Prophets, Priests, and Pragmatists

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Growth chestnuts have to be placed on the unyielding anvil of biophysical realities and then crushed with the hammer of moral argument. The entropy law and ecology provide the biophysical anvil. Concern for future generations and subhuman life and inequities in current wealth distribution provide the moral hammer.

— Herman E. Daly

I. PROPHETS, PRIESTS, AND PRAGMATISTS

For environmentalists, the seven years between 1968 and 1975 were exciting times. The American environmental movement scored an impressive array of legislative victories in the chambers of Congress. The National Environmental Policy Act, the Clean Air and Water Acts, the Endangered Species Act, the Marine Mammal Protection Act, and modern pesticides legislation—not to mention the creation of the Environmental Protection Agency, done pursuant to presidential reorganization of the executive branch—are all products of that time.

These environmental movement successes did not spring up miraculously in the days around the first Earth Day, April 22, 1970. To the contrary, the events of that day, which drew participation from some 20 million people across the country, were themselves more the product of the movement’s success than a cause of it. Not that Earth Day was irrelevant to

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subsequent events—it vividly demonstrated the potential electoral clout of environmentally concerned citizens, which in turn drove the legislative activity of that period. Like all successful social movements, the environmental movement made serious headway when it was able to find actions and projects that could be enthusiastically endorsed by many different attitudes and perspectives, bringing people together under a big environmental tent to all push for social and legislative reform. Earth Day and early 1970s environmentalism fed off the energy of many types of thinking, while at the same time masking the diversity of that thinking. Conservation philosophy, vegetarianism, transcendentalism, strands of Judeo-Christian thought, wilderness philosophies, preservationism, Malthusian ideas, Eastern religious thinking, public health consciousness, the wellness movement, self-interested anxieties, and environmental economics all found some common ground.

Within this broad coalition of ideas and traditions, one could always hear a prophetic voice, strongly indicting business as usual and putting forth a call to redemption. There is no single strand within the environmental tradition to which this voice can be traced, but it clearly was never as “big tent” as the movement as a whole. In particular, neo-classical welfare economics did not attend many meetings of the prophets. The motivational side of the prophetic message expresses two recurring convictions. First, there are limits to growth. The carrying capacity of ecosystems both local and global can be strained to the breaking point by the pressures of human development, which could leave them in a state from which they would not soon recover. Human ingenuity can put off the day of reckoning, perhaps, but not indefinitely. Second, our spheres of moral concern extend beyond ourselves and our immediate community to include other living things, future generations, and the earth itself.

2. For a thoughtful account of the first Earth Day and the early environmental agenda, see MARY GRAHAM, THE MORNING AFTER EARTH DAY (1999).

3. See, e.g., NEIL CARTER, THE POLITICS OF THE ENVIRONMENT 63 (2001) ("Ecologism is an ideology built on two main ideas: a reconceptualization of the human-nature relationship away from strong anthropocentrism and an acceptance of the idea of limits to growth."). I almost included a third conviction in the text. Experiencing nature in its pristine form provides religious or spiritual rewards that will be diminished and eventually lost under the pressures of ever-advancing urbanization and suburbanization.
The epigram that begins this Essay expresses these two ideas in strong form; together they form the hammer and the anvil of criticism directed at the kind of growth and consumerism registered by measures like gross domestic product.

This is to be expected, because the two convictions are not as logically independent as may at first appear. For example, many moral issues regarding distributive justice and intergenerational equity hardly arise if one believes that continual economic growth is biophysically possible. Likewise, if one's arena of moral concern excludes the poor, future generations and subhuman life, then many biophysical constraints are no longer of interest.\footnote{Daly, supra note 1, at 10-11.}

For many critics of economic growth as we currently measure it, the only ways that ecological collapse and moral disaster can be avoided entail substantial transformations in basic economic, social, technological, and ideological institutions and structures.\footnote{E.g., Carter, supra note 3, at 20 (describing point six of the eight-point platform of deep ecology as the position that "[p]olicies affecting basic economic, technological and ideological structures must change" and point eight of that platform as the assertion that "[t]hose who subscribe to the above have an obligation directly or indirectly to participate in the attempt to implement the necessary changes").} The call to achieve that transformation is the essence of the prophetic message.

