
The Environment has no Standing in Environmental Governance: Why and So What?

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Abstract

For 19\textsuperscript{th} and early 20\textsuperscript{th} the natural environment stood separate, indifferent and alien from man to be overcome as measure of man himself or, in the 1960s and 1970s environmentalism to be protected as source for self-reference. Drawing metaphorically from the legal concept of standing and more directly from the non-legal concept of voice (Hirschman, 1970) this paper argues nature's standing has been eroded. Our Common Future (WCED, 1987) and the UN Conference on Environment and Development in Rio de Janeiro in 1992, reframed environmentalism as sustainable development and constructed a global environmental governance framework ostensibly for, but unable to, compel a voice for nature amongst the claims for development. A review of literatures on stakeholder and indigenous property right suggests minimal opportunity for giving standing to nature while clarifying how it could happen. The loss of nature's standing, it is argued in the final section, is a loss of man's own standing toward a living context based in space as well as time. Bounded only by time man's self-referential discourse becomes developmental and irrational. Standing is applied toward an example of this discourse—Bluhdorn’s (2011) arguments for a ‘politics of unsustainable’—and demonstrated as usefully explanatory.

Keywords:

1. Introduction

At the opening plenary of the 16\textsuperscript{th} Conference of the Parties (COP 16) to the UN Framework Convention on Climate Change UNFCCC) the Japanese Delegate indicated “Japan will not inscribe its target under the Kyoto Protocol on any conditions or under any circumstances.” (Vidal 2010). In these and later comments the Japanese outlined a preference for the Copenhagen Accord which allows countries to set voluntary and non-binding reduction targets. Japan’s position, which took many by surprise and was later followed by Russia, likely ended the UN’s attempt to construct a binding multi-lateral agreement on global emissions targets. Last minute negotiations establishing a ‘green climate fund’ for mitigation and technology transfer, albeit with fund sources unknown, appear a concession to countries at risk and to the UN’s role as the manager of the global environmental governance GEG) framework. In January of 2011, Ban Ki-moon, the UN Secretary General disengaged from climate change negotiations, choosing to focus on ‘sustainable development’ in preparation for the 2012 UN Conference on Sustainable Development (UNCSD) to be held in Rio de Janeiro, Brazil as a follow-up to the 1992 UN Conference on Economy and Development (UNCED) also held there.

The events surrounding COP 16 and the UN’s failure to negotiate the Kyoto Protocol may well represent a watershed. On one level—that of politics and multilateralism—these events question the Global Environmental Governance (GEG) framework in which the UN sought a
leading role but which it may lose to voluntarism. Similarly on a deeper level, the failure of multilateralism represents the success of the underlying ideology of development within ‘sustainable development’ as it was outlined in Our Common Future (WCED, 1987) and subsequently instantiated in Rio in 1992. That vision is one in which the natural environment serves as material for the realization of man’s own developmental self-image—endless economic development in the context of political stability. The rejection of the binding targets within the Kyoto Protocol defended this vision. The events surrounding COP 16 highlighted the tension between the ideology of development and the multilateralism that sought to constrain or shape that vision for, as the architects of the vision hoped in 1987 and 1992, the greater global good. With the UN planning to reaffirm ‘sustainable development’ it is useful to explore the fundamental assumptions behind each of these elements and the tension between them.

This paper argues that the environmental discourse has been fundamentally transformed in the period since the 1960s and 1970s when environmental issues emerged as a global concern. Whereas at that time, environmental concerns often focused on the need for human restraint vis-à-vis the environment, the idea of “sustainable development” outlined within Our Common Future (WCED, 1987) subsumes the idea of the environment within the context of man’s aspiration for economic development. This represents a significant change in the position or standing accorded the natural environment which, throughout the 18th and much of the 19th century, stood alien, ‘other’ and indifferent so helped mankind define itself. As ‘other’ the natural environment was to be approached and governed according to some criteria that bridged, and in bridging so acknowledged, the gap—exploitation, conservation, preservation (Hays, 1959; 1982). “Sustainable development” admits to no gap, but blends the environment with man’s social and economic aspirations into a homogenous future oriented concept of ‘sustainability’ to be defined by mankind itself. In this post Cold War reformulation, inspired by globalization and developmentalism, the context for human action is temporal not spatial; the satisfaction of needs in the present consistent with the future’s judgment of its own present-tense freedom of action. The environment has lost its standing as other opposed to man, in favor of man’s vision of himself in time.

