



THE D G E

OCEAN POLICY AND ENVIRONMENTAL PROTECTION

by
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The new oceans topic will focus considerable attention on environmental protection literatures, both as a major harm area and as the subject of disadvantage ground, and those connections are the subject of this essay. My intention is to supplement the more wide-ranging introduction written by Stefan Bauschard for the March issue.

Environmental issues will obviously connect to disadvantage and counterplan scenarios connecting to politics. In the same way mental health care policies undertaken by the Bush Administration arguably inoculated the president from liberal critics (or bought them off outright), environmental protection policies can also co-opt some of the Democratic agenda.¹ In fact, because environmental issues often make for compelling television, the internal links between ecotoxicity in the White House and success in achieving the president's legislative agenda are in some respects easier to prove than they were in the mental health and public health services area. That is, environmental protection is high on the national agenda, and kept there by the likely continuation of media attention to the issue. Nothing more fully captures the medium's insatiable demand for good pictures than the footage that emerges from choked water supplies or animal populations devastated by oil spills or other insidious pollution sources.

All of this will necessarily be affected by the course of the nation's war on Iraq. If the war and its aftermath quickly subside as issues in the American political conversation, then the president will

undoubtedly be eager to endorse some environmental issues as a way to reinforce his image as a compassionate conservative. On the other hand, if the war and subsequent reconstruction continue to bog down the nation's policymakers, then environmental issues will likely be dwarfed, even into insignificance, in this year's political debates.

The Iraqi campaign also interacts with environmentalism when considered as an international legal issue. Given the heightened controversy regarding the limited American-led coalition, ocean initiatives are unlikely to formatively shape the international legal agenda. Still, if the war ends quickly and reconstruction is accomplished in a manner that reasserts a prominent role for the United Nations, then environmental issues may again take center stage internationally.

In what follows, though, I'll be focusing on more fundamental environmental issues: the status of environmentalism as a movement, and as environmentalism as a philosophical orientation. Finally we'll look at some issues regarding environmentalism in the international context.

Debating Environmental Movements

Traditions embracing environmental protection have existed for many centuries, and the world's major religions all include instruction pertaining to conservation. For example, the concept of stewardship has appeared in many cultures, along with the idea that we owe it to our children to preserve nature (what economists would today refer to as "intergenerational equity"). Christianity, Islam, the customary law of Africa, and the non-theistic traditions of Asia all relate to environmental protection.² These traditions continue to have political consequence (in American politics conservative views about the environment continue to be influenced by Biblical language commanding stewardship) and provoke controversy – some commentators point to religious influences as having produced too great an insensitivity for environmental ethics since they typically put humans at the center of creation and see the rest of nature as something simply to be subdued and domesticated.³

But despite this legacy, specific concerns regarding the protection of the earth's natural resources did not coalesce until the past century – in fact, the term *ecology* wasn't even coined until 1867 (this despite the fact the term has origins in the classical Greek language). And in the American context, environmentalism mainly referred to the conservation of natural resources. In the early part of the twentieth century, this tradition was defended in two ways. John Muir argued for the *preservation* of nature (he once said the creation of untouchable national parks would "make the mountains glad"); Gifford Pinchot defended *conservation*. Pinchot's approach, which mainly won out, endorsed a multiple use policy where the land's aesthetic and ecological resources are managed in a way that also allows carefully managed resource utilization.

All this changed with the emergence of what was known as the New Environmentalism, inspired in part by the publication of Rachel Carson's 1962 book *Silent Spring*, which called attention to the harmful effects of pesticides (especially DDT) on all life forms. During the 1960s and 70s, environmental politics gained in influence, major legislation was enacted, and the regime of difficult regulatory and legal issues we face today were set in motion: how to weigh risks against benefits and economic with ecological imperatives, the nature of our obligation to future generations, how to impose costs for cleanup and to what extent those costs should

be born by taxpayers or the original polluters, and difficult questions relating to what is now known as "environmental justice." These issues are international as well, given growing concern that industries from heavily regulated states will simply move operations to countries imposing a lighter environmental burden, and other issues arising from the desire to exploit ecologically sensitive resources (such as those found in rain forests). Such issues make environmentalism relevant to every person, from the suburbanite newly concerned about the chemicals used to treat her golf course to the farmer who has to worry about overtiling and students interested in recycling. Thus, the organizations committed to environmental protection range from outfits whose main work centers on federal decision making to those whose activity looks more like local New Age lifestyle advocacy.

