

# Democracy for an Ecological Age

by Mark Garavan

## 1. Introduction

This paper adopts a solution-based approach to the challenge of imagining a new democratic model for Ireland. It proposes a form of governance based on existing institutional and legal possibilities. The urgency for thinking about a radical restructuring of the contemporary model of representative democracy arises from the growing recognition that we are in a condition of global ecological peril, one that demands far-reaching social and economic changes. It is likely that Western populations will have to experience and suffer (as opposed to simply cognitively apprehend) a significant amount of the negative consequences of this ecological condition before the political will is generated to redress the factors which have accounted for such a perilous state. The purpose of this article is to identify those factors and to suggest how they can be addressed.

Modern industrial society – Ireland's included – is socially and ecologically unsustainable. Data on this is overwhelming and barely needs repeating. A few brief illustrations will suffice. For example, it is now widely acknowledged that human induced carbon releases have begun a rapid (in geological time) climate change sequence. The UN's *Intergovernmental Panel on Climate Change* (2001) accepts the possibility that average global temperatures may rise by almost 6 degrees centigrade by century's end. The fact is that we do not know where climate change will lead us. We do not know whether we are at the start of a runaway climate change event or whether we can slow it down. What we can anticipate is that this aggressive alteration of the earth's careful balance of natural systems will precipitate a climatic feedback that is inevitably going to reconfigure the conducive environmental conditions that have given rise to the series of complex life-forms presently in existence, including ourselves.

The planet's life-forms are in peril from other sources as well. The loss of natural space and habitats, together with the impact of a variety of pollution sources, has directly caused an extraordinary extinction of species. In 1992, the biologist Edward Wilson estimated that 27,000 species were being lost each year. But by the end of 2001, BBC 1's *State of the Planet* documentary warned that the situation was far worse. It asserted that unless radical corrective steps were now taken up to a half of all the species on the planet would be lost within the next 50 to 100 years. The extermination of a species is irreversible. In truth, we don't know how many species there are nor therefore can we definitively know just how many are being lost. What we do know is that the reduction of bio-diversity is now occurring on a scale greater than any experienced in the last 65 million years and is directly the consequence of human activity.

With environmental unsustainability goes social unsustainability. The planet simply cannot provide for Western patterns of consumption to be applied everywhere. The world's richest countries, with 20% of global population, account for 86% of private consumption. The poorest 20% account for 1.3% (*UN State of the World Population Report 2001*). Nearly 60% of people in poorer countries lack basic sanitation (approximately 2.6 billion people). A third do not have access to clean water. It is doubtful whether food production can be increased to meet the needs of an expanding global population given the context of topsoil depletion, loss of fresh water supplies and a rapid decline in the supply of cheap oil.

Since at least the 1960s a sustained critique on *environmental* grounds (supplementing a plethora of previous social justice, Marxist and ethical critiques) has been mounted on the existing political and economic system. Initially this environmentalist challenge was led by natural scientists such as Rachel Carson who were increasingly alarmed by the emerging evidence of deterioration and degradation within a range of biological systems. Since then writers and activists from a wide spectrum of theoretical perspectives have joined in this critical analysis. Within the diversity of explanations contributed by environmentalists as to what has gone wrong there is one common discernible theme that can be identified – our ability as humans to *relate ecologically* to the natural world about us is deeply impaired.

This inability finds itself reflected in, and accentuated by, the dominant Western worldview. This is the product of elements of Cartesian dualism, of the mechanistic science of Newton, of an anthropocentric conception of god, of the valuing of particular forms of knowing. This broad paradigm has worked itself out within a raft of self-referential social sciences. The negative ecological consequences of this have been most apparent in modern economic theory which is predicated on a series of assumptions such as in its treatment of natural resources as non-cost income, and in classical political theory which has privileged the concept of Nation-State sovereignty.

The consequence is that, by becoming enclosed within ever expanding and apparently successful social systems, those with political and economic power no longer comprehend the fragility or limits of the wider natural setting within which we must operate. Their apprehension of the world has become phenomenologically suspect. Nowhere is this more apparent than in the concept of GDP as a measure of material well-being. This index limits itself to a recording of the value of traded goods and services within a territorially bounded economy but cannot record pollution, resource depletion, bio-diversity loss or even real levels of human well-being.

