

**ANALYSIS****The System of Sustainable Degradation***Timothy W. Luke*

It is a suitable moment to review the realities of the contemporary idea of “sustainable development.” In the final analysis, sustainable development may be neither sustainable nor development. Furthermore, its widespread popularization is propounding something more significant: a system of sustainable degradation that can be related directly to O’Connor’s critique of capital’s “second contradiction.” Three operational strategies have been formulated to administer sustainable degradation in the U.S.: ecomanagerialism, ecojudicialism, and ecommercialism.

Following the lead of the Brundtland Commission, the World Commission on Environment and Development declared “sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” This definition begs a number of crucial questions: Whose needs? Needs or desires?, What mode of development? The vagueness of sustainable development allows problematic policies to float out from an ill-defined present into a dimly understood future, whose only legitimate claimants to ecological benefits are yet to be born generations. Nonetheless, as MacNaughten and Urry point out, since the opening of the 1992 Rio Conference on the environment, these barely workable notions of sustainability “have been broadly accepted by governments, NGOs and business.”

Sustainable development can be recast as sustainable degradation. The system of sustainable degradation implicitly concedes the “second contradiction” of capitalism—a structural analysis of the ecological crisis as flowing from the underproduction of capital—as identified by O’Connor. In sustainable development, this ecological degradation is not halted; it is instead measured, monitored, and manipulated within certain tolerances. Thus, ecological degradation perversely acquires its own sustainability within capitalist built environments.

Developing a global sustainable society is a noble aspiration; yet, the ignoble necessities of working toward that end in the current conditions of production transmogrify this goal into more narrow national strategies. Some still struggle to develop a truly sustainable ecological society under that banner, but many have seized upon, or surrendered to, the profitable opportunities created by sustaining market-based degradation. And, these opportunities, in turn, are forged as reactions to the contemporary global capitalist economy’s “capital underproduction and unproductive use of capital produced.”

The system of sustainable degradation tacitly responds to the stresses in the “conditions of capitalist production”: first, as the “external physical conditions,” or natural elements required for constant and variable capital; second, as the “labor power” of workers entangled in their own personal conditions of production; and third, as the “the communal, general conditions of social production.” O’Connor suggests that contemporary ecological critiques must take a more expansive and critical look at the overall articulation and regulation of “the conditions of production.”

Today “external physical conditions” are discussed in terms of the viability of eco-systems, the adequacy of atmospheric ozone levels, the stability of coastlines and watersheds; soil, air and water quality; and so on. “Labor power” is discussed in terms of the physical and mental well-being of

workers; the kind and degree of socialization; toxicity of work relations and the workers' ability to cope; and human beings as social productive forces and biological organisms generally. "Communal conditions are discussed in terms of "social capital," "infrastructure," and so on. Implied in the concepts of "external physical conditions," "labor power," and "communal conditions" are the concepts of space and "social environment" which in turn helps to produce social environments. In short, production conditions include commodified or capitalized materiality and sociality excluding commodity production, distribution, and exchange themselves.

The crisis of contemporary capitalism, then, essentially necessitates changes in productive forces as well as changes in social relations in order to reproduce today's productive conditions. Here, ecomanagerialism, ecojudicialism, and ecocommercialism have emerged to guide planning.

In 1988, O'Connor more narrowly envisioned crisis-induced restructuring as requiring the exercise of greater control through planning—whether corporate or state. His initial analysis can be expanded to examine more broadly how new forms of flexible planning and planned flexibility have been created in the form of ecomanagerialism, ecojudicialization and ecocommercialism. Given O'Connor's second contradiction, the system of sustainable degradation represents efforts to manage and mitigate the damage inflicted upon nature. Sustainable degradation constructs the ecological crisis as manageable within the current parameters of capitalism. It is a proactive, profitable and powerful policy that maintains some environmental viability by creating zones and spheres of control where degradation is lessened, but never stopped. The existing socioeconomic and social ecological inequality of commodity production and consumption remains unaddressed.

