

2006

Freedom and Rights

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Recommended Citation

Dagger, Richard. "Freedom and Rights." In *Political Theory and the Ecological Challenge*, edited by Andrew Dobson and Robyn Eckersley, 200-15. New York: Cambridge University Press, 2006.

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12 Freedom and rights

Richard Dagger

‘[T]hat ill deserves the Name of confinement that hedges us in only from Bogs and Precipices.’ These words, from §57 of John Locke’s *Second Treatise of Government*, have long posed a challenge to those who hold that a firm commitment to negative liberty – that is, to liberty understood as the absence of interference, impediment or restraint – is one of the defining features of liberalism. To be sure, Locke goes on to acknowledge that ‘*Liberty* is to be free from restraint and violence from others’; but this liberty, he insists, ‘cannot be, where there is no law’ (Locke 1965 [1689–90]: 348). The challenge, then, is to show either that Locke is wrong, because the laws and hedges that keep us from falling into bogs or over precipices really do deprive us of liberty, or that he is not the arch-liberal he is so often taken to be.

Locke’s words also pose a second challenge, however, one which is more pertinent to the concerns of the present volume. To put it simply, does Locke give bogs and precipices their due? Is it not possible that bogs and precipices, as parts of nature, have interests and perhaps even rights of their own – rights that require the hedging in or confining of human beings, not so that we may live freely, but so that bogs and precipices may? Or might it not be possible that we diminish our own freedom or violate somebody’s rights when we drain a bog or turn a precipice into a gentle slope? Questions of this sort could hardly have occurred to Locke and his contemporaries, but they are inescapable in our time of ecological challenge.

What follows, then, is an attempt to rethink freedom and rights in the light of this ecological challenge. This attempt, I should note, will proceed largely within the liberal tradition, at least if liberalism is understood as a theory that has much in common with civic republicanism (see Dobson’s chapter in this book). I proceed in this way for two reasons. First, liberalism in one form or another now seems to be

For their comments, discussion, and assistance, I am grateful to Terence Ball, Mark Brown, Angela Grimwood, Elizabeth Willott, and the editors.

the dominant position among political theorists, and a book of this sort will have to speak to liberal concerns if it is to have any practical effect. Within political theory, moreover, the most influential analyses of the concepts of freedom and rights have been the work of liberal philosophers. If we are to consider how political theorists should conceive of rights and freedom in the light of the ecological challenge, we shall have to attend to these analyses.

Liberalism, of course, is quite a capacious theory, with room for liberals to debate quite vigorously among themselves, as well as with others, the meaning and significance of freedom, rights and other concepts. It is also capacious enough to allow for a rethinking of these concepts at a time of pressing environmental problems. Such a rethinking, I shall argue, should lead us to conceive of freedom and rights less as barriers or shields that protect individuals against interference – as forms of *independence* – and more as matters of organic growth and connection, or *interdependence*. Indeed, we must conceive of freedom and rights in this organic, interdependent way if we are to respond adequately to the ecological challenge. If Garrett Hardin is right, we shall have to rely upon ‘mutual coercion, mutually agreed upon’ if we are to avoid environmental tragedy (Hardin 1968). But it will be easier to agree to this mutual coercion if we see our rights not as inviolable barriers against others but as forms of relations that entail responsibilities to others. I shall argue, therefore, for a move away from the negative conceptions of rights and freedom and toward an understanding that relates both concepts to autonomy. If this seems to be a self-defeating leap from one negative, atomistic way of thinking to another, I can only ask the reader to bear with me until I explain what I mean by ‘autonomy’.