A new post Cold War governance framework, multi-lateral in scope and centered around the UN emerges to chaperone ‘sustainable development’ by restraining current consumption in light of the future. But the post Cold War governance framework, based in participation and recognition, is unable to cope with the plethora of stakeholders whose voices claim their right to economic development (Park et al., 2009). The globalization that follows the end of the Cold War is the most remarkable reduction of poverty in human history; it is developmental but it is not sustainable as the GEG framework is unable to restrain or constrain.
This paper develops and applies the ideas of standing and voice toward the two elements within GEG; respectively, the ideology of development as institutionalized in ‘sustainable development’ and the multilateral discourse framework. It begins, in the first section, by introducing the terms and giving them context. The second section presents an analysis of how the natural environment is marginalized and loses its standing between 1972 and 1992 in the drift from environmentalism to sustainable development. It then looks at the multilateral governance framework from the standpoint of voice and finds there a self-defined discourse of man with himself that fills the political theatre with the voices of development but again leaves no room for the natural environment. Two literature – stakeholder theory and indigenous property rights – are then reviewed that have considered how the environment might have standing. The concluding section characterizes nature’s lack of standing within the current GEG framework as man’s loss of a an alien ‘other’ to provide counterpoint and standing for man and suggests it is this lack of referent other that facilitates an irrational environmental politics. Blühdorn’s (2007, 2011) argument for the politics of unsustainability is reviewed with the goal of showing how the standing of nature might offer insights thereabout.

2. Standing and Voice

Standing, has a specific meaning in legal doctrine that gives it rich connotations. In United States law standing defines the doctrine that answers the question: “who may sue before the federal court.” The simplicity of the question belies its complexity generally and with respect to environmental law (Higley, 1992). In the 1960s and 1970s the Supreme Court permitted broad and liberal interpretation of standing as a means to allow citizen’s the right to enforce environmental protection statutes under federal law (Sulkowski, 2009). By interpreting standing broadly, the court allowed third-party claims by organizations representing directly affected citizens and in order to do so treated the injuries liberally; e.g., recognizing aesthetic loss and deterioration of the environment itself. Indeed, Justice Douglas in penning a dissenting opinion on Sierra Club vs Morton (1972) suggested that discriminate systems—trees, rivers, eco-systems—within the natural environment might have standing were they to be represented by a reputable group of citizens. This trend is reversed with the appointment of Justice Anton Scalia (Perino, 1987) whose majority decision in Lujan vs National Wildlife Federation (1992; the second case) shifts the court toward more conservative criteria for standing—clear direct injury, causal attribution, and ability of the court’s decision to redress. Taken together the stringent application of these, sometimes referred to as the Scalia “gauntlet,” has significantly limited public enforcement of environmental statutes (Higley, 1992).
The ‘thick explanation’ that *standing* carries over from its legal interpretation is useful for characterizing man-environment relations broadly. In its strictly legal usage it connotes only the doctrine which defines the means by which a man or woman may make claim before the court representing law which governs that man or woman. As legal concept it is thoroughly anthropocentric as its foundation—law—is a human construct. But in its allusion to the physical act of being in a place it reminds that people have a body that lives within a physical environment. Thus, taken together *standing* reminds us that man exists always in mutually defining opposition: in relation to others in the context of law; in relation to others in the context of a physical environment, and ultimately in relation to the physical environment in the context of life itself. Inherent in each of these acts of standing is recognition, either presumed or made explicit in the case of law, of the assumptions and presumptions that allow for one to stand opposed to another: respectively for the examples given these are law, human nature, and life itself.

While the contexts cannot be homologous, law can be more or less sympathetic toward the claims arising from the larger contexts. Were, as Justice Douglas had suggested, the environment to be granted *standing* then one can imagine the system of law open to the experiences of relation with the natural environment, forcing the law to consider a broader definition of what it means to be human in the context of natural environments. Such would be a significant task, but as law reflects the nature of a society it could develop accordingly. Justice Scalia’s narrow interpretation of *standing* restricts claims to before the court, thus limiting the context of human experience that the court is willing to consider its province of review.