In the heady days of the early 1970s, some of this transformative fervor seemed to gain a foothold in the Congress. A number of the early legislative successes seemed to reflect a transformative imperative. The Clean Water Act called for eliminating all discharges of pollution in the nation's waters by 1985; the Clean Air Act mandated compliance with tough ambient air quality standards by 1975. Other elements of the legislative environment influenced the shape of that
legislation, including optimism about technological fixes and the desire by national industries and some states to replace variant state standards with uniform national ones. At the same time, however, electoral competition for the emerging environmental vote undoubtedly played an important role, and the call of the environmental prophets seemed to have enough electoral clout to require action by elected officials.

The environmental movement of this period transformed discourse about our environmental condition, driving from the public scene arguments that environmental problems ought not to be taken seriously. To the extent there was disagreement on that score (and there undoubtedly was more than was publicly voiced) it was rather quickly driven underground. Just as racial epithets have been placed outside social norms, direct denial that environmental quality ought to be improved did not take place in polite company anymore. By 1990, David Broder could write that the environmental argument is "no longer about values. That's over... The argument now is about policies." This means, of course, that the argument is now about the policies embodied in the early legislation, because not much has changed in the basic regulatory structure. Those policies have increasingly become lightning rods of criticism, and in recent years their supporters have decidedly been on the defensive. Environmental issues have migrated from consensus politics into the politics of division.

Many critics now ridicule the present environmental regulatory structure because it is riddled with self-defeating aspirational commands and provisions that are irrational or lack common sense, are too rigidly uniform and prescriptive, create perverse incentives, are unnecessarily adversarial, and fail to acknowledge costs, or countervailing risks, or the wealthier is healthier effect. Many of these criticisms come from people who support the objective of improving environmental quality but want to strike a different balance between environmental goals and competing social values. I will refer to such people as the environmental priests. Environmental priests preach a message of reform, not transformation. They believe that economic and technological institutions and structures have flaws and that it is important that we work to change them. They may also periodically issue

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calls for sacrifice and rededication to an ideal, but not too often or too stridently. After all, they have institutions to maintain, donors to attract, and the continuity and concerns of a larger society to support. Furthermore, they simply do not believe that things are as dire as the prophets proclaim, or that existing institutions are as incapable of reform as prophets fear. Just as environmentalism has always had its prophets, it has always had its priests.

When environmental priests criticize the legislation that the prophets defend, they very often do so using the tools and framework of applied neo-classical economics. The ambition of applied economics is to show a society how it might perfect the production and allocation of goods and services so as best to satisfy what consumers in the society now want. In the hands of a cautious economist, the ambition is descriptive, not prescriptive. The priests frequently take the suggestions of economic analysis to the next step, however, urging that environmental policy ought to be molded so as to implement what economics recommends. When carefully delivered, the message always includes caveats about how distributional or ethical or moral claims can intervene to send policy in other directions. In practice, however, the priests find few such claims to be adequate, and their criticisms of existing policies usually boil down to the objection that they are not efficient.

Efficiency is a cold concept, and outside of professional gatherings it does not gather a lot of warm support among the public. Instead, the public message of the priests comes in the terms mentioned a moment ago: The present way of doing things is irrational, rigidly uniform, and prescriptive; creates perverse incentives; seems unnecessarily adversarial; and fails to acknowledge all the good things that could be done with the money being spent on foolish environmental policies. Even when pressed about what norm is implied by these criticisms, the answer is still likely not to be efficiency. Instead, it will be freedom of choice, giving people what they want. Thus the priests have convictions as do the prophets; they are just different convictions: Things are not as dire as the prophets say, and it is important to focus policy on what people want. In general, people should be able to have what they as individual consumers in the marketplace would purchase. Unlike transformative environmentalism,

[the economist rejects absolutes: what is good is what the individual prefers; a good society is one that maximizes freedom of choice. The economists' values speak to the question of how society should be
organized in order to satisfy individual desires, whatever they may
be. . . . The economists’ model . . . seems . . . more in keeping with
democratic theory in a pluralistic society.\footnote{7}