The nature of freedom and rights

Philosophers frequently frame their discussions of rights and freedom in terms of the negative/positive distinction. In the case of liberty, Thomas Hobbes and Jeremy Bentham are two of the most influential to conceive of it negatively – that is, as the *absence* of impediment or restraint. T. H. Green later argued that freedom, ‘rightly understood’, is ‘a positive power or capacity of doing or enjoying something worth doing or enjoying ... in common with others’ (Green 1991 [1880]: 21). But Green’s notion of positive liberty includes an evaluative element that strikes many scholars as misplaced. Can’t we be just as free, they ask, when we do or enjoy something that is not especially worthwhile as when we do or enjoy something that is? For that matter, can’t we freely do something reprehensible or vicious? These objections may not be

altogether fair to Green, whose concern was not so much with whether individuals act freely when they do this or that as with ‘the ideal of true freedom’, understood as ‘the maximum of power for all members of human society to make the best of themselves’ (Green 1991 [1880]: 23). But this emphasis on ‘true freedom’ as making the best of oneself only heightens the problems of positive liberty, according to a line of argument made famous by Isaiah Berlin’s ‘Two Concepts of Liberty’.

Positive freedom is a worrisome notion, Berlin charges, partly because it confuses freedom with ability – ‘[m]ere incapacity to attain a goal is not lack of political freedom’ (Berlin 1969: 122) – but even more because of its implicit reliance on a distinction between two selves: the lower or empirical self and the true, real or higher self with which it is often at odds. Once we draw this distinction, Berlin says, we are

in a position to ignore the actual wishes of men or societies, to bully, oppress, torture them in the name, and on behalf, of their ‘real’ selves, in the secure knowledge that whatever is the true goal of man (happiness, performance of duty, wisdom, a just society, self-fulfilment) must be identical with his freedom – the free choice of his ‘true’, albeit often submerged and inarticulate, self. (Berlin 1969: 133)

Thus does positive liberty open the door to tyranny. Better, then, to cleave to the negative conception of liberty as, in Berlin’s terms, the absence of interference.

Reinforcing this view is the tendency to draw a distinction between negative and positive rights. In this case the distinction rests on the understanding of rights as valid claims that impose correlative duties or responsibilities on the part of others. There is some controversy on this point, but there is also general agreement that the kind of right with which we are most often concerned in moral, political and legal philosophy is the *claim-right*, and claim-rights – for example, the rights you acquire when I sign a contract to work for you – entail correlative duties. A negative right thus is one that imposes only a duty of non-interference on others, such as the right to speak freely, whereas a positive right requires someone’s active assistance or compliance, as in the putative right to medical care. As ‘putative’ here suggests, scholars and jurists often assume that negative rights are the principal or primary form of rights – the real rights, as it were – because they protect the individual from interference and thereby preserve his or her liberty. Negative rights are thus conceptual kin to negative liberty.

In neither case, however, is the negative view of rights or liberty entirely persuasive. With regard to rights, the distinction between negative and positive proves to be difficult, at best, to sustain (Shue 1980: 35–64).

Negative rights supposedly require only forbearance on the part of those who may be tempted to interfere with us, as in the case of the person who has no duty to hear me out but does have a duty *not* to shut me up when I exercise my right to free speech. Yet many supposedly negative rights make no sense unless there is a system of social co-operation and supporting institutions that demand more than merely leaving one another alone. Your right to vote, for example, imposes a duty of non-interference on others, but it also requires them to support the registrar's office, the board of election commissioners, and other institutions that make voting possible (Waldron 1993: 580). If we are to be reasonably secure in the enjoyment of our supposedly negative rights, moreover, we must be able to rely on the police, the courts, the county recorder's office and other instruments of the legal system, all of which impose more costs on others than the cost of mere forbearance (Holmes and Sunstein 1999).

The difficulty here is especially evident if we consider rights that are linked to the physical environment. At first glance, someone who claims a right to experience wilderness or to enjoy a healthy environment is claiming a negative right. That is, she is telling us not that we should provide her with an all-expense-paid trip to the nearest wilderness or healthy environment, but that we should not interfere with her experience or enjoyment of them. The problem, however, is that one cannot experience wilderness or enjoy a healthy environment when these things are not available, and their continued existence, or restoration, requires more than non-interference on the part of others; it requires at least that we impose rules that restrict access and use lest there be no wilderness left to experience. If we want to make a case for environmental rights of this sort, then we are necessarily making a case for the active assistance and compliance, as well as forbearance, of other persons.

