The Republican State and Global Environmental Governance

Steven Slaughter

The question of what forms of governance are required to address global forms of ecological degradation has risen in profile over the course of the last decade. However, there has been a tendency in this literature to emphasise the significance of global environmental governance—the international environmental regimes and treaties, and global forms of governance relating to the environment—without examining the role of the state in this configuration. The potential role of the state within global environmental governance has been largely downplayed, except for a few notable exceptions. This article will argue that deeper thought needs to be given to the potential role of the state in addressing environmental degradation and impending environmental harm. However, it is not sufficient to merely argue that the power of the state must be brought to bear on environmental issues and neither is it useful to argue that the state is a replacement for effective global environmental governance. In what follows I will contend that the primary reason we need to emphasize the role of the state in addressing global environmental issues is because of the state’s ability to draw their public into the governance of global environmental problems and thereby strengthen global environmental governance.

Underpinning this account is neo-roman republican political theory. In contrast to many strands of liberal and cosmopolitan thought, republican thought emphasizes the importance of the state, constitutional frameworks and the role of citizens in addressing social problems. I contend that republican principles and institutions could develop a strong rationale that enables the state and citizens to politically interface with global governance to more consistently address global problems such as environmental degradation. As a prospective approach to governance, republicanism seeks to reclaim the state as an agent of public interests in order to fashion a liberty against powerful private interests that in a liberal world are allowed to create conditions of subordination and vulnerability. This essay contends that this promotion of liberty will necessarily have to consider global ecological forms of domination if it is to be at all reasonable. This argument develops in three steps. First, I relate the nature of republican thought to ecological degradation, then I examine the main elements of a republican engagement with environmental issues, and lastly, outline how republican citizens could interact with global environmental governance.

Republicanism and Ecological Degradation

Republican political thought has risen in prominence within the last decade, but it is important to note there is no single account of republicanism. While republican ideas have been associated with an “Athenian” school of republicanism which focuses upon participation within a political community constituting liberty, there is also the “Roman” school of republicanism which focuses on “independence under law.” This latter position is also been referred to as neo-roman republicanism and has been articulated by scholars such as Quentin Skinner and Philip Pettit. These scholars have placed republican ideas closer to a liberal conception of individual liberty but in contrast to liberalism, that this liberty can only be constituted by the laws and institutions of an appropriately empowered republican state. The institutional perspective of this type of republicanism offers important insights into how global environmental issues may be addressed.

Importantly, the overarching goal from a neo-roman republican point of view is the constitution of a robust form of individual liberty conceived as “non-domination”: an institutionalized context where citizens are free from the arbitrary interference of others and free from the subordination or domination from the state itself or from other interests or actors in society. The aspiration of republican structures and policies is to constitute individual independence through the laws and policies of the state, which includes protecting individuals and dampening down the flows of power which adversely affect them and public efforts to augment the capacity of individuals to protect themselves from subjection. A republican state’s power is managed by procedural checks and balances with regards to democratic processes as well as ongoing citizen oversight and public deliberation. Such oversight is provided by citizens being motivated by an enduring culture of civic virtue and patriotism. Republicans emphasise that patriotism is a love and sense of responsibility for the norms and institutions that make liberty possible.
I contend that neo-roman republicanism possesses the intellectual resources to develop a compelling response to global forms of environmental subjection and harm. However, from the outset it must be noted that republicanism is a humanist perspective that is not animated by a philosophical conception of environmental ethics. Nevertheless, the institutional perspective of republicanism offers strong grounds that it would address environmental issues in a forthright manner. There are four reasons that support this claim. First, conceiving liberty as “non-domination” will necessitate seeing ecological harm and risks as forms of actual or potential subjection. Republicans attempt to create institutions to minimise the possibility of people dominating other people from any source. Given everyone’s dependence on a healthy environment, degradation of the environment will be an “assault on at least the range of our undominated choice.” It must be emphasised that in nearly all cases environmental problems are not natural events but cases where people are affected by other people’s use of natural resources or the production of waste or pollution. This means that republicanism sees environmental harm not merely an issue of risk, security or ethics, but a public issue relating to the power some people have over the lives and liberty of others. However, ecological forms of domination open up clear problems for efforts to institutionalise effective responses because ecological forms of domination cut across space (national boundaries) and time (generations of human beings). These challenges place special responsibilities on citizens, as I will emphasise later in this essay, but these challenges do not remove the fact that some people can utilise the environment in ways that make other people more vulnerable.

