ethics, Vol. 10, Winter, 1988. p. 291.

56 William Ophuls, 1992, p. 218.

57 Ibid.

NOTES TO CHAPTER TWO CON'T

58 Ibid, p. 219.

59 Ibid, p. 222.

60 Ibid.

61 Ibid.

62 Ibid, p. 223.

63 Ibid.

64 Robert Goodin, Green Political Theory, Polity Press, Cambridge, UK, 1992, p. 169.

65 Ibid, p. 143. According to Goodin, many Greens, specifically members of Die Grunen, are frustrated by the Party's attempts to incorporate 'grassroots democracy' into their decision making processes since it "easily degenerates into endless discussion" thereby blunting their capacity to wield optimal parliamentary influence.

66 Ibid.

67 Ibid, p. 140.

68 Ibid, p. 147.

69 Ibid, p. 151.

70 Ibid, p. 150.

71 Ibid, p. 158.

72 Michael Saward, 1993 p. 72.

73 Robert Goodin, 1992, p. 120.

74 Ibid.

75 Ibid, p. 168.

76 Martin Ryle, 1988, p.25., and Michael Saward, 1993. p. 70.

77 Ryle explains: One can imagine an authoritarian capitalist or post-capitalist society, with rigid and marked hierarchies of wealth and power, in which those at the top enjoyed ecologically profligate lifestyles amidst 'unspoiled' surroundings, protected by armed police from the mass of people, who would endure an impoverished and 'sustainable' material standard of living in dangerously polluted habitats: many lineaments

NOTES TO CHAPTER TWO CON'T

of such a society were found in nineteenth-century industrial cities, exist on a world scale today, and are visible (both as actuality and growing potentiality) even within modern first world countries. One can imagine a 'barrack socialism' in which an ecologically well-informed, bureaucratic elite directed the economy in accordance with environmental and resource constraints, but in which the population participated as more or less reluctant helots, rather than as enfranchised and responsible citizens: tendencies in that direction might emerge in 'actually existing socialism' as the ecology crisis sharpens. Martin Ryle, 1988, pp. 7-8.

78 Ibid, p. 12.

79 Michael Saward, 1993. p. 68.

80 Ibid, p. 69.

81 Although both Ryle and Saward are critical of the Green participatory democratic literature and maintain a commitment to elite democracies, both ultimately believe in the need to expand democracy. Thus, although they recognize social complexity as characteristic of modern societies and further, are skeptical of the compatibility between green values and democracy, both maintain a commitment to democracy. However, neither theorist has developed a comprehensive framework or justification for the compatibility of the assertions of Green values and democracy.

82 Martin Ryle, 1988, p. 23.

83 Ibid.

84 Michael Saward, 1993, p. 65.

85 Ibid, p. 71.

86 Murray Bookchin, "What is Social Ecology", in Michael Zimmerman et.al (ed.), Environmental Philosophy, Prentice Hall, Englewood Cliffs, New Jersey, 1993, pp. 369-370.

87 Ibid, p. 371.

88 Ibid.

89 Ibid, p. 372.

90 Ibid.

91 Andrew Dobson, Green Political Thought, UnwinHyman Ltd., London, 1990. p. 133.

NOTES TO CHAPTER TWO CONT

92 Ibid, p. 137. Parliamentary activity often requires making tactical alliances with other political parties so as to influence policy in a more extensive way. Dobson notes, "In this sense, the demands of parliamentary politics can contribute to the wearing down of the Green project and the consequent likelihood of the abandonment of the project as originally conceived."

93 Ibid, p. 138.

94 Robyn Eckersley, Environmentalism and Political Theory, State University of New York Press, Albany, New York, 1992. p. 182.

95 Murray Bookchin, 1993, p. 370.

96 Andrew Dobson, 1990. p. 135.

97 Ibid, p.67

98 Michael Saward, 1993. p.71

99 This is Dobson's basic argument in, Andrew Dobson, Green Political Theory , UnwinHyman Ltd., London, 1990.

100 Murray Bookchin, 1993, p. 390.

101 Ibid, p. 391.

102 Jean Cohen and Andrew Arato, 1988, p. 42.

103 Ibid, pp. 44. 45.

104 Ibid, p. 42.

105 It is difficult to discern from the radical democratic position which of these is representative. They want to both extend democracy into these spheres, and to replace the existing state and economy with democratic ones.

106 Ellen Meiskins Woods argues that many radical theorists, here she is commenting on Gorz's "Farewell to the Working Class", virtually ignore the political aspect of social transformation. The Retreat From Class. London, 1986, p.17.

