

The Hope for Sustainable Development: Visions of History and the Pragmatism of Environmentalists

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I frequently have a hard time handling the thrill of an academic text, so I like pieces that start with their conclusions. That makes the rest of the presentation so much less suspenseful. Therefore, here are my conclusions, the four big ideas in this chapter.

First, our discussions of sustainable development are organized around rarely articulated notions of human history. Such claims, once made explicit, turn out to be quite contradictory, and so perhaps it is a blessing that our assumptions are rarely stated.¹ Rarely, but not never: our contradictory understandings of history were made explicit in the 1980s, in the confluence of environmental and development policy on the international plane that led to the United Nations (U.N.) Conference on Environment and Development (UNCED), held at Rio de Janeiro in 1992.² In fact, I think use of the term sustainable development was a brilliant stroke of diplomatic pragmatism, a name for a conflict of interests that allowed fundamental conflicts to be contained, and politics to proceed.

Second, if people who think of themselves as environmentalists (as I usually do), think carefully about the idea of history that they want, sustainability has little to do with it. In fact, the emphasis on “sustainability” leads to certain intellectual, and so perhaps political, problems. Arguments made on the basis of sustainability are often defeated, not because the environmentalists are wrong, but because the concern that they are trying to articulate actually has little to do with sustainability per se. Sustainability is an inelegant shorthand for far more troubling, if difficult to express, political desires.

Third, when attempting to realize their goals, environmentalists should abandon the concept of sustainable development in favor of a more nuanced concern with history, as in natural history. Sustainable development is insufficiently precise or nuanced to be much use in formulating policy. What content the term does have tends to undermine rather than support a pragmatic policy designed to achieve environmental objectives.

My fourth idea is that sustainable development is in fact a pragmatic concept, but not pragmatic in the ordinary sense of a conceptual modesty combined with a concern for actual results, and certainly not in the sense in which pragmatic has been used in legal discourse of late, to mean a flexible approach to achieving noble if perhaps logically inconsistent policy objectives.³ Instead, I think sustainable development is a pragmatic concept in the rather impractical, only indirectly political sense used by William James in *The Varieties of Religious Experience*.⁴ As a concept, sustainable development plays a vital role in the

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minds of a certain group of people, and therefore is in some important senses beyond argument, but remains something to be understood.

I have promised history, so let me begin with a very stylized bit of history. Recall that in the 1970s and especially the 1980s, the environmental movement in the United States and other industrialized countries became much more international. We had long talked about the fact that many environmental issues were transborder, and made reference to the Stockholm Conference of 1972,⁵ sort of the Runnymede in this area. But it was only once the ozone hole and global warming took off as issues that the environment came to be seen as a concern to be addressed largely, maybe even primarily, on the international plane, as opposed to the national plane in which the early environmental battles were fought—one thinks of national parks, national monuments, at the turn of the century—or even the great environmental legislation of the late 1960s and 1970s.⁶

As a result of internationalization, environmentalists found themselves asking after the causes of environmental problems in other countries, many of which were poor. And it turned out that many environmental problems were caused by the struggles of people in what was variously referred to as the “Third World,” or with more hope, the “Developing World,” or in a spatial locution, “the South,” to lead better lives, or even to survive at all. Many people in “the South” quite candidly wanted to enjoy more of the benefits considered ordinary in “the North.” The environmental movement, which had understood itself as a form of opposition to the dominant trends of industrial and post-industrial societies, began to recognize that from the perspective of the developing world, the developed world was necessarily something of a model, perhaps not in detail, but in broad outline. And, from a humanitarian perspective, it was hard to deny the claims made from the South—impossible, in fact. So it came to pass that environmentalists discovered another of the world’s altruistic idealisms, development, and found themselves sympathizing with people who more or less explicitly favored everything they traditionally had opposed: development, growth, even industrialization.

At about the same time, and perhaps to a lesser extent, business folk (especially in the North) began to realize that they needed a certain degree of regulation, and that they could get by quite well, perhaps better, in a regulated environment than in an unregulated one. Environmental laws had been passed in all industrialized economies, and the economies had not come to a halt. Indeed, they had prospered. While business people would often complain about a new regulation, they also found ways to cope. Most business people would concede that the Great Lakes got cleaner, rivers caught fire less often, and so forth. Most business people would further concede that, in a competitive marketplace, their firms could not have done many of these things without the discipline of forces external to the marketplace. And most people, from all walks of life, would think that these were good developments.⁷ In short, environmental law became an important part of mainstream business thinking, precisely because environmental law had been so successful.

In the minds of many progressive intellectuals, the developing world and corporate America are very different places. Progressive intellectuals want to

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be sympathetic to the first and tend to be suspicious of the second. But viewed in terms of visions of history, the ideals of the development community and those of the business community are quite similar. Both communities have a progressive vision of history; both believe that history progresses insofar as the material conditions of life are improved; both communities are about growth. In fact, the international development community increasingly understands its job to be fostering the conditions for indigenous economic activity, so called bottom-up development—sort of like the Rotary Club.