This brief analysis only can provide a glimpse of how the system of sustainable degradation arose in the U.S. In some ways, its strategies precede the articulation of official sustainable development discourses in the 1980s. It is important to recognize that the appeals of ecomanagerialists, ecojudicialists and ecocommercialists do constitute more radical visions of conservation than most of those followed in the U.S. during early 20th century. Some have argued that sustainability's technical, judicial, and managerial innovations could undercut today's inequitable distribution of wealth and power, but they concede too much to capital, the state, and technoscience by offering concrete options for continuing present anti-ecological cycles of production and conservation.

### **Ecomanagerialism**

Despite Gifford Pinchot's belief that "the man who really counts is the plain American citizen," because only this figure can be relied upon to "set the common good of all of us above the private gain of some of us," and his advice to recognize "the livelihood of the small man as more important to the Nation than the profit of the big man," other ideas have taken hold in America's management of nature. In practice, the vision of "common good" is set at levels above or beyond those of ordinary men and women by higher bodies of "executive power" working as "the stewards of the public welfare." The U.S. corporate sector during the late 1960s and early 1970s, for example, regarded most environmental protests against big business policies and products as anathema for its markets. Nixon's strategic decisions to back the National Environmental Protection Act (NEPA) and support the creation of the Environmental Protection Agency (EPA) were taken against a backdrop of the Democratic Party's growing ties to environmental causes. The corporate consensus was "that environmental protection was at best a necessary evil and at worst a temporary nuisance."

Ecomanagerialism arises when and where natural resource management policies, global

competition, activism, and international bench-marking shift the currents of corporate thinking about environmental issues into more positive channels. New business strategists argued that “environmental protection was not a threat to the corporate enterprise but rather an opportunity, one that could increase its competitive advantage in the marketplace.” For some capitalists, ecology gradually came to be seen as a force of production instead of a roadblock before the advance of accumulation.

By the mid-1990s, business-friendly academic experts were celebrating the achievements that a “first generation” of environmental activists, natural resource managers, and green executives had made possible with moderate ecomanagerialism, while protecting against “extreme points of view” espoused by those who favor total environmental deregulation or truly radical green alternatives. The greening of a few businesses, at the same time, established a clear ideological direction anchored in the market-driven mechanisms of eco-commercialism. On this point, Bliese concludes that “market-based mechanisms can be more effective than bureaucratic command and control in protecting the environment,” citing “such possibilities as tradable emission quotas, eliminating harmful subsidies, deposit and refund schemes, full-cost pricing, ‘marketing’ use of public lands, and the like.”

Over time, the logic of sustainable degradation wove its technocratic creed into mainstream environmental science and traditional natural resource policy-making. Ecomanagerialists implemented practices tied to overseeing and administering nonrenewable and renewable natural resource management. During the 1970s and 1980s, the natural resource management process also became a domain of professional resource managers, sectoral trade associations, and relevant government agencies whose individual and collective interests were all tied to defining new qualitative and quantitative measures of resource auditing. Legislative initiatives of the Johnson, Nixon, Ford, and Carter administrations brought more explicitly ecological concerns into the policy process in order to limit the destructive activities of traditional vested industrial interests.

In the course of the development of a state-corporate environmental partnership, environmentalists focused on Washington and state capitals, and frequently ignored local communities, regional ecosystems, and the global environment. Consequently, most of the environmental groups that gained legitimacy in the 1960s and 1970s did so not by combating the vested interests behind sustained degradation, but rather by joining them. Now, as Gottlieb concludes, this cooperation “for mainstream environmentalism seems more entrenched than ever.”

Still, environmentalism did budge expert thinking and actions away from old “sustained yield” policies and toward just plain “sustainability.” With sustainable degradation, the commitment to resource utilization is not abandoned. Instead, it is shaped to meet longer-range and larger-scale plans:

Sustained yield focuses on outputs and views resource conditions as constraints on maximum production; sustainability makes resource conditions the goal and a precondition for meeting human needs over time. Outputs, then, are interest on resource capital.... Three increasingly integrated themes began to emerge: a concern for the health of ecosystems; a preference for both landscape-scale and decentralized management; and a new kind of public participation integrating civic discourse into decision-making.