But if evidence of unsustainability and dysfunction is so apparent why do the electorates of the 'democratic' world not insist on change? The answer to this is undoubtedly complex. It must include the observation that not enough see the need partly because the western economic and political system continues to give the appearance of being successful. Furthermore, it is difficult for many to imagine what an alternative society might look like. But a primary reason is because the levers of change, the political mechanisms by which change on the scale required can be effected, are in the possession of powerful state and corporate interests who do not want any change whatsoever.

## **2. The contemporary democratic context**

While there are a number of possible democratic models the historically dominant form has been that presented by the liberal Nation State. In this model, citizens periodically elect representatives who make laws that are agreed to bind all. This democratic form has given rise to political parties that offer sets of policies and programmes to citizens at election time which they undertake to implement through the duration of the representative assembly or parliament.

It should be briefly noted that from an ecological perspective this model could be argued to have a number of structural flaws, flaws which reflect the cultural assumptions current in 18<sup>th</sup> and 19<sup>th</sup> century Europe and North America from where this model emerged. Liberal democracy is predicated on the sovereign hegemony of the Nation State, which asserts a claim to absolute jurisdiction over a territorially bounded space on behalf of a culturally distinctive set of people. Quite apart from the dubious assumptions made by the model, the democracy that it has given rise to is one that limits representation to present citizens over a certain age. What is explicitly excluded from representation are people living outside the state's borders, future citizens of the state, future people living outside its borders, and all other life-forms, present and future, both inside and outside its borders. The Nation-State is based on a form of representation which is contracted in terms of space, time and species.

However, leaving to one side these broader questions, the difficulty now facing us as we examine how we might bring about the changes needed to reduce the ecological peril before us is that even the limited version of representative democracy offered by the contemporary state has ceased to function effectively. And this has occurred at a time when we need popularly responsive mechanisms of governance more than ever.

What we are experiencing is a decaying of democracy occurring at both poles of the democratic process – the quality of representation (supply) and the engagement of citizens (demand). Both of these poles have become degraded and rather than co-existing in a state of tension and mutual alertness, which is their ideal state, have declined into atrophy and apathy. The result of this has been that the formal political space of the liberal state, as an arena within which change might be effected, has

become abandoned and effectively conceded to the status quo of unsustainable policies.

At the supply end of the equation, three features can be identified as responsible for the process of de-democratisation. The first, and most important, is the dominance in public discourse of a certain version of economic rationality. This rationality elevates the functioning of a theoretically imagined free market economy to be the epitome of sound social behaviour. Concepts such as competition, efficiency, free choice, privatisation and many others have been elevated to a non-problematic status as guarantors of prolonged economic growth and social well-being. Within this rationality, there is less and less room for collective forms of decision-making that might run counter to its hegemony. The logic of the free-market is asserted to be the most rational logic available – anything else becomes, ipso facto, irrational and potentially dysfunctional. The claim made is that each individual pursuing his or her own maximum utility results in optimum social well-being. The state's role is merely to ensure the best environment within which this rationality can proceed. What has happened is that the rules of a particular economic language game have overwhelmed our ability to speak politically in any other credible way. Those who attempt to do so can be charged with being unreasonable, unrealistic, and even dangerous. The effect on public discourse of this ascendancy has been to close down the capacity of public representatives to speak credibly in any other categories. They have become caught in an intellectual box beyond which they cannot manoeuvre.

But, even more alarming, this box is not just a theoretical construction. The second factor degrading democratic responsiveness is that power has effectively shifted from visible, accountable persons and institutions to invisible, globally diffused sites and systems. The control exercised by globalised capital over the increasingly inter-dependant national economies has resulted in power being based upon the ability to control financial resources. Capital flows, investment decisions, currency speculations, and other choices exercised by large corporations, directly affect employment levels and wealth levels in individual nation states. It is this power that keeps the box in place. Rather than resist this de facto ceding of domestic control, nation-states have accelerated this process through the creation of international bodies such as the World Trade Organisation which legally binds states into the regime of

free trade. The result is that irrespective of who is elected to de jure leadership positions within states, they effectively can do little substantive policy making, i.e. nothing outside the limits of the box and certainly nothing on the scale required by the ecological demands of this time.

