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The democratic road to sustainability: an environmental critique of liberal democracy

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Abstract

Ecologists have long been critical with liberal democracy. This critique is not directed at the concept of democracy but at a particular type of it: representative liberal democracy. Many ecological thinkers consider that liberal democracy and the liberal democratic state are not well-equipped to deal with current environmental problems. What is more, they argue, liberal democracy and the liberal state cannot offer a solution because they are part of the problem. The "deliberative turn" in democratic theory could represent a way out of the shortcomings of liberal democracy. Several arguments have been put forward to claim for an alliance between ecologism and political deliberation; to name but a few, that people's pro-environmental preferences are more likely to emerge in a communicative setting, and that decisions reached after collective deliberation will be more democratic, legitimate and ecologically sustainable than those resulting from liberal representative processes. Yet there is no guarantee that communicative mechanisms will lead to the desired sustainability results, partly because there is no consensus on what these results should be in the first place. However, even if deliberative democracy may not necessarily improve the sustainability of outcomes, at least some of the limitations of liberal democracy shall be addressed.

This paper focuses on those theories conceiving ecological democracy as a solution to some of the problems that liberal democracy poses to sustainability. These ecological interpretations and critiques of liberal democracy suggest a reform of the liberal democratic state. In this context, the concept of the "green state" will be discussed as the institutional form needed to implement an ecological democracy. Particular attention will be paid to analyze whether ecological democracy is substantially different from liberal democracy or whether it is a reform of liberal democracy along green lines.

1. Democracy and the environment

The relationship between democracy and green values has been a core debate within green theorising since the 1990's (Doherty and de Geus, 1996; Lafferty and Meadow, 1996; Mathews, 1996; Minteer and Taylor, 2002). However, such relationship still remains at the level of contingency. In Goodin's words, "to advocate democracy is to advocate procedures, to advocate environmentalism is to advocate substantive outcomes: what guarantee can we have that the former procedures will yield the latter sorts of outcomes?" (1992: 168)[1]. What is more, it has been suggested that green values may conflict with democratic ones, since they represent limits to the wide range of possible outcomes (Saward, 1993). Yet despite such tensions and contingencies, most

[1] Robyn Eckersley formulates this controversy in similar terms when she states that "if democracy is a non-negotiable element of green political theory, then how might greens secure their political goals by means of a decision-making framework that is supposedly open ended?" (1996: 212).

ecologists claim that there is a positive relation between sustainability and democracy and that "the more democratic a society is, the more likely it is that sustainability be enhanced" (Barry, 1996: 116).

Having said that, it should be noted that ecologists have long been critical with liberal democracy. This critique is not directed at the concept of democracy itself but at a particular type of it: representative liberal democracy. It is often argued that liberal democracies are failing to address sustainability issues effectively. Different reasons support this claim, namely that liberal democracies hold an instrumental account of the non-human world and do not have the tools to effectively organise the political participation and representation of all those affected by environmental risks, including future generations and non-human nature. As a result, liberal institutions cannot foster the democratisation of economic processes, science and technology that a politics of sustainability requires. Moreover, actually existing liberal states do not take seriously enough the harmful consequences for nature produced by political centralisation, poverty, militarisation and the pursuit of economic growth (Hailwood, 2004: 142). So the ability of liberal democratic states to achieve both environmental and democratic objectives is compromised.

But given this critique of liberal democracy, can we claim that there is a distinctively environmental conception of democracy? Whatever the green democratic model might be, it is generally assumed that it will have to face the "democratic paradox" (Eckersley, 1996: 213) of being instantiated within a liberal framework. The "deliberative turn" in democratic theory could represent a way out of the shortcomings of liberal democracy. Representation and voting are central to liberal democracy, based on an aggregative conception of democracy. Instead, within a deliberative system, the essence of democratic legitimacy is to be found in citizens' authentic deliberation about collective issues (Dryzek, 2000).

Over the last decade, environmental political theory has turned its attention to deliberation, discussion and reasoning as key components of the green democratic model. Deliberative democracy can be described as "the practice of public reasoning", in which "participants make proposals, attempt to persuade others, and determine the best outcomes and policies based on the arguments and reasons fleshed out in public discourse" (Scholsberg, et. al. 2005: 216). A central aspect of deliberation is the open and equal discussion in which participants are given equal treatment, respect and opportunities (Saward, 2001: 564)[2]. Both the discursive and the inclusive components of deliberative democracy have led some greens to believe that this is the most adequate democratic model for green politics, and e environmental political theory has explored the connection between deliberative democracy and ecologism (Barry, 1996, 1999; Dryzek, 1994, 2000; Eckersley, 2000, 2002, 2004; Dobson, 1996a; Smith 2003). Although the intrinsic value of deliberation is acknowledged, it is widely agreed that deliberative democracy allows greens to embrace democratic process -without having to abandon ecological aims and values. More specifically, three main reasons explain this deliberative impetus of green political theory.

