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Introduction

1.1 Why the Green State?

At first glance the notion of a green state might strike many people as a rather quixotic idea, perhaps even a dangerous one. Does it mean a benevolent state, presiding over an ecotopia, the stuff of green dreams? Or does it raise the specter of an authoritarian state, presiding over a strict regime of ecological controls and resource rationing, the stuff of nightmares for liberals? These opposing visions highlight very real divisions among environmentalists, green political theorists, and green party followers about the proper role and future potential of the nation-state in managing ecological problems.[1] Despite the widening ecological critique of the liberal democratic state, the contours of a more constructive green juridical-ethical theory of the state, both domestically and in the context of the state-system and the global order, are not easy to discern. The environmental demands as to what the state ought to be doing (or not doing) in public policy presuppose a more fundamental normative theory of the proper character and role of the nation-state vis-à-vis its own society and territory, the society of states, global civil society, and the global environment. Such a normative theory of the state would need to provide an account of the basis of state legitimacy by developing the regulative ideals that confer authority on, and provide the basis of acceptance of, decisions made in the name of the state. In the past, legitimacy was acquired by the provision of military and domestic security and the regulation and enforcement of contracts. Nowadays that legitimacy is primarily acquired by appeal to democracy, typically representative democracy of the liberal democratic variety. Indeed, the regulative ideals

and procedures of liberal democracy provide the most influential yardstick against which alternative normative accounts of the state are usually compared and evaluated. Yet most green political theorists question whether the liberal democratic state is up to the task of steering the economy and society along a genuinely ecologically sustainable path.

This book seeks to develop a political theory of the green state through a series of critical encounters with existing debates about the changing role of the liberal democratic state in an increasingly globalizing world. By "green state" I do not simply mean a liberal democratic state that is managed by a green party government with a set of programmatic environmental goals, although one might anticipate that such a state is most likely to evolve from liberal or social democratic states. Rather, I mean a democratic state whose regulatory ideals and democratic procedures are informed by *ecological* democracy rather than *liberal* democracy. Such a state may be understood as a *postliberal* state insofar as it emerges from an immanent (ecological) critique, rather than from an outright rejection, of liberal democracy.

It was the bourgeoisie who in the eighteenth and nineteenth centuries served as the vanguard for the creation of the liberal democratic state while the labor movement was in the forefront of the social forces that created the social democratic state (or welfare state) in the twentieth century. If a more democratic and outward-looking state—the green democratic state—is ever to emerge in the new millennium, then the environment movement and the broader green movement will most likely be its harbingers. This is unlikely to occur without a protracted struggle. In view of the intensification of economic globalization and the ascendancy of neoliberal economic policy, the challenges are considerable.

This inquiry seeks to confront these challenges and to develop a normative theory of the transnational, green democratic state out of this critical encounter. In developing and defending new regulatory ideals of the green democratic state, and the practice of what might be called "ecologically responsible statehood," this book seeks to connect the moral and practical concerns of the green movement with contemporary debates about the state, democracy, law, justice, and difference. In particular, I seek to outline the constitutional structures of a green democratic state that might be more amenable to protecting nature than the

liberal democratic state while maintaining legitimacy in the face of cultural diversity and increasing transboundary and sometimes global ecological problems. I hope to show how a rethinking of the principles of ecological democracy might ultimately serve to cast the state in a new role: that of an ecological steward and facilitator of transboundary democracy rather than a selfish actor jealously protecting its territory and ignoring or discounting the needs of foreign lands. Such a normative ideal poses a fundamental challenge to traditional notions of the nation, of national sovereignty, and the organization of democracy in terms of an enclosed territorial space and polity. It requires new democratic procedures, new decision rules, new forms of political representation and participation, and a more fluid set of relationships and understandings among states and peoples.