107 Jean Cohen and Andrew Arato, 1994, p. 439.

108 Ibid, p. 422.

NOTES TO CHAPTER TWO CON'T

¹⁰⁹ Certainly Martin Ryle recognizes this point. Ryle definitely links certain social and humanitarian progressions and freedoms with the development and centralization of the state and economy. Ryle argues, therefore, that Greens must adopt a more compromised approach to modernity, an approach which respects the fact that the economy or modern factory methods represent immense savings in labour time thus freeing us for creative leisure, or perhaps even, community volunteer work or the time to join an association, as well as gives us products which few of us would willingly dispense with. Martin Ryle, 1988, p. 23.

¹¹⁰ Cohen and Arato explain: It is precisely colonization, or the penetration of the lifeworld by the logics of money and power, that today promotes a pattern of selective, primarily cognitive-instrumental, feedbacks of cultural potential. The organization of democratic institutions and new types of interpersonal relations within civil society would make the enrichment of every-day communicative practice through moral as well as aesthetic cultural resources both desirable and possible. Jean Cohen and Andrew Arato, 1994, pp. 455-456.

¹¹¹ Ibid, p. 479.

¹¹² Ibid, p. 116.

¹¹³ Ibid, p. 456.

¹¹⁴ Stephen Rainbow, Green Politics, Oxford University Press, UK, 1993, p. 21.

¹¹⁵ Jean Cohen and Andrew Arato, 1988, p.45.

¹¹⁶ Robert Goodin, 1992, p.83.

¹¹⁷ Cohen and Arato, 1988, pp. 19-20.

NOTES TO CHAPTER THREE

- ¹ Jean Cohen and Andrew Arato, Civil Society & Political Theory. MIT Press, Massachusetts, 1994.
p. 10
- ² Ibid.
- ³ Ibid.
- ⁴ Ibid.
- ⁵ Ibid, p. 11.
- ⁶ Ibid, p. 21.
- ⁷ Ibid, p. 357.
- ⁸ Ibid, p. 356.
- ⁹ Ibid, p. 357.
- ¹⁰ Ibid.
- ¹¹ Ibid, p. 22.
- ¹² Ibid.
- ¹³ Ibid, p. 23.
- ¹⁴ Ibid, p. 351.
- ¹⁵ Ibid, p. 370.
- ¹⁶ Ibid, p. 395.
- ¹⁷ Ibid, p. 396.
- ¹⁸ Ibid.
- ¹⁹ Ibid, p. 441.
- ²⁰ Ibid.

NOTES TO CHAPTER THREE CONT

21 Ibid, p. 445.

22 Ibid, p. 455.

23 Ibid, p. 445.

24 Ibid. p. 399.

25 Although Robyn Eckersley, Roderick Nash and Christopher Stone emphasize the need to include biological or ecological entities (even the ecosystem as a whole) as moral and/or legal subjects and thus do not abandon the holistic emphasis on biological and ecological systems, rather than abandon rights discourse as do ecocommunitarians, they attempt to enlist it. Thus, I believe they fit into or represent the rights side of the debate.

26 Warwick Fox, Transpersonal Ecology: Developing New Foundations for Environmentalism, Shambhala Press, Boston & London, 1990, p. 9.

27 Roderick Nash, The Rights of Nature, Primavera Press, Leichhardt, New South Wales, 1990, p. 212.

28 Eugene Hargrove, The Animal Rights/ Environmental Ethics Debate, State University of New York Press, 1992, p. 185.

29 Ibid, p. 77.

30 Peter Singer, Animal Liberation, Avon Books, New York, 1975, and Tom Regan, The Case for Animal Rights, University of California Press, 1983.

31 Peter Singer, Animal Liberation, Avon Books, New York, 1975, p. 8.

32 Tom Regan, The Case for Animal Rights, University of California Press, 1983, p. 81.

33 Bryan Norton, "Environmental ethics and Nonhuman Rights", in Eugene Hargrove ed. The Animal Rights/ Environmental Ethics Debate, State University of New York Press, Albany, 1992. p. 86.

34 Ibid, p. 83.

35 Mary Anne Warren, "The Rights of the Nonhuman World", in Eugene Hargrove ed., The Environmental Ethics/Animal Rights Debate, State University of New York Press, Albany, New York, p. 186.