*Voice*, too, refers to the claims made upon others according to the presumptions of a context but is not legalistic. The explanatory use of the term began with Albert Hirschman (1970; 1976) who used it to characterize a particular form of human agency in the context of organizational membership. He described *voice* as “any attempt at all to change, rather than escape from, an objectionable state of affairs, whether through individual or collective petition to the management directly in charge, through appeal to a higher authority with the intention of forcing a change in management, or through various types of actions and protests including those that are meant to mobilize public opinion” (Hirschman, 1970: 30). Subsequently the idea has been applied extensively to corporate governance and stakeholder theory and through both, on to environmentalism.

Assumed in *voice* and articulated in the legal application of *standing*, is the common idea of a claim made toward, and reciprocal obligation recognized by an ‘other’ that derives from a presumption, right, or context governing the relationship. The context/right/etc may be legal, normative, or affective but it is recognized by both parties—whether concurred or
contested—as the source of the ‘rules of the game’ that frame the relationship. For most of human history the natural environment—proximal, alien and indifferent—has been the context within which man stood. The 18th century begins transforming the dyadic relationship of man and nature through the application of science and industry. Nineteenth century industrialism and the urban capitalism it creates pushed nature farther back allowing the social relations that define modernity as a culture of production and consumption. Late 19th century romanticism emerged to remind mankind that along with his liberation from the cruelties of nature came a distance from nature that obviates its role to stand opposite man in the still larger context of life itself as sublime and ineffable.

Although man’s relationship with nature changed over time, nature itself continues to exist as alien, other, and possessed of its own standing. Man’s relationship with nature is described in polarities that witness just this difference: “eco-centric” and “techno-centric,” “bio-centric” and “anthropocentric,” or “Arcadian” and “Promethean” (Pak, 2011; Pepper, 1996; Robinson, 2004). The first of the poles reflects nature as primary, often untouched, providing a space within which man lives and, in the romantic extreme, from whence he may access the sublime. The second focuses upon nature’s materiality and utility for man. Robinson’s (2004) analysis of the forms of environmental action also demonstrates this binary distinction. Orientation toward environmentalism as personal “value change” that derives from the former positions reflects a demand for man to reformulate his standing in relationship to nature. The call for the “technical fix” as policy driven utilitarian approach to the more efficient utilization of resources for man’s needs reflects the second term.

3. From Standing to Subordination in Sustainable Development

The 1970s represented the height of concern for and debate about economic growth, the values inherent there, and the need to change individual behavior within that context. The 1972, *Limits to Growth* (Meadows et al., 1972) provided a review of global ecology issues and then called for 1) rethinking the consumptive lifestyle of the developed nations and 2) controlling the population growth of the poor ones. *Limits* reflected a global concern selling 9 million copies in 29 languages. The 1972 UN Conference on the Human Environment in Stockholm came 6 months after *Limits*: attending were representatives from 113 countries and more than 400 inter- and non-governmental organizations. By the end of 1972 environmental concerns were recognized globally and part of the political discussion. This focus continued through the 1970s culminating in the multi-year study *Global 2000 Report to the President* (Barney, 1980) commissioned by US President Carter. It, too, offered similar dour conclusions and called for value change and self-restraint.
The 1980s began the shift toward the technical fix for environmental problems. The term “sustainable development” is introduced by the 1981 World Conservation Strategy (IUCN et al; 1980), Living Resource Conservation for Sustainable Development. Judging by the very different views about the document by authors who appear to agree on before and after (Mebratu, 1998; Sach, 1993; Robinson, 2004) the IUCN report represent the beginning of turning away from the 1970s call for social values of individual self-restraint toward institutional technical solutions. In December of 1983 UN Resolution A/RES/38/161 established the UN Commission on Environment and Development and tasked it specifically to blend environment and development as strategy. The UNCED’s report, Our Common Future (1987), authored by the World Committee on Environment and Development (WCED) made the term “sustainable development” common usage. The term was criticized immediately for its ambiguity (Lele, 1991) and its contradictions (Daly, 1991; Redcliff, 1987; 1992) provoking a crusade for redefinition that largely degenerated from “logical coherence to that of semantics” (Mebratu, 1998: 518). More important than the futile attempt at imputing meaning to term intended as “constructive ambiguity” (Robinson; 2004) is recognizing what sustainable development is not. Absent in the 200 plus pages of Our Common Future is any call for value change or self-responsible action. Seemingly aware of this Common Future offers:

