

Towards a New Ecological Democracy: A Critical Evaluation of the Deliberation Paradigm Within Green Political Theory

MATTHEW LEPORI

*Department of Political Science
National University of Singapore
AS1, 11 Arts Link
Singapore 117570
Email: mlepori@nus.edu.sg*

ABSTRACT

Theorists of ecological democracy rely heavily upon the deliberative democracy framework for their understanding of what democracy is and what an ecological democracy should be. Existing critiques of this literature focus primarily on whether deliberation can produce green, democratic outcomes. I ask a different question: whether ecological deliberative democrats offer us a democratic theory in the first place. Drawing on the radical democratic theory of Sheldon Wolin, I argue that core features of the extant literature are not democratic at all, and offer a new approach that predicates ecological democracy on demotic formations.

KEYWORDS

Democracy, ecological democracy, deliberative democracy, radical democracy

Extant theories of ecological democracy rely heavily upon the deliberative democracy framework for their understanding of what democracy is and how to achieve it. Here, I aim to problematise this relationship and promote a rethinking of what ecological democratic thought can and should be. In keeping with the deliberation framework, ecological deliberative democrats (EDDs) give great weight to the capacity of deliberative institutions to not only produce willing democrats but also democrats of an ecological persuasion. In doing so, I argue that they place the cart before the horse. Democracy is a process and

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outcome whereby a people coalesce around a common desire for participatory collective action and forms of socio-nature consonant with equality, inclusivity and solidarity. Any and all institutions must emerge out of this demos. EDDs, by contrast, argue that we must design and implement deliberative institutions *for* the people, that is, for the sake of creating an eco-democratic people. This is, in a real sense, not democracy by demand but democracy by conversion. In the face of this, to ask whether deliberative institutions can produce eco-democrats is in some ways to miss the point. Instead, we must ask whether EDDs are in fact advancing a democratic theory.

To draw out the significance of this question I bring in the democratic theory of Sheldon Wolin. Wolin argues that democracy lies not in institutional design and procedure, nor in constitutions. Rather, democracy refers to an event, episode or movement. Democracy occurs when ordinary people experiencing a common harm, inequality or exclusion catalyse a politics of similarity in order to build a solidaristic collective – a demos – that operates through protest and demand. Their aim is not only to rectify the wrong done to them, but to do so through popular mechanisms, making available to ordinary people the ability to participate in decision-making over matters significant to their lives. Institutions, rather than being at the centre of democratic practice, are frequently the catalyst and target of democratic uprisings. This is a conceptualisation of democracy emphasising popular, bottom-up formations whose goal is the transgression of rules, procedures or institutions that in some way generate harm, exclusion and inequality. What is more, Wolin tells us, democracy often ends at the gates of institutions, wherein popular democratic energies are absorbed into procedures and practices inaccessible or opaque to the general public. In many respects, Wolin advances a view of democracy entirely opposed to that offered by deliberative democrats, EDDs included. This is precisely what makes his ideas useful for forming a critique of deliberative democracy, and, in turn, a rethinking of ecological democracy as an idea and politics.

That said, Wolin would seem an odd choice considering that he did not write in any depth on environmental issues or the conjunction of ecology and democracy. Nevertheless, we can extrapolate from Wolin a new viewpoint as to what ecological democracy is, and what the work of political theory *qua* ecological democracy should be. I argue here that if ecological democracy means anything it means the efforts of ordinary people to leverage a politics of similarity that pairs ecological and democratic goals, forming a demos devoted to the achievement of ecological outcomes on the one hand and democratic outcomes of equality and solidarity on the other. In turn, I argue that as political theorists and as ecological democrats we may use our scholarship *inter alia* to identify and defend values that catalyse democratic movement, work to suture ecological and democratic values and world views, and identify mechanisms by which the politics of similarity operate. Furthermore, we may build

TOWARDS A NEW ECOLOGICAL DEMOCRACY

critical theories that trace lived experience to structural causes, and promote the indignation necessary for movement.

I also argue that, despite appearances, Wolin's ideas and those of EDDs are not wholly antagonistic, that in fact we find several important crossovers that may serve as a basis for this new ecological democratic theory. For instance, we do occasionally encounter bottom-up portrayals of democracy, awareness of the lived experiential basis of demotic formation and democratic movement, and critiques of the state within the EDD literature. Meanwhile, Wolin, for his part, stresses the import of discourse and deliberation to the formation and operation of *demoi*. We also find a shared critique of liberalism (although, perhaps varying in intensity) and a mutual aversion to communitarian, 'general will' visions of democracy. Finally, and importantly, both EDDs and Wolin express great faith in the capacities of popular actors to act democratically, not only acting in the name of the people but actually to the benefit of all members of society. It must be admitted, however, that the EDD literature is quite varied, hence these commonalities only appear in the writings of certain thinkers and at certain junctures. There remain important (and useful) oppositions between the EDD and Wolinian perspectives, particularly on the matter of institutionalised deliberation. My hope here is that these disagreements are not so fundamental as to preclude envisioning a new ecological democracy.

If successful, I will convince the reader that there exists an underappreciated but significant problem with EDD theory, and that a new approach to ecological democratic thought is necessary. Given space limitations, I can only gesture at what I believe a more authentic ecological democracy would be, but here too I hope to sway the reader and provoke future discussion. In what follows, I will present to the reader four lines of analysis: (1) a synthesis of the EDD literature, including extant lines of criticism; (2) my critique of the literature, premised on the argument that EDDs give far too much weight to institutions to carry the load of democracy, and in so doing omit the role to be played by demotic formations; (3) a summation of Wolin's democratic theory, and how it could help us re-envision ecological democracy and our role within it; and (4) a concluding section wherein I outline significant commonalities between the Wolinian and EDD perspectives, ones that may prove useful for future work.

ECOLOGICAL DELIBERATIVE DEMOCRACY AND ITS CRITICS

We may understand any democratic theory through three interrelated questions: the question of the *demos*, what democracy means in practice and what democracy is supposed to achieve. EDDs name the *demos* through a combination of the land ethic of Aldo Leopold and the 'all-affectedness' principle, define ecological democratic practice as deliberation over matters of public

concern by committed green citizens and argue that this deliberative democratic practice will lead to better ecological outcomes. Let us examine each in turn.