Among environmentalists, the encounter with these two very different types of people who shared fundamental visions of history precipitated an intellectual crisis, because environmentalists traditionally had a fundamentally different view of history. For environmentalists, as already suggested, industrialist urban civilization is not the goal, it is a social construct that alienates us from our true selves. The sense that civilization is the problem is why environmentalists glorify writers like Henry David Thoreau and especially John Muir, and why, philosophically speaking, we must understand our environmentalism in the romantic critical tradition of Jean Jacques Rousseau. Environmentalism has generally been about “getting back” to something “more natural.” Implicit in such longings, and often expressed explicitly, is a criticism of society. Our society, environmentalists tend to say, can’t go on like this. Environmentalists understand civilization to be a succession of insults to the natural order, and believe that sufficient damage leads to disaster. So, if business and development understand history as a story of progress, which we should encourage, then environmentalists understand history as decline, which should be resisted.

These fundamental differences over the course and moral import of human history were papered over with the term “sustainable.” Environmentalists conceded that growth was okay, was even a good thing, so long as it was sustainable. In the 1987 Brundtland Report, titled *Our Common Future*, and at UNCED in 1992, the goal was stated: we would all, North and South, try to achieve sustainable development.⁸ That is, we would attempt to create an economy that was environmentally sustainable.

Who could be against sustainability? To be against sustainability sounds like being for disaster. Less dramatically, we should not impoverish future generations, but should instead build a society that functioned on a sort of, well, sustainable basis.⁹ And who, with children at any rate, could advocate impoverishing future generations? Similarly, many people believe that humanity—the planet, even—is one giant organism. And organisms stay alive, maintain what the biologists like to call homeostasis, that is, their processes are sustainable.¹⁰ So, sustainability seemed like a good idea.

The life sciences supplied us with further metaphors for more practical situations, with their talk of nitrogen cycles, water cycles, life cycles. Drawing policy from biology (a risky enterprise, as 20th century history horribly demonstrates), sustainable development seemed to be an imperative to strive for a society where nothing is wasted, where there is nothing superfluous, just elegant recycling, reusing—the circle would overcome the line as the shape of our thinking. In short, “sustainable development” was an answer—a tremendously successful answer—to the intellectual crisis of modern environmentalism,

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which was in essence the need for environmentalists to develop an acceptable political economy.

Over 10 years after UNCED, however, it is worth asking whether “sustainable development” was a good resolution of the conflict between theories of progress and theories of decline, or was it such a good answer that we should continue to perpetuate it. After all, conceptual and hence practical policy problems with the term “sustainable” emerged almost immediately—certainly no later than the run-up to the Rio Conference. Should “sustainable development” dominate environmental thinking about the economy? I think it is a close call, and would like to suggest that the answer is no, or at least not in the commonly pragmatic sense of a theoretical basis for the articulation of policy. While sustainable development may have been a politically necessary compromise during the 1980s, the political economy suggested by sustainable development does not work very well at achieving environmental ends.

Let me discuss some of the problems with using sustainability as an organizing principle for how environmentalists should think about the economy.

False Linearity

Sustainability implies that unreformed markets tend to operate in linear and nonsustainable fashion. The classic example of this would be a fish stock worked to death. While that can happen, markets, like ecosystems, are recursive systems. That does not mean that the economy (or an ecosystem) will always self-correct. But the economy often does, and across a range of problems. Unsustainable trends are rarely sustained to the point of catastrophe.

Underrates Learning

The economy provides enormous incentives for development. For example, when I was growing up, during the first oil shock, the media was full of numbers about the disappearance of vital petroleum supplies. But technology for locating and extracting oil got much better, even cleaner, and lots and lots more oil was found, and the commodity grew much cheaper. The supply of oil presumably cannot last forever, but it has lasted a solid generation—my son is now gaining environmental consciousness—longer than environmentalists said it would. Arguments made on the basis of the unavailability of oil in the short to medium term were flatly wrong.¹¹

Abolishes Time-Value

Sustainable development asserts that all times are considered to have the same value. We should not impoverish our children. Well, of course not. But, insofar as sustainable development suggests a theory of political economy, we have to take account of time. In our economic lives, we engage in unsustainable behavior all the time, and that is often the right thing to do. Consider student debt, or a car, or a house note—we borrow in the hope of improving the future, not im-

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poverishing it. But that does not change the fact that the borrowing is unsustainable. In short, “when” matters.¹²

It is perhaps unsurprising that sustainable development does not do a very good job of addressing such economic aspects of the markets that comprise so much of our society. After all, the concept is the creature of environmentalists and bureaucrats, not business folk or even academic economists.¹³ What is a little more surprising is that the concept of sustainable development does not articulate—in fact tends to obscure—concerns environmentalists should hold dear and consider carefully.

Vagueness

As is commonly noted, “sustainable development” is woefully underdetermined. In a given context, it often is impossible to understand what sustainable really means. For example, I am involved in a book about conservation in the Galápagos, a huge multi-author affair.¹⁴ A few years back, the government of Ecuador passed a new law for the Galápagos, which of course sought to promote sustainable development. It also sought to promote conservation and tourism and fishing and lots of other things, in some as yet to be determined policy mix.¹⁵ Presumably, not every aspect of these commitments could be simultaneously sustained, or not without cost to some other commitment. But at the same time, any number of mixes of policy objective could be put in place, and might work—some sort of *modus vivendi* would emerge. That is, sustainable development hardly helps us distinguish a good policy from a bad policy.

While its underdetermined quality is the most widely heard criticism of sustainable development, I doubt it is the most important. The idea of sustainable development has more content than might initially appear to be the case. And it is precisely the nature of this content that environmentalists ought to regard with suspicion. Let me explain.