First, deliberative democracy's educational potential could promote sustainable worldviews and greater environmental awareness through debate in the public arena. This is important in view of overcoming liberal democracy's formal neutrality, which

[2] This brief description of the distinctive features of deliberative democracy might appear too much a generalisation, since there are different, and, often, contradictory, conceptions of deliberative democracy. For instance, deliberative democratic theorists disagree over who should participate in the deliberative process; the meaning of "rationality"; the collective aim of deliberation; or the adequate terrain for debate. For an overview of such questions, see Saward (2001).

constitutes an obstacle for greens to advance their particular conceptions of the good life. Sustainability policies designed by liberal states do not necessarily imply the triumph of ecological values within contemporary societies, especially those related to the intrinsic value of nature (Levy and Wissenburg, 2004). Achieving sustainability will require more than changes at the institutional level. A greening of the political culture and of both individual and societal values is needed. A deliberative democracy is considered to be the adequate framework for such cultural transformation to take place.

According to liberal democratic theory, the role of democracy should be the aggregation of individual pre-given preferences into a collective choice, therefore "contemporary liberal institutions are not designed to encourage engagement and the testing of preferences and value orientations" (Smith, 2003: 55). In this respect, deliberative democracy is different from liberal democracy in that "preferences and interests are not brought into the conversation as in a battle –with one person or group wining and others losing" (Scholsberg, et. al, 2005: 216). Democratic deliberation aims at citizens' education through reasoned debate; it is a "form of social learning" nurtured from different types of knowledge –expert, vernacular, local- and diverse arguments – moral and non-moral (Barry, 1999: 229).

Second, deliberative democracy is likely to increase the effectiveness, sustainability and legitimacy of decisions. On the one hand, increased citizen participation usually means more democratic and authentic decisions; this would generate more legitimate environmental politics and policy (Scholsberg *et al*, 2005; Dryzek, 2000; Smith, 2003; Fischer, 2000). To put it with Dryzek, "the deliberative turn represents a renewed concern with the authenticity of democracy: the degree to which democratic control is substantive rather than symbolic, and engaged by competent citizens" (2000: 1). On the other hand, the normative indeterminacy, epistemological uncertainty and complexity of socio-environmental issues indicate that the sustainable society has to be built upon a dialogue between different points of view, and this would be rendered possible in a deliberative setting (Barry, 1999). Deliberative democracy has the ability to result in a more democratic making of environmental knowledge. When citizens and experts engage in a conversation, scientific and expert knowledge can be complemented with other forms of knowledge – like those grounded on citizens' practical experiences or indigenous knowledge. In this respect, Barry argues that "communicative rationality makes it less likely that the collective result will be ecologically irrational", since democracy conceived as communication "provides some evidence that individuals can deliver enhanced environmental public goods and avoid or limit environmental public bads" (Barry, 1996: 125; 1999: 230).

And third, deliberative democracy would render possible the inclusion in political processes and of all traditionally excluded voices. Inclusion of difference is not just at the heart of democratic political organisation, but, for most greens, it is a precondition for achieving sustainability. The deliberative ideal is based on the principle of plural participation and equality among all participants. Cosequently, all individuals and groups should enjoy the same opportunities to intervene and be heard, and the different points of view emerged during the discursive process should be equally respected (Scholsberg, et. al. 2005). This is especially relevant in the environmental context, where decisions always embody a particular conception of nature and of humans' place in it, which, in all probability, will clash with other positions. In this respect, it has been argued that there is a "value conflict …at the heart of environmental politics" (Smith, 2003: 1), reflected in the different groups which make up the green movement. Each of them – from grassroots ecologists to liberal environmentalists; from ecosocialists to ecological feminists- give priority to different values and goals, and

conceive human-nature relations in different ways. Deliberative democratic mechanisms would provide a common space for dialogue and cooperation. This could be a solution to integrate the plurality and diversity of environmental groups, and to foster debate about the variety of different possible forms of the sustainable society and the means to achieve it (Smith, 2003; Barry, 1999). In Barry's words: "the point about deliberative democratic institutions is that they can bring out the intersubjective character of environmental values, and articulate publicly the different forms of human valuing and bring them to bear in social-environmental decisions" (1999: 219).

In addition, participants in discursive institutions are encouraged to place themselves in the position of those excluded, underrepresented or undervalued in political processes (Eckersley, 1998, 2000; O'Neill, 2002; Goodin, 1996; Barry, 1999). Green theorists have identified three different types of excluded interests -or "new environmental constituencies"- that should be incorporated to political deliberation: future generations, the affected non-national citizens and the non-human world (Barry, 1999; Dobson, 1996b). Socio-ecological issues, their causes, and their effects, do not respect state boundaries, nor are they confined to present generations of human beings, nor even to human beings. The "principle of the affected interests" suggests that the views of all those having an interest in environmental decisions should be taken into account (Dobson, 1996b). In Barry's view this can only be achieved through deliberation about all the possible interpretations of what the interests of the excluded others might be (Barry, 1999).