Second, neo-roman republicanism incorporates a view of economic management and regulation able to license interventions in society that protect individuals from subordination or domination. Importantly, neo-roman republican political thought does not support either free market or socialist rationales and agendas, but instead would seek to institutionalize the market place so as to avoid the pernicious aspects of capitalism corroding public life or subjecting individuals. Richard Dagger claims that “neo-republicans must doubt that the market will always work toward the accomplishment of political equality, freedom as self-government, deliberative politics, or civic virtue.” This doubt about the role of markets in society and fear of the outcomes of markets leads to the government playing a role in regulating markets, instigating attempts to insulate democracy from the outcomes of markets and, if necessary, providing resources for citizens to operate freely in society. In respect to environmental problems, it is evident that many environmental harms are caused by economic processes and dynamics. As such the regulatory profile of neo-roman republicanism authorises governmental interventions into markets, designed to promote non-domination from economic and environmental forms of subjection.

In practical terms this would license embedding environmental norms into economic policymaking, such as the “precautionary principle” or the “polluter pays principle” but would still permit the use of market mechanisms such as tradable pollution permits in order to promote efficiency and decrease environmental harms.

Third, it is the case that neo-roman republicanism contains the political resources to develop elaborate forms of international cooperation. The institutional view of how republican states ought to work domestically influences republican support for an institutionally elaborate context beyond the state. While it is true that republicanism asserts the importance of a particularist political community and forms of patriotism and political responsibility that are located in a specific country, republicans do not believe that this means that republicanism is ultimately a philosophy which defends a chauvinistic state which cannot articulate interstate cooperation or ignores the interests of those living in other states. Thus while there is not an ascriptive global public in a republican sense, various publics around the world could still potentially direct their respective states to develop global forms of institutional collaboration toward against domination, including a regulation of global capitalism and collective efforts to manage global environmental issues. Republican ideas could animate a range of international institutions which could assist republican states to promote the liberty of its citizens. However, within a context of globalization and interdependence these institutions become increasingly crucial. In particular there is a need for republican states to develop common rules and regulations of global capitalism which would include environmental criteria in order to enable individual states to make choices that are not overruled by powerful states or global market actors and are attuned with the liberty of people in other societies.

Lastly, neo-roman republicans emphasise the importance of motivating people to participate in public life. While neo-roman republicans can point to the importance of international institutional arrangements, republicanism cannot be read to suggest that institutions aimed at moderating power within or beyond the state could exist without the state and the patriotic principles which motivate individuals to live out their civic duties. While republicanism desires the universal achievement of liberty, it contends that this can only be achieved by the constructions of liberty in particular states underpinned by particular forms of patriotism, civic virtue and democratic participation. These practices emphasise that republicans contend that liberty understood as non-domination is a collective and public good—not a private good held by some but not others. This understanding of the word “public” rests primarily on a notion of “belongingness” to a particular
state, not “affectedness.”17 While at first blush this is especially problematic in ecological terms given the transboundary nature of environmental impacts, this notion of public responsibility and control does not ignore affectedness and still has merits in reducing the creation of environmental degradation. This is accomplished by developing a deeper sense of responsibility for the reductions of liberty created by environmental problems and building democratic practices that have the power to ensure that public interests are maintained by the state.

