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Structural Limits of Liberal Neutrality: Understanding Problems for Sustainabiity

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Understanding Problems for Sustainability

by

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—Abstract—

Liberalism is a political philosophy that is "committed in the strongest possible way to individual rights, and, almost as a deduction from this, to a rigorously neutral state" (Walzer 99). It takes its "constitutive morality" to be a "theory of equality that requires official neutrality amongst theories of what is valuable in life" (Dworkin 203). For this reason, some theorists say Liberalism and the idea of environmental sustainability are not in conflict with one another. According to Mike Mills, because the commitment to neutrality means there is "no given set of policies associated" with Liberalism, any outcome is plausible (168). However, through this paper, I will show that the frameworks of Liberal political theory are not neutral because they cannot give due consideration to claims for environmental sustainability. Given these procedural incapacities, true neutral consideration would involve a counterintuitive commitment to fully supporting sustainability, further justification for which could come from a reexamination of the underlying Liberal theory of human nature.

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Introduction

Liberalism is a political philosophy that is "committed in the strongest possible way to individual rights, and, almost as a deduction from this, to a rigorously neutral state" (Walzer 99). It takes its "constitutive morality" to be a "theory of equality that requires official neutrality amongst theories of what is valuable in life" (Dworkin 203). For this reason, some theorists say Liberalism and the idea of environmental sustainability are not in conflict with one another. According to Mike Mills, because the commitment to neutrality means there is "no given set of policies associated" with Liberalism, any outcome is plausible (168). However, through this paper, I will show that the frameworks of Liberal political theory are not neutral because they cannot give due consideration to claims for environmental sustainability. The Liberal institution of democracy incorporates a competitive procedural dynamic that systematically excludes sustainability interests from securing equal consideration in policy-making. Furthermore, limitations imposed by the neutrality principle prevent civil and political rights from correcting the inequality of political consideration from which sustainability suffers. Therefor, Liberalism must reevaluate neutrality as an outcome-based rather than procedural concept in order to give sustainability its fair political due. Such a realignment of the location of neutrality signals a re-evaluation of underlying Liberal conceptions of human value. Through these arguments, I will show how, though the philosophy purports to treat all political issues with equal concern, environmental sustainability

is at an unfair political disadvantage as long as Liberalism is committed to a procedural view of political neutrality.

In the rest of this introduction, I will give an overview of the topic of sustainability, as it will be used in this paper. I will describe the dynamic of the case study I highlight, which is the political struggle for enacting substantive sustainability policy in Wyoming, in the face of rapid energy development. In my first chapter, I will give an interpretation of the dynamics at play in a Liberal democratic system and explain how that institution is ill-equipped to give equal consideration to claims of sustainability. In my second chapter, I will demonstrate how Liberalism's process-oriented commitment to neutrality limits the ability of rights to prevent the neglect of environmental sustainability. Finally, in my third chapter I will show how the Liberal idea of human nature underlies the theory's commitment to neutrality, and show how reformulating the Liberal metaphysical conception of the self will be necessary to undergird a Liberal framework that is concerned with neutrality of outcome.

Sustainability

Sustainability is an empirical political claim with a normative basis. By the broadest metric, sustainability can be described as "the effort to use natural resources less wastefully and exercise greater foresight in our economic affairs" (Thiele 3). Therefor, sustainability involves regulation of our consumptive activities. However, the motivation for sustainable practices is moral: it is justified by "a sense of responsibility for maintaining the integrity of the ecological, social, and economic

networks that support us" (Thiele 3). Sustainability makes a judgment about the value of the society we live in, calling for policies that stall environmental degradation "such that civilization does not undermine the conditions that allow it to flourish" (Thiele 4). Therefor, sustainability can be paraphrased, from Thiele's definition, as the conscious effort to maximize the efficiency of our energy consumption, and be aware of the economic risks over-consumption entails, drawing on a motivation based on a sense of obligation for others. In accordance with Thiele's definition, being sustainable involves forgoing some valuable opportunities in the present. Therefor, in order to support sustainability a person might have to come to terms with the idea that, "what is good for me as an individual is not necessarily good for me as a member of a social collective" (Dobson 280). Because being sustainable involves putting the well being of an entity other than the self first, making sacrifices in order to sustain a way of life that has been judged to be valuable, for living as well as future populations, sustainability is at heart a moral political claim.

I was inspired to incorporate sustainability into my study of Liberal structures and philosophy, because I come from a state in which the question of whether long-term sustainable regulations can be implemented is a pressing political question. That state is Wyoming, where there is rising tension between continuing development of the oil and gas drilling industry, and the preservation of natural spaces and resources. By giving examples about Wyoming and how the

processes I identify within Liberalism play out, I hope my case study shows how political philosophy can illuminate underlying dynamics in current political problems.

Sustainability and its Opposition: In Wyoming

Wyoming is one of the top energy producing states in the country. In 2012, it was ranked fifth in production of natural gas, eighth in crude oil, and had 37,301 total drills in operation (Lynds and Toner). Wyoming is "leading the way in what many are calling a(n)…oil boom", with 27,000 new drilling rigs expected to be in operation by 2018 (Lynds and Toner). The recent "rapid advancement in drilling technology", including the process known as "fracking" or hydraulic fracturing, has also been impactful in the development of many "large" drilling projects (Lynds and Toner).