Finally, elected representatives have presided over the dismantling of the State's domain of concern in the last couple of decades, voluntarily so in the west, often compulsorily elsewhere as conditions of international loans or in consequence of military interventions. This has occurred in two directions. First has been the deregulation and privatisation of large areas of the economy that were formerly publicly owned - such as transport and electricity provision. Secondly, the State has increasingly devolved decision-making powers from democratic institutions to a variety of administrative bodies. Nowhere is this latter tendency more apparent than in the environmental policy-making area where questions of environmental impact have been determined by pollution control agencies, environmental impact assessment procedures and 'scientifically' grounded risk assessments. Environmental concerns have become shunted away from political forums and instead rendered into a series of technical problems to be processed by administrative bodies. The result in this case has been the reduction, de-politicisation and domestication of the alternative models and critiques offered by environmentalism.

In short, the supply of representative function within nation states has degraded due to the discursive dominance of free-market economic imperatives, the acquisition of effective power by private corporations, and the privatisation and bureaucratisation of the state. Furthermore, the 'war on terror' has permitted states to further increase their coercive capacities which can be directed towards any defined threat.

This supply contraction has met with, and in large part has itself influenced, a corresponding decline in the demand for representation from electorates. This contraction is an understandable response to the realisation of the limits of representative effectiveness. The growing loss of belief in liberal democracy is summed up in commonly occurring phrases such as - 'It makes no difference who you vote for', 'They are all the same', 'They are all puppets who can do nothing

anyway'. This assessment by electorates is confirmed by revelations of political corruption, which have swept many western states in recent years. As a result it has become apparent that the formal channel of exercising democratic power grounded on votes exercised by citizens has become outflanked by informal channels of influence, resting on financial power and political funding (licit and illicit), by the corporate few.

The consequence has been a further significant impetus to the de-politicisation of the public sphere, with the category of citizen being progressively replaced by that of consumer. The drama of politics has degenerated into a theatre of the absurd as powerless and homogeneous political representatives seek to cajole votes from disengaged, atomised individuals whose focus has become increasingly centred on the domain of their own personal autonomy. The electorates of the West now largely expect nothing from the political system, least of all the possibility of a vision of social transformation being translated into a politically realisable project.

### **3. What must now be done**

Given this context – social and ecological unsustainability and democratic decay – what then is to be the role of an engaged civil society. Despair and despondency, while understandable, will not get us anywhere. We are surely challenged to renewed forms of activism in defence of our humanity and planet. I want to suggest three tasks which appear as immediately necessary.

The first is to create new networks de-linked from the present system, what Rudolf Bahro used to call 'liberated zones' (Bahro 1986)<sup>1</sup>. These would be economic, social, political and cultural spaces outside the logic and control of the present economic and political system. They might involve local trading systems, new currencies, acts of self-governance, reclamations of civic space, communal self-reliance. These networks may be based upon face to face contact, as are traditional geographical communities, or they may utilise the possibilities created by the Internet for virtual community and long distance liaison. The point is to bring people together

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<sup>1</sup> Bahro, Rudolf (1986). Building the Green Movement. GMP Publishers.

now to create real, existentially viable alternatives and support networks in order to begin the process of constructing a new, sustainable society. No limit, bar human imagination and ingenuity, can be placed on what these networks may be like or upon what their de-linking activities might be. The challenge to de-link now in every way possible appears to provide a key focus for a new and committed activism.

Secondly, the movement for change must be political. De-linking must not be the same as opting out. Our brothers and sisters and fellow species cannot be abandoned to their fate. Activists must re-enter the political sphere with radical critiques of the present system. The imperative to do this is in order to hasten the downfall of the system. The quicker it's gone the better will be the opening conditions for a new model. A political programme centred on policies of sustainable survival needs to be developed to which all strands of progressive opinion subscribes and constantly puts before electorates. What mainstream opinion requires above all is an extension to the limits of its economic and political imagination so that it comes to realise that, as the participants in the World Social Forum have been asserting for the last three years from Porto Alegre in 2001 on, 'another world is possible'.

Finally, and perhaps most importantly of all, we must develop the new ideas that will inform the ecological society. The present system, and its assertions of rationality, needs to be de-mystified. New ideas and social models will draw on the knowledge gleaned from all the de-linked networks and experiments mentioned above. The coherence and viability of these ideas are crucial because we may yet cling to one hope – as the nation states collapse economically and environmentally they may yet reach out and clutch onto these new policies in desperation and reconfigure themselves sustainably to ensure their own survival. The task of idea-formation is not just one for a narrow band of 'intellectuals' – it is for all who have engaged in a praxis of dissent and de-linking. Indeed, the ideas that we may formulate now will only ever be provisional. We cannot know what will work or not into the future – the very ecological context that we require for future governance and economic activity ensures that learning and reflexivity will be an essential attribute of such a model.