Central to ecological democratic thought is the idea that we must incorporate the non-human into our political community. As Terence Ball puts it, ‘if there is a single – and singular – feature that distinguishes green democracy from other variants, it is surely this: the immense widening of the moral and political community to encompass what Aldo Leopold called the entire “biotic community”’.¹ Given ecological interconnectedness, this redefinition of the political community has cosmopolitan ramifications, which in turn creates a difficulty: how does one delimit the demos in practical application? Here, Robyn Eckersley has brought into green theory the principle of all-affectedness in order to determine the principals involved. In short, all those potentially put at risk by a proposed policy or law – regardless of their class, location, nationality, ‘generation’ or species – must be given the opportunity to participate in the decision-making process. And those who cannot speak for themselves, such as future generations or non-humans, must be granted representatives to defend their interests. As Eckersley puts it, the extension of the idea of a ‘democracy-of-the-affected’ to the non-human is what makes this conception of democracy ‘both new and ecological’.²

As one might expect, deliberative democrats would activate this demos through deliberation. The reasons for this are manifold and well staked out in the literature, so I will only briefly elaborate here, condensing the discourse into two arguments. The first argument equates democracy with deliberation in an attempt to push aside rival theories. As John Dryzek puts it, ‘the essence of democracy itself is now widely taken to be deliberation, as opposed to voting, interest aggregation, constitutional rights, or even self government’.³ Deliberative democracy is ‘authentic’ democracy for it brings together common citizens into institutions wherein they may directly participate in the shaping of policy outcomes through their reasoned dialogue. The nature of that dialogue is also central to this account, for participants are expected to leave behind personal interests and communicate purely through the back-and-forth testing of validity claims, which in turn are evaluated according to whether they serve the public interest.⁴ The second argument on behalf of deliberation is a consequentialist one, wherein deliberation is celebrated for a variety of positive effects it is purported to generate. Advocates claim that deliberation pluralises epistemologies and lends us greater perspective on the problem at hand given that deliberative institutions are open to all citizens (and, per the

1. Ball (2006: 136).

2. Eckersley (2003: 118–119).

3. Dryzek (2000: 1).

4. Dryzek (2010: 136); Eckersley (2004: 116–117).

TOWARDS A NEW ECOLOGICAL DEMOCRACY

all-affected principle, all those put at risk).⁵ Because environmental problems are socio-natural and therefore highly complex, this plural approach seems especially fitting.⁶ Since all must discuss and reach a certain level of agreement over policy proposals, deliberation should also increase the legitimacy of those policies.⁷ Finally, because speech is mobile, deliberation can scale upwards and adequately confront problems of a trans-boundary nature.⁸ These outcomes are keenly desired by environmentalists concerned with technocracy, public scepticism and ignorance, and the scalar challenges imposed by ecological flows.

Perhaps most importantly, EDDs argue that deliberation achieves the twin goals of a democratic polity and ecological society, and does so through procedural mechanisms rather than majoritarian imposition.⁹ If in deliberative institutions individuals must engage in reasoned dialogue with those marshalling environmental science, ecological values or personal accounts of environmental harm – the plural epistemologies and perspectives noted above – then advocates expect participants to exit the dialogue with a greater appreciation of the ecological basis for human livelihood and how public policies imbricate with complex ecologies. Hence, Eckersley asserts that

public spirited political deliberation is the process by which we *learn* of our dependence on others (and the environment) and the process by which we learn to recognise and respect differently situated others (including nonhuman others and future generations).¹⁰

Listening and learning is seen to foment mutual respect and a desire for interdependence, leading participants to ‘consciously create a common life and a common future together’.¹¹ In sum, deliberative democracy promotes ecological awareness and leverages that awareness to produce ecological democratic practice, driving ‘decision making toward the protection of public interests’.¹²

Critics have targeted each facet of EDD. First, the affectedness principle begets questions regarding the representation of nature. Who has the authority to speak on nature’s behalf? And does the representation perspective replicate the human/nature dualism that ecologists are trying to overcome?¹³ In addition, given that each policy proposal will affect a unique body of persons, the demos would be constantly shifting, posing institutional challenges that

5. Eckersley (2004: 116).

6. Eckersley (2004: 118).

7. Smith (2003: 56–58).

8. As Dryzek puts it, ‘discourse need know no geographical boundary’ (Dryzek 1999: 277).

9. Baber and Bartlett (2005: 3–12).

10. Eckersley (2004: 115, original emphasis).

11. Eckersley (2004: 115).

12. Eckersley (2004: 98).

13. Disch (2016); O’Neill (1993: 118–138).

become particularly tricky in cases of trans-boundary environmental problems.¹⁴ It is also unclear how to ascertain today the relevant affected parties of tomorrow, given the non-identity problem.¹⁵ Second, the idea that deliberation is the centrepiece of ecological democracy contrasts with those who emphasise green citizenship and the fulfilment of ecological duties.¹⁶ There are questions as to whether deliberation will actually lead to shifts in values and priorities pursuant to greener outcomes.¹⁷ Carmen Melo-Escrihuela, for example, argues that such citizenship is more likely to emerge through quotidian discourse and practical application than through structured discussion in special institutions.¹⁸ Even some advocates of EDD have found the empirical evidence to be somewhat equivocal.¹⁹ In light of such difficulties the temptation may be to implement decision rules in deliberative institutions in order to safeguard green outcomes, such as making the precautionary principle a mandatory frame shaping deliberation.²⁰ This would provide easy fodder for critics, who would term this an anti-democratic imposition of the principles of one interest group upon the rest of society.

While these critiques are valuable, I would like to pivot the conversation towards a question perhaps more fundamental still: whether EDD as currently theorised is in fact a democratic theory. There is, I argue, an under-theorised aspect of deliberative democracy that EDDs carry over into their work: the matter of the formation and activation of the demos. From whence would arise the democratic subject, or demos, that would will their participation in deliberative institutions? Do ordinary people drive these deliberative institutions by activating their common values amidst effective political equality? Or are these people and their values the product of institutions designed for them on behalf of others? If it is the latter, is this a democratic theory? These are important questions given the sway the deliberation position has over the theorisation of ecological democracy.