These changes do not break capital’s aspirations for meeting higher material output goals. On the contrary, they steer experts toward monitoring the level of outputs and maintaining the rate of meeting output goals, while managing the scale of sustained use in more socially integrated

conditions of production. Thus, sustainability in the system of sustainable degradation is basically another style of sustained yield, but slower, more stable, and more purposely social in form. This refined notion of sustainability is regarded as a win/win situation by both economic and ecological interests.

### **Ecocommercialism**

To administer the systematic degradation of nature, other structures of operational intervention are found in management, commerce, and law. While the crisis of underproduction constitutes a decline in the productivity of the global economic system, it creates regenerative opportunities to mitigate the forces of degradation—as one sees in ecocommercialism. Ecocommercialists tacitly agree that the second contradiction of capitalism is real, but it also affords inventive entrepreneurs, state authorities, and technical experts with opportunities to collaborate on new strategies that accelerate capital accumulation through environmental degradation. By “costing the earth” with corporate-driven cost/benefit analyses, ecocommercialism lays down a challenge to governments, gives new hope for environmentalists, and creates a big opportunity in markets.

The most basic approach to ecocommercialism is the professional-technical work of natural and social scientists producing “a rigorous, detailed synthesis of our current understanding of a suite of ecosystem services and a preliminary assessment of their economic value.” This project begins as a lament over “the near total lack of public appreciation of societal dependence upon natural ecosystems.” Yet, to a much larger degree, it also becomes a self-assigned commission “to generate, synthesize, and effectively convey the necessary information” needed by “the public,” or the state, for “the formulation and implementation of policy designed to safeguard the earth’s life-support system.”

What is implied by scanning nature’s metabolisms as a global condition of production? They become “ecosystem services,” which are:

...the conditions and processes through which natural ecosystems, and the species that make them up, sustain and fulfill human life. They maintain biodiversity and the production of ecosystem goods, such as seafood, forage, timber, biomass fuels, natural fiber, and many pharmaceuticals, industrial products, and their precursors. The harvest and trade of these goods represent an important and familiar part of the human economy. In addition to the production of goods, ecosystem services are the actual life-support functions, such as cleansing, recycling, and renewal, and they confer many intangible aesthetic and cultural benefits as well.

Basic ecocommercialist research, then, is a new discipline invented to legitimate itself as well support the decision-making done in ecomanagerialism and ecojudicialism. These terrestrial resource assessments further the rationalization of the Earth as a system of systems needed by humanity to sustain ecological degradation for humanity. While ironically concluding that “the value of these ecosystems far exceeds that of the commodities we commonly associate with them,” ecocommercialists continue to cash out their service and substance in commodified terms. Full of good intentions, ecosystem service appraisers assign value to ecosystemic service provisions, because the mounting human impact on the global environment is intensifying to the degree that “the costs and limits of technological substitution become more apparent.”

Still, ecocommercialists are optimistic about the potential of more information, better cost

accounting, and stable markets for alleviating the ecological crises of the day. Believing that both unfettered markets and overbearing states fail at environmental protection, ecocommercialism works at engineering economic solutions to preserve the Earth and pump up profits. As Cairncross observes:

To rely exclusively on the force of the market, however ingeniously harnessed, to clean the environment is as naïve as relying solely on government intervention. For one thing, markets need information. If polluters are to pay, governments will need to measure pollution. Government will need to punish polluters who cheat. Monitoring, measurement, and enforcement are all jobs that cannot be done voluntarily. They require a legal framework and the sanction of the state.

Governments, businesses, and sciences collaborate to provide legal responses, rational processes, and accurate information to collaborate together at sustaining both growth and green lifestyles. Refuting radical environmentalists' efforts to halt or even reverse economic growth, ecocommercialists actually find new paths for interweaving "growth and greenery" into their business practices.

Cairncross, the environment editor at *The Economist* in the late 1980s and early 1990s, points out that the Brundtland Report, *Our Common Future*, allowed people "to think of compromises: of ways to temper the impact of growth without sacrificing it entirely." Moreover, sustainability was "a convenient phrase, meaning different things to different people." Her formulations provide one of the most succinct and forthright admissions that "sustainable development" in the final analysis operates as a system of sustainable degradation by virtue of ecomanagerial, ecojudicial, and ecocommercial policy accords.

