

Critical Dialogue

Engaging the Everyday: Environmental Social Criticism and the Resonance Dilemma. By John M. Meyer.
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— Walter F. Baber, *California State University, Long Beach*
— Robert V. Bartlett, *University of Vermont*

For how long now have environmentalists been exhorted to think globally and act locally? Various attributed to David Brower, Rene Dubos, Harlan Cleveland, and Jacques Ellul, this catch phrase has rung in the ears of several generations of friends of the earth. But has the time come for it to be flipped on its head? Might there be something to be gained from thinking locally and (perhaps later) acting globally? John Meyer suggests unmistakably that the answer is “yes.” By casting effective environmentalism as an act of social criticism that is concrete in character and pragmatic in its orientation, Meyer sustains an argument that “theoretical insight can best be generated by attending to material practice and lived experience and that theories and ideologies formulated apart from these are more likely to lead us astray than to illuminate contemporary challenges” (p. 167).

Meyer focuses our attention on what is arguably environmentalism’s central dilemma. As a form of social criticism (or political dissent), environmentalism draws our attention to challenges at once so vast and so integral to our continued survival as a species that policy solutions of appropriate scope and ambition fail to resonate with average citizens because those solutions seem so grandiose and distant. Characterized by the author as the *resonance dilemma*, this paradoxical position that environmentalists find themselves in results from putting the cart of principle before the horse of pragmatism—from trying to inspire local action based upon global thinking. It flies in the face of one of the most commonly observed characteristics of human beings—that when confronted with confounding circumstances, people tend to engage in concrete problem solving first and wrap their solutions in “reasons” only later (if at all). To put it succinctly, “seeing-that” comes more easily to people than does “reasoning-why” (Jonathan Haidt, *The Righteous Mind*, 2012, pp. 48–52).

Engaging the Everyday has two parts. In three chapters following the introduction, Meyer presents his larger theoretical argument that neither liberalism nor any other

political ideology can ever adequately encapsulate contemporary society and that a new materialism can provide a constructive way of overcoming both the sterile duality of objective materialism and subjective values and the fruitless but still widely presumed private—public dichotomy.

In the three chapters of the second part, Meyer demonstrates the benefits of thinking locally (that is, materially and concretely) by focusing our attention on what he takes to be three particularly important environmental “problems” and theorizing about them from the inside out. Starting with an account of what the problems are as lived human experiences and theorizing his way out from that center to an understanding of these problems as environmental challenges and (ultimately) topics for environmental social criticism, he shows what environmentalism would look like if it were grounded firmly in local thinking rather than global ambition. His discussions of land and our ideas about property, automobiles and our experience of freedom, and household practices and our sense of place show how the environmentally conscious political theorist can live as an “engaged social critic,” sacrificing neither the analytical advantages of distance nor the relational advantages of the active participant in the public sphere (p. 7).

Moreover, Meyer’s contestation of the material practices of everyday life does not leave us with (only) a manifesto for personal improvement. The author addresses the resonance dilemma by vividly demonstrating both how our private lives and behavior partake of the public and political and how our practical cares have embedded within them theoretical concerns. For instance, across a wide range of concrete experiences it can be shown quite clearly that “private property ownership was never absolute, because even in principle it is never possible to disembed it from all social and ecological relations” (p. 112). Further, an honest recognition of the value to individuals of “automobility”—in terms of personal identity, control over one’s life, satisfaction of market preferences, and increased potential for human flourishing (pp. 123–28)—does not foreclose to the engaged social critic the arguments for changes in our transportation practices that are grounded precisely in those very same values. And, finally, politicizing the material practices of our home lives (from the practitioner perspective rather than as an outsider) allows us to see the household as both

a primary space for private pro-environmental action and as a site of materiality that “shapes, constrains, and enables the participation and citizenship of household members” (p. 165).

The book is a critique of the style of environmentalism (and a style of social science) that proceeds *from* a theoretical or ideological perspective *toward* an interpretation of the world. Instead, Meyer advocates (and demonstrates) a form of environmental criticism that begins with sociological (perhaps even anthropological) observation on the basis of which the critic builds an interpretation of human action. This ground-level understanding of the material interests that are implicated in environmental concerns provides a basis for learning from doing. It can usefully be compared with the work of Elinor Ostrom on the governance of common-pool resources (*Governing the Commons*, 1990; *Understanding Institutional Diversity*, 2005). Her examination of self-organizing and self-sustaining regimes for the management of such resources as irrigation systems and fisheries warrant a number of hopeful (if always contingent) conclusions: that local communities are capable of managing their environmental resources in cooperative ways, that those management systems are capable of sustained performance through ongoing adaptation, and that socially embedded systems of governance regularly outperform systems imposed on communities from the outside (or from above). While not presented as a form of social critique, Ostrom’s body of work is very much in keeping with Meyer’s insight that the materiality of lived human experience is central to the task of crafting effective rules for both individual and collective behavior with environmental impacts.