My project, then, is clearly to re-invent states rather than to reject or circumvent them. In this respect my inquiry swims against the strong current of scepticism by pluralists, pragmatists, and realists toward "attempts to invest the state with normative qualities, or higher responsibilities to safeguard the public interest, or articulate and uphold a framework of moral rules, or a distinctive sphere of justice."[2] Although historical and critical sociological inquiries into state formation and state practices continue apace, it has become increasingly unfashionable to defend normative theories of the state. Yet these two different approaches cannot be wholly dissociated. As Andrew Vincent reminds us, historical and sociological description and explanation are unavoidably saturated with normative preconceptions, even if they are not always made explicit.[3] And if the traditional repertoire of normative preconceptions about the purposes of the state and the state system is inadequate when it comes to representing ecological interests and concerns, then I believe it has become necessary to invent a new one.

However, any attempt to develop a green theory about the proper role and purpose of the state in relation to domestic and global societies and their environments must take, as its starting point, the current structures of state governance, and the ways in which such structures are implicated in either producing and/or ameliorating ecological problems. This recognition of the important linkages between historical/sociological explanation and normative theory has been one of the hallmarks of

Marxist-inspired critical social theory. Accordingly it has sought to avoid the inherent conservatism of purely positivistic sociological explanation, on the one hand, while avoiding merely wishful utopian dreaming, on the other.[4] Throughout this inquiry, I build on both the method and normative orientation of critical theory. Specifically, I look for emancipatory opportunities that are immanent in contemporary processes and developments and suggest how they might be goaded and sharpened in ways that might bring about deeper political and structural transformations toward a more ecologically responsive system of governance at the national and international levels. This requires "disciplined imagination," that is, drawing out a normative vision that has some points of engagement with emerging understandings and practices. Nonetheless, the role of imagination—thinking what "could be otherwise"—should not be discounted. As Vincent also points out, "We should also realise that to innovate in State theory is potentially to change the character of our social existence."[5]

This inquiry thus swims against a significant tide of green political theory that is mostly skeptical of, if not entirely hostile toward, the nation-state. Indeed, if a green posture toward the nation-state can be discerned from the broad tradition of green political thought, it is that the nation-state plays, at best, a contradictory role in environmental management in facilitating both environmental destruction and environmental protection and, at worst, it is fundamentally ecocidal.[6] From eco-Marxists to ecofeminists and ecoanarchists, there are few green political theorists who are prepared to defend the nation-state as an institution that is able to play, on balance, a positive role in securing sustainable livelihoods and ecosystem integrity.[7] It is now a trite observation that neither environmental problems nor environmentalists respect national borders and the principle of state sovereignty, which assumes that states ought to possess and be able to exercise more or less exclusive control of what goes on within their territories. Indeed, those interested in *global* political ecology are increasingly rejecting the "statist frame" through which international relations and world politics have been traditionally understood, preferring to understand states as but one set of actors and/or institutions among myriad actors and institutions on the global scene that are implicated in ecological destruction.[8] Thus many global

political ecologists tend not only to be skeptical of states, they are also increasingly sceptical of state-centric analyses of world politics, in general, and global environmental degradation, in particular.[9] Taken together, the analyses of green theorists and activists seem to point toward the need for alternative forms of political identity, authority, and governance that break with the traditional statist model of exclusive territorial rule.

While acknowledging the basis for this antipathy toward the nation-state, and the limitations of state-centric analyses of global ecological degradation, I seek to draw attention to the positive role that states have played, and might increasingly play, in global and domestic politics. Writing more than twenty years ago, Hedley Bull (a proto-constructivist and leading writer in the English school) outlined the state's positive role in world affairs, and his arguments continue to provide a powerful challenge to those who somehow seek to "get beyond the state," as if such a move would provide a more lasting solution to the threat of armed conflict or nuclear war, social and economic injustice, or environmental degradation.[10] As Bull argued, given that the state is here to stay whether we like it or not, then the call to get "beyond the state is a counsel of despair, at all events if it means that we have to begin by abolishing or subverting the state, rather than that there is a need to build upon it."[11]

In any event, rejecting the "statist frame" of world politics ought not prohibit an inquiry into the emancipatory potential of the state as a crucial "node" in any future network of global ecological governance. This is especially so, given that one can expect states to persist as major sites of social and political power for at least the foreseeable future and that any green transformations of the present political order will, short of revolution, necessarily be state-dependent. Thus, like it or not, those concerned about ecological destruction must contend with existing institutions and, where possible, seek to "rebuild the ship while still at sea." And if states are so implicated in ecological destruction, then an inquiry into the potential for their transformation or even their modest reform into something that is at least more conducive to ecological sustainability would seem to be compelling.