As the energy development industry has boomed, Wyoming has reaped financial rewards. The oil and gas industry contributed $2.2 billion to Wyoming's state and local governments in 2012, equating to a direct payment of $3,817 for every Wyoming citizen (Wyoming Oil and Gas: Facts and Figures). Donations to Wyoming's University have also flowed in, with the University of Wyoming's website reporting new features like the Shell 3D Visualization Lab and the Halliburton Energy and Engineering Research Complex.

Meanwhile, many within Wyoming see increasing energy development as negative because it impacts previously pristine natural space. According to a study by the Northern Rockies Conservation Cooperative, there are three main groups of people who support sustainability: Those who oppose energy development range

from conservationists who see “intrinsic value” in preserving natural patterns and ecosystems, ranchers and businesses-people associated with tourism who support sustainability because a healthy natural ecosystem is essential to their livelihood, and those who hold that the western cultural heritage of Wyoming is defined by the natural environment and the animals that live in and are a part of it would be “a shame” to loose. (Cheney and Clark, 4-6). All of these viewpoints have in common that they support a regulated, sustainable approach to the continued growth of the energy industry in order to preserve a way of life that is traditional and increasingly threatened by development.

The balance of pro’s and con’s of Wyoming’s energy development industry illustrates the push-and-pull dynamic of political sustainability conflicts. While the use of natural resources allows some people to access important opportunities, it also involves the degradation of natural spaces, taking away opportunities for others and imperiling certain ways of living. Both sides of the conflict appeal for consideration from the government to enact attractive regulatory policy. In my next chapter, I will explore how one Liberal institution—democracy—attempts, and fails, to stand as a neutral decision making framework for weighing policies that focus on energy development versus an increased commitment to sustainability.

Chapter 1:
Contradictions in Democratic Neutrality

Democracy is a Liberal institution because it reflects the constitutive Liberal ideals of neutrality and equality (Dworkin 190, 191). In terms of justifying democracy, the notion of equality is expressed through the idea that each citizen is equally capable of judging which types of culture are most valuable, and has equal access to voting and thereby expressing those opinions. Furthermore, democracy is Liberal because it recognizes that no ruling body has paternalistic privilege to prescribe which type of life citizens should want. Eckersley explains, "If Liberals rejected the principle that all…are the best judge of their own affairs, then they would no longer be constrained to support the notion of one vote, one value or to support a legal framework that protects the civil and political rights of all citizens" (Eckersley 340). Democracy therefor rejects the idea that any one life is accepted by all, adopting the logic that "it is the view of rightness of the many, not of the few, that counts as the sole justifiable form of political system" (Saward 127). However, the procedural way democracy incorporates Liberal neutrality fails to respond to inequalities in how political issues such as sustainability are socialized, presented, and developed. It is for this reason that the neutrality which democracy aims to represent falls short of its goal.

Interest Group Liberalism

The commitment to giving equal consideration to all people, as it is enacted through democracy, should be understood as having the effect of making government a center of political conflict. By this understanding of how democracy works, government is like a black box, into which different interests enter, and out of which come policies. Tocqueville observed this phenomenon, when he said, "the regulation of various competing groups is the principle task of the modern legislature (Tocqueville quoted in Wilson, 2).

Theodore Lowi calls such a system "interest group Liberalism" (51). He describes it as a government that "sees as both necessary and good a policy agenda that is accessible to all organized interests and makes no independent judgment of their claims" (Lowi 51). Rather than seeing some groups as having more legitimate claims than others about how society should be shaped, this system reflects a Liberal commitment to neutrality because it sees the amalgamation and reconciliation of public opinions as the public good. Dworkin recognizes how this puts the government in the role of mediator, saying, "The Liberal man is the man in the middle, which explains why Liberalism is so often considered wishy-washing, an untenable compromise between two more forthright positions" (188).

In Wyoming, this 'man in the middle' dynamic is evidenced by Wyoming Governor Matt Mead's 2013 energy policy plan. Its stated main goal is that, "Wyoming will achieve excellence in energy development production, and

stewardship of its natural resources for the highest benefit of its citizens" (Leading the Charge, 3). In this statement, Mead hopes to reconcile two competing goals: excellence in energy development, and excellence in stewardship of natural resources. The degree to which the government can deliver on that promise for both parties, therefor, is an indicator of the degree to which the state exemplifies a neutral stance on which vision of appropriate resource use is more desirable.

Issues in Interest Group Liberalism

The formulation of interests and government in this way introduces an element of competition between groups that vie to receive policy-making attention. Shattschneider says, "democracy is a political system in which competing leaders and organizations define the alternatives of public policy in such a way that the public can participate in the decision-making process" (Semi-Sovereign People 141, quoted in Adamany 1325). So by this view, the promise of Liberal equality comes in the form of interests having equal opportunities to organize for attention in the policy-making arena, and having government being equally receptive to them.