#### **4. Towards an Irish model of ecological governance**

In the final part of this paper I wish to take up the challenge posed above and to move beyond the generalities of ‘oughts’ and ideals to concretely sketch what the contours of a putative Irish eco-State might look like. To construct such a model I will draw for reference on the Irish Constitution of 1937 in order to argue that models for democratic systems that aspire to environmental sustainability can be both flexibly conceived and yet institutionally available in order to be properly embedded within existing cultural and political contexts. This is not proposed as an *ideal* political structure – rather, it is suggested as a *possible* model for immediate application.

In exploring the outlines of what eco-governance might look like we are not of course starting from scratch. There has been a considerable body of work done on what the desired alternative green world might look like. In general, green conceptions of a sustainable economic and social model have organised themselves around a number of key points of reference. These key points include communitarianism, participative democracy, communal self-reliance, and ecologically sensitive, human scale technologies. The assumption is that these structures, if allowed to determine the political and economic order, will invariably produce a sustainable society.

There is little doubt that that might be so. However, while these are a necessary condition for ecological well-being they are unlikely to be a sufficient condition. It is likely that we will need interlocking systems of governance in order to balance potential problems which might arise given that we are dealing with human constructions. For example, a community-based government is vulnerable to authoritarianism (especially towards minorities or deviants from norms), and introspection, and potentially to non-compliance with wider ecological standards. Therefore, a further level of governance, such as a reconfigured state, may be required as a corrective to ensure equity and compliance and to *institutionally* represent the interests of non-participating members of the broadly defined ecological community i.e. other communities, future citizens and other life-forms. But States too need an

inter-State mechanism to ensure that they comply with internationally agreed norms. To solve the environmental problems facing us we will need binding international agreement. In short, we need multi-level government to ensure that no one defaults, either locally or nationally, from the constraints of acting sustainably.

I wish to show how the Irish State can be pretty quickly reconfigured in this way. This reconfiguration is based on the Constitutional text as it stands without any further amendment and may be offered as forming part of the programme of a radically re-politicised environmental movement. The goal of such a reconfiguration would be to remove the structural flaws built into the liberal state by re-ordering the balance of its representative weight towards the non-participating interests of future generations and other life-forms and towards maximising democratic participation. The point is to re-align democratic principles with ecological principles in order to better ensure ecological outcomes.

#### **4.1 Local government**

There is no doubt that good ecological governance must be primarily local governance. This argument, which centres on reconnecting people to place, creating self-reliant communities and reducing to a minimum transportation and long-distance trade, has been convincingly made in the environmental literature and does not require re-elaboration. The Irish Constitution permits a radical restructuring of decision-making towards the local.

##### Article 15.2.1

*The sole and exclusive power of making laws for the State is hereby vested in the Oireachtas: no other legislative authority has power to make laws for the State.*

##### Article 15.2.2

*Provision may however be made by law for the creation or recognition of subordinate legislatures and for the powers and functions of these legislatures.*

It is clear from this provision that extensive amounts of law making can be devolved to local units of governance. These units are described as ‘legislatures’, i.e. law-making bodies. The powers and functions of these legislatures can be set by the Oireachtas. Furthermore, the Oireachtas may not only create such bodies, it may also *recognise* them. This implies that de-linked self-governing units are entirely compatible with the existing constitutional structure of the State and may be facilitated by the State following their formation. What this shows is that a radical switch to local governance and sustainability can be legally accomplished *immediately*.

## **4.2 Legislation**

The Constitution permits considerable latitude regarding how law is made by the Oireachtas. There are no stipulations regarding the types of legislative stages that Bills must pass through before becoming law. The present practice is for Bills to go through five stages which differ largely according to the time each allocates for debate and amendment. It is therefore possible to have an *ecological or sustainability* stage that would in particular enshrine the precautionary principle in any piece of legislation. Such a stage would oblige the Oireachtas to discuss the Bill under this criterion. Such a stage may also be processed by sub-committees of the Oireachtas which would permit direct participation by groups representing environmental and other interests.