A similar problem arises with regard to negative liberty. There is little dispute that freedom is in part a matter of being free from impediment or restraint, but Locke and others have supplied ample reason to think that there is more to freedom than that. According to one well-known analysis, freedom is always a matter of some agent's being *free from* some obstacle in order to be *free to* do something (MacCallum 1967), and Charles Taylor and others have gone on to argue that what one is free to do is at least as important as what one is free from. Taylor's striking contrast between London and Tirana, the capital of communist Albania in the 1970s, illustrates the difference between freedom as an *opportunity*-concept and an *exercise*-concept. Religion had been abolished in Albania, Taylor observes, but 'there are probably far fewer traffic lights per head in Tirana than in London', where people are free

to worship in public places even if only a minority do so. As the ‘number of acts restricted by traffic lights must be greater than that restricted by a ban on public religious practice’, it follows that the residents of Tirana are less restricted, and have more opportunities to move through town, than Londoners (Taylor 1979: 183). Yet few people would conclude that Tirana’s residents are therefore freer than Londoners. All opportunities are not equal. Once this is admitted, however, it becomes necessary to find some way of discriminating between important and insignificant opportunities, which is to say that evaluative judgements about what is worth doing or enjoying cannot be divorced from assessments of freedom in the way that advocates of negative liberty have claimed. On Taylor’s account, these judgements implicitly appeal to the positive conception of freedom as ‘the exercising of control over one’s life’ – hence, freedom as an exercise-concept (Taylor 1979: 177).

Philip Pettit has recently employed a related distinction between *option-freedom* and *agency-freedom* as part of his argument for the ‘republican’ conception of freedom as non-domination. When we speak of freedom, he says, we sometimes have in mind how plentiful or scarce someone’s options are; the more choices available to someone, the freer she is. In other cases, though, we have the person’s status as a ‘free agent’ in mind – as someone who does not have ‘to depend on the grace or mercy of others, being able to do one’s own thing without asking their leave or permission’ (Pettit 2003: 394). That is why we regard a non-arbitrary law that deprives us of some options as something very different from criminal interference that has the same effect. Pettit does not refer to §57 of Locke’s *Second Treatise* in this context, but he could well have done so when he explains how a law may at the same time be ‘inimical to one variety of freedom while being friendly to the other’ (Pettit 2003: 398). Other things being equal, of course, we will want to have as much option-freedom as possible while maintaining our agency-freedom. What we should not want, according to Pettit, is to extend our option-freedom if it means sacrificing our status as free agents. We should also be wary, to give a green cast to Pettit’s argument, of extending the option-freedom of people today in ways that threaten the sustainability of the environment and reduce the options – and perhaps even the agency – of future generations (Holland 1999; Norton 1999).

To be a free agent, for Pettit, is to be free from domination. That is why he regards republican freedom as a form of negative liberty – as the *absence* of domination. Like Taylor, however, he clearly believes that freedom is more than the absence of interference, impediment or restraint. To hold the status of free agent is to be recognised as someone

who is capable of acting and of taking responsibility for those actions.¹ But as 'status' and 'recognised' imply, one cannot be a free agent entirely on one's own. Others must see and treat me as a free agent, and laws, police and courts are necessary to protect me against those who would not. Nor do my options always increase when others simply leave me alone, for their indifference or distance will deprive me of the opportunity to do all of those things, such as the tango, that require two or more people. As with negative rights, in sum, so with negative liberty: attempts to protect our independence against interference founder on our inescapable *interdependence*.