Advocates of deliberative democracy have critics, and environmental deliberative democrats are no exception. To start with, there are a number of obstacles to participation, rooted in power relations and inequalities, such as language, education, information, available time and economic resources. Moreover, deliberative politics have been put into question for being a rationalist, masculine and Western politics, and this is shown by the primacy of certain forms of argumentation and rationality criteria. As feminist theorists have pointed out, political claims cannot be separated from personal experience, cultural circumstances, class issues and the material interests of those making such claims (Eckersley, 2004). Genuine exchange of opinions between citizens and between these and experts is only possible if both citizens and experts have the same chance to exert some influence on the policy process, without manipulation of information (Barry, 1999).

Other problems arise when the question is examined form an ecological perspective. Deliberation has the potential to produce the transformation of non-ecological preferences through debate, but it cannot guarantee *per se* a better quality of social-environmental decisions. In fact, it can also lead to unsustainable and unfair arrangements. Therefore we should not think of it as a panacea for the solution of ecological problems, as green democratic theorists acknowledge (Barry, 1999; Dobson, 1996a; Christoff, 1996; Fischer, 2000). Nevertheless a discursive environment provides space for different conceptions of sustainable development to emerge and be compared by citizens (Smith, 2003). So even if it is difficult to see how deliberative democracy could deliver, on its own, environmental ends, it could be argued that the openness and inclusiveness of the communication process would provide a good setting for different values to arise and be incorporated into environmental public policy. And, although deliberative democracy may not necessarily improve the sustainability of outcomes, at least some of the limitations of liberal democracy shall be addressed.

2. A theory of ecological democracy

Despite the uncertainties and limitations, ecological theories of democracy are highly influence by deliberative principles. Now I would like to examine the meaning and content of one of these theories of ecological democracy, as developed in her 2004 book, *The Green State*. This is one of the most recent and sophisticated accounts of a green model of democracy.

Ecological democracy has, in Eckersley's treatment, four key features: 1) it is a deliberative democracy; 2) with a distinctively normative and ecological content as a result of incorporating environmental justice within deliberative democratic theory, more specifically within the concept of communicative justice; 3) consequently, it has an expanded community of justice defined as a "community at risk"; 4) and a transnational dimension. It is relevant to explain briefly these four aspects.

Eckersley conceives ecological democracy as a deliberative democracy because she thinks that the deliberative model offers more possibilities for achieving the goals of an ecological politics than liberal democracy, inline with the arguments advanced in the previous section. Her point of departure is the discursive theory of law, democracy and the state developed by Jürgen Habermas, mainly in his work *Between Facts and Norms* (1992). Her aim is to give a normative and ecological content to Habermas' theory, which, for Eckersley, is a procedural account of democracy. In Eckersley's view, a theory of democracy needs to pay attention not only to processes and institutions but also to the values inspiring such processes and institutions. For her, the values guiding an ecological democracy are environmental, social and communicative justice. Her method of "critical political ecology" wants to "incorporate the demand for social and environmental justice in the broader context of the demand for communicative justice" (2004: 10). To such end, environmental justice is understood as "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" (2004: 10). On the other hand, communicative justice is defined as 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" (2004: 10).

This threefold conception of justice gives a distinctly normative and ecological dimension to ecological democracy. As a result, the moral community or community of justice is expanded so as to include no-human nature, future generations and members of other states. This extension is based on the principle that "all those potentially affected by a risk should have some meaningful opportunity to participate or otherwise be represented in the making of the policies or decisions that generate the risk" (2004: 111). Thus the moral and political community is defined as a "community of the affected" or "community at risk", regardless of nationality, territory or species. Of course this does not require that all those potentially affected by a risk should reach a consensus as the basis for any decision to be adopted; it means that those participating in decision-making should consider the interests of those absent from deliberations as if they were present, so that "the unfair displacement of risk" is avoided (2004: 111)[3]. The

[3] These ideas evoke the cosmopolitan and deliberative ideals of a "democracy of the affected", especially the Habermasian "ideal communication community" and cosmopolitan accounts off democracy and the political community such as those defended, amongst others, by David Held. What is different from these treatments is the ecological element that expands this idea of the democracy of the affected to non-human species and ecological communities, so as to include the preoccupations of environmental justice theorists, deep ecologists and other ecocentric greens, as well as risk society advocates (2004: 111-112).

enlargement of the moral community is grounded on a non-anthropocentric and non-instrumental conception of the non-human world that anticipates the possibility of environmental policy grounded on an ecological ethics.