It is also possible to provide the Seanad with a specific brief on environmental matters. The constitutional practice has been for the Seanad to review legislation coming from the Dail. In addition, the Taoiseach’s eleven Seanad nominees could be selected so as to represent specific ecological interests. Furthermore, some of the Seanad’s five electoral panels could have environmental bodies and organisations added to them as nominating bodies, in particular the panels pertaining to national culture and professional interests, agriculture and allied interests, and industry and commerce. Furthermore, the Constitution permits these panels to be elected by much wider constituencies than they are at present. Thus they may be directly elected by the people under Article 18.10.1.

Finally, there is provision for direct participation in law making by the electorate under Article 27. This provision applies to Bills deemed to be ‘of such national importance that the will of the people thereon ought to be ascertained’ (Article 27.1). This possibility is triggered by a petition, comprising a majority of the Seanad and not less than one-third of the Dail, addressed to the President who makes the final decision. In the context of the technological possibilities opened up by electronic voting one could anticipate an ecologically responsive state being more amenable to such forms of direct democracy.

### **4.3 An Environmental Council**

Betraying its roots in the vocationalist / fascistic 1930s the Constitution also makes provision for the establishment of councils representing social and economic interests.

#### Article 15.3.1

*The Oireachtas may provide for the establishment or recognition of functional or vocational councils representing branches of the social and economic life of the people.*

#### Article 15.3.2

*A law establishing or recognising any such council shall determine its rights, powers and duties, and its relation to the Oireachtas and to the Government.*

It seems entirely possible that this provision permits the establishment, or *recognition*, of an Environmental Council that could be granted extensive powers and duties, including a supervisory function in national ecological policy formation, ensuring conformity to ecological norms, legislative inputs and above all in articulating at a national level the ecological interests of future generations and other species. This Council may be directly elected by the people, or indirectly by the local units of government, and may be made subject to recall by the electorate.

#### **4.4 Ecological Courts**

Finally, it is also possible to make use of the law and courts to further ensure ecological sustainability. This could be done through an Act which establishes new environmental rights and corresponding duties or elaborates existing ones. Such an Act could be supplemented by the formation of a specialised Ecological Court which could adjudicate on matters that may contravene ecological principles enumerated in the Act. These provisions could replace, or add to, existing Special Area of Conservation designations, Environmental Impact Assessment procedures and various planning assessments. Furthermore, an Environmental Ombudsman could also be created along existing models to process complaints under environmental legislation.

There is already a personal right recognised by the Irish courts which could provide for a much expanded set of juridically processible rights. Under Article 40.3.1 the State ‘guarantees to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen’. In a case brought in 1965<sup>2</sup> against the validity of adding fluoride to the public water supply, the courts held that while it was not proven that this was dangerous to the health of the individual, there was nevertheless a right to bodily integrity implied by Article 40.3.1 even though not explicitly mentioned there. The recognition of this right opens up considerable environmental possibilities which could be expanded in a Bodily Integrity Act. The High Court defined the right as follows:

I understand the right to bodily integrity to mean that no mutilation of the body or any of its members may be carried out on any citizen under authority of the law except for the good of the whole body and that no process which is or may, as a matter of probability, be dangerous or harmful to the life or health of the citizens or any of them may be imposed (in the sense of being made compulsory) by an Act of the Oireachtas (Kenny J).

This definition was endorsed and expanded in the Supreme Court.