DEMOCRATIC CARTS AND DEMOTIC HORSES

In the literature we find three perspectives regarding the question of whether ordinary people will willingly adopt deliberative norms and values and participate in these forums. First, there is the assumption that the public already

14. Meadowcroft (2002).

15. Heyward (2008).

16. Arias-Maldonado (2007); Melo-Escrihuela (2015).

17. Bäckstrand et al. (2010); Wong (2016).

18. John Barry (2014) makes a similar argument, though not necessarily in contrast to deliberative democracy.

19. Hobson and Niemeyer (2012).

20. Eckersley (2003: 129).

TOWARDS A NEW ECOLOGICAL DEMOCRACY

possesses the requisite values for these institutions to function; second, the belief that deliberation itself can produce these values; and third, the argument that *well-designed* deliberative institutions can produce these values. Generally, the weight of the conversation falls on the third, although Habermas's account of the public sphere and Beck's risk society are occasionally used in order to argue that there exists a (broadly defined) deliberative culture.²¹ If we presume this to be true, the matter simply becomes creating the institutions that would leverage this openness to engage in deliberation. The problem is that we have little empirical research into validity of this claim – that is, whether people are willing to participate in deliberative ventures.²² One recent survey suggests that, in fact, the majority of people are not.²³

Others argue that these values emerge through deliberation itself. For instance, Dryzek tells us that 'mechanisms endogenous to deliberation' are the way in which we learn 'civility and reciprocity'.²⁴ But, of course, *ecological* democrats want more than that. They want a people who will think in terms of the public good in all its ecological ramifications. John Barry gives us three reasons to believe that deliberation will work towards that end. First, because consensus or majority approval is required, proposals that do not work in the name of the public good will be filtered out. Second, participants in these institutions are exposed to a variety of perspectives, which presumably induces them to take the interests of others into account, including non-human others and future generations. And third, Barry argues that deliberation itself creates community between participants. 'Communication and contact with others under conditions of respect and equality invite participants to a greater sense of mutuality, solidarity and sympathy'.²⁵ In a sense, deliberation itself creates a demos that works in solidarity to preserve the common good.

The more generally held position is that deliberative institutions *can* have these positive effects, all the way to the facilitation of a green democracy, but that they need to be carefully designed and managed in order to achieve this outcome.²⁶ Eckersley sets the problem: 'the point should not be to presume or assume publicly spirited behavior'.²⁷ Rather, deliberative ideals 'sometimes have to be *actively cultivated* or even *imposed* rather than assumed to exist before deliberation, or assumed always to arise in the course of deliberation'.²⁸

21. Dryzek (2000: 163–165; 2010: 32).

22. Neblo et al. (2010). The authors' research into the problem of who wills deliberation returned mixed results. On the one hand the authors find that people generally respond positively to the idea of participation; on the other, only a minority of those who do so actually turn up, despite being offered a chance to interact directly with a member of Congress.

23. Jacquet (2017).

24. Dryzek (2000: 169); see also Barry (1999: 230).

25. Barry (1999: 217–218).

26. Baber and Bartlett (2005: 119–142); Eckersley (2003: 124–126); Smith (2003: 76).

27. Eckersley (2004: 155).

28. Eckersley (2004: 155).

She notes that successful deliberative forums are premised in a ‘preexisting, deep-seated mutual understanding that engenders the necessary mutual respect ... and/or because the forum and its procedures and protocols are carefully *contrived and managed*’.²⁹ Deliberative values and democratic practice become, to a significant degree, a matter of design. Writing on behalf of deliberative mini-publics, Matthew Ryan and Graham Smith reiterate these expectations. ‘Careful design’, including the provision of balanced briefing materials, discussion facilitation and creating a safe space for discussion, will ensure that ‘the institutional conditions are in place for the emergence and sustenance of deliberative virtues such as respect and reciprocity and for considered opinion-formation’.³⁰ In a real sense, the architects of these institutions expect to create a certain type of democratic citizen through the institution itself. The properly designed institution would elicit solidarity between all members of the (enlarged, ecological) demos, and solidify reasoned dialogue as the means to achieve the public good. Additionally, as noted above, another ‘design feature’ of green deliberative institutions is the precautionary principle, which would be ‘institutionalised’ in order to ensure that deliberative institutions do not simply produce ‘more’ democracy but rather ‘better’ democracy.³¹

Even if we believe that deliberative institutions can produce deliberative democrats, it is by no means clear that this political practice is in itself democratic. To concretise this, let us take a deeper look into the mini-public literature. Mini-public is a concept referring to an array of institutions, including citizen assemblies, deliberative polls and citizen juries. These institutions are growing in terms of incidence and import within the literature; proponents equate them with authentic democracy.³² They engage people who are not especially interested or informed (‘ordinary people’, ‘lay citizens and non-partisans’) and get them into the practice of deliberating on matters of collective importance.³³ As *mini-publics*, they permit face-to-face, ‘direct’ participation in collective argumentation; as *mini-publics* they are meant to provide the considered viewpoints of citizens and therein shape actual policymaking. This is real participation in power rather than faux representation, a potent model for a democracy in the twenty-first century.

As Ryan and Smith indicate, these institutions have two core design features, ones that are intended to produce better and more relevant deliberation. I argue here that they are sensible and, at the same time, that they should give pause to democratic theorists.³⁴ First, participation in mini-publics is typically closed off to the general public. Designers worry that an open-door policy

29. Eckersley (2004: 131, original emphasis).

30. Ryan and Smith (2014: 20).

31. Barry (1999: 224–225).

32. See Elstub (2014); Fung (2003); Goodin and Dryzek (2006).

33. Goodin and Dryzek (2006: 221).

34. Ryan and Smith (2014: 20).

TOWARDS A NEW ECOLOGICAL DEMOCRACY

would convene the ‘usual suspects’, who are relatively more white, partisan, educated, wealthy and older than the society around them. Wishing to ensure inclusivity, diversity of perspective and representativeness of the general population, designers set out to curate participation, and consider stratified random sampling to be the best way to do so.³⁵ Additionally, because advocates wish to demonstrate that these institutions activate *ordinary* people, that ‘individuals come in with little or no interest or capability in politics, yet leave as energized and competent actors’,³⁶ they must incorporate people who fall outside the narrow slice described above. Hence, these institutions are not initiated or shaped by popular actors; rather, such institutions are initiated and shaped *for* popular actors by academics with the backing of academic institutions, think tanks and NGOs.

This choice reflects the faith that deliberation theorists have in the ability of correctly designed institutions to produce the democrats that they wish to see. It also speaks to the long-standing ambivalence that deliberation theorists have felt towards activists, namely a concern that they may act more as an ‘interest group’ than as publicly minded democrats.³⁷ Advocates may have good reasons for designing these institutions in this way, but whether they have designed democratic institutions is arguable. Should members of the public play a central role in their design and execution?