This competitive dynamic unfairly places sustainability interests at a disadvantage because it is easier to organize and institute leadership for profitable companies than for public groups. As Mancur Olson points out, "unless there is coercion or some other special device to make individuals act in their common interest, rational self-interested individuals will not act to achieve their common group interests" (Olson 7). Oil and gas corporations that lobby for policy attention are already formed in the shape of organizations. Meanwhile, environmental

groups face the collective action problems Olson describes. They have to rally many citizens around a cause, and construct an organization from the ground up. Environmental interests thus face collective action problems that their opponents often do not.

The outcome of 2010 legislation in Wyoming illustrates the way in which an interest like sustainability is at a disadvantage in a system that works through a competitive framework. 2010 marked a year when Wyoming gained attention for enacting landmark environmental regulatory legislation. The legislation was the first in the nation to require oil and natural gas companies to disclose the chemicals used in drilling. These chemicals are suspected of tainting drinking water with carcinogenic compounds and traces of explosive gas. Oil and gas companies opposed the law, saying they would be forced to give up trade secrets. Environmentalists lauded the bill as symbolic and substantive progress from a state that might set the standard for energy production regulation in the years to come.

At the first stage of the regulation, requiring companies to disclose potentially dangerous chemicals showcases how interest group Liberalism works to take into account the concerns of multiple parties. However, four years after its passage the outcome of the legislation has been less than satisfactory. Since that time, the Wyoming Oil and Gas Commission, the state agency which oversees the regulation of drilling activities, has granted exemptions from the law to 11 oil and gas companies (Brinkerhoff). Under the exemption, the companies disclose only two of the estimated 148 total chemicals used in the process of natural gas

extraction called fracking (Brinkerhoff). The legislation was essentially crippled, and what started as an important step for environmentalists and concerned citizens to gain information that would help challenge the safety of energy extraction activities, ended up without any real impact.

The distortion of the implementation of Wyoming's chemical disclosure legislation represents the narrowing of the scope of conflict, allowing the dynamics of interest group Liberalism to become more pronounced. As Lowi points out, "when a problem is set up in a specialized agency, the number of organized interests groups surrounding it tends to be reduced, to those to whom the specialization is most salient" (Lowi 57). When administration of Wyoming's chemical disclosure law was passed down to the state agency that administered it, oil and gas companies, with the resources to pay professionals and lobbyists, were able to secure exemptions, while the public was unable to exercise such a strong voice. In this example, the narrowing of the scope of energized participants represents a procedural inequality of representation, resulting in an outcome that unfairly benefited energy interests at the expense of sustainability ones.

Participation through competition further fails to fairly incorporate sustainability interests because sustainability is a discursive political concept that requires coordination, not competition. According to Dobson, 'cooperation will be necessary between producers and organizations of consumers, and between government agencies and producers", in order to "establish sustainable patterns of consumption" (Dobson 268). This cooperation, Dobson argues, is "based on a

shared understanding of the meaning and value of sustainability in general" (Dobson 269). This is to say: learning how to consume less as a society involves a collaborative practice and a general openness to learning and altering behavior to achieve group aims. It "entails not only the registering of people's preferences in the decision-making process, but also the possibility that those preferences be revised as a result of debate and discussion" (Dobson 7). This condition is in direct contradiction to the oppositional elites Shattsneider understands as shaping democratic policies.

Furthermore, constantly pitting interests against each other prevents the government from making long-term commitments to environmental sustainability. "Liberal government cannot plan", Lowi says (67). He argues, "Planning requires the authoritative use of authority. Planning requires law, choice, priorities, moralities. Liberalism replaces planning with bargaining" (67). Environmental groups must continually struggle to maintain sustainable regulation, often in the face of changing economic and social incentives that make sustainability more or less attractive. Therefor, because of its commitment to procedural neutrality, government is unable to adopt policies that are long-standing. This policy outcome--a symptom of the structure of Liberal democracy—prevents long-standing policies that could institutionalize concrete commitments to sustainability even in the face shifting energy demands.

Finally, competitive policy-making causes complex and broadly defined issues, like sustainability, to be boiled down to the most palatable points. Cahn

notes that when opposing interests come into conflict, specific points come to the forefront while the nuance of the issue gets left behind. He says, “Symbolic politics is a function of consciously oversimplifying complex realities into easily digestible products” (Cahn 24). Sustainability as a political issue is susceptible to symbolic policy, because, “The environmental debate is permeated with ambiguity and anxiety” (Cahn 26). Furthermore, “environmental improvement is a highly specialized technical field…specific regulatory proposals…are beyond most people’s grasp” (Cahn 27). Finally, “Environmental quality remains a highly salient issue with the public” (Cahn 27). This combination of ambiguity, technicality, and high salience, Cahn says, makes citizens interested in sustainability “vulnerable to simplistic answers and symbolic representations” (27). The result of this simplification is policies that function as attention getters rather than functional solutions, and further represents how the competitive dynamic of interest group Liberalism excludes sustainability from the political process.