Many people hope that economic growth can be made environmentally benign. It never truly can. Most economic activity involves using up energy and raw materials; this, in turn, creates waste the planet has to absorb. Green growth therefore is a chimera. But greener growth is possible. This history of technology has been about squeezing more output from the same volume of raw materials. Governments can dramatically reduce the environmental harm done by growth if they create incentives for companies to use raw materials more frugally. That means harnessing the innovative energy of industry.

Ecocommercialists often assert green growth is a chimera, but they also claim "greener growth" is quite feasible; thus, sustainable development morphs into sustainable degradation. To attain the full benefits of sustainable degradation, ecocommercialists tout the utility of holding true to market-based beliefs. That is,

Sound economics and sound environmental policies go hand in hand. Inflation, subsidies, and a failure to charge people the true costs of their activities all breed weak economies; they also breed environmental damage. Similarly, sound economics dictate that policies should put as little burden as possible on society to achieve the goal. Environmental policies that harness the market meet the test.

Thus, a clean environment, green growth, and truly sustainable lifestyles are considered utopian fantasies in ecocommercialism, while the realities of sustainable degradation promise a cleaner environment, green growth, and painless ecological burdens.

Firms that turn to ecocommercial lines of business often take up the standard of "natural capitalism," which encapsulates many innovations including green design, biomimicry, green engineering, and worldwide environmental GIS surveillance. Recognizing that creating greener growth will require an entirely new Industrial Revolution, natural capitalist advocates aim at wringing

waste out of the conditions of production in order to stem the needless loss of “material, energy, money, and even people.” In rebuilding the ecology of commerce around eco-efficiency, natural capitalists assert that:

the conventional wisdom is mistaken in seeing the priorities of economic, environmental and social policy as “competing.” The best solutions are based not on tradeoffs or “balance” between these objectives but on design integration achieving all of them together—at every level, from mechanical devices to production systems to companies to economic sectors to entire cities and societies.

### **Ecojudicialism**

Incorporating ecocommercial and ecomanagerial approaches in environmental policy soon leads to decisions based on data derived from their models. Once environmental resources are costed out for their ecosystemic services, think tanks, academic experts, and legislative committees begin to mobilize these assessments for policy decisions. In one iteration, market-based incentive and disincentive structures postulate that producers and consumers will follow incentives and avoid disincentives as they organize commodity chains. In another expression, a more social vision of regulating the firm and household “from inside” via new environmental management schemes or market-centered policies aims to eradicate waste, maximize ecoefficiency, and recenter property rights in the deliberations over environmental justice questions. A few ecomanagerial and ecocommercial interventions “succeed,” but this success is always found on the margins of the chaos continuously created by capital in its own conditions of production. Such policies do not resolve the structural crises behind most corporate decisions; instead they amend existing flawed practices to lessen failure, decrease regulatory pressures, or curtail owner’s anxieties in the shaky conditions of capitalist production.

Continuing the system of sustainable degradation also requires the mobilization of ecojudicial practices and structures for attaining these amendments and deregulations. As critics have noted, the ordinary mechanisms of liberal capitalist democracy often create knee-jerk pro-business, pro-growth, and pro-industry outcomes as part of routine electoral cycles. Still, large environmental NGOs as well as local site defense groups will check, if not sometimes even checkmate, more blatantly anti-ecological policies in the courts. Beginning in the 1960s, a growing bevy of environmental battles have been conducted through judicialized means, like administrative review hearings, expert briefs, bureaucratic oversight boards, or court proceedings.

Such unexpected but useful innovations have led to the judicialization of many environmental matters. Ecological conflicts provoke real passions, and the guidance given by scientific experts, polling data, or legislative officials often splits the mass public down the middle, creating an impasse. Here ecojudicialization kicks into action as it adapts the impasses in environmental issues to the juridico-legal possibilities of liberal capitalist property laws, commercial codes, business regulations, and environmental legislation. Many business decisions clearly are hasty and ill-considered, so ecojudicial deliberations afford legitimate mechanisms to slow them down and assess their merits in a much more public and contested forum. Ecojudicial proceedings do buy time and also can serve as a socially accepted brake against irrational investment, production, and consumption.