Much of the current argument over environmentalism is centered on the empirical question of whether the earth faces a resource crisis or not. In 1972 environmentally interested activists and scientists produced what became known as the Club of Rome report. Configured as an international call to action and entitled *The Limits to Growth*, the report warned of gathering ecological and population disasters. The Club of Rome popularized the idea that the earth has a finite carrying capacity; that is, a limited amount of clean air, fertile soil, available drinkable water, and so on. The Club of Rome tradition has produced one of the most abiding debate arguments of the last thirty years, often referred to as the Malthus position. The disadvantage name refers to the Rev. Thomas Malthus, who wrote a famous essay making this claim: since food production will only increase arithmetically (1, 2, 3, 4...) and population increases geometrically (1, 2, 4, 8...), at some point population growth will inevitably outstrip food production. The debate argument says policies that save or extend lives make it more likely an overshoot of the earth's carrying capacity will occur, resulting in a catastrophic dieback.

By now, generations of debaters have been understandably horrified by what might be described as the genocidal, "lifeboat ethics" logic of this argument. The position essentially says we should permit or require some people to *certainly* die today based on the *gamble* or the *faith* (perhaps unjustified) their death will avert a greater die-off later. In the classical terms of Kantian philosophy, the Malthus disadvantage defends the indefensible by proposing to use people (and their certain death) as a means to an end. Defenders of the position respond there is nothing more moral than advocating policy action to prevent the potential death of billions, and so the argument has raged in debate circles ever since.

Critics of the Club of Rome logic have also regularly dismissed it as needlessly alarmist, and since then a pitched argument has been made for both perspectives. Activists and scholars in the Club of Rome tradition regularly warn that human intervention in the natural processes of the planet pose unprecedented risks – climate collapse, food shortages, deteriorating air and water quality, and ocean death. Their opponents often defend the human capacity to problem-solve or engineer out of problems as they emerge. The most commonly cited defender of this view for many years was the late economist Julian Simon.⁴ Others defend economic growth as the best antidote to environmental degradation, pointing out that the wealthiest nations tend to expend the most money on eco-protection, and tend therefore to have the cleanest environments. Authors like Robert Bailey and Gregg Easterbrook are famous for defending this view.⁵

But these are minority voices on the issue of environmental degradation. Even conservative think tanks now regularly admit the growing evidence and implications of human intervention in the natural environment. A Bush Administration task force recently conceded the earth-altering implications of climate change, and public opinion is undeniably on the side of pro-environmentalism, even despite the hostility that often emerges when stark choices between ecopolitics and jobs arise.

Taken together, these issues suggest a number of now-classic debate arguments relevant to the oceans topic. First, affirmative teams must be prepared to defend their advocacy of pro-ocean policies against disadvantages that will frame piecemeal eco-protection as subversive of larger movement goals. Environmental groups succeed best when able to organize broad-based political coalitions, built on alliances with other social justice and worker activism. Environmental disasters, despite their catastrophic impact on the world's ecosystem, do nonetheless regularly manage to rally groundbreaking political activity and success. A disadvantage might thus claim that a plan achieves a token or limited win at the expense of potentially broader successes. Such a disadvantage can be difficult to defeat since it is linear (that is, depending on how it is argued it may be impervious to the obvious uniqueness problems) and turns the case since presumably the larger activism coopted by the plan would have also addressed the case harm.

Second, many advocates of increased environmental consciousness distinguish between what has been called *deep* and *shallow ecology*. I'll talk about these distinctions in more depth in the next section. But the difference suggests another disadvantage position able to survive even an affirmative claim that they turn the movement position by galvanizing ecological activism. The argument would claim that the plan is complicit in shallow ecology, by perpetuating the mindset that procedural or regulatory claims can paper over a culture of pollution and human arrogance. By endorsing the view that humans can fix any problem they cause or worsen, the disadvantage says the plan prevents deeper cultural transformations. Such a paradigm shift, or new environmental ethic, is needed because the premise that we can rape the earth and then undo the damage with token remedies risks broader devastation.