There is implicit in both Meyer’s book and in the work of Ostrom a concept of “subsidiarity” that is of increasing importance in environmental governance—particularly as we turn our attention to the need to act globally. Although the concept of subsidiarity has played a key role in the development of the European Union, the term itself is still somewhat unfamiliar outside of that context. Implying no more than that “decisions are to be taken as closely as possible to the citizen,” the principle of subsidiarity reinforces “the basic axiom of global governance through government networks,” both within national institutional structures and “at the local or provincial level” insofar as possible (Anne-Marie Slaughter, *A New World Order*, 2004, p. 256). But a cautionary note is in order. Although subsidiarity is central to the EU experience (and its associated scholarship), it is often “difficult to define objectively what an international issue is,” as a result of which “all problem definitions and solutions can be scaled up to the EU level” (Joyeeta Gupta, “Global Change: Analyzing Scale and Scaling in Environmental Governance,” in Oran Young, Leslie A. King, and Heike Schroeder, eds., *Institutions and Environmental Change*, 2008, p. 249). In light of the fact that the effects of

globalization have made it difficult to isolate even the smallest of issues from decisions taken elsewhere, some have concluded that subsidiarity is no longer a workable principle of governance but is, rather, “an illusory panacea offered to local and national governments in return for loss of sovereignty” (p. 256).

Yet when practical challenges have confronted other principles of decentralization and devolution, rarely have we resorted to throwing out the baby with the bath water, and there is no reason to think it is necessary here. A useful illustration of a pragmatic approach to this sort of problem can be drawn from the American experience with the delegation of adjudicatory and rulemaking authority by legislators to administrative agencies. American legal scholars have long since had to recognize that “justice to individual parties is administered more outside the courts than in them,” generally in the form of “discretionary determinations” by government officials who have never been elected and are, as a practical matter, beyond the supervision of officials who are subject to discipline by the voters (Kenneth Culp Davis, *Discretionary Justice*, 1969, p. 215).

A large part of the answer to this conundrum has been the doctrine of “intelligible standards” (Laurence Tribe, *American Constitutional Law*, 1988, p. 364). Under this doctrine, legislative delegation is constitutionally permissible where “legislative policies and standards guiding the agency are at least roughly understandable,” at least to the extent that the means chosen by the administrative actor can be subjected to judicial review. This arrangement, though far from perfect, recognizes that attempting to eliminate discretionary power would both “paralyze government processes” and “stifle individualized justice” (*Discretionary Justice*, p. 217). Internationally, however, implementing this kind of fix to the concept of subsidiarity presents special problems due to the well-known deficiencies of international legislatures—especially in comparison with the relatively more robust capacity of international governmental organizations (*A New World Order*). From what place will come the intelligible standards that make the delegation involved in subsidiarity if not from fully empowered international legislatures? Meyer’s engagement with the everyday offers us a place to start.

If more environmentalists and political theorists take Meyer’s advice and attend to the ways that real people accommodate themselves to the demands of environmental protection in the materiality of their daily lives, they may find that there are broadly discernable patterns in what people regard as reasonable and obligatory and that these patterns offer fertile grounds for the cultivation of political theory capable of informing social choice and action. Ostrom and her colleagues discovered just such general patterns in the ways that local regimes of natural resource management are organized and sustained by people who depend on common-pool resources like

fisheries, irrigation systems, and grazing ranges. Our own research (*Global Democracy and Sustainable Jurisprudence*, 2009; *Consensus and Global Environmental Governance*, 2015) is founded on assumptions similar to Meyer's central argument, namely, that human beings, confronted with even a fairly complex (but concretely and materially characterized) problem of international environmental protection, will be able to arrive at a basic normative consensus that can inform identification and choice from among a limited range of policy options, with these choices then presenting intelligible patterns that can serve as the standards for decisions of transnational environmental governance.