The freedom and rights of nature

But what has this to do with bogs and precipices? Do they, or other parts of nature, or nature as a whole, have rights -- negative, positive or otherwise -- that impose duties on human beings? Should they be free from our interference, or liberated from our domination, to go their own way? Or does it make no sense to speak of bogs, precipices and other parts of non-human nature as free agents with rights against us? These are much-discussed questions, and I cannot hope to rehearse the debates adequately here, much less resolve them. Nevertheless, I shall state my position -- one that is nearer to social than to deep ecology -- and sketch my reasons for taking it.

With regard to the possible freedom of nature or its elements, there are two reasons for resisting this way of thinking that seem to me decisive. The first has to do with agency and the second with what Christopher Stone has called the 'ontological problem' (Stone 1974: 34 and *passim*). Agency is an important consideration because, following Pettit and Taylor, there is more to freedom than having options or being free from impediments. If we ask whether nature is capable of freedom, the answer should begin by noting not only that 'nature' is notoriously *difficult to define*, but that it seems to fall into three broad categories. At one extreme are those natural objects and animals to which we cannot reasonably attribute free action; at the other are human beings, who typically have the potential for agency. In the middle category are those animals that give enough evidence of preferring and choosing to warrant the belief that they act freely, in Pettit's sense of option-freedom, but not that they are agents. Thus we speak of lions being 'born free' or of deer 'ranging freely', even though neither lions nor deer are agents

¹ On agency, see Pettit 2001, esp. ch. 1. For a less stringent conception of agency that allows for 'agency in nature', see Dryzek 2000: 148-52, but cf. Dobson 1996: 142-44.

responsible for their deeds. Bogs, precipices, trees, rocks and other natural objects do not exercise option-freedom, however, nor is it anything more than metaphor to write, as Dave Foreman does, of 'freeing shackled rivers' from the dams that confine them (Foreman 1991: 407). We do occasionally personify rivers and other forces of nature, as when we call the Mississippi 'Old Man River', and we may even talk of tearing down a dam so that a river may be 'free to follow its course'. But this is on a par with saying that untying a ribbon or pulling out some pins 'freed' someone's hair. We know that the river will flow once the dam is out of the way because it cannot choose to remain cooped up in a lake or reservoir. In Pettit's terms, it has neither agency-freedom nor option-freedom. There may be good reasons to tear down dams that block rivers, to be sure, or to leave bogs, precipices and other natural 'objects' as they are, but promoting or respecting their freedom is not one of them.

The example of the river also illustrates the ontological problem that Christopher Stone struggles to overcome in his brief for the legal standing of nature and natural objects. The problem is that there is no obvious or certain way of identifying just what it is that should be freed when someone sets out to free *the natural*. Is it the river, or the molecules of water that compose it, or the atoms that compose them? Or is it the river valley, or the hydrologic cycle? Or the bioregion, or the whole of nature? Stone's answer is to say, first, that it depends on what one is concerned with: 'from time to time one will wish to speak of that portion of a river that runs through a recognized jurisdiction; at other times, one may be concerned with the entire river, or the hydrologic cycle – or the whole of nature' (Stone 1974: 9, n. 26). The 'one' who wishes to speak, however, and the 'one' who has the concern is not a river or valley or cycle but a person – an agent that is capable of giving voice to his or her concerns. This leaves us with Stone's second answer, which is to say that this ontological problem applies to persons as much as to natural forces and objects. And it is true that we talk not only of a person's being free but also, at times, of a people's or a country's freedom. In the latter case, though, we know that the elements that compose the people or country differ from the elements that compose the river by being themselves, at least potentially, free agents. We know this, in particular, because individual persons sometimes make it clear that those who claim to speak for their country do not speak for them – something that we can hardly expect of a tree in the forest or a drop of water in the pond. Stone's second response to the ontological problem is thus no more successful than his first.