The second main design feature of mini-publics concerns the facilitation of deliberation. Deliberation within these institutions is informed by briefing materials provided to participants by the organisers, and structured by an outside facilitator who moderates the discourse of the participants.³⁸ Briefing materials are to supply the informational basis for a rational exchange of perspectives and interests, and discussion moderation is to ensure that deliberative values are respected. The goal is to make participants ‘competent’ deliberators (Dryzek’s term), hence the shaping of what they are to know and how they are to interact. Competence as an ideal is alluring, for competence can simply refer to capability, and hence we may see these mini-publics as striving to promote democratic capabilities. On the other hand, competence connotes a certain paternalism. For instance, ‘competent adult’ is a term of art designating those who have the mental capacities to give informed consent, or to steward children. Competence distinguishes actors who can be assigned responsibility and choice. That institutions should *produce* such actors is a remarkable claim: it places those who advocate, design and fund these institutions in the position of determining what democratic competence is and how to propagate it.

35. Dryzek (2010: 156).

36. Dryzek (2010: 158).

37. Young (2001). For an example of the tension within the EDD literature, see Baber and Bartlett (2005: 185–202).

38. As noted by a recent study, the intricacies of ‘facilitation’ are often overlooked in the research. See Landwehr (2014: 82).

Taken together, these institutions are designed to collect ordinary people lacking interest in politics and possibly even the competence to rationally engage in discussion over risk and policy and make them the motivated, constructive actors necessary to authentic democracy. This scenario, I argue, is the dream of the technician or lawgiver. Experts who *do* care about politics and democracy design institutions that bring in *apolitical* citizens in order to convert them into democratic actors capable of expressing concerns through competent communication with their peers. In fact, as Ryan, Smith and Dryzek assert, the value of the mini-public is measured in large part through its ability to have this effect. This is a strategy analogous to Rousseau's. Facing a mass of individuals ignorant of democratic rules and values, Rousseau envisions a lawgiver who emerges from outside the fray and convinces people of the need for a democratic polity.³⁹ It is not a perfect analogy, for deliberative democrats have far more esteem for the capacities of ordinary people than did Rousseau, but there is enough overlap here that it should make deliberative theorists reflect on their priors.

In response, I suggest that we ought to be less concerned with whether or not these institutions can produce desired shifts in values and behaviour, and instead ask whether this is a democratic theory in the first place and whether ecological democrats ought to lean upon it. Would not an 'authentic' democracy be the outcome of the demands made by ordinary people through their own collective self-organisation? One that would be ecological to the extent that these people valued ecology and desired to promote positive ecological outcomes?

When, for instance, authors worry whether the trust, mutuality and empathy produced within deliberative mini-publics can be scaled up to the mass public, I suggest that they have the problem precisely backwards.⁴⁰ For deliberative institutions to function as these theorists posit, we must have an ensemble of people who already treat one another as equals, as co-participants, as valuable, and who are willing to engage each other's ideas in order to produce a common product. In other words, we must have a demos. Demotic horses pull democratic carts, not the other way around.

If this is true then democracy cannot be equated with deliberation, even if deliberation is an important aspect of democratic life. The pressing question for all democrats, deliberative or otherwise, becomes: why demos formation? From whence arises the solidaristic values that lead individuals to desire equality, collective action or the betterment of their fellow citizens despite very real differences in background, beliefs, income and so on? Variants of this argument have been made previously in the critical literature on Habermas. Danielle Allen argues that

39. Rousseau (1997: II, 6).

40. Calvert and Warren (2014: 219).

TOWARDS A NEW ECOLOGICAL DEMOCRACY

[the] weak link in [Habermas's] proposed speech techniques is the third rule, that speakers should enter the deliberative forum already mutually well-minded toward one another. If they do so enter, the battle to achieve a reasonable policy outcome is already 75 percent won. The hard part is getting citizens to that point of being mutually well-intentioned.⁴¹

As Patchen Markell indicates, Habermas himself is aware of the fact that, despite their validity, the philosophical ideals of deliberation must be supplemented by some sort of political attachment in order for people to act by them.⁴² For the same reason, Aletta Norval presses deliberative accounts to pay greater attention to the 'formation of democratic subjectivity'.⁴³

Of course, the theorists we are dealing with here are careful thinkers, and they do demonstrate recognition of the problem, lending credence to my argument. At the same time, they do not make this problem central to their theorising. As seen above, Eckersley notes that deliberative forums seem to work best where one already finds mutual understanding, respect, a 'shared culture of critical discourse' and 'solidarity'.⁴⁴ Regarding promoting an ecological world view, Smith asks whether it is realistic to believe in the ability of citizens to show 'the moral courage necessary in cultivating an enlarged mentality', a willingness to think through the interests of humans and non-humans.⁴⁵ At this juncture, certain deliberation theorists turn to the state. Despite his belief in the transformative power of deliberation, Barry admits that deliberation is 'by no means a panacea', and he would use the state to promote a green citizenship and sustainability culture through public education.⁴⁶ Eckersley also leans on a green constitution that would use state power to entrench and promote certain green values. These measures would ensure that citizens going into deliberative institutions possess the correct values, and are willing to put ecological (deliberative) democracy into motion. But, again, we confront the problem of a solution being prescribed to the people, rather than emerging from the people themselves.

In a promising step, theorists have begun to recognise that deliberative institutions rest upon and act within a political culture, a set of values and practices shaping how people conceive the political and their place within it. Dovetailing with the concerns of Michael Neblo et al., that we do not have any firm empirical sense of the prevalence of deliberative values in society, Joe Sass and John Dryzek admit that political culture has been treated

41. Allen (2009: 56).

42. Markell (2000: 50–51).

43. Norval (2007: 12).

44. Eckersley (2003: 126; 2004: 180). See also Gutmann and Thompson (1996: 52–94) on the importance of extant norms of reciprocity.

45. Smith (2003: 76).

46. Barry (1999: 229–232).

as a ‘residual category’ rather than an active component shaping democratic life.⁴⁷ For one, different political cultures bear different ideas regarding the boundaries of legitimate discourse, and some may be more conducive to deliberation as theorised in the literature. More fundamentally, the authors reassert Habermas’s argument that democracy requires a political culture wherein the people actively will their freedom, and are accustomed to putting reason (*qua* dialogue) to that purpose. Marit Böker has recently argued in this vein, proposing that the ‘decisive component of deliberative democracy ... is not some set of institutional specificities, but a certain political culture’.⁴⁸ This culture, she asserts, may be predicated on certain basic rights (such as free speech) but is positively formed through bottom-up popular practices. Only through the popular production of norms conducive to deliberative democracy will the latter form and flourish.