Of course, it would be unhelpful to become singularly fixated on the redesign of the state at the expense of other institutions of governance.

States are not the only institutions that limit, condition, shape, and direct political power, and it is necessary to keep in view the broader spectrum of formal and informal institutions of governance (e.g., local, national, regional, and international) that are implicated in global environmental change. Nonetheless, while the state constitutes only one modality of political power, it is an especially significant one because of its historical claims to exclusive rule over territory and peoples—as expressed in the principle of state sovereignty. As Gianfranco Poggi explains, the political power concentrated in the state "is a momentous, pervasive, critical phenomenon. Together with other forms of social power, it constitutes an indispensable medium for constructing and shaping larger social realities, for establishing, shaping and maintaining all broader and more durable collectivities."[12] States play, in varying degrees, significant roles in structuring life chances, in distributing wealth, privilege, information, and risks, in upholding civil and political rights, and in securing private property rights and providing the legal/regulatory framework for capitalism. Every one of these dimensions of state activity has, for good or ill, a significant bearing on the global environmental crisis. Given that the green political project is one that demands far-reaching changes to both economies and societies, it is difficult to imagine how such changes might occur on the kind of scale that is needed without the active support of states. While it is often observed that states are too big to deal with local ecological problems and too small to deal with global ones, the state nonetheless holds, as Lennart Lundqvist puts it, "a unique position in the constitutive hierarchy from individuals through villages, regions and nations all the way to global organizations. The state is *inclusive* of lower political and administrative levels, and *exclusive* in speaking for its whole territory and population in relation to the outside world."[13] In short, it seems to me inconceivable to advance ecological emancipation without also engaging with and seeking to transform state power.

Of course, not all states are democratic states, and the green movement has long been wary of the coercive powers that all states reputedly enjoy. Coercion (and not democracy) is also central to Max Weber's classic sociological understanding of the state as "a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory."[14] Weber believed that the state could not

be defined sociologically in terms of its *ends*, only formally as an organization in terms of the particular *means* that are peculiar to it.[15] Moreover his concept of legitimacy was merely concerned with whether rules were accepted by subjects as valid (for whatever reason); he did not offer a normative theory as to the circumstances when particular rules *ought* to be accepted or whether beliefs about the validity of rules were justified. Legitimacy was a contingent fact, and in view of his understanding of politics as a struggle for power in the context of an increasingly disenchanted world, likely to become an increasingly unstable achievement.[16]

In contrast to Weber, my approach to the state is explicitly normative and explicitly concerned with the purpose of states, and the democratic basis of their legitimacy. It focuses on the limitations of liberal normative theories of the state (and associated ideals of a just constitutional arrangement), and it proposes instead an alternative green theory that seeks to redress the deficiencies in liberal theory. Nor is my account as bleak as Weber's. The fact that states possess a monopoly of control over the means of coercion is a most serious matter, but it does not necessarily imply that they must have frequent recourse to that power. In any event, whether the use of the state's coercive powers is to be deplored or welcomed turns on the purposes for which that power is exercised, the manner in which it is exercised, and whether it is managed in public, transparent, and accountable ways—a judgment that must be made against a background of changing problems, practices, and understandings. The coercive arm of the state can be used to "bust" political demonstrations and invade privacy. It can also be used to prevent human rights abuses, curb the excesses of corporate power, and protect the environment.

In short, although the political autonomy of states is widely believed to be in decline, there are still few social institution that can match the same degree of capacity and potential legitimacy that states have to redirect societies and economies along more ecologically sustainable lines to address ecological problems such as global warming and pollution, the buildup of toxic and nuclear wastes and the rapid erosion of the earth's biodiversity. States—particularly when they act collectively—have the capacity to curb the socially and ecologically harmful consequences of

capitalism. They are also more amenable to democratization than corporations, notwithstanding the ascendancy of the neoliberal state in the increasingly competitive global economy. There are therefore many good reasons why green political theorists need to think not only critically but also constructively about the state and the state system. While the state is certainly not "healthy" at the present historical juncture, in this book I nonetheless join Poggi by offering "a timid two cheers for the old beast," at least as a potentially more significant ally in the green cause.[17]