To be fair, Stone's concern is to make a case for the legal *rights* of nature, not for its freedom. But his arguments fare no better when

applied to rights. Indeed, the ontological problem is perhaps even more vexing in the case of rights than in that of freedom. Is it the tree that has rights or the forest? Does the tree have rights or the river that is uprooting it, or – to bring animal nature into the discussion – the bark beetle that is killing it? Or do all of these entities have rights that, like the rights of persons, sometimes come into conflict with one another? And if they do, how are these conflicts to be adjudicated?

These and similar questions have prompted Roderick Nash to observe that the ‘use of “rights” in this connection has created considerable confusion. Suffice it to say ... that while some use the term in a technical philosophical or legal sense, others take it to mean that nature, or parts of it, has intrinsic worth which humans ought to respect’ (Nash 1989: 4). I am less willing than Nash to excuse the confusion, and not only because of a professional interest in being as clear as possible in the use of important concepts. Another concern is the risk of an ‘escalation of rights rhetoric’ that threatens either to overwhelm other concepts and considerations or, by a process of conceptual inflation, to rob the appeal to rights of much of its power.² If we can make a case for the worth of nature without appealing to the rights of nature, then we should do so.³

To say that, however, is to assume that we cannot make, in Nash’s words, ‘technical philosophical or legal sense’ of the rights of nature, and I should explain why I think that assumption is warranted. In my view, the only entities that have rights are those that are able to respect the rights of others. Arsonists have rights, for example, but bolts of lightning do not. Both may destroy my house, but only the arsonist violates my rights in doing so, and only the arsonist, not the lightning bolt or the forest fire, can enjoy various legal rights when brought to justice – including, on some views, a right to be punished. In other words, rights presuppose agency.

This is not, I should note, a view universally accepted among those who analyse rights in the ‘technical philosophical or legal sense’. In Joel Feinberg’s oft-cited analysis, it is not agency but interests that make something a bearer of rights (Feinberg 1980). On the agency account, after all, we should refuse to attribute rights not only to rocks, plants and non-human animals, but also to babies and other human beings – victims of stroke, for example, or various forms of dementia – who plainly lack agency. Yet we commonly hold that these people have rights, so it must be that their rights follow from their interests, such as their interest

² The quoted phrase is from Sumner 1987: 1. See also Golding 1990: 60–4, and Wellman 1999: ch. 5.

³ Goodin 1992 is exemplary in this regard, but I do not endorse his consequentialism.

in life, nutrition and escaping cruelty. And if we recognise these rights in humans incapable of agency, then we must also recognise them in other beings that have these interests – not in plants, bogs or precipices, according to Feinberg, but at least in the higher animals. If one protests that rights are claims, and we ought not to predicate rights of something or someone that cannot press a claim, Feinberg's response is to agree with the first assertion but not the second. Rights are indeed claims, in his view, but all that is necessary is that someone be able to press the claim in behalf of the rights-bearer, not that this someone be the rights-bearer him-, her- or itself.

Given Feinberg's analysis, why cling to the view that rights presuppose agency? The answer is that Feinberg fails to take account of the two senses in which someone or something has an interest. Here I follow S. I. Benn, who pointed out a telling difference between what one is *interested in* and what is *in one's interests* (Benn 1977: 405–11). Babies and non-human animals surely have an interest in food, shelter and whatever is conducive to their wellbeing. But that requires no activity on their part, no sense of giving a direction to one's life that happens when one *takes an interest in* something. Rights are important here as claims because they are

normative resources that enable [a person], by controlling the actions of others, to manipulate his social environment for his own ends – whatever those ends may be. Having rights enables him to pursue *what he is interested in*; and this may be very different from what is *in* his interests. (Benn 1977: 407; emphasis in original)

Following Benn rather than Feinberg, however, still leaves us with the problem of babies and the demented. Don't they have rights despite their lack of agency? They do, in my judgement, by virtue of their potential in the one case and their past in the other. In the normal course of affairs, a human infant will gradually take an interest in giving a shape to his or her life and become someone capable of respecting the rights of others; and it is our recognition of this potential that warrants our attributing rights to infants. In the case of the irretrievably demented, we are justified in according them rights in recognition of what they would have done or would do were they still agents. And what of those unfortunate infants who apparently lack the potential ever to become agents? These children have no rights, in my view, but that is not to say that they may be disposed of or treated however we see fit. Some things are wrong even when done to entities that have no rights.