These are salient messages for deliberative democrats and those who would bring deliberation into the heart of ecological democratic theory. It is all too easy to envision technical solutions to democratic problems and not only miss more deeply lying problems (including those of ‘political culture’) but also adopt anti-democratic measures in the name of democratic ends. But this leaves democratic theorists in a difficult position: how do we expect to develop a political culture marked by ‘democratic subjectivity’?⁴⁹ We require a democratic theory that works at the level of the demos, one that sets out to understand how demotic formations are fomented, one that normatively defends demotic activity, and one that would help foster the ‘enlarged’ demos characteristic of ecological democracy. To advance resources towards this goal, I turn next to Sheldon Wolin’s democratic theory, and argue that there is much of value for ecological democrats, including those of the deliberation persuasion, in his account.

A WOLINIAN PERSPECTIVE ON DELIBERATION THEORY AND ECOLOGICAL DEMOCRACY

Wolin advances strikingly different ideas about democracy from those encountered above, and would have us take a lateral shift regarding our understanding of ecological democracy. Whereas deliberative democrats identify democracy with reasoned argumentation within institutional settings with the goal of producing some public good, Wolin’s democratic theory centres on the formation of democratic subjectivity and the transgression of institutional orders. In his theorising, democratic subjectivity is not always present in the population; the people are not always a demos. Instead, demoi form in response

47. Sass and Dryzek (2014: 6).

48. Böker (2017: 36).

49. To put it in Aletta Norval’s terms.

TOWARDS A NEW ECOLOGICAL DEMOCRACY

to the experience of harm, risk or inequality, as well as exclusion from the decision-making channels by which these problems are created, modified and/or eliminated. Demoi operate by protesting their situation and demanding, on behalf of the public, incorporation into the processes by which their lives are shaped. Here institutions are suspect, considered exclusionary by definition. This exclusionary quality creates a contradictory outcome: institutions are frequently what democrats seek to remake, but they are also where democracy goes to die. Demoi work to transgress and replace existing procedures (and the institutions that house them) in the name of greater inclusion and equality, but find that the institutionalisation of their demands leads to the enervation of their movement. This is a vision of politics featuring recurrent democratic episodes, followed by fallow periods of 'normal politics'.

To encapsulate his view, Wolin has given democracy a memorable metaphor, that of the fugitive. The fugitive connotes a contest between one who acts outside and escapes the law, and the law itself, which builds institutions to curtail the possibility of escape and permits actors to catch those who do. In turn, the fugitive (through the very fact that she has escaped, even if temporarily) offers hope to all those who have a grievance against the law and the order it creates. Democrats operate in a fugitive manner as they evade and unsettle constitutional orders, including the laws, institutions, class and value systems undergirding the order. Minimally, democracy is transgressive of such orders, and maximally it is a revolutionary force that overthrows them wholesale. Wolin rightly notes that this conception mirrors that of democracy's historical critics. Rather than deflect, Wolin accepts 'the familiar charges that democracy is inherently unstable, inclined toward anarchy, and identified with revolution'.⁵⁰ Importantly, this is both a conceptual-empirical claim (this is what democracy *is*) and a positive normative position (democracy as such is a good).

But why should anyone be wary of constitutions and the institutionalisation of democracy? For one, Wolin tells us that we operate within constitutional orders produced by men who had a decisively ambivalent position regarding popular power. Those drafting the American constitution, for example, considered popular sovereignty to be the criterion of legitimacy for any modern state, and yet they depicted the people as an agent to be feared and contained.⁵¹ This led them to design institutions that *ostensibly* incorporate the people into government but are primarily given over to 'regulat[ing] the amount of democratic politics that is let in'.⁵² The outcome is a simulacrum of democracy, featuring a system of representation purporting to make officeholders accountable to the people, but which reduces popular participation to elections fixed to a rigid

50. Wolin (2016c: 83).

51. Federalist 10 and 51 are the iconic statements.

52. Wolin (2016c: 102). For more on the paradox in the US context, see Wolin (1990: 8).

schedule and spaced out in time such that the people's will is only infrequently assessed.⁵³

But could not a constitutional framer dedicated to democracy, who firmly believes in the ability of the people to act well and wisely, create institutions that make popular empowerment a reality? Here Wolin gives us a second reason to be doubtful, arguing that institutions themselves are anti-democratic. Why? To participate in institutions one must have the appropriate credentials and be fluent in the rituals, norms and knowledge through which they operate.⁵⁴ In other words, institutions produce barriers that limit the ability of ordinary people to enter and participate. Worse, institutions become progressively more esoteric, accumulating rules and procedures, and thus are in continual flight from the public. Institutions also regulate politics through the application of rules and temporalities. To the regret of many Americans (and, no doubt, people around the world), they must wait some time to get a second chance at determining the fate of the Trump presidency. In sum, because institutionalised politics deny or reduce the ability of the people to engage in politics, democracy almost by definition must act in a fugitive manner – that is, outside the institutional order.⁵⁵

But what inspires and makes possible a demos? In part, the answer has been foreshadowed above: demos formation is a reaction to felt grievances stemming from the exclusion from power, specifically the power to shape collective life, a disempowerment that people experience in their attempts to meet their needs and explore their capacities.⁵⁶ The demos therefore is a body that 'initially gathers its power from outside the system. It begins with the demos constructing/collecting itself from scattered experiences and fusing these into a self-consciousness about common powerlessness and its causes'.⁵⁷ What turns 'scattered experiences' into common understanding, into the realisation of commonalities, is discourse. Through deliberation people unify in order to negate that which excludes them and demand a system that admits them to act collectively. This does not mean that these people unify into a general will, but simply that they recognise an important commonality that unifies them in spite of their differences. They then express this commonality through a will to collective action, seeking to 'take on responsibilities, deliberate about goals and choices, and share in decisions that have broad consequences'.⁵⁸ To sum up crudely, there appear to be two stages to democracy: the initial stage wherein through social intercourse individuals coalesce around a common plight and the desire to express a common will, forming a demos; and a successive stage

53. Wolin (2016c: 103).

54. Wolin (2016e: 82).

55. Wolin (2016c); see also Wolin (2016a).

56. Wolin (2016d: 248).

57. Wolin (2016f: 54).

58. Wolin (2016c: 107).

TOWARDS A NEW ECOLOGICAL DEMOCRACY

where this demos comes to act democratically, using deliberation to make choices about how to live together. Discourse is central to both stages: the critical dialogue that (in)forms their collective consciousness, and the deliberation required to ascertain what their positive ends might be.