A further consequence of the risk-based conception of the political community is that ecological democracy becomes a transnational democracy, with institutions and rights of citizenship that transcend the boundaries of the nation-state. At the theoretical level, this transnationality is justified with the Habermasian idea of "constitutional patriotism", brought into ecological thought by Eckersley as "environmental patriotism". Environmental patriotism can be found in the social bond that connects activists in transnational social movements. It is the shared commitment to facing common problems using democratic means, avoiding the displacement of their consequences onto the environment and future generations[4]. After transnational citizenship has been justified at the level of principles, Eckersley argues that environmental patriotism could be then constitutionally entrenched within the state, in the form of "symbolic/aspirational statements of obligations to humankind and the global environment in state constitutions" (2004: 196). Indeed, she refers to a "green constitution" that would institutionalise not only environmental patriotism but also the values and processes defining her ecological democracy.

How could this democratic model described by Eckersley be institutionalised? She suggests that we should look at innovative democratic mechanisms adopted by some states, since they could be indicating a move towards the kind of processes that she associates with ecological democracy. Particularly, she is thinking of "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 environmental inquiries" (2004: 92). These institutional designs have brought about an increase in democratic participation in environmental decision-making, while at the same time allowing for a wider public control of state agencies in charge for environmental policy. So they are "partial antidotes to the technocratic dimensions of the administrative state" (2004: 92).

The above mechanisms should be further developed to tackle what is arguably the biggest problem that the institutionalization of ecological democracy poses: the participation or representation of all those potentially affected by a risk. This requires transboundary deliberative mechanisms and, as we saw earlier, the inclusion of non-human nature and future generations in democratic deliberation. As an example of how this incorporation could be achieved, Eckersley suggests several options, namely the creation of forums in which elected individuals can express the concerns of citizens of foreign countries; the constitution of assemblies where members of environmental groups would be responsible for the proxy representation of non-humans and future generations; or even the enactment of environmental defenders offices for "environmental monitoring, political advocacy, and legal representation" (2004: 134). On the other hand, new rights and procedures that favour the disadvantaged are needed to ensure that decisions concerning risk production do not represent the interest of a

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The extension of the moral community to include nature and future generations, who cannot participate in deliberations, makes ecological democracy become a "democracy *for* the affected" instead of a "democracy *of* the affected", since the number of beings and groups whose interests should be taken into account will always exceed those actually participating (2004: 112).

[4] Environmental patriotism can be encouraged by means of deepening local knowledge, attachment to particular places and citizenship bonds at the local level (based on community relationships) as the basis for knowledge and concern for the interests of strangers, including future generations, non fellow citizens and other species.

few. To this end, the precautionary principle could be incorporated into laws and constitutions, and extended to include non-humans (2004: 135-136). As a complement, a human right to the environment could also be established (2004: 136); this would include rights to environmental information, rights of participation, and the right to environmental remedies when harm is suffered (2004: 137). Finally, a green constitution should establish that court decisions take into account the way such decisions would affect members of other states, the environment and future generations. At the multilateral level, these initiatives should be complemented with multilateral cooperative agreements between states establishing both reciprocal rights and duties between states and transnational citizenship rights and duties (2004: 178, 196). If all these mechanisms were implemented, environmental justice would be, in Eckersley's view, embedded within state institutions.

It is important to note that Eckersley's notion of ecological democracy has to be read in the context of her green theory of the state. Once articulated in the constitutional system, ecological democracy will be one of the catalysts of the green state or of the ecological transformation of the state. But, at the same time, the promotion of an ecological democracy is one of the main functions Eckersley assigns to her green state[5]. However, although Eckersley develops her model of ecological democracy as part of her theory of the state, she believes ecological democracy has to be instantiated also in civil society.

3. Ecological democracy, liberal democracy and deliberative democracy

Now, I would like to explore the relationship between ecological democracy and liberal democracy. To do so, Eckersley's claim that ecological democracy is not liberal but "postliberal" will be examined. This analysis is relevant for various reasons: first, because it helps us examine the normative presuppositions that inform Eckersley's theory; second, because it will highlight some ways in which deliberative democracy could be more inclusive and democratic than liberal democracy.

So the question I want to pose now is: is ecological democracy different from liberal democracy or is it an ecological transformation of liberal democracy? Although ecological democracy emerges from existing liberal institutions and values, Eckersley claims that it is not a green liberal democracy[6]. It is not antiliberal either. Rather than

[5] There is an ambiguous relationship between ecological democracy and the green state. It is not clear what comes first. Sometimes it seems that once ecological democracy is instantiated within the constitutional and political system of a state, this sate will become a green state, so in this respect ecological democracy is one of the preconditions for the creation of a green state (together with a reflexive or strong ecological modernisation and a post-wesfalian international system of cooperative states). But Eckersley also argues that one of the goals of the green state (and thus we assume that the green state has already been created if it is adscribed a goal) is to facilitate ecological democracy, therefore ecological democracy will come about after the green state. Can ecological democracy be both cause and result of the green sate? If this is the case, then it becomes difficult to determine how a green state is going to be created, which, in turn, makes it difficult to distinguish between introducing some reforms along environmental lines in a liberal state that will remain liberal, and creating a green state which is postliberal.