Obscuring the Importance of Nature

Sustainable development is generally taken to unify, if sometimes awkwardly, our ideas of economic activity and environmental context. Maybe, but our environmental desires are often something altogether different—something that is nearly the opposite of sustainable development. The following is another story from the Galápagos. Over the years, various islands have been invaded by a number of alien species, most importantly goats and several species of rats. Such species were successful elsewhere, and were brought to the island, mostly inadvertently, by humans. Indigenous species often have no defenses against the invaders, and tend to be wiped out. In particular, the Galápagos tortoise is threatened by goats, who are eating all the food. Because this is the Galápagos, the home of evolutionary theory, one might take a Darwinian perspective, and tell the turtles to “adapt or die.” Why shouldn’t the species better equipped for survival, survive? Well, because we environmentalists don’t actually want to watch evolution, or at least not a process of extinction that we humans rather carelessly set in motion. The international environmental community has de-

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cided not to let events take their course. There is now an enormous, internationally funded effort to eradicate the non-native species in the Galápagos, so that the strange species that are already there can continue to evolve in their backwater. In so doing, we are distinguishing the artificial (the human activities of transporting goats, and then killing them) from the natural (the Galápagos without goats). Bluntly put, we environmentalists wish to understand humans and nature as different things.

This may be too bluntly put. For a range of reasons, the last few generations of progressive legal academics have been suspicious of Cartesian distinctions such as nature/culture, or public/private, regulation/property, political/personal. Although such suspicions are generally reflexive and in that sense old-fashioned, it still is argued that such distinctions tend to be used to shut down thought or discourse, which is generally a bad thing for academics to do. It is true that people often use the categories of their thought as replacements for the rather uncomfortable act of thinking. Insofar as this essay is an intellectual exercise, I hope this text has done little of that. But it is also true—and in my judgment, a more important truth here—that the mind needs conceptual apparatus with which to think. The idea of environmental thought without a notion of “nature” is an oxymoron, but is also the situation in which our commitment to “sustainable development” has left us. Consequently, if we are to be serious about environmental policy, we need to acknowledge that we care about nature—even a nature that we cannot finally define.

For another example, consider global warming. In any sufficiently catholic meeting on the topic, somebody, generally trained as an economist, will attempt to do a cost-benefit analysis. In such analyses, the costs of things like building sea walls are weighed against the savings in heating bills, the cost of a bit more water here, a lot less water there, the benefits of longer summer vacations versus the downsides of fancier snowmaking equipment, and so on and so on. Usually, the person playing the role of the economist will find at least as many benefits from global warming as costs. Heating the planet will be recharacterized as progress (and the debate will be back where this talk started, with competing visions of history). At the very least, such analyses tend to find that the costs of compliance with environmental measures such as those envisioned by the 1997 Kyoto Protocol¹⁶ are far outweighed by the potential benefits. Confronted with such arguments, persons playing the role of environmentalists often sputter and add another (generally more speculative) layer of complexity to the analysis, tending to show that global warming is in fact disastrous. At this point, given the chance, the economist will tend to offer a set of truly fantastic projections (that is, fantasies) of what will happen, and what the present dollar value of such events might be. And so on. As I hope I've suggested, such discussions are usually pretty ridiculous. People who would be very hesitant to say much about the value of a share in a publicly traded company in a mature industry three years hence, say Boeing, have no problem discussing the value of entire ecosystems and cultures generations hence, say California.

The silliness of such discussions, however, raises an important underlying point for environmentalists. Our objection to goats on the Galápagos or considerable degrees of global warming is not, in the end, that such a state of affairs is

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“unsustainable.” They may be quite sustainable on their own terms. They are only unsustainable if what you like is the Galápagos, or the weather, the way it is now, or at least, the way it exists in some—generally distant—relationship to human activity. More generally, sustainable development masks the fact that, in believing nature is important, environmentalists privilege nature as it exists now, as it is felt to be vanishing.¹⁷ Environmentalism used to be called, perhaps more truthfully, preservation.¹⁸

Obscuring Political Choices

It is not just, as discussed above, that sustainable development renders inchoate our longing for nature. Conversely, sustainable development may help make culture—the particularities of our politics—difficult to articulate. Politics that are out of line with natural constraints are simply labeled “unsustainable”—a synonym for “bad.” But “bad” is an inadequately sophisticated way to consider the choices environmental policy requires. Taken seriously (which it rarely is), the idea of sustainable development makes it difficult for us to think about politics.

For a sense of how fusing the ideas of nature and culture makes environmental politics disappear, consider a charmingly written book entitled *The Botany of Desire*,¹⁹ in which Michael Pollan sets forth a little diatribe against humanity’s infatuation with itself. He argues that we are far too sure that we are little gods who control the fate of nature, whether as good steward or as despoiler. Pollan asks us to consider the possibility that we are more like bees than gods. Bees are used by plants for their own sexual purposes, cross pollination. In this light, the species that appeal to us, and who are furthered by us, are the most successful. Another example is dogs and wolves. We may admire wolves, but we love dogs. And while we feel that, at least in the abstract, the wolf may be a finer animal than the dog, there are very few wolves and millions and millions of dogs. Which is the more successful species?