But democracy also contains a tragic element: even when successful, it is a momentary phenomenon.⁵⁹ Wolin's is not a vision of permanent revolution, but rather democratic episodes that inevitably result in new institutional regimes. Why is this so? For one, democrats may be necessary to change state operations but they are surplus to the operation of a state itself. The idea of 'citizen-as-actor' and an episodic politics of movements 'is incompatible with the modern choice of the state as the fixed center of political life and the corollary conception of politics as organisational activity aimed at a single, dominating objective, control of the state apparatus'.⁶⁰ Second, because states operate through law, and law requires habits of obedience, democracy in its transgressive capacity undermines the very legal basis of the state.⁶¹ Hence, state leaders – including insurgent democrats who win power within the state – seek to partition, delimit and regularise popular participation in power.⁶²

Finally, there remains another quality of democracy that makes it an ephemeral phenomenon: that of the demos itself. Wolin theorises the demos as a temporary formation, forged by irrevocably different people who suspend their difference momentarily in order to emphasise commonalities in their pursuit of equality and power. 'Commonality is, it needs to be emphasised, fugitive and impermanent. It is difference that is stable. How long differences can remain bracketed depends on how skillfully the politics of similarities is conducted'.⁶³ This politics of similarity is a 'normative aspiration. It expresses a will to share actively in a common experience', rather than an assumed social or political homogeneity.⁶⁴ From these passages it should be clear that the demos in Wolin's vision has little to do with Rousseauan ideas of popular sovereignty. Working in a political moment thoroughly mediated by the recognition of difference, his task is to explain how democracy becomes possible given this difference. And difference in contemporary life seems to be radical to the degree that a demos can only be a temporary actor – that is, fugitive in character.

On reflection, what does Wolin's conception of democracy have to say to ecological democrats and how we theorise ecological democracy? In empirical-analytical terms, Wolin would convert the study of democracy into the study of demotic formation and the work done by demoi. This means inquiry into the phenomenology of inequality and ecological degradation, or the

59. Wolin (2016c: 85, 107–108). See also Xenos (2001).

60. Wolin (2016e: 84).

61. Wolin (2016e: 91).

62. Wolin (1990: 8).

63. Wolin (2016b: 412–413).

64. Wolin (2016b: 413).

affect-laden experience of socio-natural harm and risk that ensues from our social, economic and political systems. It also means investigation into the analytic frames and values found in civil society that are pertinent to green demotic formations, including those through which we make sense of inequality and degraded ecosystems, and the values that provoke specific responses to these conditions.⁶⁵ Furthermore, we must attend in much greater depth and specificity to the politics of similarity by which disparate actors come together and desire collective action.⁶⁶ This also means focusing on the horizontal and vertical networking required to intersect disparate demoi operating in different localities given that forming an ecological democracy requires scalar and trans-boundary politics.⁶⁷ Many of these analytic goals can be advanced by bringing the research and frames created by scholars of environmental justice and social movements into the centre of ecological democratic theory.⁶⁸ Finally, in normative terms Wolin's work suggests that we must place our faith in the ability of ordinary people to coalesce into demoi and demand not only equality but ecology.

I anticipate two objections to this portrayal. First, for certain theorists ecological democracy means more than humans acting upon ecological values and working towards ecological outcomes. The non-human must be made an equal *constituent* of the polity, most commonly envisioned in some sort of representational scheme. By contrast, the portrayal of the demos advanced above seems to sideline the non-human. This may be particularly troublesome for those working within the actor-network theory paradigm, such as Lisa Disch, for whom the non-human is always already a constituent of human societies.⁶⁹ My anthropocentric description of the demos could be considered myopic to the ways in which nature is immanent to our politics. A second objection may also arise: does this portrayal relinquish for political theory and philosophy the responsibility to envision democratic orders? If democracy is founded upon the self-organisation of ordinary people, what role or responsibility do theorists have? It also seems to place an inordinate amount of faith upon the shoulders of ordinary people to do the right thing.

Towards the first objection, I would state that the non-human cannot be a constituent of democracy because democracy requires (a) protest and demand based upon democratic values of inclusivity and equality, and (b) action done by and on behalf of a public. Per this definition, non-humans cannot

65. Important given that values shape whether the experience of harm translates into demands for ecology and democracy, or something different and less desirable.

66. For studies working in this vein, see di Chiro (2008) and Saunders (2008).

67. For an exemplary set of studies focusing on this issue, see Magnusson and Shaw (2002).

68. Here David Schlosberg's work is apposite for it intersects the environmental justice movements and deliberative democracy literatures. See Schlosberg (1999). Sarah Wiebe's recent book works in a similar vein, combining an affective, bottom-up vision of democracy with the study of environmental movement. See Wiebe (2017).

69. Disch (2016).

TOWARDS A NEW ECOLOGICAL DEMOCRACY

strictly speaking be democrats. Ecological democrats already recognise the asymmetry between human and non-human capabilities, which is why they would grant the latter representation within deliberative institutions. But representation is not democracy, no matter how faithful the representative is to the constituent, because democracy involves action done *by* the public and not merely *on behalf of* the public. To the actor–network theorist who would argue that there is no distance between the human and non-human, I would argue that the immanence of nature to the human world does not necessarily have any bearing upon how humans go about organising their politics.⁷⁰ While any polity must be organised in a way that ensures the reproduction of society, it is plausible that there are multiple possible polities that could accomplish this outcome. Democracy is but one response to our ecological underpinnings.

To the second objection, that by making democracy a demotic movement one abdicates on behalf of political thought the responsibility to envision green democratic futures, I would argue that this is true only in part, and there would remain much left to do. It does mean eschewing the lawgiver strategy. Democracy is the product of a particular people responding to harm and disempowerment rather than a set of values or procedures prescribed to a people (who are then expected to profess and embody them). This hits on a core problem of democratic theory, which is given over to the normative ideal of the people-as-actor while, at the same time, the theorist occupies the position of expert (the one who knows and names democracy) and strategist (the one who would shape or direct democratic passions). That said, theorists also have a stake in democratic politics, for they are members of the public. Even ‘law-giving’ theorists may justify their work by claiming (with some justification) to be part of a conversation designed to stir collective action oriented around certain ideals (deliberation) and goals (ecology). As such, an ecological democrat committed to some version of popular sovereignty need not ‘wait until sustainability becomes a generalisable interest’ within the population prior to pushing for ecological democracy.⁷¹ Their scholarly activity may play a part in the formation of a common valuation of sustainability and democracy.