[6] Eckersley also argues that her approach differs form civic republican accounts of democracy in the conception of the common good. Ecological democracy assumes that in contemporary highly pluralized and heterogeneous societies, the common good cannot emerge spontaneously, nor it can be defined out of a shared ethos. In this respect, Eckersley would regard her ecological democracy different from republicanism (2004: 145-146), or perhaps, we should better say that this would make her account

rejecting the main achievements of liberalism, ecological democracy draws on them[7]. This makes ecological democracy be, in Eckersley's own understanding, a postliberal democracy (2004: 96)[8].

In which particular ways is ecological democracy postliberal? Eckersley never offers a list of principles inspiring a postliberal democracy but, throughout her critique of liberal democracy, she refers to some features of liberalism that prevent it from delivering environmental environmental justice, namely its notion of value pluralism, its conception of autonomy, the public-private divide, the ethical subjectivism, and the "liberal dogmas". An immanent critique of these concepts and ideas is Eckersley's point of departure to develop a postliberal theory. I will briefly discuss them.

1. Liberal value pluralism, is not rejected but "radicalised" to pay attention to the collective structures where people's values and preferences are formed. Liberal politics, at present, do not consider this social context, but just take values and preferences as pre-given (2004: 96-99). This radicalisation of value pluralism is related to the defence of a deliberative conception of democracy, as being more legitimate than aggregative conceptions.

2. The "enlightment ideal of autonomy" is accepted although revised at least in three different ways. Firstly, in relation to the way it informs the liberal individualistic ontology of the self as detached from any biological and social constraints. Communitarians have long argued that the liberal notion of the self leads to an instrumental conception of the others. Ecological though can expand this critique showing that the liberal ontology of the self does not acknowledge individuals' dependence on nature (2004: 104-105). Another way in which the concept of autonomy is revised is implicit in that those responsible for risk-generating activities have to give reasons in an open and free communicative context to justify their views that might lead to norms or policies that create unjust risks (2004: 114). The burden of the proof for suffering the consequences of a risk is, thus, reversed. In this way decisions based on a concept of autonomy "that cannot be generalized" are sought to be prevented (2004: 107). The inclusion of traditionally excluded groups exemplifies the third way in which the liberal concept of autonomy is extended. In liberal democracies, issues related to the non-human world and future generations belong to the realm of the ethical, to the particular conception of the good that one has; they are not moral issues, in the sense that they are not issues of justice. And, since they are not a matter of justice, they do not define the procedural rules, but they relate to outcomes. In an ecological democracy non humans and future generations are represented regardless of the particular conceptions of the good that participants in debate have.

3. In an ecological democracy the distinction between the private and public is put into question. Activities like investment, production and consumption are considered risk generating activities that should be discussed in democratic debate (2004: 96-98, 242).

4. The "ethical subjectivism" of liberalism is replaced by the "intersubjective assessment of agents' preferences" (2004: 140). This requires that participants in

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different from classical republicanism, since contemporary republicanism is more sensitive to issues of diversity and disagreement.

[7] Especially representative democracy, constitutionalism, the rule of law and the protection of civil and political citizenship rights, and seeks to address their limitations.

[8] Other green political theorists besides Eckersley have characterised environmental political thought as postliberal, in so far as it would emerge from an ontological critique of liberalism (Eckersley 1992; Doherty 1996; Barry 1999)

democratic debate engage in a critical discussion of all possible perspectives and points of view of the differently situated others until some form of consensus emerges.

5. "Liberal dogmas", like anthropocentrism, instrumentalism, individualism, the idea of "rational, autonomous, and freely choosing individuals", "the sanctity of private property rights", freedom as "material plenitude" and "overconfidence in the rational mastery of nature through further scientific and technologic process", would be questioned in a "genuinely free communication-community" (2004: 108). But in Eckersley's view such community does not exist at present, since liberal democratic procedures exclude from citizens' analysis, the political and economic interests that continue to benefit over and over from the preservation of such dogmas (2004: 109). An ecological democracy provides the free and unsconstrained communicative context where liberal creeds can be contested.

6. Lastly, the transnational dimension of ecological democracy should be considered as one of the elements that make the green state be a postliberal state[9].

This brief analysis of postliberalism shows that ecological democracy poses moral, epistemological, political and institutional challenges to liberal democracy. It also seems to indicate that ecological democracy is more legitimate than its liberal counterpart, basically for two reasons: 1) because of the stress on deliberation, instead of assuming citizens preferences as pre-given, non-negotiable and independent from social and biological constraints, and 2) because ecological democracy is grounded on more inclusive institutions, opened to those systematically excluded in liberal democracies. In other words, Eckersley argues that ecological democracy is more legitimate than liberal democracy because it institutionalises the principle of the affected, and because it is more accountable towards its own citizens, other communities and states.