1.2 Aims and Method: Critical Political Ecology

The perspective that I call critical political ecology is one that builds on the broad tradition of critical theory, giving it a distinctly green inflection.[18] With roots in the philosophies of Kant, Hegel, and Marx, and the Frankfurt School of Social Research, critical theory, as Richard Devetak has succinctly explained, is today recognized "as the emblem of a philosophy which questions modern social and political life through a method of immanent critique."[19] Andrew Linklater has called this method "praxeology," which he explains as the practice of critically reflecting on and harnessing those moral resources within existing social arrangements that might enable new forms of community with higher states of freedom.[20] Typically this entails critically questioning the values and norms that are internal rather that external to existing understandings and practices; exposing unfulfilled emancipatory promises and opportunities; unmasking tensions, contradictions, and hidden forms of coercion within and/or between ideas and practices; and exploring what historically possible changes in thought and practice might permit, facilitate, and/or enhance emancipation and enlightenment. This is the sense in which Max Horkheimer had asserted that "[a]gain and again in history, ideas have cast off their swaddling clothes and struck out against the social systems that bore them."[21]

Critical theory seeks a level of social understanding that transcends the *unreflective* understanding of historical agents, thereby also transcending the behaviorist program of social research, whose aim is merely to discern the meaning of the agents' self-understanding, taken at face value, by an "impartial social scientist." Unlike liberals, critical theorists

do not take agents' preferences, needs, wants, or explicit avowals of belief as self-evident or as necessarily forming a coherent unity. The *critical* orientation of critical theory, with its abiding concern to uncover structures of domination, necessarily entails a refusal to accept the status quo or what passes for common sense. However, the point is not to discover what is really true or false but rather what is found to be more rational, by which I mean *reflectively acceptable* by social actors.

Critical theory's approach to critical reflection is thus based on a postpositivist, social constructivist theory of knowledge. This is what brings together critical and constructivists theorists, despite differences in their areas of focus (e.g., the former are typically more preoccupied with metatheoretical questions, whereas the latter more typically engage in empirical research into the role of norms and the social construction of identities). As Richard Price and Christian Reus-Smit point out, constructivism builds on critical theory's critique of positivism and "value-neutral" theorizing as well as its critique of rational choice theories of human nature. Claims that there is an objective reality are interpreted as always and unavoidably evaluative, historically contingent, and filtered through different social frames and social standpoints.[22] In short, all knowledge reflects particular social purposes, values, interests, and story lines, and this insight extends as much to our understanding of the so-called natural world as it does to the social world.[23] In view of the significant commonalities between critical theory and constructivism, I will enlist the composite term "critical constructivism" throughout this inquiry as an alternative to liberal and rational actor models of social choice.

The critical political ecology perspective that I seek to develop builds on the insights of critical constructivism by extending the project of emancipation to include both the human and the nonhuman world. Indeed, this had already been a preoccupation of the classical Frankfurt school, although succeeding generations of critical theorists have not continued this focus in any systematic way.[24] Critical political ecology seeks to rehabilitate the classical Frankfurt school's preoccupation with the links between the domination of human and nonhuman nature, while also building on more recent kindred developments in radical environmental philosophy and green political thought.[25] Whereas

critical theory's quest for emancipation and enlightenment is a project that seek to question exclusionary practices and extend the boundaries of the moral community to include excluded and subaltern groups, critical political ecology may be understood as expanding this quest by extending the understanding and boundaries of the moral community to include not only the community of humankind but also the broader biotic community (in which human communities are embedded).