Our tendency to select—or to believe we are selecting—one species instead of another is most visible in agriculture. We’ve cleared untold acres all over the planet, killing all sorts of plants, and planting other plants, from a relatively short list of favored plants. And those are the plants, from a sexual/biological point of view, that have been successful. Of course, these plants are genetically modified, mostly in the old-fashioned way of selective breeding. But we’re changing all that, starting to do our genetic modifications in faster, more efficient ways. From this perspective, the economy is already green indeed, altogether, inescapably, *green*. We have been the agents of rice, alfalfa, soy and oranges, and the other plants victorious in the evolutionary contest for control of the earth’s terrain. (Next, the oceans!) Yet, correct me if I’m wrong, I think most environmentalists find this perspective somewhat disturbing.

Fostering Disingenuous Thought

Which brings me to my seventh and final objection to the idea of sustainable development, which is that I think the idea of sustainability encourages a certain

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dishonesty. To repeat the last three objections: environmentalism requires us to privilege certain times, and certain ideas of nature, and certain ideas of what is appropriate in politics over other times, and other environments, and other ways of living together. But sustainable development encourages us to ignore time, and encourages us to see the environment as economics and vice versa. Sustainable development thus makes it essentially impossible to talk about politics, making decisions about nature with due care for history. Polemically rephrased, from within the global management perspective espoused by *Our Common Future*²⁰ and since, there is no way to understand the development of the relationship between culture and nature.

So if environmentalists cannot talk about nature as it exists, what are they left talking about? Harms, as they may come to exist. But the language of harm is often unconvincing. So many environmentalists, myself included, are healthy and affluent and really unlikely to be hurt by things to which we nonetheless object. I do not want to deny that sometimes proposed activities entail very real dangers. Sometimes there are things that we don't know, and we should apply the precautionary principle—although even here, there are usually buried costs to not adopting a technology. Most of the time, however, the use of harm language by environmentalists is a purely reflexive response. An event occurs, a development emerges, and we speculate as to what natural ills will result. Environmental impact is presumed to be negative impact; the question is how negative.

Not that we generally have much practical sense that the harms will affect us, except in the abstract. Let me suggest, as gently as possible, that few environmental arguments are really about harms. Returning to the idea of genetically modified food, I think we would object, or feel there is something strange going on, even if we could be assured that there was no harm to ourselves or the natural environment. I could fairly easily be persuaded that I have nothing to fear from a properly regulated biotech industry—there are lots of other things that are far more likely to hurt me or the environment. Similarly, the disappearance of tortoises from the Galápagos is too bad, but it is hard to be see how it harms me. Even if I am interested in preserving biodiversity, my efforts may be better spent elsewhere. If I believe that the data encoded in the turtle's deoxyribonucleic acid (DNA) is valuable, I can of course take a few blood samples, even put the turtles in a zoo. In other words, what is operating in such cases is not "harm."²¹

What is being "harmed" in the tortoise case is my belief that the Galápagos is a special place, with its own pace of history, and that place ought to be left to develop at its own pace, without the artificial introduction of a new species. What is being harmed in the case of genetically modified food is my sense that there are limits to how much technology should go into food. I'm not sure what those limits are. I certainly don't live too close to nature. We have a garden, but the growing season here is less than 180 days, and most of what I eat is shipped great distances. Nevertheless, I feel that there is something wrong about too many chemicals, too much modification. But that something has nothing much to do with whether or not the practice is "sustainable," or even with whether I'm likely to be harmed.

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Let me summarize this critique, and make the sort of modestly hopeful suggestion traditional in policy discourse. I have argued that the concept of sustainable development is inadequate for an environmentalist political economy because it

- imposes a false linearity on the economy
- underrates the impact of knowledge on trends in both nature and society
- abolishes time-value, a notion central to development
- is underdetermined, and hence politically vacuous
- denies normative priority of nature as it exists
- obscures distinctive qualities of specific political choices, and
- fosters dishonesty

While these are pretty grave charges, and while I think they are intrinsic to the very idea of sustainable development, it is difficult to be too critical. The concept of sustainable development was a diplomatic device contrived in order to satisfy conflicted commitments to entirely different visions of human history, held by groups with profoundly different interests who traditionally did not talk to one another, much less sign treaties on environment and development. Specifically, sustainable development obscured the intellectual crisis of mid-1980s environmentalism by suppressing the distinction between nature and culture, and by understanding the resulting synthesis from the atemporal perspective enjoyed only by angels and policy intellectuals. This obscurantism was probably a diplomatic necessity and a good thing. While it is generally impossible to prove counterfactuals in history, I believe that the concept of sustainable development made it possible to launch international environmental law—to move nature onto the plane of international politics—in the late 1980s and early 1990s. And that was quite an accomplishment.

The question is where to go from here. Sustainable development was the accomplishment of a generation of politicians, bureaucrats, diplomats, mandarins that are now retiring. They did their work well. Environmentalism is now and seems likely to remain a concern of the international community. Moreover, environmental concerns have been integrated into other areas of international politics, most especially the ongoing efforts to improve the economic circumstances of poor people. So, without meaning any disrespect to my elders, the question for policy intellectuals now is whether “sustainable development” provides an adequate conceptual foundation for environmental thinking moving forward. I think it does not.