A third implication of the present configuration of environmental movements is a necessary caution in arguing as if the environmental movement is wholly unified or monolithic, or as if environmental causes are always configured against economic or corporate interests. Undeniably, some environmental groups do cast their claims in bold and assertive opposition to capitalist culture. But other coalitions are working to make common cause with sympathetic corporate interests by claiming that ecological protection and economic growth go together. This was a common theme during the Clinton years, and a persistent argument made by then-Vice President Al Gore. Gore has argued for years that companies who find ways to produce goods without waste or pollution will increase rather than decrease their profits, and has often pointed to emerging green technologies which he and others expect will be increasingly lucrative. In the oceans context these new technologies include oil pollution clean-up materials, increasingly eco-friendly shipbuilding production models, and urban waste recycling centers able to convert garbage into gold (so to speak) rather than dump it in the middle of the ocean.

Philosophical Controversies Facing Environmentalism

The starting point for many recent investigations of environmental philosophy is attention to the idea of *anthropocentrism*.⁶ Anthropocentrism refers to our way of seeing the world through human eyes, and the consequences such a perspective has in distorting the world around us in ways that reflect our own interests as specie. In some respects it is a simple updating of the idea that humans are the "measure of all things." This prejudice infects our thinking and our language – for instance, one can see it in our regular distinction between *humans* and *beasts*, as if humans are not also animals. Beasts are savage, humans are civilized. Beasts follow their instincts, humans act morally and thoughtfully. Philosophers of the environment often point to the artificial nature of these distinctions, and the pernicious arrogance these binaries perpetuate in human thinking and political action.

Worse, an anthropocentric bias can often lead to a tendency to think of the environment as having only human-centered instrumental value.⁷ The recent debates over whether oil drilling should proceed in Alaskan wildlife areas have been criticized for this bias: at times advocates of drilling (who can obviously be seen as urging an instrumental view of the oil as something only important if made useful to humans) were quoted as justifying drilling on the grounds that northern Alaska is a wasteland, as if nature's value is only to be counted if it looks good by human standards. Within such a narrow framework, Brazilian forests are only as good as the furniture made by their wood, or oceans are only as good as the fish they yield for human consumption. One can see how such a narrow logic can lead to perverse, even monstrous outcomes for the planet.

A related concern identifies a pathology of human interaction with the rest of the natural environment which has often been referred to as the "tragedy of the commons."⁸ The metaphor refers to how a 17th century village would have made use of common and fenced in grassy space, the village green. Villagers share a collective interest in preserving the green space as a future common source of ongoing food production for the animals who graze there. But one can also see how particular individuals have an incentive to over-utilize (and therefore devastate) the commons – individual herders gain a benefit from their personal exploitation of the common area (they fatten more sheep for sale and slaughter) but do not bear the price for their animal's overeating. When the green is threadbare others will disproportionately suffer. Costs imposed by individuals on the rest of us are called *externalities*, and the libertarian solution to pollution rests on internalizing these external costs by application of a "polluter pays" principle.

The idea of anthropocentrism also relates to the idea that by use of clever human technology environmental problems can be fully addressed. Many writers have criticized the "techno-arrogance" implicit in this arguably risky view, where devastation *certainly* continues on the *hope* that future technologies will free us from suffering the consequences. Some argue that science itself is dangerously wedded to these views, making the case by pointing to the primitive but still influential claims made by Enlightenment scientists who thought of planets like clocks and animals like little factories or machines that exist to serve humanity and its interests.

Most environmentally conscious philosophers would agree these instrumental, technological, and scientific worldviews must be sharply modified in favor of a more ecologically centered approach. Such alternatives focus on human interdependence as a web or network of life, as opposed to a view of human action as

controlling or somehow outside the system which gives us life. In abandoning a view of the world as only instrumentally useful, one begins to see the world in all its vibrant and fragile complexity.