This outcome of the competitive policy dynamic has been observed in Wyoming, where environmentalists who wanted to protect a migration route for pronghorn antelope were pitted against energy companies in a competition for rights to the land. According to a Northern Rockies Conservation Cooperative report, “the environmentalists developed a ‘David and Goliath narrative as a tool to halt natural gas development. When the intensity of the conflict over natural gas escalated, so did conflict over pronghorn migration…the symbolic controversy over this migration escalated to the point of paralysis” (Cherney 614). This example

shows how competition between parties for policy attention serves to slow the process of deciding appropriate rules.

The over-simplification of issues, constantly evolving dynamics that prevent long-term planning, the non-cooperative relationship between different interests, and the unequal resources of different interest groups show four ways in which the institution of democracy fails to live up to its promise of procedural neutrality. These dynamics can be seen at play in the political struggle for sustainability in Wyoming, showing evidence of how there is “no such thing as procedural neutrality when it comes to designing decision-making frameworks” (Eckersley 326). In my next chapter, I will show how Liberal rights are employed to address this insufficiency in the democratic equal consideration of sustainability interests.

Chapter 2:

A Liberal Right to Sustainability?

Rights are an attractive rejoinder to the bargaining process of Liberal democracy because they make certain protected interests invincible to bargaining. As Eckersley explains, “Pressing environmental claims as rights is intended to make such claims non-negotiable—or at least, less negotiable than they currently are” (331). Dworkin also acknowledges this function of rights, saying “When considerations of two different claims might be swayed by questions of which is more efficient, rights make the decision non-negotiable” (Dworkin 1984, quoted in Eckersley 216). Dworkin further notes this advantage of rights, saying, “Rights will function as trump cards held by individuals; they will enable individuals to resist particular decisions in spite of the fact that these decisions are or would be reached through the normal workings of governing institutions” (Dworkin 198). Thus, for some environmental theorists, rights can correct issues in procedural neutrality by playing “the role of lynchpin, connecting Liberal concerns and ecological concerns on the level of principle” (Eckersley 225).

In my previous chapter, I gave several examples to prove how democracy cannot be considered a neutral decision-making framework, and showed how it systematically excludes sustainability interests. In this chapter, I will argue that while there is a way in which sustainability is linked with Liberal theory in principle, rights-based claims that are mainly concerned with democratic processes as the

chief mechanism for promoting Liberal neutrality, are an insufficient vehicle to protect environmental integrity. The second section will demonstrate how, because of the inability of process-based rights to evaluate difficult lifestyle choices as a choice worthy of protection, a stronger, outcome-based conception of Liberal rights is necessary to give sustainability efforts their fair political due.

Connecting Liberal Rights and Sustainability in Principle

Liberal rights can be applied to sustainability in the sense that sustainability is instrumental to democracy. As Eckersley says, "there are certain basic ecological conditions essential to human survival that should not be bargained away by political majorities because such conditions provide the very preconditions (in the form of life support) for present and future generations of humans to practice democracy" (Eckersley 224). Put another way, "If democracy is a good, then its proper exercise is a good. Hence, those things necessary for its proper exercise can be secured against itself" (Harrison 230, quoted in Saward 131). The environment should not be unsafe and should not be depleted of its resources, to the degree that the availability of natural resources is part of the infrastructure that supports democracy.

In this sense, the importance of sustainability stands "in logical antecedence to competing normative principles such as utility maximization or rights protection" (Dryzek 1987; 204 quoted in Eckersley 225). In this argument, Dryzek makes the explicit connection of how sustainability fits into Habermas's directive that rights are "consistent with foundational Liberal values" in the sense that "arguments

about goals can only trump claims on individual rights if these goals can be justified in light of other rights that take precedence" (Habermas 123-124). By making a claim that prioritizes sustainability *prior* to any other rights, such as a right to property, Dryzek articulates one way in which Liberalism supports sustainability on the level of theory.

The events of recent years in the town of Pavilion Wyoming, illustrate an application of this inherent democratic right to sustainability. In 2008, residents of Pavilion began noticing physical ailments and reported that their drinking water was turning black and tasted of chemicals (Lustgarten). A 2011 draft EPA study of the area showed the presence of thirteen carcinogenic contaminates associated with oil and gas extraction within the underground water supply, including benzene, acetone, toluene, naphthalene and traces of diesel fuel (Lustgarten). The physical health of many of these residents was called into question by the degradation of the surrounding natural resources due to drilling operations.

The impairment of citizens' health in Pavilion due to the drilling activities could be argued to represent an infringement of their right to participate in democracy. As Saward notes, "citizens' physical mobility can play a role in their capacity to associate, communicate, and to refine and register preferences (Saward 133). Although "no part of democracy *requires* that preferences be informed in order to count…clearly that is the desirable state of affairs on any criterion" (Saward 133). Therefor, a right to good health plays a role in exercising the complete spectrum of Liberal rights in the sense that "social rights can be seen as

providing the conditions for effective exercise of both civil and political rights" (Kymlicka and Norman 1992, 11, quoted in Saward 132). The environment plays an instrumental role in supporting the health of the people who participate in democracy, and therefor its maintenance must be prioritized over other liberal rights.