I think the way forward lies backward, in and with history. A more thoughtful environmentalism would go back to the movement’s roots in the concern for the interplay between natural history and human history. In doing so, environmentalists who concern themselves with development will see a distinction between their longing for nature and their understanding of culture. A concern for nature presumes that there is a non-nature, “culture,” from which we long for nature. There is no wilderness without cities. Conversely, its stance vis-à-vis nature gives a culture much of its character. Consequently, we cannot look for answers to our political questions in nature, at least not directly. If politics is dif-

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ferent from nature (if nature is in some sense the desire to reject politics, *pace* Rousseau), then we environmentalists must be very careful how we import metaphors from the life sciences into our discussions of what to do. At some point, therefore, environmentalism needs to free itself from its dependence on biology, and more deeply, from its faith that “nature” frees us from politics, that all with which we disagree is “unsustainable.” Instead, a more thoughtful environmentalism would use a self-conscious (yet unavoidable) distinction between nature and culture to ask what our society wants to believe about nature, or about nature as it is found in the matter at hand (the ecology of the island, the food we eat, human reproduction, and so on). These are political questions, answerable only by politics, not by recourse to “the facts” or even a more rigorous environmental accounting.

Perhaps a more difficult task than freeing environmentalism from biology is for environmentalism to rediscover nature. The ubiquity of culture—the fact that climate change is anthropogenic, and the United Nations says that the planet needs to be managed as if it were a farm—makes nature hard to find. Nature’s elusiveness on a planet so marked by human activity, however, does not mean the death of nature.²² Politics (which, in the environmental context in capitalist societies, generally means economics) is everywhere, but it is not everything. Nature, it has emerged, is a longing of the human spirit that understands itself opposed to culture. And so we find nature even in Switzerland, even in Japan, with all their people.²³ Perhaps especially in such places. At some point, therefore, environmentalism needs to free itself from not only the details of academic economics, but more profoundly, from political economy and even political thought. That is, environmentalists should be able to understand—at least as philosophical exercise (or vacation)—their own desire to reject politics.²⁴ If it is to recover its political and spiritual strength, environmentalism needs to remember and declare its romantic roots and intentions.

Such romanticism has serious limitations; even Muir returned to politics. More specifically, environmentalists who concern themselves with development must have some nuanced notion of both human and natural history, in order to begin thinking about what is appropriate, with regard to this question, at this place, at this time. That is, a historically informed aesthetic—neither biology nor economics—should inform environmental politics. This sense of history needs to be more sophisticated than the grand stories of progress told by economists, or the equally grand stories of decline told by environmentalists, or the grand equilibrium envisaged by “sustainable development.” Only by thinking historically can we begin to articulate the sense in which I (and I think many others) find genetically modified organisms disturbing, but e-mail much less disturbing, or for that matter why I find drilling in the Arctic National Wildlife Refuge disturbing, even if I could be convinced that the environmental impact, as ordinarily accounted for, would be minimal.²⁵

So, to conclude the policy section of this chapter: sustainable development leads us away from serious practical thinking about how time, the narrative of experience, informs our understanding of what an appropriate culture, and what an appropriate context for our experience of the natural, might be. Moreover, the concept of sustainable development serves to obliterate specific artic-

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ulations of nature and culture, and replaces both nature and culture with more frankly economic notions of harm determined in the context of an adequately “green” economy. Insofar as such efforts are successful, we will have rendered ourselves mute, unable to speak to our longing for nature. And environmentalism, as a historical phenomenon, will have come to an end. But I don’t think that will happen anytime soon.

* * *

And yet, and yet . . . as wrong-headed as I think the concept’s usual articulations are, I find myself unwilling to let go of the idea of sustainable development altogether. What to make of this stubborn attractiveness of a political conception that is so deficient at organizing policy? No pragmatist can simply ignore the persistence of the mind’s practices, can dismiss a form of thought that abides after a seemingly valid counterargument has been offered. The very fact that the mind continues to entertain the thought indicates that the counterargument was inapt, that the thought in question is really about something else. So maybe my foregoing arguments about the failures of sustainable development are true but deeply off-point. Despite its history, perhaps sustainable development is not most importantly a diplomatic effort to reach agreement among competing interests. Despite its terms, perhaps sustainable development is not a practical principle we can use to lay down the laws for a green political economy. After all, the diplomatic moment has passed, and a political economy predicated on the term is deficient, and yet I and others cling to the idea. Why?

In *The Varieties of Religious Experience*, James famously argued that philosophy was wrong to understand religion as if it were philosophy. By focusing on the content and validity of doctrines propounded by academic theologians, philosophy missed the religious, as opposed to philosophical, meanings of religious life. Instead, James argued, thinking about religion should begin from the notion that the experience of religion was a very widely observable fact, and that religious life was far more than doctrinal propositions. The question for James, a question that spanned philosophy, psychology, and indeed religion, was what could be said about the meanings of such experiences, as experienced by actual humans? By focusing on the facticity of religious experience, on the grounded and situated, James opened up a profound discussion of the ephemeral and indeed transcendent. *Pace* James, I would like to conclude by suggesting a few aspects of the role the concept of sustainable development plays in my own mind, and I would guess in the minds of others similarly situated.

Sustainable development is most irresistible to me as a political aesthetic, a vision of what society could be. I find the image of a society whose progress is in harmony with its context deeply satisfying, indeed responsive to many of the desires that have traditionally animated the environmental movement. Sustainable development elegantly suggests ideals of social life as a whole, a political life of peace and durability, in contrast to the usual associations of modernity, in which our social and natural arrangements are always at risk, presumably transitory, and at any rate of limited importance. Sustainable development, then, is not a political idea—a theory which could serve as the basis for action—in any

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of the narrower senses that might, on a good day, be achieved by successful legislation.²⁶ In suggesting the course of history itself, sustainable development suggests images of political life writ so large as to be mythical. As discussed above, sustainable development cannot guide environmental policy; but the image of a sustainable society may express environmental impulses.