“The concept of sustainable development does imply limits—not absolute limits but limitations imposed by the present state of technology and social organizations on environmental resources and by the ability of the biosphere to absorb the effects of human activities. But technology and social organization can be both managed and improved to make way for a new era of economic growth” (WCED, 1987: 8).

The WCED’s solution was to argue for development as strategy to reduce environmental destruction. Pointing to the more efficient use of resources by developed economies, it argued for managed technological solutions that would address environmental decay within a larger context of sustainability that was political and economic. Blending development with environmentalism within the multiple domains that define sustainable development—environment, economic growth, and social stability—ensured that environmental concerns would be marginalized. The UNCED’s “Declaration for Environment and Development” written in Rio completes the shift by making man and his activities its first principle: “Human beings are at the centre of concerns for Sustainable Development. They are entitled to a healthy and productive life in harmony with nature.”

Whereas the 1972 Stockholm conference occurred in the context of environmentalism, the oil shocks, and fear of resource shortages the context for Rio in 1992 is the end of the Cold War, the failures in development (Esteva, 1992) and declining aid budgets (Sachs, 1993b;
Finger, 1993). This context left no room for considering restraint but only for defining development and for this the environment must be subordinated. Said Sachs (1993: 3); “the governments at Rio came round to recognizing the declining state of the environment, but insisted on the re-launching of development,” and reflecting on the impact of the new ideology on action orientation, adds, “Once, environmentalists called for new public virtues, now they call rather for better managerial strategies.”

In the relatively short span of 20 years between Stockholm and Rio de Janeiro the discussion with respect to the environment shifted dramatically and on multiple dimensions. Whereas, in 1972, the environment was seen as separate and other than man it is now subordinated to man’s discussion about his own economic and political stability. Whereas self-restraint was a critical option in 1972, twenty years later technical optimism and management are proposed. And while the discussion in 1972 focused on the physical environment itself and damage done there some twenty years later the context is time and realization of a development vision. Taken together the transformation is dramatic; so long as the environment has some standing, separate and other, then the consequences of man’s actions are visible and real but with the loss of standing and subordination to human goals man’s actions are no longer consequence in present tense but management for a latter objective. Environmentalism is to be solved with a global ecological modernization (Mol, 2002; Mol, & Sonnenfeld, 2000; York & Rosa, 2003) to be organized, and managed for what little restraint is necessary (carbon emissions, CFCs, etc.), by a multi-lateral political system governing for the sustainability of all.

4. Governance and the Voices for Development

The commission authoring Common Future is charged by the UN to integrate development with environmentalism, so as to bring the multi-lateral institutions into the environmental debate. Gro Brundtland makes explicit the call for multilateralism in the Chairman’s Foreword: “Perhaps our most urgent task today is to persuade nations of the need to return to multilateralism....The challenge of finding sustainable development paths ought to provide the impetus—indeed the imperative—for a renewed search for multilateral solutions and a restructured international economic system of co-operation.”

The end of the Cold War begins the emergence of new actors demanding recognition in a world no longer constrained or restrained by the bi-lateral order of the “long-peace” (Gaddis, 1986; Waltz, 1993). The collapse of bilateralism created a social and economic vacuum for which there were no rules and into which resurged local identity previously subordinated within the power blocks. Two forces characterize this environment: “One involves all those forces that press for centralization, integration, and globalization, and the other consist of
those forces that press for decentralization, fragmentation and localization” (Rosenau, 2005: 24). New technologies encouraged facilitated a globalizing economy while new global problems—crime, terrorism—followed that required more cross border government cooperation between agencies, which in its horizontal linkages, threaten to fragment the state’s hierarchical government structure (Slaughter, 1997). What emerged was, in Rosenau and Czienrpiel’s (1992) hauntingly accurate title, Governance without Government.