Over the past thirty years, prophets and priests have been
in something of a standoff. On some fronts, the priests have
made gains. As environmental issues assume an on-going and
ever larger role in national, state, and local debates, the
vernacular of the priesthood has gained an upper hand as the
language used in the policy debates.\footnote{8} The regulatory process
has also become increasingly burdened with analytic steps such
as regulatory impact analyses and calculations of the implied
value of human life associated with regulatory interventions,
which serve to provide impetus to economics-based attacks on
the environmental regulatory system. Those attacks have had
some successes in altering some rules, regulations, and
enforcement policies.

By and large, however, the basic statutory structure has
remained in place, and this must be considered a success for
the prophets, because any replacements of the status quo would
most likely have been statutes less sympathetic to the
transformative message. Transformative environmentalism
has been able to resist legislative change because it enjoys an
enormous advantage in the legislative chambers: The American
people generally like the regulatory system that is in place. In
times of highly divisive environmental politics, the benefits of
the legislative inertia that comes simply as a consequence of
the difficulties of moving bills through the legislative process
cannot be underestimated. A status quo bias also produces on-
go
ing support for the present system when the possible vectors
for change pose a risk of loss compared to that the status quo.
Some people may resist this loss for purely or largely self-
interested reasons, and not because of a commitment to the two
convictions of the prophetic message. This makes them allies
with the prophets, even if their purely self-interested
commitments would not go down well at an environmental tent
meeting. As a consequence of this confluence of factors, explicit
changes in the existing regulatory structure have been hard to
achieve.

\footnote{7}{Charles J. Meyers, An Introduction to Environmental Thought: Some Sources and Some Criticisms, 50 IND. L.J. 426, 452-53 (1975).}

\footnote{8}{I am talking about professional policy debate. When environmental issues go public, as in public meetings or debates in legislative bodies, the prophetic language provides significant rhetorical resources and is regularly used.}
For some in the environmental movement, however, this status quo advantage has begun to resemble a pair of golden handcuffs. There is much in the existing regulatory structure that environmentalists would like to change, but they fear that if they show receptivity to opening up the status quo to revision, any moves away from the present structure will end up being even further away from their ideal point. The resulting policy stand-off generates discontent in almost all quarters. We now have a policy landscape dotted with a variety of proposals, including second-generation policies and ideas to reinvent environmental regulation, to make it more reflexive, to take it down the road of third way, or to become more pragmatic. The concepts and recommendations of these initiatives overlap considerably. All, in one way or another, propose to continue the search for improved environmental policy by surmounting the current impasse between prophets and priests. They all try to straddle or triangulate the two existing camps. They join in criticizing traditional environmental regulation, often in ways similar to the priestly criticisms, while claiming to move environmental policy in the general direction that the prophets desire. All of the new initiatives embrace regulatory strategies that are more flexible, more contextual, and more responsive to developments in science and other relevant knowledge.

In addition to repeating priestly criticisms, some versions of these reform initiatives also endorse many of the suggestions that the priests offer. Emissions-trading schemes, removing environmentally perverse subsidies on natural resource use, and worst-things-first regulatory strategies are popular in many reinventing regulation and second-generation circles, for instance. Other recent reform proposals offer an approach to

9. On what some of those changes are, see infra Part III.
10. See infra note 16 and accompanying text.
11. The newer critiques generally refrain from claiming that the traditional regulatory structure was a mistake from the beginning. Instead, they argue that the traditional regulatory approach has served us well. It is now simply time to adjust to changed circumstances, created in part by the early successes, and to realize that further environmental improvements must pursue new strategies. See, e.g., Bradley C. Karkkainen, Information as Environmental Regulation. TRI and Performance Benchmarking, Precursor to a New Paradigm?, 89 GEO. L.J. 257, 263 (2001) ("Conventional approaches to environmental regulation are nearing a dead end, limited by the capacity of regulators to acquire the information necessary to set regulatory standards and keep pace with rapid changes in knowledge, technology, and environmental conditions.").
environmental problem solving that are different from the economics-based ideas, but also more reasonable than the rigid course of action staked out by the prophets and currently cemented into federal legislation.