The myth of sustainable development functions—or perhaps, should function—as the token of a renegotiation of environmental critique, and thereby, of the relationship between culture and nature. Sustainable development bespeaks a widespread effort to reimagine and thus reconstitute vital parts of our psychological lives, the ways in which we understand that collective human action in time (culture) relates, or should relate, to some essential frame that both constrains culture and lends it meaning (nature). If so, then sustainable development is, in James' terms, a religious concept: it aims to heal a rift between the raw experience of life and the meanings without which life would be, quite literally, unimaginable.

In order to explain what I mean, and at the cost of both radical simplification and exposing my own insensitivity to James' subtleties, a short excursus into Jamesian thought on the nature of religion is required. As noted above, James begins with observations, specifically, that life can be experienced as quite unpleasant, an assertion that should get no disagreement from environmentalists. Most obviously for James the psychologist, awareness of one's own mortality, of the vanity of existence, poses grave problems for the psychological integrity of the individual. An analogous problem is posed for the theologian and philosopher: how is the existence of evil to be squared with belief in an omnipotent and benevolent God? James identifies two basic human responses to such problems. The first, which James calls healthy mindedness, confronts evil through strategies of outright denial, separation (allowing one to ignore the bad), or at best, resignation. James identifies the attitude of most natural scientists, polytheistic peoples, and at the most refined, Stoics and Epicureans, with this strategy.

However admirable an attitude healthy mindedness can be, this is not the stance of the environmental movement (nor, it might be added, is it the stance most admired by James). Environmentalists are critics: they point out wrongs, wrongs that should neither be denied, nor ignored, nor calmly accepted. Environmentalists, then, fall into James' other category of humans, which James calls "sick souls." Sick souls must somehow come to grips with the existence of evil, must find an attitude or stance that allows them to acknowledge wrongs and yet be hopeful, even politically active. For such souls, the function of religion is to place evil, whether one's own death, or pollution or the destruction of habitat, or evil more generally, into a larger frame. This is the function that I think sustainable development should play, and perhaps increasingly does play, in the mind of environmentalists: it orients actions, redeems loss, and thereby fills the lacks felt in both culture and its criticism by environmentalists.

To argue that modern culture is sick is hardly new, it is indeed the occasion for the environmental impulse. As discussed above, environmentalism begins from the proposition that our culture is incomplete, has led us away from something essential, nature. Environmentalism helps us to know our sickness, and

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suggests more natural, often literally touted as healthier, ways of living. Such suggestions are both critical and normative: our culture corrupts, leads us away from our true selves, and the normative suggestion of environmentalism is to turn away from some element of such culture, to recapture or return to something more authentic. The argument has a long history. Rousseau was an important exponent of breast feeding, a turn from continental manners to the deeper virtues realized through the essential mammalian bond—it is difficult to imagine a more organic argument.²⁷ Conversely, to fail to return to the natural self, to ignore the environmentalist normative argument, courts disaster, either environmental (catastrophic global warming, silent spring, and the like), or political, revolution.

Sustainable development updates and responds to the traditional environmental critique by emphasizing, or requiring, the sustainability of a cultural practice, as opposed to some simple return to nature. By definition, a sustainable practice can be carried on indefinitely, and hence cannot be antagonistic to its frame, cannot be non-natural.²⁸ Sustainable practices do not threaten the environment. Sustainable practices are in harmony with, rather than conquests over, nature. Sustainable development thus answers the cultural critique made by traditional environmentalism, that practices at odds with nature will bring about disasters, by calling for a reform of culture that will bring it into alignment with nature. Under the care of sustainable development, culture can be made to heal itself; we need no longer live as insults.

Although environmentalists have traditionally maintained the sickness of their culture, environmentalism itself is hardly a healthy enterprise. (And is this surprising? If our culture is sick, why should our critics, its talented children, be healthy?) Since its beginnings, environmentalism has tended to view political activity (the hand of man, industry, the antithesis of wilderness, the ecological footprint, and so on) negatively, in effect, as sin. While an awareness of sin is a mark of civilization (as is an environmental consciousness), such awareness can be taken too far, fetishized. Much like the enthusiasm for sin associated with fire-and-brimstone preaching, environmental critique has no intrinsic constraints, and all too easily leads to loathing for culture, that is, other people, hardly a generous attitude. Consider the quick green criticisms of windmills and fish farms, of most forms of outdoor recreation, of any use of animals, and of wars—at some point, one suspects that what is offered as critique is merely ritualistic posturing in an effort to establish the bona fides of the critic.

As we are inescapably human, and must act together as humans through culture, a loathing for culture logically entails a sense of guilt, self-loathing.²⁹ But the problem is not just other people. Environmentalism names an evil—offenses to nature—and then finds it cannot escape its own critique. The evil is internal; people are polluters. At the extreme, environmentalists wish to preserve a nature which they deem themselves unworthy to despoil, and their very lives require such spoliation. In such cases, environmentalists are much like the miser who wished for his own death because the costs of living slowed the compounding of his wealth.

Guilty environmentalism is hardly natural: most animals seem to be all about self-propagation and the elimination of competition, what the red-meat busi-

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ness culture of the 1990s called living large. Only rather strange humans would be enamored of reducing their footprints (as if feet were the body parts in question!). Unsurprisingly, the self-abnegation intrinsic to much modern environmentalism is of limited appeal to many people, including many people who love animals, the outdoors, what we used to call the natural world. The environmental movement has splintered and suffered as it has lost heart for what it means to be human, which is in part to experience the natural. Environmentalism thus rather uncannily can evolve from an embrace of nature into a highly cultured rejection of nature as experienced, from *joie de vivre* into contempt.