Opening up the political process beyond the political-economic blocks and the hierarchy of state sovereignty invited new voices: 1) new actors—ethnicities, ‘rights’ groups, non-governmental and transnational organizations, etc; 2) claiming a right to act within contexts relevant to them; and 3) claiming the right to demand a relevant response by and from those in power. While there are different compulsions and obligations in these three—recognition, recognition of rights, recognition of obligation—what is common is a context with presumptions. To voice a claim rather than exit, or remain passive is to presume existence of a rights or obligations within the context in which the claim is made.

No longer constrained by the political blocks governance without governments becomes complex quickly. Multiple decision network—hierarchical, self organizing, markets, and anarchy (Jessop, 1998; Rhodes, 1996)—offer participation according to claims of relevance by the actors themselves: rights, space (residence), stake, share, interest, power, knowledge (Schmitter, 2002). How they participate is determined by the rules of the recognition: position, boundary, authority, aggregation, scope, information, and payoff (Ostrom et al., 1994). Multiplying the options within the examples above—4 institutional settings, by 7 claims to relevance, by 7 sets of decision rules—gives 196 permutations of “governance”. Clearly, this is not how things ‘really’ work but this mathematical contrivance has linguistic versions:

“Governance is how one gets to act, through what types of interactions (deliberation, negotiation, self-regulation or authoritative choice) and the extent to which actors adhere to collective decisions. It involves the level and scope of political allocation, the dominant orientation of state and other institutions and their interactions. Governance structures organize negotiation processes, determine objectives, influence motivations, set standards, perform allocation functions, monitor compliance, impose penalties, initiate and/or reduce conflict, and resolve disputes among actors.... The effective exercise of power is through a network of interconnected actors, in which all actors hold power, through knowledge resources, money and rights granted to them” (Kemp et al., 2005: 17).
The natural environment, either proximal or distal, is context for all life; toward it all have a position and claim. Freed of the meso context that was the bi-lateral Cold War politics the macro context of the environment becomes the immediate context of economic development and everyone has a voice regarding both. Integration and management become, paradoxically, the claim for more participation: “Implementing a commitment to sustainable development entails a substantial transition not just to a broader understanding and a more ambitious set of objectives, but also to more coherently interrelated institutional structures and processes of planning, administration, markets, tradition and choice at every scale” (Kemp et al., 2005: 17). “Choice at every scale...” Recognition of every demand, and all equal; how is it to come together? Rosenau (2005), describing “global governance” a decade later in the context of the “bleak” prospects for environmental governance, highlights its disintegrating nature: “…the sum of the world’s formal and informal rule systems at all levels of community..... it is a highly disaggregated and only a minimally co-coordinated system...”

The inadequacy of the new environmental governance framework to compel results is apparent prior to Copenhagen (Park et al, 2009; Saran 2009). Most demands, in the face of the chaos of decentralization and complexity, were for stronger and centralized institutions: a strengthened United Nations Environment Program or a new World or United Nations Environment Organization (Ivanova, 2006; Hoare and Tarasofsky, 2007). Suggestions that the problem with GEG might lie with the nature of governance itself (Rosenau, 2005) are most often accompanied by suggestions to fix the institutions (Esty, 2009; Park et al., 2009).

More likely, the GEG is, in fact, functioning much as it should. Voice compels within the presumption which all parties recognize as context: development. As the environment has no standing it can make no claim for human self-restraint nor lend voice to shaping that presumption. Even still, as ‘sustainable development’ obviates restraint in the claim that limits are to be transcended through technology and organization there is no need for self-restraint. Gro Bruntland’s call for multilateralism is realized in a globalization that performs the greatest reduction of poverty in the history of human kind. The people of the world have, indeed, raised their voice and it is about their aspirations. This does not obviate a concern for the environment but, given the path dependencies of the “global economic system,” that concern must take second seat to development. And this is all the more true given the benefits of the latter are immediate while the costs to the environment are diffused. Hence, years of negotiation and Copenhagen 2010 is bypassed by demand for non-binding voluntary country targets in the Accord. Another year and the Kyoto Protocol is dead, the powerful countries have spoken their voice. The Secretary General, to recover a role for the UN, puts his own voice behind renewing the call for sustainable development on the road to Rio 2012. Rosenau’s (2005: 36) “bleak” assessment proves correct: “on balance, the
dynamics that underlie the disaggregated character of global governance seem likely to thwart movements towards a viable and worldwide sustainability."