Democratic processes must also secure non-domination by providing opportunities for contestation whereby citizens can claim that public interests are not being upheld or tracked by the state. Pettit advances the idea of “contestatory democracy” where citizens have both “authorial” and “editorial” powers in relation to government.18 Authorial powers encompasses the public selecting representatives while editorial powers includes measures that maximise the presence of minority voices, promote dialogue and keep the actions of government transparent and accountable in order to promote common interests. Such oversight would include expected procedures such as freedom of information provisions, a range of consultative measures that include petitions and public committees, and an ability to appeal and reshape law via an independent auditor, judicial and administrative review, and direct referenda. The advantage of contestatory democracy is that it places limits on electoral politics and the power of political parties and more generally disrupts the possibility of cliques having indefinite or uncontested influence over government.19

This type of state contrasts with the minimal actions required of the liberal state and clearly demands increased responsibility of the government and the state to citizens. While liberal democratic states have certainly enabled forms of environmental awareness and action in practice, republicanism offers strong reasons to consider environmental issues more forcefully. Despite not being motivated by environmental ethics, republicanism provides foundational principles for governance that enables states to consider and regulate all issues that threaten liberty and thus opens up a deeper and broader consideration of environmental degradation and harm.

Republican Constitutionalism and Environmental Degradation

I contend that contestatory democracy and republican forms of governance have important implications for addressing global environmental issues and linking national publics to global forms of governance. Pettit’s account of contestatory democracy emphasises the role of deliberation in a republican conception of a government which considers public issues in a transparent way. However, the importance of democratic involvement in this ‘editing’ process needs to be emphasised. Richard Bellamy, while supportive of the neo-roman account, is critical of attempts to read contestation in a purely legal or judicial way. He argues against “legal constitutionalism” by claiming that constitutions should not have been seen by republicans as a repository of certain political values or as a legal instrument enforceable through courts.20 Rather Bellamy argues in support of “political constitutionalism” as a form of democratic engagement:

Instead of seeing the constitution as enshrining the substance of democratic values, it points towards conceiving it as a procedure for resolving disagreements about the nature and implications of democratic values in a way that assiduously and impartially weights the views and interests in dispute in a manner that accords them equal concern and respect. Rather than a resource of the fundamental answers to the question of how to organise democratic society, the constitution represents a fundamental structure for reaching collective decisions about social arrangements in a democratic way.21

Articulated in this support for political constitutionalism is the idea that public deliberation is central to non-arbitrary government that is responsive to the public, and the belief that democracy also plays an important role in enabling the “educative engagement” of citizens.22

However, this form of public deliberation and control is dependent upon a robust conception of citizenship and upon institutions which channel political activity towards public ends. Republican citizenship entails a virtuous concern for the public good manifest by an inclusive and active interest in public affairs which is invested in a particular political community. Such a practice requires a willingness to deliberate about public matters in a way that transcends individuals’ pecuniary or particular interests, as well as institutional arrangements which favour public interests rather than private ones. At an institutional level the constitution places limits on the power or the executive and agents of the state by articulating the way democracy operates to direct and check the role of the state. Bellamy’s and Pettit’s visions of democracy operate through the ways in which public interests are defended by the transparency and equality of the political process. This would require public avenues to publicly contest government decisions and policies via referenda. So republicans see democracy as not only being a form of deliberation but also as a place for challenging governments to act according to public interests. Such contestation rests on the view that democratic processes are the best way to ensure public interests are prioritized over private interests, rather than resting primarily on judicial review or notions of rights. This confidence in democratic contestation and deliberation rests on the notion that ongoing public participation and active citizenship is the path to a collective liberty that is both durable and avoids the
imposition of a preordained good or the interest of dominant partisan interests.\textsuperscript{23}