Rather than prioritise institutions and their design, ecological democratic theorists (as theorists, as ecologists, as democrats) could contribute to a greater understanding of that which enables green democracy to erupt, serving to cultivate a green democratic life. In practice, this can mean anything from working to unearth and defend values predicative of democratic movement to focusing on the politics of similarity by which *demoi* coalesce. This is particularly important to ecological democracy given that human and non-human interests have been frequently represented in divergent terms, acting as a solvent

70. Indeed, as Disch puts it, the fact that ‘objects’ have agency and that humans are immersed within and dependent upon the non-human does not have any necessary consequences for politics.

71. Arias-Maldonado (2007: 247).

on political coalitions.⁷² So too have environmental ills been asymmetrically distributed among diverse populations. Hence the formation of a democratic green coalition will by necessity involve the navigation and assimilation of a plural social landscape. Studies of intersectional movements may generate awareness of the power that can be derived from (even temporary) unions.⁷³ This also means working towards the conjunction of ecological and democratic values, for we cannot assume that by plugging people into democratic institutions they will act as ecologists (or, vice versa, that ecological knowledge will spark democratic solidarity).⁷⁴ If ecology is to be paired with democracy it is going to be the result of an active politics wherein those with ecological values find comradeship with democrats, and vice versa. This is an essential task given that we live in a moment wherein democratic values are declining and environmental problems are in the ascendancy.⁷⁵

In addition to building knowledge of democracy and advancing arguments that pair ecological and democratic values, we must bring critical theory back into the centre of our work. Indeed, deliberation theory in its earlier years leaned heavily upon a critique of liberalism; it was, in part, this criticism that made deliberation theory so exciting to so many.⁷⁶ Critical theory not only provides frames by which individuals may connect their grievances, injuries and disempowerment to the socio-natural structures from whence they originate, it also arouses indignation necessary to promote movement. This is particularly important in a neoliberal moment saturated by the discourse of individual responsibility and the naturalness and omnipotence of the market. Not only does neoliberalism sap the public spiritedness required for democratic deliberation, it makes the very idea of citizens using reasoned discourse to solve problems appear woefully inadequate to contemporary problems. In the neoliberal world view, markets, not democrats, are the means of resolving our problems (social, environmental or otherwise). Critical theory must be paired with democratic theory to ensure (a) that harm and grievances are traced back to their structural causes rather than refracted inward to generate guilt, bad conscience and political apathy, and (b) that the liberal ideas and institutions undergirding social inequalities and environmental ‘externalities’ are targeted for critique such that we foment political democratic responses. Here, Wolin’s work is exemplary.⁷⁷ In a twenty-first century marked by ecological and economic crises whose scope exceeds the borders and temporalities of local life, and whose

72. For an excellent recent treatment of this matter, see Loomis (2015).

73. Here I have in mind empirical studies along the lines of di Chiro (2008) and Mayer (2008).

74. Smith (2003: 72); cf. Baber and Bartlett (2005: 115).

75. Foa and Mounk (2017).

76. Admittedly not all deliberation theorists were or are antagonistic towards liberalism. That said, important systematic critiques of liberalism can be found in Dryzek (2000) and Eckersley (2004: 85–138).

77. Particularly so is Wolin (2008).

TOWARDS A NEW ECOLOGICAL DEMOCRACY

sources are diffuse and imbricated in complex ideational-institutional structures, analyses that provide lenses by which people may connect their daily life experiences to something broader are invaluable for sparking the critical consciousness necessary for demos formation.

TOWARDS A NEW ECOLOGICAL DEMOCRACY: GROUNDS FOR AGREEMENT?

In conclusion, should the reader find Wolin's ideas to have some merit, what do environmental political theorists do about the prevailing deliberation-centric conception of ecological democracy? And is there anything here for deliberation theorists? I would argue that there is much more held in common than one might initially suspect. Indeed, when surveying the diverse deliberation literature, I find that various thinkers at various moments express views on democracy that are strikingly consonant with the Wolinian perspective advanced above.

First, there is within EDD theory some awareness of the importance of demotic formations to democracy, and that these formations emerge within the phenomenological context of everyday life. Though it often appears as if EDDs expect 'citizens in a deliberative context [to] spontaneously acquire ecological enlightenment'⁷⁸ and the urge to fight on behalf of their human and non-human fellows, this is not a hard and fast rule. Eckersley, for example, acknowledges that 'local social and ecological attachments provide the basis for sympathetic solidarity with others; they are ontologically prior to any ethical and political struggle for universal environmental justice'.⁷⁹ In other words, it is the lived experience of harm as well as the attachment we have to the people and land around us that undergirds democratic movement. Similarly, Barry claims that ecological democracy is to be found in localised contexts of praxis.⁸⁰ These positions converge with Wolin's, for whom shared experiences of harm and risk are not formal determinants of demotic belonging (as per the all-affected principle) but are practical catalysts that push people to form demoi and act democratically.

Second, and following from the first, EDDs have at times expressed a bottom-up vision of democracy similar to Wolin's. Dryzek has written at length about an 'insurgent democracy', arguing that democracy is 'almost always' a product of activism within civil society rather than something achieved by or within the state.⁸¹ These insurgents are civil society movements, triggered by

78. Arias-Maldonado (2007: 248).

79. Eckersley (2004: 190).

80. Or what he refers to as 'concrete utopianism', with Transition Towns being his exemplar. Barry (2014: 12, 78–116).

81. Dryzek (2000: 113–14).

some exclusion from politics, that work to expand ‘the effective democratic franchise’ by demanding more than ‘formal citizenship rights’.⁸² Similarly, Baber and Bartlett recognise that social movements are ‘important in establishing the essential preconditions for deliberative democracy (i.e. equality, justice) even if they themselves do not always employ public reason’.⁸³ Though they fear the tendency of activists to act as an atomised interest group and therein disrupt the ‘public reason’ necessary for deliberative institutions, they also recognise that civil society activism sets the table for democratic institutions.