5. Can Nature have Standing?

If, as argued, "sustainable development" subsumes the environment into human concern and leaves it no *standing*, and the GEG framework is an disintegrated discourse that marginalizes nature itself in favor of development what is the opportunity to give nature standing? Two literature—stakeholder theory and indigenous property rights—address directly arguments for giving *standing* and *voice* to the environment.

*Strategic Management: A Stakeholder Approach* (Freeman, 1984), the seminal text in stakeholder theory encourages managers to attend pragmatically rather than legalistically to the parties who might have significant interest and influence upon corporate performance. Over time and through collaboration with others, Freeman "intermingled stakeholder management with moral theories" (Laplume et al., 2008: 1158) to develop a normative theory of stakeholder management significantly different from its pragmatic origin (Donaldson & Preston, 1995). Building on Phillips's (1997) work to define an ethical foundation for stakeholder theory Phillips and Reichart (2000) argue the natural environment cannot elicit an obligation from management because it cannot *voice* a claim. Later, Phillips and Freeman (2003) review the literature, reaffirm that position and conclude, along with Orts and Strudler (2002: 215) that the theory is "limited by its focus on the interests of human participants in business enterprise. Stakeholder theory runs into intractable philosophical difficulty in providing credible ethical principles for business managers in dealing with some topics, such as the natural environment, that do not directly involve human beings within a business firm or who engage in transactions with a firm." For normative stakeholder theory the lack of *voice* also constitutes a lack of *standing* for the environment within the governance of corporate affairs.

The pragmatic approach turns on two explicit questions: what is the identity of a stakeholder and what criteria or attribute must be present in order for management to care. As to the first, most thinkers and researcher apply a broad rather than narrow definition of stakeholder that could encompass the natural environment (Laplume et al., 2008). As to attributes, three—power, legitimacy, and urgency—recur and a minimum of two appears necessary to ensure management ‘cares’ (Mitchel et al., 2000). The natural environment, has legitimacy and may have urgency but lacks power, making it a “dependent” or secondary stakeholder requiring the will (and *voice*) of another to represent it. Driscoll and Starik (2004) have nuanced the discussion by suggesting the ‘power’ of events involving the environment warrants a risk-
based approach that treats power probabilistically. Their arguments convince that the natural environment deserves management’s consideration but do not elevate its status beyond that of secondary stakeholder.

A second body of knowledge concerns the treatment of property rights claims by indigenous people within national and international courts. One form for such claims is sovereignty or state-based claims to title by way of legal treaty or occupancy. Generally ineffective, these formalistic or critical approaches attempt to deconstruct texts such as treaties done in historical legal contexts in which the indigenous community was the weak partner (Anaya, 2005). A second, more effective strategy, involves claims of violation of human rights (Anaya, 2005). In these, the claim is that the natural environmental assists those communities in forming their own identity and humanity (Whitt, 2001) and to deny this is to deny their very rights as human being. Rulings by the Inter-American commission on Human Rights and the Inter-American Court of Human Rights in the Case of the Mayanga Community of Awas Tingini vs. Nicaragua in 2002 and in subsequent elaborations in Dan sisters vs. the Unites States (2002) and the Maya community in Belize (2004) seem to represent “broad, contextual reading of human rights treaty and the values implicit in the treaty” (Anaya; 2005: 240) but it is not clear these decision give standing to the environment. Rather what the use of human rights arguments suggest is two different and quite contrasting interpretations of the standing given the environment.

For many indigenous communities, of course, the environment is a living partner, with voice and standing and it exists in dyadic self-definition with the community. An example from Aboriginal Australian people makes the point: “Aboriginals see themselves as part of nature. We see all things natural as part of us. All the things on Earth we see as part human” (Whitt et al., 2001: 709). A sympathetic interpretation suggests, echoing the dissenting opinion by Justice Douglas, that the court’s recognition of the claim by an indigenous community that the environment is integral to their identity also suggests the court recognizes, overtly or at least tacitly, the role of nature in that identity. The court is protecting not just the claimant as injured but also the claim to a relationship with the natural environment and thus giving standing to nature.