But the fact that ecological democracy is arguably more democratic, legitimate and authentic than liberal democracy, is not enough to make ecological democracy transcend the philosophical framework of liberalism. The truth is that the main difference between a liberal democracy and a postliberal one is not procedural, but normative. This is not to say that an ecological democracy embodies certain values while liberal democracy is value free[10]. It is the difference between the respective set of values upheld what constitutes the main difference between both. It could be argued that there is a difference in relation to the kind of procedures implemented by each model of democracy, since, as we have seen, ecological democracy introduces deliberative mechanisms that would complement representative institutions. But this deliberative nature is not what makes ecological democracy substantially different from liberal democracy. Part of the deliberative mechanisms Eckersley refers to have already been implemented by some states and they do not have produced as a result a different type of democracy but a more participatory liberal democracy.

Eckersley is aware of this limitation of her work. She concedes that the "institutional innovations" that she offers do not represent "a radical *departure* from liberal democracy, merely a radical *extension* of it" (2004: 137). In fact, as we shall see, some theorists of liberalism argue that, in some contexts, citizens' preferences should be subject to transformation through debate in the pubic sphere, so democracy for them would have a liberal as well as a deliberative element. In short, in Eckesrely's account ecological democracy has two dimensions, normative and procedural. Only the

[9] Note that in Eckersley's account transnational ecological democracy is different from liberal cosmopolitan democracy

[10] See Dobson (2003), Doherty and de Geus (1996b) and Bell (2001) about the non-neutrality of liberalism.

normative dimension should be regarded as postliberal and therefore different from the liberal model, while the procedural dimension improves but does not alter the main elements of the liberal democratic model.

However, one could argue that Eckersley's approach resonates with those arguments that defend a more social, egalitarian and less atomist conception of liberalism. Some of the reforms suggested by Eckerskey, like the reformulation of the concepts of autonomy and pluralism, a politics and ethics that go beyond instrumentalism and anthropocentrism, and a rejection of the unconditional defence of property rights and free-market values, are also part of those proposals that want to create a more ecological account of liberalism (Stephens, 2001; Hailwood, 2004 and 2005; Bell, 2005). It is not the aim of this paper to argue that Eckerley's approach is too moderate and conformist but to suggest that, first, she might be using a narrow description of liberalism, and second, that perhaps what she wants to present as a democratic model different from liberalism could be best understood as an ecological reform of liberal democracy, or at least that her work resonates with some types of green liberalism.

After having confronted Eckersley's model with itself, with its own assumptions about postliberalism and the connections that, in my view, her work has with ecological liberalism, we will now go a bit deeper in the analysis, trying to bring the discussion to a different level. In order to do so, I will introduce John Dryzek's[11] discursive theory of democracy, and then we will move into a dialogue between Eckersley's ecological democracy and Dryzek's discursive democracy. The purpose of this dialogue between the two theorists is to get a broader view of the nexus between deliberation and green politics, and to embed Eckersley's theory of ecological democracy within theories of deliberative democracy.

Like Eckersley, Dryzek also distinguishes his account of democracy from liberalism. The quest for more legitimate democratic processes led liberal theorists to inquiry about deliberative democracy (Dryzek, 1994: 190). This inquiry has resulted in a deliberative democratic trend that is at the same time liberal and constitutionalist, and seeks to instantiate deliberative processes within liberal democratic institutions. According to Dryzek, there are at least three ways, compatible and mutually reinforcing, to link liberal philosophy with democratic theory through deliberation. The first one consists in using deliberative democracy's guiding principles to justify the existence of individual rights, particularly those rights needed for the exercise of democratic citizenship, and thus needed to sustain deliberative democracy itself. This would include rights to political equality, to free expression and association, to a basic education and to a minimum level of material well-being. A second way for the connection between deliberative and liberal democracy would be to use liberal constitutions to create a public space for deliberation. In this view, constitutions should establish that one of the new functions or goals for the state is to promote deliberative democracy, and thus establish new rules and mechanisms that consolidate deliberation. Finally, the constitution itself can be made through a deliberative process (Dryzek, 2000: 10-17). Together with these three approaches mentioned by Dryzek, we could indicate a fourth nexus between deliberative democracy and liberalism: this is ecologism. Deliberative democracy is described by some green political thinkers (like John Barry, for instance) as a way to reconcile environmental goals with liberal values such as individual freedom and autonomy.

[11] Dryzek's theory is a lot richer and deals with more issues than those being discussed in this paper, such as transnational democracy and ecological rationality that allows for the integration of the non-human world into deliberative democratic processes.