One of the most compelling elaborations of the case against anthropocentrism is contained in the writings of Arne Naess. Naess first and most cogently articulated the distinction between deep and shallow ecology. One of the most important features of Naess' position is his view that even most versions of environmentalism are tainted by anthropocentric logic. His advocacy of the alternative, which he calls *deep ecology*, would entail a transformation of human community.⁹

The implications of such views are obviously wide-ranging, which is the very attribute that makes them attractive to their advocates and absurd to their opponents. A regular theme of the literature opposed to such views as *deep ecology* and other radical versions of environmental ethics is the accusation of naivete implied by them: in an overbuilt world which must sustain the lives of more than 6 billion human beings, a return to a more simple and environmentally conscious agrarianism is sometimes dismissed as advocacy of a vast die-back, in other words, as articulating a case for mass murder. Naess once argued, for example, that the true carrying capacity of the earth is closer to 100 million. Transitioning to such a small population seems to require truly drastic and arguably totalitarian policies.

The Intersection of Environmentalism With Other Political/Philosophical Traditions

Ecological thought has been a hot topic for thinkers from a variety of other traditions, including defenders of feminism, anarchy, Marxism, libertarianism, and various accounts of postmodernism. Space doesn't permit me to fully introduce all these perspectives here, but I do want to highlight some that will be significant for debate this year.¹⁰

For socialists, environmental degradation remains one of the central symptoms of a capitalist culture resting on greed and materialism. Socialists, including those specifically committed to Marxist politics, claim that such symptoms can only be changed when the mode of industrial production has been transformed to one which is more worker friendly. They often claim that because a socialist transformation would emphasize the necessity of equality, it would be more predictably sympathetic to global environmental issues.

Marxism is a version of socialism and has been quite influential in environmentalist accounts. This is so despite the apparent, even straightforward, anthropocentrism in Karl Marx's writing – he argued, for example, that the resources of nature had no value at all unless transformed by the productive power of human labor, and his vision of utopian socialism presumes a continued reliance on industrialism. Although there is considerable debate over the extent to which the Soviet state was actually faithful to Marxism, the environmental catastrophes experienced there are pointed to by some as evidencing the fundamental inconsistency of Marxism and environmentalism.

Still, the emphasis on revolutionary transformation in Marx has often been applied to environmental contexts. One of the most often quoted environmental philosophers, Murray Bookchin, uses Marxist accounts as a jumping off point for articulating a more radical form of social ecology which also incorporates elements of the anarchist and libertarian traditions. Along with others interested to undo instrumentalist accounts of human involve-

ment in the broader environment, Bookchin is also concerned by deep ecological accounts that simply treat human beings as parasites or viruses. Instead, Bookchin envisions a rethinking process where humans consciously abandon their arrogance but also take responsibility for their potential stewardship of the planet's resources.¹¹ Others whose thinking is influenced but not controlled by the Marxist tradition include Kirkpatrick Sale, who emphasizes the incompleteness of human knowledge and consequently advocates smaller bioregional communities seeking to live in harmony with natural processes.¹²

Some influential feminist accounts see patriarchy as the real source of environmental degradation. Nature is exploited by men for instrumental purposes in the same way women have been historically oppressed (it is thus not coincidental that nature is often feminized, as in the phrase Mother Nature).¹³ One prominent literature advocates an ethic of nurturing as a necessary corrective to patriarchal exploitation. Ynestra King first referred to such an approach as *ecofeminism*.¹⁴ Critics of ecofeminist approaches see its reliance on gendered accounts of nurture and life affirmation as dangerously reproducing patriarchy's logic, which starts with an essentializing account of how men produce (food, products, politics) and women reproduce (children, culture).

But ecofeminism remains a formidable intellectual account of social life, and it affords debaters the opportunity to defend a deep/shallow disadvantage position while sidestepping some of the tradition objections to deep ecology. Joni Seager's work blends the traditional critique of shallow ecology (remember, shallow ecology remains focused on mere legislative changes) with a feminist claim that such legislative action is gendered.¹⁵ This is so in part, Seager says, because what she calls the *ecology establishment* is run by men and dominated by their sense of self-interest.