This form of republican reasoning and governance has some important prospects for addressing global environmental issues. First, the republican focus on public and transparent politics has an impact on private or partisan interests that benefit from political affairs being conducted in a way where they have a range of avenues to directly and indirectly manipulate government policy. In particular this would mean that the influence of business interests would be more visible and their impact on politics more restricted. Republicans are unanimous about the need for stringent restrictions on any private sources of campaign funding. Furthermore, in respect to the contemporary politics of climate change it is clear that some think tanks and lobbies have been funded by vested interests that have sought to discredit the science indentifying climate change, confound public awareness regarding this issue and influence government.\textsuperscript{24} Republican processes would make this kind of politics more difficult because the public would have avenues to contest policies regarding climate change and verify the types of information being used by governments. Rather than depoliticising environmental issues or reducing them to questions of technical or legal concern, republicanism seeks to promote dialogue that delineates the individual interests in play and place them alongside deliberations of the public good.

Second, this form of public contestation and transparency offers a strong basis to direct state capacities away from neo-liberal and capitalist agendas which play a role in deepening global environmental degradation. I contend republicanism would broadly be sympathetic to critical theory and critical political ecology scholarship which focuses upon the problematic ecological impacts of neo-liberalism and deregulated capitalism. Such literature emphasises the role of the global economy and global institutions in actually producing environmental harm,\textsuperscript{25} and is attentive to ways neo-liberal/free-market policymaking legally separates “economic policies from broad political accountability in order to make governments more responsive to the discipline of market forces.”\textsuperscript{26} Such policy-making has a range of largely detrimental consequences for a range of social and environmental goals because of an unremitting focus on short term economic goals.\textsuperscript{27} Furthermore such critical theory scholarship also indicates that this institutional prioritisation of capitalism and markets occurs in contrast to the forms of global environmental agreements that do exist, especially when comparing the judicial authority of the World Trade Organisation in comparison with the various multilateral environmental agreements in existence.\textsuperscript{28} This form of scholaraship is attentive to the idea that the state could be engaged in a range of issues far broader than defending neo-liberal policymaking.\textsuperscript{29} In terms of political theory, republicanism provides far superior grounds for global environmental governance than liberalism and neo-liberalism because it discards the deep rooted liberal reluctance to interfere in the decisions of individuals—particularly private property holders and markets.\textsuperscript{30} The republican promotion of non-domination requires various types of delimited and purposive interference on the part of the state in economic and environmental affairs.

Third, it is not just that republicanism makes it difficult for private interests to disrupt public efforts to promote non-domination; republican norms and institutions press citizens to consider issues that affect the public at large. While some environmental issues affect discrete geographical areas, most environmental problems, especially climate change and trans-boundary pollution, have the strong potential to affect everyone within a state. As such, not only does environmental degradation affect the liberty of people but environmental degradation is perhaps the most public—in terms of affect—of all threats to liberty. Consequently this must motivate collective action in which people would act as citizens, not atomistic individuals, to address ways to reduce their society’s contribution to environmental degradation and promote greener technologies and practices. This collective action would also include a concern for the long-term prospect, because public notions of “belongingness” which underpin patriotism, suggest that a love of country is bound to a sense of country that should be preserved and maintained into the future, as well as an attachment to local and national ecological icons often intertwined with a country’s identity. However, this sense of custodianship does not mean that republican citizens can ignore questions of “affectedness” because preserving the state ultimately requires sustaining a healthy world environment. In light of these observations we can readily see how the practice of contestatory democracy draws citizens into environmental issues and empowers them to direct the state towards public ends to address global environmental forms of degradation.

\textbf{Republican Citizens and Global Environmental Governance}

While republican inspired governance cannot prevent all environmental effects from subjecting the local population, a republican state would need to systematically promote measures...
to protect the liberty of its populace. However, such measures are dependent upon citizens directing the state to take assertive actions both domestically and internationally. Domestically, there will have to be state activity that interferes in the actions of capitalist agents and in the everyday lives of people. This will involve measures that increase the cost of environmentally damaging activities through regulative and taxation initiatives as well as subsidies that significantly increase incentives for environmentally beneficial technologies. Such measures would have economic costs borne by society, shifting it decisively away from neo-liberal efforts to promote economic growth.