However, the parallel between sustainability and Liberal theory does not accomplish much for those who would see natural spaces preserved. Eckersley notes, "At best we might say that a minimal degree of ecological integrity is a necessary, but by no means a wholly sufficient condition for a democratic polity" (225). The right to political participation involves the integrity of natural resources to the extent that natural resources support life, but does not specifically require an undeveloped natural setting.

Furthermore, linking a right to sustainability to a right to Democracy, as the above argument does, allows substantive versions of sustainability to be circumvented. After the EPA draft study found that Pavilion groundwater was contaminated, the Agency for Toxic Substances and Disease Registry recommended that residents stop bathing in, cooking with, or drinking the water from their taps (Lustgarden). Environmentalists like Saward might see such an announcement as justification to condemn nearby drilling operations. Instead, the State of Wyoming installed large cisterns of water for the residents of Pavilion to use (Lustgarden).

While the argument for how sustainability can come prior to other Liberal rights locates an intersection between sustainability and Liberal theory, the

argument makes little real headway in protecting environmental interests. First, some degree of environmental integrity is necessary in every society. Second, because sustainability is not the goal, but rather the instrument of Liberal principles, a simple fix can alleviate tension caused by environmental degradation, without addressing the underlying problems for sustainability. Therefor, this argument about Liberal rights is not capable of substantially correcting the political disadvantage that sustainability faces.

Chapter 3:

Neutrality of Processes vs. Neutrality of Outcome

In the previous chapter, I based my analysis of the applicability of Liberal rights to problems of sustainability on the conception that rights are chiefly concerned with problems in neutrality of procedure. In this section I will compare this view with a second interpretation of Liberal rights, which is concerned with neutrality of outcome. Because neutrality that is concerned with procedure is unable to give equal concern to ways of life that are valuable but require sacrifices, in the case of sustainability, true neutrality is best accomplished through appealing to this second version of Liberal rights.

The first view of Liberal rights is often termed Liberalism 1, or distinguished as neutrality of procedure (Waltzer 99). Liberalism 1 sees Liberal neutrality of consideration as "a moral commitment to processes that ensure the fair and equal treatment of all", "but not a commitment to specific ends of life" (Rockefeller 90). Therefor, a state that ascribes this view of neutrality "is not to be permitted to pursue any collective goals beyond guaranteeing the personal freedom and the welfare and security of its citizens" (Habermas 123). Rights to special consideration or protection are justified "on the grounds that they maintain democratic processes and structures and thereby maximize individual autonomy for everyone" (Eckersley 343). Rights by this view protect marginalized causes like sustainability by correcting the deficiencies of the institutions of allocation that a Liberal chooses to employ.

In contrast, the second view of Liberalism, called Liberalism 2, takes into consideration that the elimination of the possibility of living certain ways of life represents the disappearance of distinct cultural values. It comes to the conclusion that "The objective of a Liberal democratic culture is to respect—not to repress—ethnic identities and to encourage different cultural traditions to develop fully their potential for expression of the democratic ideals of freedom and equality" (Rockefeller 89). Therefor, the second conception of Liberal rights supports proactive interventions to preserve ways of life that do not fare well in democratic bargaining scenarios. Liberalism 2 "expects the state…to intervene on behalf of the survival and advancement of a 'particular nation, religion, or of a 'Limited set of nations cultures, and religions'" (Habermas 123). Neutral concern by this view involves giving real consideration to the value of all ways of life, even marginalized ones, such that "the goals of a particular cultural group…are to be actively supported by government in the name of cultural survival" (Taylor, paraphrased in Rockefeller 89).

Protecting Sustainability as a Version of "the Good"

By the first view of Liberalism, Liberal government's obligation to neutrality takes the stance that inequality of outcome is not problematic as long as it is accompanied by equality of primary resources. As Kymlicka explains, a scheme of civil rights that is designed to prevent the government from acting in a non-neutral way cannot simultaneously work to ensure that policy and governmental actions have neutral consequences. He says:

> Freedom of speech and association allow different groups to pursue and advertise their way of life. But not all ways of life are equally valuable, and some will have difficulty attracting or maintaining adherents. Since individuals are free to choose between competing visions of the good life, civil liberties have non-neutral consequences—they create a marketplace of ideas, as it were…Hence, under conditions of freedom, satisfying valuable ways of life will tend to drive out those which are worthless and unsatisfying (884).

Often, this marketplace of ideas is described in terms of preferences for primary goods, like champagne or beer. Champagne and beer are primary goods that are "employable in the pursuit of diverse conceptions of the good" (Kymlicka 884). While a person is free to choose his or her preference, "Those who choose expensive ways of life will get less welfare out of an equal bundle of goods" (Kymlicka 884).

We should not try to ensure that whoever likes champagne is able to consume the same amount of beverage as whoever likes beer, because preferences should reflect realities of resource availability. Preferences, Rawls argues, are not uncontrollable "propensities or cravings that sometimes happen": people form and revise them as part of their "capacity for moral choice" (Rawls 553). Therefor, expecting the government to step in and provide a consequentially neutral outcome is unreasonable because, as Rawls articulates, people should "form their aims and ambitions in light of what they can reasonably expect" (Rawls 1980, 545, quoted in Kymlicka 886). Therefor, as Kymlicka articulates, people who, "have developed expensive tastes in disregard of what they can reasonably expect have no claim to be subsidized by others" (Kymlicka 885).