A central insight of ecofeminism and the environmental justice movement is that the domination of nature is a complex phenomenon that has been managed and mediated by privileged social classes and impersonal social and economic systems that have systematically brought benefits to some humans at the expense of others. The result is that certain privileged social classes, social groups, and nations have achieved what Mary Mellor, building on the work of Martin O'Connor, has called a "parasitical transcendence" from human and nonhuman communities.[26] In effect, a minority of the human race has been able to deny ecological and social responsibility and transcend biological embodiment and ecological limits (i.e., achieve greater physical resources, more time, and more space) *at the expense of others*, that is, by exploiting, excluding, marginalizing, and depriving human *and* nonhuman others. Val Plumwood has encapsulated this problem in the idea of remoteness. That is, privileged social classes have been able to remain remote (spatially, temporarily, epistemologically, and technologically) from most of the ecological consequences of their decisions in ways that perpetuate ecological irrationality and environmental injustice.[27]

Ultimately the vantage point of critical political ecology, when applied to environmental politics and the state, is one that seeks to locate and incorporate the demand for social and environmental justice in the broader context of the demand for communicative justice. By environmental justice I mean, first, a fair distribution of the benefits and risks of social cooperation and, second, the minimization of those risks in relation to an expanded moral community. By communicative justice I mean a fair/free communicative context in which wealth and risk production and distribution decisions takes place in ways that are reflectively acceptable by *all* "differently situated others" (or their representatives) who may be affected.

1.3 Working toward the Green State: A Provisional Starting Point

The popular philosophy of the green movement has a well-recognized position. In matters of institutional design and its programmatic defense of the principles of decentralization, grassroots democracy, and nonviolence, its motto is "Think globally, act locally." However, what is striking is that these principles often sit considerably at odds with the day-to-day campaign demands of environmental activists, organizations, and green parties for "more and better" state regulation of economic and social practices in order to secure the protection of the environment.[28] Indeed, the same has been said of new social movements in general, which tend, on the one hand, to "subscribe to antistatist slogans and the fundamentalist critique of the state's 'monopoly of force,' while, on the other hand, they propose large doses of state resources (both fiscal and repressive) to be made available to the causes of desired social change."[29] Should we regard this a fundamental contradiction in green thought and practice or, as Matthew Paterson suggests, merely a necessary ambiguity of green politics?[30] Much depends on whether the greens' strategic associations and negotiations with the state undermine or reinforce their vision of what a good state might look like, and whether the vision is defensible. Either way it seems clear that the green movement *needs* the state (in some if not all respects) if it is to move closer toward its vision of a socially just and ecologically sustainable society. But would the state be enlisted merely *instrumentally* in the social and political struggle to achieve green goals and/or would it be regarded as some kind of *embodiment* of the public virtue or democratically determined public values?

A good place to start is to explore what sort of state would emerge if the green movement's programmatic demands for more environmental regulation were successfully and fully pursued over a sustained period of time. In short, what conception of politics, public life, and the state lies behind the green demands made of the state, and how might this be practically embodied more explicitly in the formal constitutional structure and informal political culture of states?

There seem to be two basic interrelated ideals about the state implicit in the demands for environmental regulation and justice. The first is a plea for a strong or effective state. The second, which legitimizes this

disciplinary face of the state, is a plea for a good state, in the sense of an ethical and democratically responsible/responsive state that upholds public interests and values, and acts as a vehicle for environmental justice rather than self-serving power.

That the state should be "strong" or effective arises from the need to facilitate environmental restoration, regulate, and in some cases proscribe a wide range of environmentally and socially damaging activities. Essentially this call upon the state seeks the deployment of the regulatory and fiscal steering mechanisms of the state to ensure that the economy and society respect the integrity of the ecosystems in which they are embedded. The state is enlisted because it is the social institution with the greatest capacity to discipline investors, producers, and consumers. (Markets—as social institutions—have a more limited capacity to turn green, and they are not amenable to the same degree of citizen control; at best, they are responsive to consumer sovereignty rather than to political sovereignty or a politically constituted public.) The state also has the capacity to redistribute resources and otherwise influence life opportunities to ensure that the move toward a more sustainable society is not a socially regressive one—a very real prospect if environmental goals are not properly integrated with social justice goals. This state capacity arises precisely because it enjoys a (virtual) monopoly of the means of *legitimate* coercion and is therefore the final adjudicator and guarantor of positive law. In short, the appeal of the state is that it stands as the overarching political and legal authority within modern plural societies.