Internationally, republicanism’s justification for the state having the capacity to intervene to protect public interests will require such intervention to operate via international institutions. In one respect, discussion of public interests shared by everyone within the state needs to be overlaid with the public interests of other states through multilateral negotiation because environmental issues inherently encompass transnational dimensions. Such policymaking requires citizens to consider the liberty of people who live in other states. This consideration will entail some states assisting other states in terms of financial assistance to maintain an atmosphere of congenial reciprocity between states and to ensure that other states engage in environmentally sustainable programs which do not overtly harm vulnerable members of respective societies. But to the republican, such moral consideration for the liberty of other people does not necessitate political cosmopolitan arguments which require a formal global democracy. Clearly there is a need for a republican state to develop robust multilateral and reciprocal relationships between states, to respect other states’ efforts to articulate and substantiate their respective public interests and to allow these conceptions to coexist and cooperate when states’ public goods overlap.

While republicanism cannot be seen to animate a global democracy or world government, the republican conception of the contestatory democracy offers grounds to bridge the ‘democratic deficit’ that exists in contemporary international governance. Pettit claims that if we look at democracy purely in an electoral-representative sense, then the power of international institutions over the democratic state looks disruptive; but if we look at democracy in a contestatory way, we can identify avenues which extend the opportunities for citizens to constitute liberty. Appropriately designed and constrained international institutions have the capacity to enhance contestatory democracy within national contexts in two ways according to Pettit. Firstly, contestatory democracy opens up the possibility that people can appeal to international bodies when states fail to uphold their internationally declared obligations. Secondly, while the public (or their representatives in most cases) do not select the officers of international institutions, it is the case that such institutions could have their decisions challenged by agents of the public, via non-governmental organisations (NGOs) for example.

In reference to environmental problems both these capacities are important and present in world politics to some degree but are in need of urgent expansion. It is the case that in human rights and environmental issues there exist avenues of contestation. In respect to transboundary environmental decisions the Aarhus Convention (officially known as the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters) is a treaty ratified by 41 European states which allows public participation in the environmental policy making of other states in the treaty. Specifically, it allows affected people to “have access to information, have the possibility to participate in decision-making and have access to justice in environmental matters without discrimination as to citizenship, nationality or domicile.” Clearly this is laudable goal, and aside from being extended beyond Europe this treaty is heavily dependent upon public involved and virtuous citizens—exactly the type of citizens that republicanism attempts to cultivate. The second proposal of allowing NGOs to challenge the decisions of international institutions is by contrast too unstructured and ad hoc. There are real questions as to how representative NGOs are of the respective publics or whether legal challenges and remedies would constitute effective contestation. As such, I would argue that a republican proposal would include the possibility that panels of citizens could interact with these institutions to make them more transparent and an avenue by which citizens could challenge these institutions to explain themselves when they act in accordance with very narrow sectional interests. It would be particularly difficult to see how the World Trade Organisation and other international economic institutions would be able to defend neo-liberal policies which sideline environmental concerns in this context.