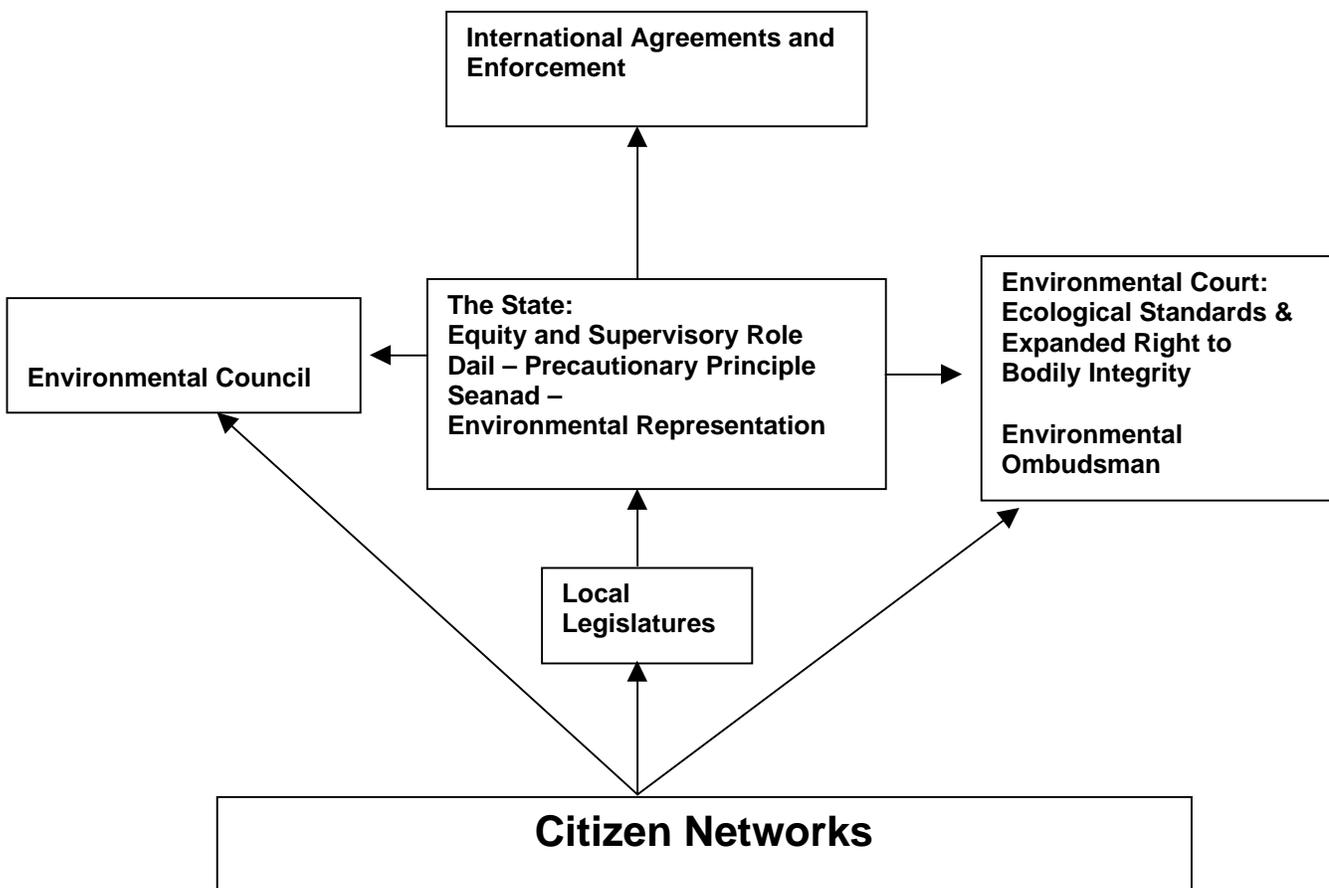
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<sup>2</sup> Ryan V. Attorney General 1965.

... I see no reason why the principle should not also operate to prevent an act or omission of the Executive which, without justification, would expose the health of a person to risk or danger (O'Dalaigh J.).

It seems clear that there is a basis here for a greatly expanded set of environmental rights based on existing case law and supported by legislation which would permit legal challenges to any attempt by the State to expose the health of any citizen to even the risk of danger. The ecological implications are obvious.

In summary then, a reconfiguration of the Irish political system that may be required in the immediate short term might result in a model with the following general features.



Such a political infrastructure would be complementary to a new economic infrastructure based on local trading systems operating with local currencies, supplemented by national and international currencies.

## **5. Conclusion**

While we cannot be overly prescriptive regarding the appropriate models for ecological governance we do need to have some preliminary working ideas in position. New models may be required at relatively short notice. It is in that spirit that this paper is offered.

We cannot know what the opening operating conditions for the introduction of a new model will be. If it is within a context of widespread social chaos and State authoritarianism we will enter realms of great danger and risk. There is little doubt that the lives of many millions of more people will be in danger (there are already millions in danger and being lost). The development of new social models for an ecological age is now the most pertinent task for the contemporary environmental movement. This task is above all else a political task to be undertaken with a new, enriched understanding of politics that defines its aims as that of furthering *the fulfilment of human interest by integrating this with the interest of the total earth community*. That task is open-ended – its outcome is unclear and must be learnt and refined only as we go along. But what is involved here is not just tinkering with an economic and political system. It is nothing less than the construction of a new civilisation.