This appeal to the "strong" or effective state should not be understood as an entirely instrumental appeal; otherwise, there would be no reason, in principle, for environmentalists not to hire private mercenaries to discipline society along more ecologically sustainable lines, assuming that the necessary resources can be mustered. That the state should also be "good" arises from the understanding that the state is (potentially) the most *legitimate*, and not just the most powerful, social institution to assume the role of "public ecological trustee," protecting genuinely *public* goods such as life-support services, public amenity, public transport, and biodiversity. Such a normative posture toward the state harks back to the European idea of the state as the embodiment of reason, ethics, and the collective good. In this respect this view is reminiscent of

the civic republican tradition insofar as the laws of the democratic state are enlisted to constitute (as distinct from merely restrict) the ecological freedom of all citizens. As Jürgen Habermas has argued, the law in democratic societies has a dual character in that it provides the substantive and formal rules to stabilize, integrate, and regulate society as well as the democratic procedural requirements to ensure the legitimacy of such regulations.[31] It is precisely these democratic procedural requirements that convert the state's coercive power into *legitimate* coercive power.

Finally, there is the hope in green demands upon the state that it would not only act as a good ecological trustee over its own people and territory but also as a good international citizen in the society of states. It is implicit that the green state actively promote collective action in defense of environmental protection and environmental justice while also taking responsibility (both unilaterally and multilaterally) to avoid the displacement of social and ecological costs beyond its own territory and into the future.

In these times of increasing globalization and continuing state rivalry there are likely to be many sceptical responses to this normative vision of the state, from both within and beyond the green movement. Doubtless there are other implicit visions of the state that may be drawn out of any particular set of environmental public policies. Nonetheless, I will take this normative ideal as a provisional starting point, as something that is worth seriously pursuing. The rest of this book is concerned to explore criticisms and challenges to this ideal and to suggest how it might be fleshed out, and to what extent it might be necessary to reconstruct it in response to such criticisms and contemporary exigencies. Consistent with the method of what I now call critical political ecology, the path I have sought to tread in the following chapters is one that seeks to navigate between undisciplined political imagination and pessimistic resignation to the status quo.

1.4 Three Core Challenges

Since questions of democracy and legitimacy are intimately tied up with questions of political autonomy and functional capacity, it is necessary to answer those critics who might reasonably argue that the very notion

of a "green democratic state" is merely wishful in the sense that it faces insuperable challenges. I have singled out what I take to be the three core challenges or "hesitations" to the prospect of greening the state and the state system. These core challenges are:

1. The anarchic character of the system of sovereign states. The problem is understood as structuring a dynamic of selfish and rivalrous behavior among states that results in the all-too-familiar "tragedy of the commons."
2. The promotion of capitalist accumulation. The way in which the state is inextricably bound up with, and fundamentally compromised by, globalization is also a key driver of ecological destruction. States are now actively promoting economic globalization in ways that further undermine their own political autonomy and steering capacity.
3. The "democratic deficits" of the liberal democratic state. The liberal state is regarded by many green political theorists as suffering too many democratic deficits to be able to respond to ecological problems in a reflexive and concerted manner. This critique is directed not only to the instrumental rationality of the "administrative state" but also to the *liberal* character of its democratic regulative ideals, which are seen as inhibiting the protection of public goods such as the environment.

Together, these different challenges capture what I take to be the most significant and enduring obstacles in the way of enlisting and reforming the state as a site and agent of ecological emancipation. They suggest that the prospects for the development of more ecologically responsive states are bleak and possibly hopeless. Any critical reconstruction of the normative vision of the green democratic state outlined above must therefore wrestle with these challenges and explore how they may interact in mutually reinforcing or countervailing ways. In chapters 2, 3, and 4, I address each of these three challenges respectively.