The entire republican argument rests on the activity and virtue of citizens. The arguments presented here impose a considerable burden on citizens to speak up and engage in politics when the government directs the state infrastructure in directions that do not reflect the public interests of their state. Efforts to promote the public interest of a state may also have economic costs for citizens in the form of environmental taxes or the provision of economic resources to assist states overseas adjust towards environmentally sustainable paths. While such activity is motivated by a sense of expanded self interest on the part of the citizen on one level, citizens are public spirited because the institutions of the state and a culture of patriotism and virtue make it hard to act otherwise. The virtues required to uphold the public good according to republicans are captured in Cicero’s formulation of “prudence, justice, courage and temperance.” These virtues...
are highly relevant to the long term and cautious view we need to take of the global ecosystem and the restraint we have to show in regards to our impact on this system. There are two other practical virtues we need to add to these in the context of contemporary globalisation. First we need to expand on the virtue of justice and see cosmopolitanism—being engaged with global issues and the concerns for all human beings—as being necessary to realise liberty in an interdependent world. The second extends on the notion of prudence to incorporate reflexivity. In a world of rapid ecological changes and uncertain knowledge there is the requirement in respect to many global challenges that scientific and expert knowledge is constantly in flux. Being reflexive means being willing to listen to expert advice and to update policies in order to promote liberty at home and abroad. While probably falling short of “environmental patriotism,” these virtues do point to a harmonious overlap between patriotism and environmental consideration.

This argument certainly overlaps with some forms of cosmopolitan and deliberative democracy which argue that governance should be prescribed to enact concern for people in other states and future generations. However, republicanism does emphasise the political role of citizens in its arguments. David Held’s model of cosmopolitan democracy entails the creation of universal political institutions at a global level which include all people of the world in the articulation of democratic global institutions and policies which would place “environmental sustainability at the centre of global governance.” However, while the nature of global governance is detailed in Held’s various works, far less is said about who or what agency is going to develop and defend these forms of governance, or what role citizens are to play in maintaining this edifice. Also some deliberative democrats such as Kristian Skagen Ekeli and Robyn Eckersley argue for a formally prescribed constitutional amendment to direct governments to undertake future orientated decision-making so as to ‘include’ future generations in government policy making. While such provisions have a strong appeal and are certainly not antithetical to republican purposes, there is a sense in which these models are dependent upon on the existence of an active and virtuous citizenry. These models are dependent upon significant political activity and political motivation to entrench such proposals in the first place and republicans would also emphasise that the actual operation of such amendments would have to have a contestatory dimension rather than merely a judicial element and this requires citizens to exercise such a proposal.

Conclusion

The lack of an overtly green ethic driving these republican proposals offered here may alarm. It must be stressed that while there is the need for sound environmental knowledge in a republican society as well as the activity of green movements, republican citizens would ultimately see environmental harms as fundamental threats to liberty. The vision of republicanism presented here combines the insights of various neo-roman theorists to argue for measures that combine the development of a republic constituted by a citizenry motivated by public involvement, patriotism and civic virtue with forms of governance that transcend the state. The argument has been that a republican state would promote transparency in politics which would prioritise public goods and obviate special interests that conflict with public goods, would shift the state away from neo-liberal interests which play a key role in constituting existing forms of environmental harm, and lastly develop and extend contestatory public processes beyond the state.

Republicanism ultimately offers no simple panacea in the task of promoting liberty. If environmental problems are to be addressed it is going to be the actions of people acting as citizens who see environmental degradation as a threat to liberty requiring political action on the part of the state. Maurizio Viroli reflects on Machiavelli’s idea of politics as being like “planting trees beneath the shade of which mankind [sic] lives prosperously and happily,” and suggests that “like a tree, the good republic that politics is supposed to create and preserve offers protection and solace to all, regardless of what they do under its shade.” Republicans need to extend this shade in regional and global dimensions to address transnational issues like global environmental degradation while still holding to the civic virtue which makes the republican state possible in the first place.

Steven Slaughter, BA (Hons) Monash, Grad.Dip. Public Policy (Murdock), PhD (Monash) is a Lecturer in International Relations at Deakin University, Melbourne, Australia. His main publications are Liberty Beyond Neo-liberalism: A Republican Critique of Liberal Governance in a Globalising Age (2005) and Globalisation and Citizenship: The Transnational Challenge (co-edited with Wayne Hudson 2007).

Endnotes


17. See Eckersley *The Green State*, ch. 7.


30. This is developed more fully in Slaughter, “The Republican State: An Alternative Foundation for Global Environmental Governance.”