Meyer suggests that the dilemmas of resonance, collective choice, and democratic legitimacy may be well within our capacity to address. The secret, hidden in plain sight, is to tether our theorizing to the materiality of our own existence. When we do, we stand to gain the critical and analytical advantages that can be drawn only from that deep and diverse well of lived human experience.

Response to Walter F. Baber and Robert V. Bartlett's Review of *Engaging the Everyday: Environmental Social Criticism and the Resonance Dilemma*

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— John M. Meyer, *Humboldt State University*

It is a pleasure to read Frank Baber and Robert Bartlett's review. I have little to add, and nothing to contest, with regard to their summary of my book's central themes. They provide a succinct account of my pragmatic theoretical argument in the first half of the book and of my engagement with material practices and political values in the second half. I was also intrigued by some of the parallels they draw—which I had not considered before—between my approach to social criticism and Elinor Ostrom's important work on the governance of the commons. Finally, I have discovered that a hazard of writing about everyday life is, as they note, that it can be misread as a narrow “manifesto for personal improvement.” Thus, I especially appreciate their emphasis upon the larger political implications and ambitions of *Engaging the Everyday*.

One aim in writing the book had been to do so in a manner that reflected the underlying argument: to “do” political theory in a style that is engaging and accessible. Yet, in reading Baber and Bartlett's review, I found several turns of phrase and ways of presenting my own argument that I wished I had written. Foremost among these is their observation that my approach stands on its head the familiar environmentalist admonition to “think globally,” and that in fact my discussion of everyday material practices could be properly understood as a call to “think locally.”

Rather than parochialism, I aim to present this “local thinking” as a means of critically engaging with, and hopefully motivating action upon, the massive challenges of environmental sustainability that we face. There seems to me no other viable basis for resonant social criticism. And while the book is no doubt ambitious, in this sense my project is actually quite limited: I aim to justify and explore ways to *think*, and to *talk*, differently about these challenges.

In the later part of their review, by contrast, Baber and Bartlett are interested in finding consensual norms for international policymaking and intelligible standards by which to identify the appropriate level of decision-making. These themes are central to their own book and I am pleased if mine contributes to their thinking in this regard. But it is not something I address. Moreover, I am wary of the direction in which they take my analysis here. In their account, the role for the theorist is to discern patterns in public attitudes; this might be read as positioning the theorist to *speak on behalf of* this public. My vision of political theory as social criticism, instead, emphasizes respect for public attitudes and values as a foundation for developing resonant ways of *speaking with* these publics. Ultimately, determining the appropriate level or fora for decision-making is beyond the scope of my project. In this sense, while I believe it is imperative to “think locally,” it remains contingent whether or when we should “act globally.”

Consensus and Global Environmental Governance: Deliberative Democracy in Nature's Regime

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— John M. Meyer, *Humboldt State University*

In this book, Walter F. Baber and Robert V. Bartlett continue to develop a project that emerged in two previous coauthored books: *Deliberative Environmental Politics* (2005) and *Global Democracy and Sustainable Jurisprudence* (2009). The book offers a clear vision of the constructive role that the authors believe could be played by deliberative citizen juries in the development of international environmental law, and so of the institutions of global environmental governance. While the argument is focused upon environmental governance, in its form and structure it is more widely applicable to international law in general. The book offers a nuanced but full-throated defense of deliberation and consensus among citizens both as values and as techniques for effective global governance.

The basic premise is this: International law—in general and as the basis for environmental governance—suffers by comparison with the laws of nation-states, and in particular, by comparison to the common law foundation for

many legal systems (the authors make a case that this foundation can be found in continental systems as well as Anglo-American ones), in that there are relatively few documents or decisions upon which international legal principles are established, and there is no adherence to precedent in their formulation. International law also suffers a lack of legitimacy in that those documents and decisions that do exist reflect the agreements of nation-states rather than the views of citizens themselves. Importantly, the authors argue that the lack of legitimacy of existing international law is a more significant weakness than the more widely noted dilemma of a lack of coercive enforcement mechanisms (p. xii).

Legitimacy is not “merely” a normative concern for Baber and Bartlett. The efficacy of the law is also at stake. That is, to be effective, citizens must widely perceive it as legitimate. To be legitimate, it must be “grounded in widely shared social understandings . . . and internalized (or at least capable of being internalized) by those who participate in its adoption and implementation. It must, in short, be deliberative” (p. 9). This conclusion leads the authors to a mildly contrarian view of recent climate accords. For example, many have been dismissive of the seemingly weak and voluntaristic outcomes to emerge from the Copenhagen (2009) and Cancun (2010) climate conferences, contrasting them with the enforcement mechanisms of a protocol such as that negotiated in Kyoto (1997). Yet Baber and Bartlett argue convincingly that “public support for whatever preventative measures are developed will be vital, but ultimately unavailable, if the policy process has been nondemocratic.” To the degree that these more recent conferences “establish a bottom-up process,” even if noncompliance is not subject to international sanction, the authors maintain that they hold greater potential for overcoming the democratic deficit common to such negotiations and so for actually achieving emission reductions (p. 41).