In Dryzek's view, the three ways he mentions in which deliberative democracy can become a nexus between liberalism and democratic theory result in the assimilation of deliberative democracy by liberalism. He argues that the rapprochement between liberal and democratic principles through deliberation ignores that the institutions of liberal democracy are part of the state, and that the state is constrained by a series of factors, mainly economic, that affect its functions. In a capitalist economy, the health of liberal democracy relies on economic growth so that social and political inequalities remain hidden. If inequalities become more visible, social instability arises and threatens the very existence of liberal democracy. Dryzek argues that the fear of this unfavourable economic scenario renders liberal democracies "imprisoned by the market's growth imperative" (1994: 180). The accumulation imperative restricts public policy and becomes an obstacle for the democratisation of the state, and for effective deliberation. Dryzek believes that the space were deliberative and liberal democracy interact is ambiguous and, as a result, deliberative democracy is undermined by the liberal capitalist state (1994: 190 and 2000: 29).

4. Beyond liberalism and the state: deliberative democracy and the public sphere

In order to keep distance from the three liberal approaches to deliberative democracy described, Dryzek places the space for political deliberation in civil society and the "oppositional public spheres". He introduces a distinction between discursive democracy and deliberative democracy, where deliberative democracy is understood as liberal constitutionalist deliberative democracy, while discursive democracy is inspired in critical theory that questions both liberal democracy and the political economy of liberalism, as developed by Habermas (2000). However, Dryzek argues that this second source of inspiration of deliberative democracy, critical theory, has lost its capacity to question the status quo. Both Dryzek and Eckersley (2004: 144) agree that there is a "constitutional turn" in the work of Habermas. After his theory of communicative action, he moved his analysis from the public sphere towards the formal processes of rule-making. Thus Habermas is accused of accepting constitutionalism, representative democracy, and the delegation of powers that characterise liberalism. He is said to have abandoned the emancipatory promise of critical theory and to ignore those structures outside the constitutional system that demand further democratisation, such as the Administrative state and the economy. Some commentators believe that such an involution in Habermas' thought suggests that, despite its origins outside liberalism, critical theory has been assimilated by liberalism (Eckersley, 2004: 141-150; Dryzek, 2000: 22-27). As Dryzek puts it: "liberalism is the most effective vacuum cleaner in the history of political thought, capable of sucking up all the doctrines that appear to challenge it, be they critical theory, environmentalism, feminism, or socialism" (2000: 27).

Despite this assimilation of critical-theory-inspired deliberative democracy by liberalism, some authors writing within the critical tradition have sought to rethink the institutions of liberal democracy, including its political economy, as well as the liberal capitalist state from a position that challenges them, opposing the accommodation between the two. This more oppositional trend seeks the radical reform of the liberal democratic state or the search for spaces alternative to state institutions where deliberative democracy can be articulated, such as civil society, the public sphere and workplace democracy (Dryzek, 2000: 27). This view is defended amongst other scholars by Dryzek himself. I would argue that also Eckersley's ecological democracy

should be placed within these critical deliberative theories which focus both on the reform of the liberal state as well as on civil society and the public sphere.

Using the method of the immanent critique of social and political reality in order to identify the emancipatory potential in existing structures, Eckersley's strategy is to tackle the obstacles that prevent states from acting in more ecological ways. In her view, these are: the international anarchic state system, neoliberal dogmas and global capitalism. Eckersley develops her theory of ecological democracy as part of her theory of the state. She believes that ecological democracy is the most essential transformation states need to undertake in order to become green states. So the green state will emerge out of the liberal state, as a result of introducing and securing ecological democracy in the constitution of the liberal state, as I explained earlier. In so far as ecological democracy is placed within a theory of the state and institutionalised by constitutional means, my point is that it runs the risk of being assimilated and neutralised, or to use Dryzek's terms of being sucked up, by the liberal state, and thus not lead to the kinds of transformations needed to originate a green state.

If we take Drzek's approach, especially his distinction between liberal constitutionalist deliberative democracy and critical discursive democracy, it is not difficult to conclude that the model described by Dryzek as liberal constitutionalist deliberative democracy resonates with Eckersley's democratic project. To start with, just as liberal constitutionalist theorists, Eckersley stresses the importance of constitution making. For her, the constitution establishes the state's responsibilities, functions and objectives. And one of these objectives is precisely to facilitate ecological democracy. On the other hand, Eckersley uses deliberative democracy to justify rights of participation and political equality, that is, of those rights needed as a precondition to maintain deliberative democracy itself. So, like liberal constitutional democrats, Eckersley uses the constitution (also made through a deliberative process) in order to implement deliberative mechanisms and substantive rights, such as the right to a healthy environment, that make an ecological and deliberative democracy possible. In short, it could be argued that Eckersley's theory of the state makes a connection between liberal and deliberative principles.