By insisting on development, and more generally by emphasizing the reform rather than the rejection of culture, sustainable development could make a start toward healing the psychic excesses to which environmentalism is prone. Rather than merely and conveniently loathing our social arrangements, sustainable development could ask us what arrangements are possible, meaning politically possible, attractive as well as worthy? Sustainable development thus might lead environmentalism back to politics. More strikingly, by asking after the consequences, for our experience of the natural, of actual human activity, sustainable development might inspire environmentalists to reengage with nature.³⁰ Sustainable development might even encourage environmentalists to see themselves and their fellow humans—polluters though they are and will be—as part of the scheme of things, not beyond redemption.

James taught that the function of religion was to heal the sorts of sicknesses of the soul that are expressed in our deeply conflicted understandings of culture, nature, and the politics devoted to their relation. Religion locates the human condition within a larger frame that both transcends human activity and gives meaning to action. Religion makes our lives part of a cosmic order. For obvious reasons in a secular society, the larger frame that sustainable development entails is rarely addressed directly, or is presented as objective scientific fact. But impolitely laying such suppressions aside for the moment, I think it must be conceded that only from a very Olympian position can one even begin to think about the questions entailed in any discussion or application of principles of sustainability to an actual human practice, much less an entire society. It takes a grand vision to ask whether and in what regard a society functions in an ecologically and historically, and one must also add morally and aesthetically, appropriate manner. Sustainable development is thus an effort to situate modern social life within a cosmic order. Whether thinking done under the banner of sustainable development can fulfill this function remains to be seen. I have my doubts, but can think of no alternatives, at least for the class of people that reads books like this one.

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Westbrook Endnotes

The author is an Associate Professor of Law, State University of New York at Buffalo Law School. *Author's Note:* I'm delighted to contribute to a volume commemorating Daniel Farber's work in environmental law. This chapter is written with gratitude and affection for Margaret Brusasco, who probably worries that I'm giving aid and succor to political opponents. I appreciate all that Greg Aplett, Jeff Bates, Alfredo Carrasco, Ginette Hemley, Matt James, Edgar Maravi, Marc Miller, Marcus Phipps, David Schorr, and Jim Thorsell taught me about environmental politics over the last dozen years or so. Many of the ideas in this chapter were first presented as "Visions of History in the Hope for Sustainable Development," a talk given at *Environmental Law and Stewardship for a Sustainable Society*, University at Buffalo Law School, October 13, 2001, in conjunction with the conference *Learning Sustainability: Achieving Environmental, Economic, and Social Well Being*, Buffalo, New York, October 10-13, 2001. Thanks are due to Barry Boyer, Errol Meidinger, and Maggie Shannon for organizing the law school conference, and for their comments. This talk (with the usual amendments) was published as *Visions of History in the Hope for Sustainable Development*, 10 BUFF. ENVTL. L.J. 301 (2002), and I appreciate their permission to reprint much of that text here. Finally, thanks to Jim Chen for inviting my participation; my thinking has benefitted from revisiting and revising. The mistakes, as ever, are my own.

1. This is not unique to environmental law. Other areas of the law, such as intellectual property, trade, antitrust, and securities law, to say nothing of the old ideas of contract and property now discussed in terms of law and economics, are organized around claims about progress, and hence, more fundamentally, history.
2. United Nations Conference on Environment and Development, Rio Declaration on Environment and Development, 31 I.L.M. 874 (1992).
3. Pragmatism of this sort has also animated environmental law, not least under the influence of this volume's honoree. See Daniel A. Farber, *Building Bridges Over Troubled Waters: Eco-Pragmatism and the Environmental Prospect*, *supra* Foreword.
4. William James, *The Varieties of Religious Experience*, in THE WORKS OF WILLIAM JAMES (Harvard Univ. Press 1985).
5. Stockholm Declaration on the Human Environment, princ. 21, Report of the United Nations Conference on the Human Environment, Stockholm, June 5-16, 1972, U.N. Doc. A/CONF.48/14/Rev. 1, U.N. Sales No. E.73.II.A.14, pt. 1, ch. 1 (1973), *reprinted in* 11 I.L.M. 1416 (1972).
6. See, e.g., National Environmental Policy Act of 1969, 42 U.S.C. §§4321-4370d, ELR STAT. NEPA §§2-209 (2000). On a personal note, internationalizing environmental law was what I went to law school to do—that was in 1989. In law school, I spent a summer in Directorate General XI of the Commission of the European Communities, working on the European Community's position at the 1992 UNCED, which I attended as a nongovernmental organization observer. So I have a considerable biographical investment in the idea that environmental law is an international concern. But it is now almost 10 years after Rio, and considerably more than 10 years since the phrase "sustainable development" began to gain overwhelming prominence, and so it is perhaps time to ask whether "sustainable development" is the right way to think about environmental policy.
7. See Alyson C. Flournoy, *Environmental Ethics and Environmental Law Scholarship*, *infra* Section 5 (endeavoring to understand environmental laws as expressions of various widely held, but not necessarily philosophically coherent, "impulses").
8. See generally OUR COMMON FUTURE: WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT (1987).
9. See David A. Westbrook, *Liberal Environmental Jurisprudence*, 27 U.C. DAVIS L. REV. 619, 702 (1994) (discussing intergenerational inequity).
10. David Leacock & David A. Westbrook, *The Ages of Gaia: A Biography of Our Living Earth*, 14 HARV. ENVTL. L. REV. 535, 536 (1990) (book review).