The authors’ primary aim, however, is not to encourage voluntary accords. Instead, they propose a highly ambitious new foundation for international law: one founded upon widespread iterations of citizen juries that will deliberate upon hypothetical yet realistic disputes faced in the course of global environmental governance. These juries will be convened in diverse locales around the world and will be structured to ensure their members’ representativeness. Significantly, Baber and Bartlett anticipate that individual juries will generally be able to reach consensus *and* that there will be enough consistency in the outcomes of such juries across cultures that these can be aggregated and restated in the form of consensual juristic principles (in a process analogous to the American Law Institute’s restatements of general principles of common law in the United States; see pp. 123–24), which will thereby provide a more legitimate and democratic basis for global governance.

Of course, attention to deliberative democracy is hardly new to discussions of environmental thinking. In

addition to the authors’ own previous books, John Dryzek’s body of work on the subject is particularly noteworthy; Graham Smith’s (2003) *Deliberative Democracy and the Environment* also provides a valuable if now somewhat dated overview. Many deliberative democratic theorists and proponents of minipublics such as citizen juries aim to identify policy outcomes through a deliberative process. Alternately, many other scholars and activists have focused upon local stakeholder partnerships—at the local or regional level—that seek to develop a consensus on the implementation of an environmental regulatory regime. Yet in this book, Baber and Bartlett emphasize a different role for deliberative assemblies: that of developing a “normative consensus” upon general legal principles (p. 14).

A book this ambitious in both its theoretical and practical objectives can hardly avoid being subject to critique. Yet the authors do an admirable job of anticipating many likely questions, concerns, and criticisms and offering both judicious presentation of these views and a careful consideration and response. This is most evident in their effort to address criticisms of their quest for consensus through deliberation, raised by agonistic democratic theorists and others who place cultural diversity at the center of their analysis. While these critics may not find Baber and Bartlett to be convincing, they will find a serious effort to engage—indeed, to find consensus.

In the end, it is consensus—the first word in their book’s title—that is central to both its ambition and its limitations. More than any other political concept, this book rests upon the authors’ understanding of consensus. While they often defend consensus as an outcome of deliberation against its critics, as I have just described, there is a key area where reliance upon the concept is crucial yet underdeveloped, and where an engagement with critics is less evident. To see this requires attention to the significant difference between 1) the pursuit of a consensus *among* the members of a small deliberative group (such as a citizen jury) and 2) the identification of what we might call a “meta-consensus” *across* a great many such groups. This difference often seems elided in the book.

With regard to the first sort of consensus, the authors conclude that “citizen juries composed of diverse individuals nonetheless can converge on a limited set of solutions to concrete (but hypothetical) disputes” (p. 172). Here, their case makes use of research on small-group deliberation to argue for the feasibility (under properly controlled conditions) of noncoercive consensus among the members of a deliberative group. Here, the authors devote less attention to the question of how this small group consensus will be perceived by the larger population from which the group was selected, but which has not deliberated. Yet perhaps more urgently, they need to make

a case for the achievement of the second sort of (meta-) consensus in which “differently situated people in different parts of the world resolve the same dispute in similar ways” (p. 174). By definition, this meta-consensus cannot be a product of deliberation; Baber and Bartlett imagine it instead as the product of expert distillation of juristic principles embedded within the many iterations of small-group deliberation (as noted, pp. 123–24). Yet no findings are offered to support the existence—or even the likelihood—of such a global meta-consensus on normative principles for environmental governance. While it is crucial to the book’s ambitions, it remains only a hypothesis throughout.

My reading of the earlier chapters of *Consensus and Global Environmental Governance* led me to anticipate that the authors would present the reader with findings to support this hypothesis. In an appendix, they do state that they have conducted “twelve experimental trials,” in the United States and four European countries, of the sort of deliberative panel they recommend (p. 203). Yet they are explicit, there, in emphasizing that their trials were preliminary and results cannot be generalized to the populations of these countries, to say nothing of the global population (p. 205). Their caution here is reflected in the absence of discussion of these trials in the main body of the book.