Sustainability is at a disadvantage in the Liberal marketplace of preferences because sustainability, like champagne, is expensive. Energy development and sustainability both claim land as their primary resource. As I noted in the introduction, energy development brings in $2.2 billion to Wyoming governments, and contributes to an elite and accessible higher education system. Therefor, being sustainable involves giving up, or at least diminishing, uses of the primary good of land that are highly profitable. Only those people who are *most* committed to the value of natural environments, therefor, would want to give up the benefits of energy development to maintain the benefits of sustainability.

However, the analogy between two expensive uses of primary goods, champagne and sustainability, is misleading. Normally, we don't think of champagne as a morally valuable commodity. If a person refused to give up champagne for beer despite a lack of funds, we would probably think of them as insufferably pretentious, not noble. But sustainability, unlike drinking champagne, is a normative concept. It "embodies a particular moral attitude to the future, expressing how much we care for and are willing to make sacrifices for our descendants" (Barry 185). A system that rewards a person who alters their belief about the value of the environment essentially rewards revisions of 'the good life' and of what treatment we owe each other, in light of which type of life is most convenient.

To illustrate this point, I refer to the cattle ranchers of Wyoming, many of whom lament the continuing expansion of oil and gas rigs into the migration habitat

of pronghorn antelope. One rancher says ‘‘I have known about this migration [for years] and enjoyed it as a child, adult, and old-man.... I hope my children will be able to enjoy the migration as I have’’ (Cherney and Clark, 6). Though the preservation of antelope migratory patterns does not contribute monetary value, the cattle rancher points out that there is a nostalgic *cultural* value in the ability to witness such a natural phenomenon.

Because competitive dynamics under-estimate the value of ways of life that require certain sacrifices, neutral consideration of such interests is only accomplished by appealing to a Liberal right to equality of outcome, rather than a right to equality of process. This is to say, the framework of a competitive marketplace of ideals regards the public’s indication of their preferences as the best way to advance Liberal neutrality. However, because sustainability is difficult, and involves sacrifices which might make it unattractive to most people, it struggles to gain support. Making this point is important, because it shows the appropriate response to those who might say that, ‘if sustainability is so important, why don’t more people, and thereby more states, make the requisite sacrifices?’. The response, as I have demonstrated, is that Liberalism 1, or equality of process, is ruled by the majority and thus cannot differentiate between what is unpopular and bad, and what is unpopular and yet still valuable. However, sustainability is valuable in a cultural sense, though not a monetary one and therefor merits protection. For these reasons, Liberalism 2, which takes into account equality of outcome, is

necessary to sustainability interests from being overwhelmed by more competitive claims to the resource of land.

Chapter 4:
Interrogating Liberal Conceptions of the Self

In my previous chapter, I presented two contrasting interpretations of how Liberal rights might be invoked to promote the principle of neutrality, and showed that the competitive dynamic of "versions of the good" fails to incorporate the value of sustainability, making outcome-based rather than procedural neutrality necessary to give equal concern to sustainability interests.

In this chapter, I will show how a reevaluation of the Liberal conception of the self is necessary to move from the initial competitive procedure-based view to the thicker, consequentially concerned Liberalism 2. Because the individualistic Liberal conception of the self underlies the philosophy's adherence to procedure-based versions of rights to neutrality, the theory must shift to incorporate discursive and communal conceptions of the self in order to justify government interventions that seek to establish neutral political outcome

The 'Liberalism 1' political ethic conceives of humans as autonomous agents capable of independent choices. John Locke, the so-called Godfather of Liberalism, illustrates this dynamic in the first passage of *A Second Treatise on Government*, in which he says, "Adam had not, by natural right of fatherhood, any such authority over his children, or dominion over the world" (Locke Ch. 1, Sec. 1). Locke's comments imply the view that each person is a discrete unit capable of self-direction and full personhood absent any formative social dynamic. This is to say,

this Liberal view of the self understands full human functioning as “unencumbered by social attachments”(Kymlicka 892, Footnote 22).

Liberalism views individualistic free will as a defining human trait. As Kymlicka notes, Liberal theory sees “autonomous choice to have a conception of the good” as a “fundamental moral power” (Kymlicka 1989). Mill advances this standpoint, arguing that the highest goal for humans is to be “individuals”. For Mill a “well produced human”, is a person with “individuality of power and judgment” (Ch. III prg. 10). Mill sums up the viewpoint, saying,

> It is the only cultivation of individuality which produces, or can produce, well-developed human beings…what more can be said of any condition of human affairs, than that it brings human beings themselves nearer to the best thing they can be? Or what worse can be said of any obstruction to good, than it prevents this (Ch. 3 prg. 10).

By this view of the highest human good, a society that rewards choice is the best society to cultivate a flourishing humanity. Furthermore, for Liberalism to take this standpoint betrays its imperfect neutrality: regarding one type of society as better than another shows it to be “a substantive, perfectionist, moral theory about the good” (Gaus and Courtland 3.2). This is to say, the commitment to individuality and personal autonomy leads Liberalism to promote societies that value those traits over societies that do not.