A limited interpretation would argue the court has no need to understand the contextual role played by the environment for the community only the evidence that it plays such a role. The rights of the community are defined contextually by living in time; continuity of past behavior demonstrates culture and if the practice of culture occurs in conjunction with a natural environment then limiting access to that environment is injurious. This argument conforms to the narrow interpretation of standing according to injury, cause and remediation. In this limited interpretation the natural environment has gained no standing as the court’s decision is based solely on human rights. The role of the environment to the
community is simply spatial—it is where culture demonstrates and develops itself over time. This temporal and behavior explanation is analogous to the one offered in regard to 'sustainable development.' The environment loses standing as the context for human activity shifts from environment to time: the historical patterns of culture; or, the future oriented vision of 'sustainability.' Ironically, what the court appears to be protecting for the indigenous community is the 'human right' to develop.

6. Man Alone with Himself

The relation of man and nature in such terms as "eco-centric" and "techno-centric," "bio-centric" and "anthropocentric," or "Arcadian" and "Promethean" has consistently maintained the separation of man and nature giving each standing vis-à-vis the other. 'Sustainable development' does not maintain this separation. Nature no longer stands on its own but is subsumed into a process of sustainability defined anthropocentrically. Man's actions no longer occur in the context of the environment but rather in the context of man's own developmental vision set in time: "development that meets the needs of the present without limiting the ability of the future to meet its needs." Throughout the 18th, 19th and early 20th century the materiality of nature stood in indifferent resistance to man's aspirations; to be overcome for sure but thereby to offer a reflection of man's achievement. In the Post Cold war sustainability the environment is but a footnote to the freedom to act for economic development and political stability; the temporal criteria for which are placed with future generations. The environment has no voice because it has no standing within man's vision of himself in the future; nature is outside the 'court of human aspiration' and, though it may enter as limitation and spoiler, there is no profit in anticipating this role. The loss of nature's standing is man's loss, of course; no longer does modern man have a referent other outside himself; Prometheus is unbound but as Narcissus who searches for himself within his own vision of the future as no reflection is provided by the mud where the lake once stood.

Narcissism, perhaps pathological, is an apt description of the GEG framework wherein the environment itself is irrelevant to mankind's conversation with itself. Herein, hubris is not seen for irony but taken as real politics; when rejecting the binding emissions quotas of the Kyoto Protocol politicians disparaged the inexactitude of relevant science but when promoting the Copenhagen Accord, at Cancun in 2010, they 'committed' to controlling nature—managing temperature rise to less than 2°Celsius. On May 30th, 2011, the International Energy Agency announced that world carbon emissions had risen by a record percentage to a record amount, and that extrapolating from current trends the 2020 target for emissions would be exceeded in but a few years negating the very commitment made the year before to limit temperature increases to the 2°C target. Commenting on the IEA report
Lord Stern, chair of the Stern Report (2006) on the economics of climate change, described the results as suggesting “business as usual” and reminded that the consequences were risks “any sane person would seek to drastically reduce” (Harvey, 2011). Likely offered as injunction, Lord Stern’s comment might also be treated as description—perhaps of insanity (“doing the same thing over and over while hoping for change”—Einstein)—or perhaps simply explanation for the pervasive irrationality that characterizes environmental politics (Blühdorn, 2007; Dickinson, 2009; Humphrey, 2009; Jamieson, 2006; Szerszynski, 2007; Thogersen, 2004). This irrationality stems, I have argued, from denying standing to the environment as context for life which then results in an artificial self-referential (narcissistic) socio-temporal reality.

In his prolific writing on the discourse of post-ecologist politics, Blühdorn (2000; 2011; Blühdorn & Welsh, 2008) has argued something similar but without directly enjoining nature or man’s relationship with nature. In doing so, Blühdorn offers a vision of how this self-referential discourse becomes irrational and produces a politics of un-sustainability that seeks to “sustain social structures and cherished lifestyles which are known to be unsustainable” (Blühdorn, 2009; 4). This is done though a “simulation politics”—how Blühdorn describes the GEG framework—in which both political actors and the subjects/claimants to their action engage in a complicity to believe and so self-deceive themselves about their ability to “manage the problems that they seem to be unable and unwilling to resolve” (Italics original, Blühdorn, 2011: 3). The frenetic actions to manage the politics, ecological modernization, sustainable consumerism, etc. stem from the anxiety inherent within an ‘ecological paradox’: “the curious simultaneity of an unprecedented recognition of the urgency of radical ecological policy change, on one hand, and an equally unprecedented unwillingness and inability to perform such change, on the other” (Blühdorn, 2011: 3).