Third, Wolin is not a communitarian, nor one who would stress the fixed popular sovereignty of a singular demos. Rather, he emphasises the existence of ephemeral *demoi*.⁸⁴ Like deliberative democrats, Wolin takes pluralism for granted, and understands each demotic formation to be a particular and fleeting instance wherein a diverse people bracket their differences and achieve a commonality so as to act together. Democracy as a whole may be treated as the common form of these diverse struggles for equality, inclusion and effective power. That is to say, democracy is not necessarily the product of a homogeneous community, people or nation, nor must it be oriented towards a single grand project.⁸⁵ Because democracy emerges from the ‘common concerns of ordinary lives’, *demoi* emerge in various places and fight for a variety of causes, including ‘low income housing, worker ownership of factories, better schools, better health care, safer water, and controls over toxic waste disposals’.⁸⁶ Indeed, for Wolin (as with the ecological democrats discussed here) the problem is *scaling*: how to combine disparate local demotic formations into a group sufficient to challenge forces that marshal greater resources and act across larger geographies.⁸⁷

Fourth, while none of the EDDs view the state with nearly the suspicion of Wolin, we do encounter a shared fear vis-à-vis state co-optation of democratic energies. Dryzek has long expressed this concern, and with several co-authors he has produced a study detailing the various ways in which states have worked to incorporate and thereby contain environmental movements.⁸⁸ As Wolin would predict, when environmental movements become institutionalised, participation within them becomes more and more limited to a professional class. State inclusion also turns movements into ‘interest groups’ that are then ex-

82. Dryzek (2000: 85–86).

83. Baber and Bartlett (2005: 200).

84. As evidence, see Wolin (2016b, 2016d).

85. Another way to put this is, contra Dryzek (2010: 49), that the demos need not be by definition singular and bounded by nation and territory. For example, we may very well expect multiple demotic formations within individual states, or demotic formations that extend across state boundaries. If there is a ‘decline of the demos’ it is rather a renunciation of the Rousseauan democratic vision and its pairing with the politics of the nation-state.

86. Wolin (2016c: 112).

87. Wolin (2016c: 112).

88. Dryzek (2000: 81–114); Dryzek et al. (2003: 56–102).

TOWARDS A NEW ECOLOGICAL DEMOCRACY

pected to use conventional political channels in order to affect policy (rather than exerting force through extra-institutional means, such as protest).⁸⁹ The state is not an open field wherein demoi flow in and out according to their own will. Indeed, it is designed to control such flows.

Fifth, though several ecological democrats classify their thought as ‘post-liberal’ rather than wholly antagonistic towards liberalism,⁹⁰ they have worked to disseminate knowledge of the ecological and democratic damage done by unalloyed liberalism, and have worked to restore the legitimacy and desirability of political life. In this they are very much comrades in arms with Wolin, who made the revalorisation of public life and politics his life’s work.

This leads to the sixth convergence: a common faith in the capacities of popular actors vis-à-vis democratic and environmental renewal. Both EDDs and Wolin contest doctrines that emphasise citizen incompetence or apathy.⁹¹ Both emphasise the ability of ordinary people to engage in discourse conducive to democratic ends. And if individualism and political apathy are problems, as deliberative democrats sometimes admit,⁹² then these are not to be treated as natural or immovable qualities of ordinary people but a problem derived from liberal hegemony.⁹³

These six points of convergence suggest the possibility of moving ecological democratic theory in a new direction, one that is much more focused upon popular actors, the politics of similarity that grounds bottom-up movement, the intersecting of multiple demoi and their scaling into effective trans-boundary groups, and the pairing of ecological reason and values with those of democracy. This means tilting our view of democracy away from deliberative institutions and towards the work done in civil society by aspiring democrats, who are by definition *not* about building interest groups but about building publics, a sense of the common, and demanding equity in the distribution and exercise of power. This also means scientific and normative work that would make democracy without ecology unthinkable. All this requires (re)centring the critique of liberalism within ecological democratic theory, particularly its methodological individualism, atomistic ontology and the political ideal of the self-owning individual. It also means contesting the view that the political is to be narrowed to the minimum necessary for the market to function.

To conclude, my claim is not that the ideas here represent a fully fleshed out democratic theory, but rather that they would have ecological democrats rethink some of the fundamentals of their work. Indeed, though Wolin’s work is enormously suggestive, central aspects of his arguments remain under-theorised. For example, we might inquire into the nature of the demos. Just who are

89. Dryzek et al. (2003: 110).

90. Baber and Bartlett (2005: 120); Barry (1999: 220); Eckersley (2004: 138).

91. Dryzek (2010: 158).

92. Sass and Dryzek (2014: 21).

93. Barry (1999: 158).

these ‘ordinary people’ upon whom he places the weight of expectation? And, regarding institutions, does a demos not operate through or build institutions as it coalesces and makes demands? Can we imagine a non-instituted life, even at the most organic local level? In his defence, we might say that Wolin advances a critical theory and regulative ideal of democracy inasmuch as deliberation theorists do. Wolin’s ideas are designed to decentre our dialogue on democracy (in particular, to throw into sharp relief the anti-democratic constitution and operations of the US state), and provoke us to consider democracy in a more radical or ‘faithful’ light.⁹⁴ Here we might extrapolate from his ideas and posit that if social life is instituted by definition, then movements are democratic when their institutions are conceived and manned by ordinary persons working within and for the collective – that is, those who have committed themselves to the politics of similarity, as defined above. These ordinary people are not just persons lacking surplus possession of economic, political or social capital, they are also committed to the inclusion and empowerment of all citizens. In this sense, ‘ordinary’ is not just a descriptor (of, admittedly, a difficult to define group) but a normative commitment.

Aspects of EDD violate Wolin’s theory (*qua* regulative ideal), specifically the way in which democratic institutions are prescribed for the people rather than emanating from their own work, and the way in which the state is treated as an ecological ‘backstop’ imposing green values upon a people that may not authentically or organically develop and hold them. Increasingly, there are signs that EDDs are aware of these tensions. What remains ahead is a mode of theorising that eclipses them, seeing institutions and the state as ambivalent outcomes rather than as vehicles for ecological democracy, and a renewed emphasis on empirical and normative work targeting those elusive ordinary people and their politics.

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94. Wolin (1990).

TOWARDS A NEW ECOLOGICAL DEMOCRACY

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