Environmental pragmatism falls into the second camp, presenting itself as something quite distinct from merely a kinder and gentler version of economics-based proposals. In separating itself from economics-based policy, environmental pragmatists seek to head off a confusion that is certainly worth anticipating, given the strong instrumentalist, consequentialist, and scientific elements found in both pragmatism and economics. Thus, Professor Dan Farber's eco-pragmatism counsels that "economic analysis is useful, but not controlling . . . . [E]conomic efficiency is an inadequate basis for environmental policy."12 Sid Shapiro and Rob Glicksman's version asserts that the existing risk regulation system is largely consistent with pragmatism—a strong indicator that their pragmatism is not coextensive with economic analysis, which so eagerly criticizes how we currently regulate risk—and that it "offers a method of deciding risk issues that is preferable to the comprehensive analytical rationality [i.e., economic analysis] favored by the critics of risk regulation."13

To my knowledge, none of the current practitioners of environmental pragmatism have ever embraced the economics-based approach. Some seem to be former prophets frustrated by their inability to influence the forward direction of environmental policy in light of policy makers' increasing preoccupation with economic analysis. For example, the editors of a collection of essays by a group of environmental philosophers who have taken the pragmatic turn describe themselves as persons who are "deeply concerned about the precarious state of the natural world, the environmental hazards that threaten humans, and the maintenance of long-term sustainable life on this planet."14 Despite having "made significant progress in the analysis of the moral relationship between humanity and the non-human natural world," they found it "difficult to see what practical effect the field of environmental ethics has had on the formation of

environmental policy," and concluded that pragmatism may produce more practical results than the prophetic voices of environmental ethics have been able to achieve.

More generally, environmental pragmatism has a message for prophets and their sympathizers that goes something like this: Take the pragmatic turn. This is a way to make further progress toward the objectives to which you are committed. Together we can claim a determining role in policy debates to protect the planet and achieve a sustainable society. This is not environmental pragmatism's sole message or constituency, but it raises interesting and important questions about the nature of environmentalism, and it is the one we will explore in the pages that follow.

Right away, the invitation to convert from prophetic leanings to pragmatic ones raises a series of questions about just what is being asked. To borrow a pragmatic expression, what is the cash value of a conversion to pragmatism? Consider some possibilities. Environmental pragmatism might be saying that it is a better way to inscribe the commitments of transformative environmentalism—limits to growth and wider spheres of moral consideration—into policy. If so, environmental pragmatism would relate to transformative environmentalism in the same way that Anthony Giddens understands the third way to relate to social democracy. "[The] 'third way,'" Giddens writes, "refers to a framework of thinking and policy-making that seeks to adapt social democracy to a world which has changed fundamentally over the past two or three decades." For Giddens, the third way does not require jettisoning any fundamental tenets of social democracy. It represents new-style social democracy, which old-style social democrats ought to adopt because it constitutes a superior means to their original ends. Analogously, environmental pragmatism might be claiming to be a better way to achieve transformative ends than the inflexible, irrational, flat-footed, one-size-fits-all methods of old. Alternatively, pragmatism's services might be offered more modestly, as but a modus vivendi, a way for the prophets who wish to engage in policy debates to navigate the political pluralism of our modern society. As yet another possibility, environmental pragmatism

\[\text{15. Id.}\]
\[\text{17. See id.}\]
might be inconsistent with transformative environmentalism, but nonetheless eager to convert prophets to its approach.\textsuperscript{18} Pragmatism's rejection of foundationalism and its desire to avoid debate over high theory suggests that possibility.\textsuperscript{19} Because the prophetic voice seems committed to foundational beliefs and continues to engage economic critics in theoretical debates, perhaps the deep message of environmental pragmatism to the prophets is that they should give up their calling.\textsuperscript{20}