Blühdorn’s analysis and that presented herein agree on major elements: sustainable development as ideology; the GEG framework as anarchic ‘simulation’ politics; and, an analytic path that leads to similar recognition of irrationalities. This is gratifying given the approaches – herein a deconstruction of ideas and a discourse analysis of post-modernity political economy—are so different. There is, however a fundamental difference, best described using the metaphor introduced above—the ‘court of human aspiration.’ Blühdorn’s analysis describes well the discourse within the self-referential post-modern politics of sustainability that rationalizes economic development as stability because of human aspiration. And he is right to suggest that so long as the discourse remains therein post-ecological politics dominates the discussion excluding any real possibility of environmentalism. For Blühdorn there is no way out. My point is that there is a very clear way to break out of this discourse; mankind must step outside this ‘court of human aspiration,’ recognize the larger context of life and stand with and before nature.
An astute witness to the internal reality of, and the arguments made before, the ‘court’ Bluhdorn gives relatively little standing to the environment. Adopting a social constructivist approach he argues: "In the discursive realm of eco-politics, there is no single and objective reality called “nature,” but only an unlimited number of competing and ever-changing conceptions of naturalness... Therefore, no reliable ecological imperatives can be read off nature" (2011: 5). However, ‘nature’ and the natural environment are not the same and it seems he may have conflated them problematically. Firstly, the conclusion in the foregoing argument is inaccurate. There may be no singular reality called ‘nature’, for reality is a human construction, but there is a reliable imperative: the need to construct a reality and the evidence for that imperative need is the very inability to construct one reality only. Secondly, the phenomenological experience of ‘nature’ however it is constructed by a person, or even by a discourse, requires the inspiration of an environment. The manifold forms that ‘nature’ may take does not deny the standing of the natural environment, but celebrates its ability to be, through its indifferent otherness, so uniquely rich and different to all who stand before it.

An analysis of the ‘ecological paradox’ that Bluhdorn suggests is at the foundation of and enervates the ‘politics of un-sustainability’ suggests how standing might operate as an alternative and parsimonious explanation. The paradox is described as an “unprecedented recognition of the urgency of radical ecological policy change” and then the unwillingness to perform such change. The first argument is a hypothesis and hinges on who and how many recognize this urgency. The behavior we have seen suggest there is no ‘unprecedented recognition’ of such urgency as decision makers and the public they represent appear willing to accept the consequences of no change; the discourse proceeds about sustainable development rather than limitations or self-restraint. Alternatively, if there is ‘urgency’ then this suggests a stakeholder, either human or natural, demanding recognition of the larger context of man-environment relations and forcing upon the discourse within the ‘court’ some inviolate fact that leads to urgency. Now there are different voices within the ‘court of human aspirations,’ some of whom find change urgent and some not depending upon the degree their own lives stand before nature. We do not need to posit a paradox, only to recognize that the rich do not want to change and so long as aspiration for development is the assumption of the ‘court’ they are not and cannot be compelled to do so. But while there need be no paradox within the ‘court’ there is anxiety, as it is not rational for the ‘court of human aspirations’ to convene independent and ignorant of, and listen to arguments that deny, the context within which man lives. This ‘convention’ or discourse is not a paradox, it is hubris, narcissism and perhaps insanity.

The loss of nature’s standing is man’s loss. No longer welcome in the ‘court’ of aspiration, nature no longer serves as the indifferent and alien ‘other’ against which man defines, tests, and measures himself and his achievement. One consequence is that men and women have
only their discourse to define themselves; life becomes social, then political and finally developmental; no longer even present tense. Perhaps when man tires of floating in a post modern liquidity he will seek, again, the indifference and otherness of the natural environment and upon recognizing its *standing will place himself* back into the context of the world where he lives.

Bibliography


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