There is an odd sense, then, in which the later chapters are written as though evidence of a meta-consensus exists and has been presented in the book, when it has not. The final chapter (10), in particular, offers a wide-ranging set of speculations about the bases for a meta-consensus upon normative juristic principles across citizen juries. Yet in casting for explanations that would allow us to make sense of findings that have been posited but not provided, the authors get well ahead of their project.

Perhaps Baber and Bartlett will coauthor another book in this series that will provide such support for their ambitious proposal. In the meantime, they have offered a sophisticated vision that promises to address some important challenges facing global environmental governance. While I have argued that much more is needed in order to convince a reader that the vision is plausible, to say nothing of being feasible, this remains a significant contribution for one book.

Response to John M. Meyer’s review of *Consensus and Global Environmental Governance: Deliberative Democracy in Nature’s Regime*

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— Walter F. Baber and Robert V. Bartlett

We are grateful to John Meyer for his thoughtful and thought provoking review of our recent book. His essay shows admirably the wide-ranging agreement of our

analysis and his. It also reveals a point upon which we may disagree, though only time and continued discussion can tell for sure. Specifically, Meyer doubts that a meta-consensus, in which differently situated persons in different parts of the world resolve environmental disputes in similar ways, can be produced by democratic deliberation. We, on the other hand, suggest that no imaginable set of circumstances not involving deliberation is likely to result in such a meta-consensus. To understand how we and Meyer appear to be divided on this point, and yet might not really disagree at all, requires that the notion of a meta-consensus be unpacked a bit.

Dryzek and Niemeyer (2006) distinguish three varieties of meta-consensus—the normative, the epistemic, and preference meta-consensus. The research methodology we propose asks groups of experimental subjects to arrive at a *normative* consensus, involving a decision about which two or more nation-states should prevail in a concrete but hypothetical international dispute. This deliberative task is facilitated by imposition of an *epistemic* meta-consensus upon these panels or “juries,” in the form of stipulated facts of the case that largely preclude empirical arguments. The result that is emerging from a still-small number of these experimental trials is an increasingly clear *preference* meta-consensus—a collective judgment about the range of permissible outcomes. Our ultimate suggestion is that a sufficient number of these “rulings” could be subjected to a process of *restatement* similar to that employed by the American Law Institute in aggregating and analyzing thousands of rulings in a variety of fields of litigation. It is the absence of evidence of the existence, or likelihood, of this final step that concerns Meyer about our book.

The obvious response to this concern is that doing this requires both another book and a far larger number of experimental trials. As true as that is, it still could not produce evidence of the existence of or the likelihood of emergence of a meta-consensus. We disagree with Meyer’s claim that “by definition, this meta-consensus cannot be a product of deliberation.” True, we imagine an expert distillation of juristic principles to be the next step, but that distillation must itself be the result of the efforts of many experts from a diversity of cultures and places who arrive at a consensus by *deliberation*. More important, such a consensus distillation must be anticipatorily constrained inasmuch as it must have the potential to be accepted by the international political and legal system either in nation-state-ratified agreements or in customary law—just as in the U.S., restatements are merely persuasive authority in American courts and legislatures until they become operational by being ratified in legislative statutes and court opinions. In the international system, this acceptance can only happen by nearly unanimous consent. Our objective as merely two academic researchers could never be that we ourselves will create some part of a *Restatement*

of the International Law of the Environment; even if that were our objective, the restatement we produced could be neither evidence of a meta-consensus nor more than the first small step down the path toward one. Our objective instead has been to develop and assess the potential of an analytical tool that *can* (not *must* or *will* or even *should!*) facilitate the development of a meta-consensus if that job is taken up more widely. Analyzing and assessing the broader context for the possible achievement of any environmental governance meta-consensus, however partial, will be the objective of our next book. All actors engaged in environmental governance need to better understand the nature of *agency* in the international arena, the demands to achieve

adaptiveness in environmental protection, various obligations regarding *access* to and *allocation* of environmental goods, mechanisms to assure *accountability* for actions, and the *architecture* of the system of governance as it evolves. It will of necessity require them and us to engage the everyday concerns posed by the materiality of human existence. We look forward to meeting John Meyer again along the path that we shall be traveling.

Reference

Dryzek, John S. and Simon Niemeyer. 2006. "Reconciling Pluralism and Consensus as Political Ideals." *American Journal of Political Science* 50(3): 634–49.