If I am correct, then, about rights presupposing agency, it follows that bogs, precipices and non-human nature have no rights. If I am wrong and Feinberg is correct, all that follows is that the category of rights-bearer extends to many, but not all, non-human animals. Bogs and precipices are still excluded. But that is most emphatically not to say that they are of no account or no worth. It is to say, instead, that we must look for other ways to make the case for the value of nature. We must also look for ways to rethink our rights and freedom, as persons, in light of the ecological challenge.

Ecology and autonomy

As Nash observes in *The Rights of Nature* (Nash 1989), Stone and Foreman and others who want to accord rights to nature or to liberate it from human domination typically take Aldo Leopold's 'land ethic' as their point of departure. They do so with good reason, for Leopold's account of the evolution of ethics offers some hope to those who want to bring about a shift in consciousness. There was a time, Leopold remarks, when many people were regarded simply as property and not, therefore, as worthy of ethical consideration; hence Odysseus' hanging twelve slave girls all on one rope was a matter of expedience rather than ethics. We would condemn such an action now, and properly so, but that is because our sense of who counts has expanded to embrace more and more people as full members of the ethical community. In light of our increasing understanding of our interdependence with the natural world, moreover, we now have good reason to expand the ethical community even more dramatically by adopting a land ethic that 'enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively, the land' (Leopold 2004 [1949]: 417).

Like Stone, Foreman and many others, I find this a powerful argument. Its power, however, does not reside in appeals to the rights of nature or pleas for its freedom, for Leopold does not press his case in those terms. Instead, its power lies in leading people to see themselves as parts of nature who both depend on it and have a special responsibility for its care. The land ethic is not addressed to the land, or even to the higher animals, but to persons, the only beings capable of reading and acting on Leopold's words.⁴ I take it, then, that it is our freedom and rights as persons that must be reconsidered if we are to adopt a land ethic that will enable us to address the ecological challenge brought on

⁴ Gerald Gaus (1998: 252–3) reaches a similar conclusion by a very different route.

by people who have been acting freely and, for the most part, within their rights as ordinarily understood.

This reconsideration must begin, as Leopold insisted, with an appreciation of the extent to which we are bound up with nature – or, properly speaking, with the rest of nature. Ecology, the science of the interrelationship of organisms and their environment, teaches this lesson, and part of the ecological challenge consists in helping people to see, as a familiar distinction puts it, that they are not *apart from* nature so much as *a part of* it. Freedom is not something to be wrested from nature, on this view, nor rights simply a way of dividing nature into what is properly mine and thine. They are, instead, to be exercised and enjoyed within the bounds of nature. What an ecological or land ethic does, in other words, is to encourage us to think of our relationship to nature as a matter of *autonomy*.

This statement is likely to strike many readers as implausible, as I noted earlier, and perhaps altogether wrongheaded. That is because autonomy is often understood as a kind of global or summary condition attributed to those who enjoy extensive negative freedom, as in the ‘personal autonomy’ of the individual who is generally free from interference to do and say as he wishes whenever and wherever he wishes to do or say it. Or it might refer to the condition of one who is not only free from interference by other people, but free also in the sense of having considerable power over nature – free to cross rivers on bridges, to water her lawn when she pleases, to fly across oceans and continents on aeroplanes, and so on. Such a person is autonomous, self-governing, in large part because of her ability, in co-operation with others, to govern nature. So understood, autonomy is an attractive ideal to many people. Yet it is difficult to see how it comports with a land or ecological ethic.