Without formal enabling legislation per se, the heavily legalized qualities of juridico-property relations can be expanded through the use of accountability accords, formal complaints, and

investigative practices, which the mass media often accept and then represent to their audiences, as a *sine qua non* of actual legislation. The ecojudicialized approach to coping with environmental crises in today's conditions of production is often *ad hoc*, provisional or symbolic, but it still has real material effects. Such practices are significant inasmuch as they infuse "non-legal modes of collective decision-making and dispute settlement with the modalities of juridical opinion and judicial due process." Consequently, ecojudicialized proceedings, both inside and outside of *de jure* environmental legislation, can acquire a *de facto* legislative aura. Indeed, ecojudicialized activity often includes, as Weisband asserts, new traffic in formal legal opinions, statutory rulings, appellate reports, cumulative jurisprudence, forensic rules of evidence, and juridical deliberation about the standing of plaintiffs and defendants.

Such institutional innovations exercised in the current conditions of production create new social opportunities to both exercise greater control from above and exert broader resistance from below. An operational ethic of accountability, using only *pro forma* practices, can be bolted onto the system of sustainable degradation. Green growth might be impossible, but determining how to attain greener growth, who will benefit from greening growth policies, and what costs will be incurred by whom to get greener all become potentially "judicializable" questions. Within the constraints of capital, then, ecojudicialism provides a significant new forum for struggle. As Weisband argues:

A bona fide momentum toward judicialization tends to strengthen organizational capacities for accountability on the part of those subjected to its influences. The transformation of rivals, enemies or disputants and "plaintiffs" or "complainants" (first-party) and "defendants" (second-party) as a consequence of judicialized monitoring procedures reinforces the ability of monitoring structures or accounting regimes (third-party) to reduce the risks of conflictual, unpredictable or other substandard behaviors.

External actors, in particular, civil society organizations (fourth-parties), become empowered by receiving information based on third-party procedures. Thus they can respond through channels and in ways that might not be available to them in the absence of such judicialized procedures. Thus the interests of the general public (fifth-party) may be said to be served as the result of this textured unfolding of judicialized monitoring, transparency and verification.

The dust kicked up by these interested parties, then, plainly provides the legal latitude needed by ecojudicializing interests to address the social conditions of production in the system of sustainable degradation. For all of their warts, the National Environmental Protection Act, the Endangered Species Act, the Clean Water Act, and other ancillary environmental statutes have involved elements of the public in decision-making about major environmental issues.

Legal tussles over the conditions of production are efforts to mitigate the second contradiction of capital. With ecojudicial legislation, the state has "guaranteed the public information and a forum on many matters directly affecting their lives. 'It affects the air they breathe, the water they drink, their recreational resources and the views they enjoy,'" as Lucy Swartz, a former government attorney with the National Association of Environmental Professionals, observes. On the other hand, "those calling for changes to NEPA say the law has made it far too easy for environmentalists and others to mount legal challenges over technicalities. 'It has been used as a stick in the spokes of the wheels of progress,' said Russ Brooks, an attorney for the property-rights minded Pacific Legal Foundation."

Judicializing environmental disputes in the U.S. is common, but it is hardly rife. NEPA-

based lawsuits averaged 108 annually between 1974 and 1997, but they increased after George W. Bush took power in 2000 to 137 in 2001 and 150 in 2002. The 2005 energy bill passed by the House, and a task force on NEPA convened in 2005 by the House Resources Committee are seen as renewed efforts to gut the NEPA-era laws by curbing environmental impact reviews and installing exemptions for energy projects said to be needed for homeland security. Since the federal government alone conducts around 50,000 activities a year that require environmental assessments, Congressman Richard Pombo, Republican Chair of the House Resources Committee, claims “the accumulation of requests for exemptions for energy, transportation, defense and domestic security projects signaled the need for a thorough reexamination of the law. ‘Everyone is complaining about the way NEPA works.’”