Such an individualistic stance on the fundamental aspects of human nature underlies Liberalism 1’s commitment to procedural neutrality. Locke says that men are *originally equally capable* in their ability to attain resources, because “Every

man has a property in his own person" and "the labor of his body, the work of his hands…are properly his (14)". For Locke, the idea that equality is fixed in the original concrete potential, in the equal physical agency of each person, implies that every person enters into the competition with each other on an equal playing field. This ideology gives way to a position that inequalities in political outcome are due to differences in value of the competing priorities. Neutral consideration, therefor, must be given by recognizing the equal ability for humans to make choices through democratic processes, rather than the outcomes of the choices they make.

In contrast, a viewpoint that sees humans as being equally deserving of concern and respect on the basis of their dialectically-informed identities supports a Liberal commitment to neutrality of outcome. Williams articulates this position, saying "It is not in their skill, intelligence, strength, or virtue that men are equal but merely in their being men; it is their common humanity that constitutes their equality" (230). The universal features of the human condition, by this standpoint, involve a dialogical construction of the self. Williams continues, "Those who belong anatomically to the species *homo sapiens",* can "speak a language, use tools, live in societies"; they have "the capacity to feel pain, both from immediate physical causes and from various situations represented in perception and in thought, and the capacity to feel affection for others and the consequences of this"(232). Taylor further articulates this constructed notion of the self, saying, "The crucial feature of human life is its fundamentally *dialogical* character. We become full human agents, capable of understanding ourselves, and hence of defining our identity, through our

acquisition of rich human languages of expression", such as art, gesture, and love (Taylor 32).

The definition of human nature as socially constructed involves a Liberal commitment to the equality of outcome. As Habermas argues, "If we are to give moral priority to the autonomy and integrity of members of…the human community…then we must accord the same moral priority to the material conditions (including the bodily and ecological conditions) that enable that autonomy to be exercised (Eckersley 341). In the sense that communal modes of life, such as sustainability, are vehicles through which people exercise their autonomy, recognizing moral consideration for all people involves recognizing the importance of social values and practices. Habermas articulates this stance, saying, "the coexistence of forms of life with equal rights means ensuring every citizen the opportunity to grow up within the world of a cultural heritage" (131). Equal opportunity to access cultural heritage, therefor, is an extension of a reformulated vision of human nature as fundamentally dialogical. By recognizing the importance of this access to cultural heritage, Liberalism can adopt the Liberal stance articulated by Dworkin:

> The conquest of unspoiled terrain by the consumer economy is self-fueling and irreversible…this process will make a way of life that has been desired and found satisfying in the past unavailable to future generals. In that case, the Liberal has reasons for a program of conservation that are not only consistent with his constitutive authority, but sponsored by it (202).

The view that humans are all fundamentally alike because they function primarily as autonomous individuals supports the argument that government structures can allow certain ways of life to go extinct, as long as mechanisms which facilitate individual choice are provided for. Meanwhile, the stance that a communally constructed identity is the chief human unifying factor leads to the conclusion that the preservation of modes of living --regardless of their popularity-- is necessary as part of regarding every person with equal moral concern. In-so-far as Liberalism is committed to giving equal concern and respect to all ways of life, therefor, it must commit to policies which promote some degree of equality of outcome for sustainability interests when normal procedures of political decision making fail to do so.

Conclusion

As energy development booms in Wyoming, sustainability is a particularly salient issue. However, an equally if not more salient political issue in the state is the potential for opportunities afforded by continued growth in the energy industry.

The contention between these two issues represents a political struggle within the framework of the Liberal political philosophy: The likelihood that sustainability will continue to be a politically influential topic as it works through the structures, commitments, and principles of Liberalism indicates certain underlying conceits within the theory's commitment to neutral and equal political consideration.

First, the ability for sustainability to make its interests politically competitive is imperfect in the Liberal democratic system, for reasons that include the long-term commitments required for substantive sustainability policy, the grass-roots nature of the interest, the character of sustainability as both highly technical and emotionally charged, and the importance dialogical problem-solving. Second, the position of sustainability as a "non-negotiable" Liberal obligation is minimal, because the importance of sustainability is only marginally interwoven in underlying Liberal principles, since democracy requires only a minimal level of environmental integrity. Finally sustainability's appeal to liberal rights is unproductive because these rights are concerned mainly with preserving the decision-making structures that are problematic for sustainability initially. Therefor governmental policies that

take into consideration equality of outcome as well as equality of procedure are necessary to maintain truly neutral political consideration for sustainability. Finally, in order to justify this shift, Liberal philosophy must re-align its typical conceptions of the self to take into consideration the role of social contexts in developing human autonomy. Through this re-evaluation Liberal theory can justify the move to equality of outcome.