The difficulty will not seem so great, however, once we notice that autonomous people may also govern themselves with an eye to the effects of their actions on the physical environment. Autonomy is self-government, not licence, and it is a condition that we can properly attribute only to those who have a sufficient degree of self-awareness to be capable of governing themselves.⁵ Nor is there any reason to think that such people cannot also see themselves as being interdependent both with other people and with nature as such. The question, then, is not whether autonomy is compatible with the land ethic, but whether

⁵ Cf. Eckersley (1996: 223) for a ‘more inclusive notion of autonomy’ as ‘the freedom of human and non-human beings to unfold in their own ways and live according to their “species life”.’ But this seems to conflate autonomy with flourishing.

the pursuit of autonomy, properly understood, leads to an endorsement of the land ethic.

Pettit's distinction between option-freedom and agency-freedom provides a helpful way to begin to answer this question. As Pettit says, the more options we have, the freer we are; but 'number alone may not be that important' (Pettit 2003: 392). Having a choice among '20 barely discernible beers', to borrow his example, will mean little to the wine-fancier and the teetotaller, who would no doubt think themselves freer if there were something besides beer on offer. Even the beer drinker is likely to think that a choice of twenty beers does not make her twice as free as a choice of ten would do – especially if her favourite is among the ten. And the recovering alcoholic who has only one beer set before him may think that one is enough to challenge his *agency*-freedom, as turning down twenty varieties would not show him to be more of a free agent – more autonomous, more self-governing – than turning down any one of them. What counts is the value of the options, not merely the number.

How, then, should we evaluate our options? One way is to ask what taking this option may mean for other options we may want to pursue, or leave open for others, at some time. To take an option is to act, and actions have consequences, one of which quite often is the foreclosing of other options. Having the option to drive one's motorcycle without wearing a helmet is only one of the most familiar of many such examples. Other examples speak more directly to civic and environmental concerns. Wal-Mart and other 'big-box' stores offer a vast array of consumer goods that promise option after option. When these stores move into town, however, they reduce the options of those who might want to be a main-street merchant. Such stores also contribute to metropolitan sprawl, the urban heat-island effect, and other environmental problems as they convert farm land and open country into acres of car parks – lots that themselves grow larger to accommodate the gasoline-guzzling 'Sport Utility Vehicles' that Americans, at least, seem to need to haul away the big-screen televisions and other goods they buy at these stores.⁶ For all its celebration of choice, the consumer culture manifest in these stores makes some options much more available than others.

From the ecological standpoint, furthermore, the options that consumer culture makes most readily available are those that offer short-term benefits to individuals at the cost of long-term damage to the environment. In the United States, for instance, time spent in traffic continues to increase along with car ownership and the distance people

⁶ For further remarks on (sub)urban sprawl, see Dagger 2003.

live from their workplaces. Frustration with traffic congestion has led to increased funding for mass transit, but it has also produced two less wholesome results: the addition of many miles of roads and highways, with the resulting urban sprawl, and increasingly comfortable cars. Rather than give up their cars, in other words, people want new and improved roads, which seem to fill up and become congested almost as soon as they are opened; and so as long as they are going to be stuck in traffic, people want cars with air conditioning, entertainment systems and plenty of head, leg and hip room. Meanwhile, as they wait comfortably if not contentedly in traffic, their cars continue to burn petroleum, spew carbon dioxide-laden fumes into the air, and drip pollutants on to the ground (Kay 1997).