As a result of such reaction, “the number of full environmental impact statements required under the statute has declined from 2,000 to 3,000 a year in the 1970s to about 500 annually.” Nevertheless, even many of NEPA’s critics acknowledge that there is a significant utility in “accelerating the review process while preserving what the law is supposed to do: determine and disclose effects, often deterring harmful projects.” However, as O’Connor maintains, such changes “either typically presuppose or require new forms of cooperation between and within capitals and/or between capital and the state and/or with the state, or more social forms of the ‘regulation’ of the metabolism between humankind and nature as well as the ‘metabolism’ between the individual and the physical and social environment.” Ecojudicial activities accentuate cooperation, and “more cooperation has the effect of making production conditions (already politicized) more transparently political, thereby subverting further the apparent ‘naturalness’ of capital’s existence.”

Strangely enough, most of these bureaucratic environmental oversight and protection agencies were the work of Republican reformers, Nixon and Ford, from 1969 to 1975. Passage of the National Environmental Protection Act in 1969, and the Clean Air Act Amendments of 1970 far exceeded many environmental activists’ expectations at the time. These environmental legislative initiatives were followed by the creation of the National Highway Traffic Safety Administration (1970), Consumer Product Safety Commission (1972), Occupational Safety and Health Administration (1973), Mine Safety and Health Administration (1973), and Nuclear Regulatory Commission (1975). The basis for ecojudicialization as well as the battles against ecojudicialism derives from these statutes and their implementation in accord with what once were “progressive” social principles for coordinating production.

Ecojudicialism bends juridico-legal possibilities in the relations of production towards greener directions. Nixon introduced the language of “rights” into environmental policies, claiming in his 1970 State of Union address that “clear air, clean water, open spaces—these should again be the birthright for every American.” The titles of many 1970s ecological protection acts—both for the built and unbuilt environment—stress “health and safety” to the degree that more “risk free” ways of living get construed locally as quasi-rights to be defined and regulated by the state. Few dispute the benefits of these legislative initiatives, but many complain about their costs. For much of the past quarter century, environmentalism in the U.S. has been embattled over protecting these ecojudicialized rights in the face of interests that would curtail, constrain or even eliminate them.

In April 2005, Utah mining executive, Luke Russell, told a Congressional task force from the House Resources Committee that too many environmental agencies, working under the constitutional canopy of NEPA, are like “a monster, devouring millions of dollars and years of time needlessly on redundant studies, conflicting requirements and wasteful litigation.” Even though



Russell was only complaining about costs that his own firm incurred as it tried to develop a new gold mining property, he also captured the ultimate capitalist logic behind the system of sustainable degradation. Economic development is sustained as millions of dollars go into ecomanagerial studies, and years go by in the “paralysis induced by analysis” as ecocommercial calculations are completed. Meanwhile, the capitalist marketplace stays open and economic growth is advanced, while environmental damage in specific places is slowed.

### Conclusion

The structures for sustainable degradation assure that limited democratic challenges can be launched against the often unquestioned prerogatives of technical expertise and capital ownership. Expertise and property constitute the most material forms of power within the existing conditions of production. Experts and owners are treated as distinct centers of authority with a special legitimacy. It is this sort of narrowly interpreted and questionably legitimated power that democratizing social movements have contested over the past couple of centuries in capital’s development.

The system of sustainable degradation amidst today’s environmental crises, following O’Connor, has made “capital and state confront their own basic contradictions, which are subsequently displaced to the political and ideological spheres (twice removed from direct production and circulation).” The strategies of ecomanagerialism, ecojudicialism, and ecocommercialism illustrate “new and significant forms of class compromise.” As far as sustainable degradation’s coalitions and compromises extend, there is no necessarily imminent form of socialism congealing here. Nonetheless, there may be some institutional steps towards “making socialism at least more imaginable.”

The strategies of sustainable degradation constitute salient intellectual and institutional responses to the second contradiction of capital by adapting the social conditions of production to the capitalist environmental crises. Even as the mass public and policy makers acknowledge the reality of global warming, over-allocated watercourses, widespread desertification, and biodiversity loss, the active intervention of ecomanagerialists, ecocommercialists, and ecojudicialists permit those in power to draw upon capitalist culture itself in order to say “something is being done” in response. But in reality, the system of sustainable degradation enables capital to extract even more value by maintaining the appearances of creating ecological sustainability while exploiting the realities of environmental degradation.