In conclusion, this exploration of how sustainability works through Liberal processes has shown that because Liberalism work to implement and reinforce the principle of neutrality primarily through competitive decision-making structures, interest such as sustainability, that are not defined by the dominant currency of competition (individual agency and self-interest), are unfairly excluded from consideration in the Liberal political framework. Therefor, this thesis has served to support the point made by Eckersley, that "there is no such thing as procedural neutrality when it comes to designing decision-making frameworks" (326), and to espouse the claim made by Dobson that "living up to (Liberalism's) value-neutral billing will involve a full body immersion and endorsement (perhaps counter-intuitively) of…strong versions of sustainability (6). In order for sustainability to enjoy equal political consideration, Liberal political philosophy must replace competitive procedures with decisive outcome oriented solutions.

Works Cited

Adamany, David. “The Political Science of E. E. Schattschneider: A Review Essay.” *The American Political Science Review* 66.4 (1972): 1321–1335. *JSTOR*. Web. 28 Mar. 2014.

Barry, John. “Sustainability, Political Judgement, and Citizenship: Connecting Green Politics and Democracy.” *Democracy and Green Political Thought*. New York: Routledge, 1996. 180–204. Print.

Cahn, Matthew Alan. *Environmental Deceptions : The Tension Between Liberalism and Environmental Policymaking in the United States*. Albany: State University of New York Press, 1995. Print. SUNY Series in International Environmental Policy and Theory.

Cherney, David. “Securing the Free Movement of Wildlife: Lessons from the American West’s Longest Land Mammal Migration.” Environmental Law 41. Spring 2011 (2011): 681-711.

Cherney, David, and Susan Clark. “The American West’s Longest Large Mammal Migration: Clarifying and Securing the Common Interest.” Policy Sciences (2008): 95–111. Print.

De Toqueville, Alexis. Democracy in America. 1997th ed. Project Gutenberg, 1839. Print.

Dobson, Andrew. Citizenship and the Environment. Oxford ; New York: Oxford University Press, 2003. blais.claremont.edu Library Catalog. Web. 1 Apr. 2014.

Dworkin, Ronald. “Liberalism.” A Matter of Principle. Cambridge: Harvard University Press, 1986. 181-204. Print.

Gaus, Gerald, and Shane D. Courtland. “Liberalism.” Ed. Edward N. Zalta. The Stanford Encyclopedia of Philosophy 2011. Stanford Encyclopedia of Philosophy. Web. 28 Mar. 2014.

“Greening Liberal Democracy: The Rights Discourse Revisited.” Democracy and Green Political Thought. New York, New York: Routledge, 1996. 212–236. Print.

Gutman, Amy. “Introduction.” Multiculturalism. Princeton: Princeton University Press, 1994. 1–24. Print.

Habermas, Jürgen. “Struggles for Recognition in the Democratic Constitutional State.” Multiculturalism. Princeton: Princeton University Press, 1994. 107–148. Print.

Kymlicka, Will. “Liberal Individualism and Liberal Neutrality.” Ethics 99.4 (1989): 883–905. Print.

Leading the Charge. Governor Matt Mead, 2013.

Locke, John, and Ian Shapiro. Two Treatises of Government : And a Letter Concerning Toleration. New Haven, Conn: Yale University Press, 2003. Print. Rethinking the Western Tradition.

Lowi, Theodore J. The End of Liberalism: The Second Republic of the United States. W W Norton & Company Incorporated, 2009. Print.

Lustgarten, Abrahm et al. “EPA’s Abandoned Wyoming Fracking Study One Retreat of Many.” ProPublica. N. p., n.d. Web. 23 Apr. 2014.

Lynds, Ranie, and Rachel Toner. Wyoming’s Oil and Gas Resources. Wyoming State Geological Survey, 2014.

Mill, John Stuart. *On Liberty*. N. p., 2011. *Project Gutenberg*. Web. 20 Apr. 2014.

Mills, Mike. “Green Democracy: The Search for an Ethical Solution.” Democracy and Green Political Thought. New York: Routledge, 1996. 152–179. Print.

Olson, Mancur. The Logic of Collective Action: Public Goods and the Theory of Groups, Second Printing with New Preface and Appendix (Harvard Economic Studies). Harvard University Press, 1971. Print.

Rawls, John. “Social Unity and Primary Goods.” Utilitarianism and Beyond. Cambridge University Press, 1982.

Rockefeller, Steven. “Comment.” Multiculturalism. Princeton: Princeton University Press, 1994. 88–98. Print.

Saward, Michael. “Must Democrats Be Environmentalists?” Democracy and Green Political Thought. New York: Routledge, 1996. 124-148. Print.

Taylor, Charles. “The Politics of Recognition.” Multiculturalism. Princeton: Princeton University Press, 1994. 25–73. Print.

Thiele, Leslie. *Sustainability*. Malden: Polity, 2013. Print.

Waltzer, Michael. “Comment.” Multiculturalism. Princeton: Princeton University Press, 1994. 99–103. Print.

Williams, Bernard. Problems of the Self: Philosophical Papers 1956-1972. Cambridge University Press, 1976. Print.

Wilson, Graham. Interest Groups in the United States. Oxford: Clarendon, 1981. Print.

Wouter Achterberg. “Sustainability, Community, and Democracy.” Democracy and Green Political Thought. New York, New York: N. p., 1996. 115–132. Print.

Wyoming Oil and Gas: Facts and Figures. Petroleum Association of Wyoming, 2013.

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