NOTES TO CHAPTER THREE CON'T

36 Ibid, p. 6.

37 Ibid, p. 12.

38 Eugene Hargrove, The Animal Rights/ Environmental Ethics Debate, State University of New York Press, USA, 1992. p. xii.

39 Roderick Nash, The Rights of Nature, University of Wisconsin Press, 1989, p. 4. Nash states, "[T]he emergence of this idea that the human-nature relationship should be treated as a moral issue conditioned or restrained by ethics is one of the most extraordinary developments in recent intellectual history."

40 Ibid, p. 6.

41 Ibid, p. 11.

42 Ibid. Nash argues that many ecologists call for the 'liberation of nature' from human domination and exploitation thereby employing the discourse of American liberalism.

43 Stephen Rainbow, Green Politics, Oxford University Press, 1993. p. 96.

44 Ibid.

45 Robyn Eckersley, Environmentalism and Political Theory: Towards an Ecocentric Approach, State University of New York Press, Albany, New York, 1992. p. 24.

46 Stephen Rainbow, Green Politics, Oxford University Press, 1993. p. 20.

47 Ibid, p. 160.

48 Ibid.

49 Some ecologists like Warwick Fox, for example, believe that current ethical theories (like rights theories) are insufficient in terms of producing ecological awareness, sensitivity, 'right' actions, (i.e., he believes ethics cannot produce an interconnected sense of self and nature). The limitations of ethical persuasion necessitates a "deeper" means of lifting humanity out of the "depths of anthropocentrism". In order to bring about a true ecological orientation in terms of humanities attitudes towards, and interactions with, nature, Fox argues a more fundamental project of self-realization is required. Self-identification requires the acknowledgement of ourselves as part of, as opposed to separate from, nature. Fox refers to this process as transpersonal ecological identification. Warwick Fox, Towards a Transpersonal Ecology: Developing New Foundations For Environmentalism, Shambhala Press, Boston & London, 1990, p. 64.

NOTES TO CHAPTER THREE CON'T

⁵⁰ Robyn Eckersley, Environmentalism and Political Theory: Towards an Ecocentric Approach, State University of New York Press, Albany, New York, 1992. p. 167

⁵¹ Ibid, p. 82.

⁵² Ibid, p. 52.

⁵³ Ibid, p. 53.

⁵⁴ Edward Goldsmith, Blueprint For Survival, Houghton Mifflin Company, Boston, 1972. p. 50.

⁵⁵ Ibid, p. 50.

⁵⁶ It was noted in the previous chapter of this thesis that certain precepts of ecologism (diversity, mutuality, equality etc.) are said to correspond to or complement certain presuppositions of democracy.

⁵⁷ Ibid, p. 83.

⁵⁸ Robyn Eckersley, 1992. p. 171.

⁵⁹ Ibid, p. 162.

⁶⁰ Mark Sagoff explains. "Environmentalists cannot be animal liberationists. Animal liberationists cannot be environmentalists. The environmentalist would sacrifice the lives of individual creatures to preserve the authenticity, integrity and complexity of ecological systems. The liberationist - if the reduction of animal misery is taken seriously as a goal - must be willing, in principle, to sacrifice the authenticity, integrity and complexity of ecosystems to protect the rights, or guard the lives, of animals. Zimmerman, Callicot, Sessions, Warren and Clark, Environmental Philosophy: From Animal Rights to Radical Ecology, Prentice Hall, Englewood Cliffs, New Jersey, 1993, p. 90.

⁶¹ Robyn Eckersley, "Liberal Democracy and the Environment: The Rights Discourse and the Struggle for Recognition", forthcoming in Freya Mathew's ed., Ecology and Democracy. For now, unpublished manuscript of the same title, p. 10.

⁶² Ibid, p. 10.

⁶³ Ibid, p. 16.

⁶⁴ Ibid, p. 18.

⁶⁵ Ibid, p. 19.

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NOTES TO CHAPTER THREE CON'T

66 Ibid, p. 22.

67 diZerega makes this point in reference to ecocommunitarianism: In any discussion of connections and communities, she argues, "Where we draw boundaries depends upon the particular relationships we are interested in defining". In Eckersley, Ibid, p. 19.

68 Jean Cohen and Andrew Arato, 1994, p. 379.

69 Stephen Rainbow, Green Politics, Oxford University Press, 1993, pp. 86-87.

70 Ibid, p. 87.

71 Ulrich Beck, "From Industrial Society to the Risk Society: Questions of Survival, Social Structure and Ecological Enlightenment", Theory, Culture and Society, Vol. 9, (1992), p. 115.