We must admit, though, that despite her emphasis on the state and its formal institutions, Eckersley believes that deliberative settings are to be encouraged also in the public sphere. Indeed, she thinks that without a vibrant public sphere ecological democracy is not likely to survive, since one of the preconditions of ecological democracy is, in her view, a "new ecological sensibility" produced as a result of a cultural shift. And this cultural shift can only take place in the public sphere (2004: 245). That is why in Eckersley's theory, the constitution, although necessary, is not enough. In fact, there is in her theory a "virtuous circle of change" that would include a green constitution, a sustainable economy (achieved in her view through reflexive ecological modernisation), civil society and a green public sphere (where an ongoing debate about the conditions for ecological sustainability would take place). The green state will arise after the conditions of this virtuous circle of change are put in place. However, it is the state and the constitution that are entrusted with the promotion of ecological democracy and, furthermore, with the promotion of the public sphere through mechanisms that seek to secure the availability of information about risk-generating activities, citizens' participation in deliberations and access to environmental justice. In other words, the state and its constitution have to facilitate ecological democracy and create the conditions for the emergence of a green public sphere. So, unlike Dryzek, Eckersley's public sphere where deliberative democracy takes place not only is not

opposing the state but it is part of the state, and it is encouraged by the state itself, lacking any autonomy.

On the other hand, it should be noted that the stress Eckersley places on civil society and the public sphere, as complementing and being equally important as state institutions, does not mean per se that her democratic theory seeks to confront liberalism. The celebration of civil society and the public sphere is common amongst liberal scholars of deliberative democracy (Dryzek, 2000: 55). In fact, both civil society and the public sphere have a liberal reading in the history of political thought. Moreover, scholars of deliberative constitutionalism believe that one of the main purposes of the constitution is to establish the necessary means for a public sphere for debate to be maintained. My claim is that despite her explicit postliberalism, Eckersley's constitutionalism and state-centred democracy brings her back to liberalism.

If the presence and inclusion of civil society and the public sphere are not enough for deliberative democracy to be critical, and to address the shortcomings of liberal democracy, what else is needed? According to Dryzek, the public sphere has to be autonomous, so that there is a sharp distinction between the public sphere and the state, to the extent that they may even be in opposition. Other than an oppositional public sphere, a set of "contested discourses" is also needed. Finally, opinion should move from the public sphere toward the state (but not the other way round) (2000: 55-56). For Dryzek, discourses can and should affect public policy (2000: 79). The only condition is that the public sphere where such discourses are generated remains autonomous and completely separated form the state, to avoid discourses being assimilated and co-opted by the state (which is different from discourses having an impact on state policy). As a result, political activity in civil society must seek the "democratic exercise of power over the state", while being vigilant to avoid "the inclusion of civil society within the state". In fact, Dryzek believes that civil society can be the locus for enforceable and binding decisions to be adopted, even if they don't emanate from state institutions[12]. When human beings decide to live a public life in civil society and solve our collective problems in a space outside the state, civil society becomes a site for "para-governmental activity" (2000: 102-103).

The above theory shows a complex and uncertain relationship between the state and civil society. In Drzek's account, such a relationship cannot be explained in universal terms, since it depends on particular features of states and civil societies, on particular times and places. Therefore it should be studied from a historical and comparative approach. Dryzek develops a typology of states based on different state-civil society relations (Dryzek, 2000; Dryzek et al 2003). A civil society with a myriad of contested discourses will be more likely to be maintained when interacting with an "exclusive" state, since an "inclusive" state can absorb and erode diversity (2000: 113-14). Using Dryzek's typology, I would argue that Eckersley's green state is inclusive, open and receptive to civil society deliberations, to the extent that the state acts as a facilitator of such deliberations, providing the available information for debate to take place and facilitating the mechanisms for participation. A state that incorporates civil society into its own political and constitutional structures would absorb and neutralise civil society.

Dryzek contends that the "promise of democratic authenticity represented by the deliberative turn" in democratic theory will only be accomplished if deliberation targets power structures. Authenticity means for Dryzek the contestation of discourses that takes place in the public sphere (2000:162). Despite her statism, Eckersley also

[12] Dryzek believes that situations like this have taken place in the past whenever changes in power relations in society occurred, like those originated within the family as a result of the feminist struggle.

acknowledges deliberation in civil society. However, while for Eckersley the state is entrusted with the coordination of deliberation that takes place in both spaces, state and civil society, for Dryzek coordination is entrusted to spontaneous networks in civil society. This spontaneous system is similar to the way international organisations and movements are organised. It is related to transnational discourses in the public sphere, placed outside spatial and temporal boundaries (2000: 159-160).

In order to conclude, it could be argued that Eckersley's model of ecological democracy has many virtues: to name but a few, the integration of excluded groups, respect for diversity, the centrality of environmental justice and the possibilities for non-human-centred ethics and politics. It can help overcome some of the problems of liberal democracy's lack of legitimacy and some of the criticisms often directed at deliberative democracy, such as the denial of power relations invalidating the ideal speech situation. However, some of the problems persist. For instance, the uncertainty of ecological outcomes of deliberations. The discussion of Dryzek's work has been used to show how Eckersley's ecological democracy can be assimilated by the liberal state and thus not going in the direction Eckersley wants to place it, towards the green state. So perhaps we could use Dryzek's ideas to think about ways to locate ecological democracy in civil society, a space where it can, perhaps, change existing institutions for the better.

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