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11. The infamous example here is the bet between the economist Julian Simon and the environmentalist Paul Ehrlich over whether commodity prices would increase. See John Tierney, *Betting the Planet*, N.Y. TIMES, Dec. 2, 1990, §6 (Magazine), at 52. They did not. They might, at some point. But evidently not in the short to long/medium term, say 20 years, in which the vast majority of politics takes place.
12. See Daniel A. Farber & Paul A. Hemmersbaugh, *The Shadow of the Future: Discount Rates, Later Generations, and the Environment*, 46 VAND. L. REV. 267 (1993) (wrestling with different notions of time entailed in environmental and other policy discourses).
13. But maybe this is surprising. Economic and evolutionary thought (Thomas Malthus and Charles Darwin) have a great deal to do with one another, both structurally and as a matter of actual intellectual history. See EDWARD J. LARSON, *EVOLUTION'S WORKSHOP: GOD AND SCIENCE ON THE GALÁPAGOS ISLANDS* (2002). Both economies and ecosystems are interdependent, recursive systems in which the order of things matters. Both are increasingly discussed in terms of the flow of encoded information. At a less abstract and perhaps more familiar level, a great deal of work has been done to restructure environmental policy in the tropes of law and economics. I criticize such efforts *infra*, and in *Liberal Environmental Jurisprudence*, *supra* note 9.
14. David A. Westbrook et al., *International Law, Politics, and the Conservation of the Galápagos*, in *GALÁPAGOS CONSERVATION: EXPLORING SUSTAINABILITY* (Marc Miller et al. eds., forthcoming 2004).
15. *Id.*
16. Conference of the Parties to the Framework Convention on Climate Change: Kyoto Protocol, Kyoto Protocol to the United Nations Framework Convention on Climate Change, Dec. 10, 1997, 37 I.L.M. 22, 32 (1998).
17. Here I demur from Dan Tarlock's contention that "ecosystem revival reflects the triumph of a strictly anthropocentric view of nature . . ." A. Dan Tarlock, *Slouching Toward Eden: The Eco-Pragmatic Challenges of Ecosystem Revival*, *supra* Section 2. While acting to revive an ecosystem (however that may be defined, and whatever may be done) necessarily requires management, and hence an anthropocentric stance, the underlying intentions of many ecosystem revivals seem as ecocentric—as hostile to human activity—as any impulse in previous environmentalisms.
18. Of course preservation remains a "live" concern of many environmentalists. See, e.g., JOSEPH L. SAX, *MOUNTAINS WITHOUT HANDRAILS: REFLECTIONS ON THE NATIONAL PARKS* (1980).
19. MICHAEL POLLAN, *THE BOTANY OF DESIRE: A PLANT'S-EYE VIEW OF THE WORLD* (2001).
20. See generally OUR COMMON FUTURE, *supra* note 8.
21. Much the same argument animated the conclusion to *Liberal Environmental Jurisprudence*, *supra* note 9.
22. See BILL MCKIBBEN, *THE END OF NATURE* (1989) (arguing that anthropogenic climate change meant the end of nature as a concept). Brilliant, if a bit overstated.
23. Especially in America, where there was so little culture, and so much land, it is understandable how nature would come to be identified with wilderness, defined as the near total absence of humans—that notion of nature is no longer available to us, indeed never was.
24. See David A. Westbrook, *Triptych: Three Meditations on How Law Rules After Globalization*, 2nd meditation, *An Island on the Horizon of Desire*, 12 MINN. J. GLOBAL TRADE 337, 361-72 (2003).

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25. Perhaps the best model for beginning such thinking is quite traditional, *see* ALDO LEOPOLD, *A SAND COUNTY ALMANAC: WITH ESSAYS ON CONSERVATION* (2001) (Aldo Leopold understands human and natural history in terms of one another, and particularized on either side of the divide). *See also* Amy J. Wildermuth, *Eco-Pragmatism and Ecology: What's Leopold Got to Do With It?*, *supra* Section 2 (arguing that Leopold's thought can be used to deepen and articulate the substantive values that eco-pragmatism seeks to protect).
26. *See* Daniel A. Farber, *Building Bridges Over Troubled Waters: Eco-Pragmatism and the Environmental Prospect*, *supra* Foreword.
27. *See* SIMON SCHAMA, *CITIZENS: A CHRONICLE OF THE FRENCH REVOLUTION* 145, 147 (1989).
28. Sustainable often implicitly means without significant change in the environment. One can imagine practices that radically transformed their environment and that could be sustained, but it generally would feel odd to call such practices sustainable, unless, as in the case of agriculture for example, the practices were of long standing.
29. I suspect that at this point we are rather close to the source of both the popularity of and the anger aroused by Bjorn Lomborg's *THE SKEPTICAL ENVIRONMENTALIST* (2001).
30. *See* Holly Doremus, *Biodiversity and the Challenge of Saving the Ordinary*, 38 *IDAHO L. REV.* 325, 352 (2002) (arguing that "nature," rather than "biodiversity," ought to be the conceptual rubric under which we think about, and attempt to protect, biodiversity). I agree.