The overall argument that I offer is that it is too hasty to assume that the social structures of international anarchy, global capitalism, and the liberal democratic state are necessarily anti-ecological and mutually reinforcing, or that they foreclose the possibility of any progressive transformation of states as governance structures. The key to such transformation lies in deepening the democratic accountability and

responsiveness of states to their citizens' environmental concerns while also extending democratic accountability to the environmental concerns of transnational civil society, intergovernmental organizations and the society of states in general. By these means, the anti-ecological behavioral dynamics that are generated by the social structures of international anarchy, global capitalism and administrative hierarchy can be reversed. One does not have to search very far to find historical examples of how environmentally destructive dynamics can be qualified, restrained, or otherwise moderated by state and nonstate agents "acting back" upon social structures. Here I single out three mutually informing developments that have served to moderate and, in some cases, transform the respective "logics" of international anarchy, capitalism, and administrative hierarchy:

1. The rise of environmental multilateralism, including environmental treaties, declarations, and international environmental standards.
2. The emergence of sustainable development and "ecological modernization" as competitive strategies of corporations *and* states.
3. The emergence of environmental advocacy within civil society and of new democratic discursive designs within the administrative state, including community "right to know" legislation, community environmental monitoring and reporting, third-party litigation rights, environmental and technology impact assessment, statutory policy advisory committees, citizens' juries, consensus conferences, and public inquiries.

In circumstances where these three developments can be found to operate in *mutually reinforcing ways*, it is possible to glimpse a possible trajectory of development that moves away from "organized ecological irresponsibility" (to adapt Ulrich Beck's phrase) to more ecologically responsible modes of state governance in the areas of economic development, social policy, security, and diplomacy.[32] However, it is a central argument of this book that the likelihood of this trajectory ever being realized is crucially dependent on the degree to which states can be made more democratically accountable in terms of a distinctly green rather than liberal conception of democratic state governance.

Accordingly, in chapter 5, I outline an ambit claim for ecological democracy as an alternative to liberal democracy and then explore its

scope and character in the nation-state. I defend ecological democracy as more conducive than liberal democracy to reflexive societal learning, as it is better placed to minimize ecological risks and avoid their unfair displacement onto innocent third parties in space and time.

In chapters 6 and 7, I examine how far the ambit claim for ecological democracy might be embodied in the constitutional framework of the green democratic state, and how and to what extent it might be practically realized, both domestically and transnationally. In both chapters I work toward a distinctly green theory of the democratic state by distinguishing it from liberal as well as alternative civic republican accounts while situating it in the context of recent critical theories of the state, civil society, and the "green public sphere." I develop this normative theory out of a critical review of the most influential rival theory to both liberalism and republicanism, notably the discourse theory of law, democracy, and the state offered by critical theory's most influential contemporary scholar—Jürgen Habermas.

In chapter 6, I show how the green democratic state can be defended as being more legitimate than the liberal democratic state. I show how it seeks to both deepen and extend democracy in ways that are more sensitive to the highly pluralized context of today's societies confronting complex ecological problems in an increasingly borderless world. However, the project of building the green state can never be finalized. Rather, it is a dynamic and ongoing process of extending citizenship rights and securing more inclusive forms of political community. The flourishing green public sphere is crucial to this process, and I suggest how the mutually dependent relationship between the green democratic state and the green public sphere might be held in creative balance.

In chapter 7, I explore the transboundary dimensions of ecological democracy and defend what I call the transnational green democratic state as an alternative to both civic republican and global liberal cosmopolitan accounts of democracy. I argue that the cosmopolitan democratic principle, which also underpins the ambit claim for ecological democracy, that all those potentially affected by proposed norms/risks should be entitled to participate in the making of decisions, should not form the basis for deciding what should be the *primary* unit of governance. However, I show how "affectedness" may come into play in the

development of supplementary structures of rule that create transboundary rights of ecological citizenship. I argue that this supplementary structure of rule should be developed by multilateral negotiations. Such an approach is defended as both more desirable and more feasible than the development of cosmopolitan democratic governance at the global level.

Finally, in chapter 8, I draw out some of the significant shifts in global discourses on environment, development, security, and intervention over the past four decades. In particular, I show how gradual changes in shared understandings of the development rights and environmental responsibilities of states have given rise to "green evolutions in sovereignty." I also explore how this trajectory might be furthered by a "negative sovereignty discourse" that argues that environmental harm is an unwarranted form of intervention in the territory and affairs of states. I end with a discussion on how the existing principle of state responsibility for environmental harm could develop into a more radical principle that might more effectively protect ecosystems and environmental victims while also extending the role and rationale of states to that of environmental custodians.