72 Ibid, p. 115.

73 Ibid, p. 119.

74 Jean Cohen and Andrew Arato, 1994, p. 478 Cohen and Arato suggest that rights perform an institutionalizing role - "They do not in themselves go beyond the first phase of the program of "barriers" and "sensors"." (1994:478) Thus, labour rights or "industrial citizenship rights", for example, as proposed by Claus Offe, are meant not to secure specific rights of workers, but rather, to secure a realm or sphere of mediation between the economy and workers.(1994:477) They claim that the insitutionalization of mechanisms of collective bargaining, codetermination, and representative worker's councils, show that democratization is not totally incompatible with economic efficiency.(1994:416-417) The expansion of democracy thus involves the establishment of "sensors" (mediating realms) insitutionalized by rights.

75 Ibid, p. 396.

76 Peter Swan proposes the establishment of 'environmental rights' which refers not to the addition of such rights to existing catalogues of rights, but rather, to making procedural arrangements available where conflicting interests and values regarding nature may be debated and decided. Peter Swan, "Rights, Civil Society, and Dualistic Social Theory", ARSP, *Beiheft* (58), "Law Justice and Society", edited by A. Peczenik and M.M. Karlsson, 1995, p.241.

77 The core principle of the liberal model of rights is that individuals have rights, conferred to them on the basis of their having some property, which serve as restraints on governments and others. Discourse ethics maintains the idea that people have rights which serve as restraints upon governments. The property which legitimizes this restraint, however, is not of an individualistic nature, but rather, is of a communitarian nature - the need to preserve and encourage communicative interaction, i.e., the organizing principles of the lifeworld. In terms of relations among members within civil society, however, those norms (or rights) which serve to restrict people's behaviour must be discursively determined and rationally agreed upon by all those potentially affected by the norms under dispute.

NOTES TO CHAPTER THREE CON'T

78 Jean Cohen and Andrew Arato, 1994, p. 349.

79 Robyn Eckersley, "Liberal Democracy and the Environment: The Rights Discourse and the Struggle for Recognition", forthcoming in Freya Matthew's, (ed) Ecology and Democracy. For now, manuscript with same title, p. 9.

80 According to Eckersley: Utilitarianism requires that collective choices should be made by aggregating individual human preferences (preference utilitarianism) or maximizing the sum of individual pleasures and pains of human beings (hedonistic utilitarianism). Aggregation is seen to be the most equitable way of reconciling individual preferences or desires. The deontological tradition insists there are certain basic rights of individuals, derived from a set of moral principles that rest on respect for the inherent dignity and value of each and every individual. These basic rights provide a framework which constrains what may be decided in the name of general welfare. Although different, both are based on models of the individual. Robyn Eckersley, "Liberal Democracy and the Environment: The Rights Discourse and the Struggle for Recognition", to appear in Freya Matthew's, (ed) Ecology and Democracy. Within discourse ethics, no particular model of the individual is assumed, thus, discourse ethics requires that individuals partake in the processes for defining their preferences and the determination of collective choices.

81 Catriona Sandilands, "From Natural Identity to Radical Democracy", *Environmenta' Ethics*, Vol. 17, Spring 1995, pp. 76-79.

82 Robyn Eckersley, 1992. p. 182.

83 Ted Benton, Natural Relations: Ecology, Animal Rights and Social Justice, Verso Press, London & New York, 1993, p. 182.

84 Ibid, p. 183.

85 Jean Cohen and Andrew Arato, 1994. p. 455.

86 Ulrich Beck, "From Industrial Society to the Risk Society: Questions of Survival, Social Structure and Ecological Enlightenment", Theory, Culture and Society, Vol. 9, (1992), pp. 109-110. Beck goes on to say that there are countries, sectors and enterprises which profit from the production of risk, and others which find their economic existence threatened together with their physical well-being (thus identifying an Other). This however, does not undermine the possibility of creating a 'we' comprised of 'risk losers' - 'No matter how abstract the threats may be, their concretizations are ultimately just as irreversible and regionally identifiable'. p. 112.

NOTES TO THE CONCLUSION

¹ Robert Paehlke, "Democracy, Bureaucracy, and Environmentalism", *Environmental Ethics*, Vol. 10, Winter 1988, p. 298.

² John Dryzek, "Designs for Environmental Discourse", in Douglas Torgerson ed. Managing Leviathan, 1990, p. 105.

³ Robert Paehlke, 1988, pp. 300-301.

⁴ John Dryzek, 1990, pp. 106-107.

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