A final word about the intersection of environmental thinking with some postmodern accounts of human science: There is a significant literature seeking to reconfigure Enlightenment notions of knowledge and rationality through new work on chaos and complexity. A leading figure in this tradition is Fritjof Capra, whose writings emphasize the openness and complexity of natural systems. Capra's work advocates a paradigm shift where humans would come to think of the environment as requiring attention to the whole more so than the parts, to process over structure, and to networks of life.¹⁶ A more extreme perspective is that of James Lovelock, the main advocate of the so-called Gaia hypothesis, which sees the world as a living organism.¹⁷ Even if one does not endorse the Gaia view, though, these contemporary accounts of the ecological system do lead to a certain caution against the hope we can ever understand earth in all its complexity.

The Internationalization of Environmental Protection

A growing number of international treaties now address a full range of environmental issues. Environmentalism is a natural issue for international regulation, since national borders do not contain pollution. If one country restrains its polluting behavior but others continue to pour toxins into the air and water, then individual acts of self-regulation will be undone.

The dominant issue now being debated worldwide is global climate change. In the 1990s a consensus emerged that planetary temperatures were creeping upward, largely because of the combustion of fossil fuels. In 1997 the Kyoto Protocol was signed – the treaty remains unratified by the United States (and has been declared dead by President Bush), but would slow the rate of warm-

ing by implementing international limits on carbon dioxide emissions. Opponents of the treaty in the United States argue the disproportionate share of reductions required of wealthier nations will impose drastic job losses and higher energy costs on an already fragile American economy.

The issue of marine resource protection is necessarily internationalized since no single nation monopolizes the ocean environment and since virtually every nation has felt free to use the ocean as a dumping ground. All this implies a series of arguments which will necessarily arise in our debates. First, the role of American environmental leadership will repeatedly emerge as an important consideration. Teams unable to defend the power of American action to uniquely leverage a multiplicative global response will be vulnerable to counterplans which have other nation-state agents take action (including Japan, the European Union, perhaps Russia or China depending on the specific issue, or the United Nations). Second, teams uninterested in arguing for an alternative agent counterplan will still have international action disadvantage positions available to them. One version of the position will say American foot-dragging on this or that issue (as specified in the inherency) is currently galvanizing other nations into broader action. The plan takes a mainly symbolic unilateral action able only to solve a tiny piece of the larger ocean problem, thereby only succeeding in subverting the international will to act in more fundamental ways. Again, teams able to prove their policies will actually *galvanize* international action behind American leadership will have a potential turn. But the turn is less formidable than meets the eye, since negative teams will be able to read dozens of pieces of evidence casting doubt on the likelihood the world will follow America anywhere or on any issue in the aftermath of often unpopular Bush Administration unilateralism.

A third international implication weds these more abstract concerns to very concrete economic interests. When specific nations undertake environmental protection initiatives, the world trading system is often involved. An example unrelated to oceans but at the top of the international agenda involves recent European action to prohibit the importation of genetically-modified foods from the United States. Europeans see this as an environmental and public health issue — in their view the safety of modified crops has not yet been established. On the other end, American producers who make such foods see prohibitions as the imposition of blatant trade barriers, no different than prohibitive tariffs (a tariff is an import tax) or domestic subsidies that rig the playing field against a competing nation's goods.

Other examples directly implicate ocean policy. Trade penalties are often part of the debate over such issues as international whaling, oil pollution prevention, over-fishing policies, and even very generic ocean conservation policies that have a disproportionate effect on one nation's economic interests over another.

The trade implications of environmental action are the subject of very careful and often tense negotiations in the World Trade Organization. World trade law is aimed at minimizing trade restrictions on the theory that free trade and the prevention of trade conflict will produce the greatest economic gain for all nations while preventing the kind of destructive crises that arguably led to the Great Depression of the late 1920s and the decade of the 30s. Yet even this pro-trade framework explicitly acknowledges the need for an environmental exception. That is, the WTO system (perhaps more often in theory than in practice) realizes that some vital national ecological policies may impinge on trade, but rightfully

so. It thus allows a country like the United States or France to regulate the import of polluting automobiles.

Still, a "trade war" disadvantage will remain formidable despite these recognized exceptions for environmental protection. This is so because trade conflicts are often the result of misperception and the escalation of underlying and preexisting tensions. Thus, even if a specific plan does not violate the letter of international trade law, it may nonetheless spark wider trade tension because it will be understood as a hostile or self-protective initiative designed to secure American trading supremacy.