When evaluating our options, then, we should do what we can to take those that truly preserve or extend our freedom rather than those that sooner or later will deprive us of it. We should also evaluate these options with an eye to their implications for autonomy. As the examples of Taylor's Tirana and the recovering alcoholic demonstrate, multiplying options does not always enhance autonomy, understood as the ability to lead a self-governed life: someone who is able to turn down twenty kinds of beer is not twenty times as self-governing as someone who has only one to refuse. What matters is that we have options that promote the ability to be self-governing. This means that we must be able to enjoy a reasonably secure sense of the self as something that is not simply the plaything of external forces or the creature of ungovernable impulses. Autonomy in this sense is sometimes taken to be a kind of self-creation, as if the self were capable of sitting in judgement on all of one's traits and desires, rejecting those that do not conform to one's self-conception and forging a unit out of those that do. There is some truth to this conception of autonomy, I think, as anyone who appreciates the distinction between first- and second-order desires – that is, the second-order desire *not* to have the first-order desire for, say, alcohol or sweets – will recognise. But that is not to say autonomy is the ability to create oneself entirely as one sees fit, from the ground up. On the contrary, *self-discovery* is at least as important to autonomy as *self-creation*. We must know our aptitudes and inclinations, our motives and limitations, in order to have the self-awareness that makes autonomy possible. This, apparently, is the kind of knowledge that the alcoholic must acquire if he or she is to overcome a debilitating appetite for alcohol.

Self-knowledge is also what we need if we are to respond properly to the ecological challenge. That may seem to be an extraordinary claim, especially as we quite clearly need to know much more about the nature

of this challenge and about the effects of human actions on the physical environment. As I see it, however, the attempt to gain self-knowledge is part of these wider enquiries. To know ourselves is to know that we are parts of nature – not independent of but interdependent with it. If we are to be self-governing, then we must have some grasp of how we as human beings fit into the larger scheme of things. Like the alcoholic, we must learn that some of our habits and tendencies are self-destructive because they threaten, as Leopold warned, the food chain, the land pyramid, and the biotic community of which we are inescapably members. If we are to be autonomous, in sum, we must come to understand ourselves not only as *free* but also as *natural* agents.

Ecology and the right of autonomy

My conclusion, then, is that people need not surrender their freedom in order to respond effectively to the ecological challenge. To be sure, they must surrender some of their options, or option-freedom, but that is not the same as surrendering their agency or their autonomy. But what of their rights? Must these be lost if nature is to be saved?

If rights presuppose agency, as I have followed Benn in holding, then the answer is surely no. Some particular rights will be lost, of course, when laws limit people's options. For example, laws that create a green belt around a metropolitan area may deny farmers the right to sell their farms to those who would build housing estates on the land. But green-belt laws would also give others the right to open countryside within a reasonable distance of their homes, and it is not obvious that there would be a net loss of rights once the gains are set against the losses. In general, the contraction or reinterpretation of property rights would be offset or outweighed by the expansion of both substantive and procedural environmental rights (Eckersley 1996: 228–33; Nickel and Viola 1994).

The more important point, though, is that facing up to the ecological challenge is entirely consistent with the right of autonomy, which I have elsewhere elaborated as the right on which all others rest: the right to the promotion and protection of the ability to lead a self-governed life.⁷ We are both individuals and members of communities, on this view. We owe our individuality and whatever degree of autonomy we attain in large part to the other members of our communities, but they also owe us respect for our autonomy, whether potential or actual. They owe us respect for our *right* of autonomy, that is, just as we owe them respect for

⁷ In Dagger 1997, esp. ch. 3. For criticism, see Knowles 2001: 161–5.

theirs; for only an agent who is capable of respecting the rights of others can be the bearer of rights. As members of communities, of course, we cannot always have things our own way. What counts, however, is that we have a chance to make ourselves heard and to be accounted an equal in public deliberations. When these conditions hold, we need not worry about losing the fundamental right of autonomy.

What the ecological challenge teaches us is that we are not only individuals who are members of communities with other people; we are also members of biotic communities that are themselves parts of nature as a whole. We must grasp this fact, and come to understand its implications, if we are to be autonomous. This does not mean, again, that bogs and precipices have rights against us. But it does mean that we should think of rights not simply as barriers or shields that protect us against others, but as forms of relationship that enable us to pursue peacefully our private and public endeavours. Of all these, the greatest may be the endeavour to meet the ecological challenge.

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