Conclusions

I have emphasized the debates surrounding environmental action without much specific reference to ocean issues because in my view this broader literature will dominate our discussions of marine resources as a special case of environmental degradation. Still, these issues will obviously be argued within the specific contexts of existing ocean protection policies and proposals. As you read through the now vast literature on environmental protection, these specifics must always be kept in mind. Either way, the new topic raises a number of significant and interesting public policy and philosophical questions.

Footnotes

¹ A good recent summary of these issues in the environmental context is Norman Miller's *Environmental Politics: Interest Groups, the Media, and the Making of Policy* (Boca Raton, FL: Lewis Publishers, 2001).

² E.B. Weiss, "Intergenerational Equity: Toward an International Legal Framework," in N. Choucri (ed.), *Global Accord: Environmental Challenges and International Response* (Cambridge, Mass.: MIT Press, 1993). One of the best surveys of all this in a broader philosophical context, which updates these ideas through the Enlightenment, is Keith Thomas' *Man and the Natural World, 1500-1800* (Harmondsworth: Penguin, 1982).

³ L. White, "The Historical Roots of Our Ecologic Crisis," *Science*, 155 (1967): 1203-1207. There is considerable debate on this point. An alternative view often articulated in the Jewish and Christian traditions, to take just two examples, defend the religions as pro-environment, since the Judeo-Christian Scriptures can be read as articulating an ethic of stewardship and respect for God's creation. Additional evidence for this perspective is often adduced from the prevalence of self-professed Christians in the environmental and social justice movements.

⁴ Julian Simon, *The Ultimate Resource Two* (Princeton, NJ: Princeton Univ. Press, 1996).

⁵ See Robert Bailey (ed.), *The True State of the Planet* (New York: Free Press, 1995); Gregg Easterbrook, *A Moment on Earth: The Coming Age of Environmental Optimism* (New York: Viking, 1995).

⁶ Two very good recent surveys of the philosophical literature pertaining to environmental concerns are: (1) Carolyn Merchant (ed.), *Ecology* (Atlantic Highlands, NJ: Humanities Press, 1994), published in a book series called *Key Concepts in Critical Theory*, and (2) Mark J. Smith, *Ecologism: Towards Ecological Citizenship* (Minneapolis, MN: Univ. of Minnesota Press, 1998), published in a book series called *Concepts in Social Thought*.

⁷ The critique of instrumental logic is most commonly associated with the leading figures of the so-called Frankfurt School: Max Horkheimer and Theodor Adorno. They wrote a book together that developed this critique, *Dialectic of Enlightenment* (1945), and later Horkheimer extended the argument in *The Eclipse of Reason* (1947). Martin Heidegger is also commonly associated with this tradition of anti-instrumentalism because of his essays on technology and related topics.

⁸ Garrett Hardin, "The Tragedy of the Commons (1968)," in H. Daly (ed.), *Valuing the Earth* (Cambridge, Mass.: MIT Press, 1993).

⁹ Deep ecology is hotly debated, and a rich literature provides good evidence for both sides. Among the most widely cited anthologies reviewing this controversy is George Sessions (ed.), *Deep Ecology for the 21st Century: Readings on the Philosophy and Practice of the New Environmentalism* (Boston: Shambhala, 1995).

¹⁰ In this section I'm relying heavily on the introductory accounts of environmental philosophy cited earlier by Carolyn Merchant and Mark Smith. (*continued on page 66*)

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¹¹ Murray Bookchin, *Toward an Ecological Society* (Montreal: Black Rose Books, 1980).

¹² Kirkpatrick Sale, *Dwellers on the Land: The Bioregional Vision* (San Francisco: Sierra Club Books, 1985).

¹³ Cf., Carolyn Merchant, *The Death of Nature: Women, Ecology, and the Scientific Revolution* (New York: Harper and Row, 1980).

¹⁴ Ynestra King, "Feminism and the Revolt of Nature," in Merchant, *Ecology*, 198-206.

¹⁵ Joni Seager, *Earth Follies: Feminism, Politics, and the Environment* (London: Earthscan, 1993).

¹⁶ Fritjof Capra, "Systems Theory and the New Paradigm," in Merchant, *Ecology*, 334-341.

¹⁷ James Lovelock, "Gaia," in Merchant, *Ecology*, 351-359.

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