A final possibility is of a different kind from those just mentioned. Environmental pragmatism might be part of a larger theory of governance in a pluralistic society, in which transformative environmentalism is merely one of a number of competing perspectives with which the body politic has to deal. In this guise, environmental pragmatism would be pragmatism applied to environmental problems in much the same way that environmental economics is economics applied to environmental problems. There would be nothing particularly environmental about it, save that environmental problems are its particular field of attention. There are moments of pragmatism offered by Shapiro and Glicksman that have this flavor, as when they suggest that "pragmatism has no substantive content of its own, [nonetheless] it avoids an analytical muddle by adopting and clarifying existing values relevant to the problem at hand."\textsuperscript{21} As such, "when a conflict between social values arises, the pragmatic approach," lays claim to being the approach that "seeks to reconcile collective judgment and social principles in the best manner possible."\textsuperscript{22}

\textsuperscript{18} This seems to be David Roe's interpretation of environmental pragmatism (or at least Farber's version of environmental pragmatism). He interprets \textit{Eco-pragmatism} as a "plea for someone—anyone—to give up on orthodoxy and start to use a pragmatic approach to environmental problems." David Roe, \textit{Green Scholarship}, 3 \textit{GREEN BAG} 2d 97, 97 (1999) (book review).

\textsuperscript{19} For a discussion of these features of pragmatism, see \textit{infra} Part III.

\textsuperscript{20} E.g., Light & Katz, \textit{supra} note 14, at 4-5.

The \textit{pragmatist} claims of all the papers here, as we hope is clear, is (sic) towards finding workable solutions to environmental problems now. Pragmatists cannot tolerate theoretical delays to the contribution that philosophy may make to environmental questions . . . . The call for moral pluralism, the decreasing importance of theoretic debates and the placing of practical issues of policy consensus in the foreground of concern, are central aspects of our conception of environmental pragmatism.

\textit{Id.}

\textsuperscript{21} \textit{SHAPIRO & GLEICKSMAN}, \textit{supra} note 13, at 19.

\textsuperscript{22} \textit{Id.} at 20.
If the environmental pragmatists are pragmatists in this last sense, environmental pragmatism will provoke a discussion quite reminiscent of the long-standing debate over whether an environmentalist can simultaneously be committed to environmentalism and democracy. The tension between environmentalism and democracy comes about because "[t]o advocate democracy is to advocate procedures, to advocate environmentalism is to advocate substantive outcomes: what guarantee can we have that the former procedures will yield the latter sorts of outcomes?"23 If environmental pragmatism is but a methodology being adventitiously applied to environmental problems, the analogous question about environmentalism and pragmatism would confront us. Such an interpretation would not be far-fetched. In those parts of the pragmatic tradition that address social or political theory, most prominently associated with the work of John Dewey, the pragmatic approach to governance has a number of points in common with contemporary theories of deliberative democracy.24 If political-philosophical pragmatism can properly be seen as the working out of a particular brand of democracy, then it should hardly be surprising that the environmentalism-democracy debate would be recapitulated in the context of environmental pragmatism.

I do not intend to evaluate each of these different possibilities. One reason for my reticence is that exploring these possibilities would require more certitude about what environmental pragmatism is than I currently possess. Even without "environmental" added on, an initial problem is that "I don't know what it means today to be a pragmatist."25 So says Ruth Anna Putnam, who has thought a lot about that question. David Luban, another who has thought extensively about pragmatism, says there are three kinds: primitive, philosophical, and postphilosophical.26 Those three kinds must

24. See, e.g., Robert B. Westbrook, Pragmatism and Democracy: Reconstructing the Logic of John Dewey's Faith, in The Revival of Pragmatism 128, 138 (Morris Dickstein ed., 1998) ("I think we might say that Dewey was anticipating an ideal that contemporary democratic theorists have dubbed 'deliberative democracy'.")
cover a lot of territory, because Luban elsewhere says, "'pragmatism' can refer to almost anything." Patrick Diggins thinks pragmatism has a "split personality." Hilary Putnam has been called a pragmatist, but he has said that is not so. Farber has contributed one of the leading books on the subject of environmental pragmatism, as to which Lisa Heinzerling has expressed significant reservations, and yet Heinzerling says her own environmentalism has many points in common with pragmatism. If it is difficult to get a clean grip on pragmatism, and if environmental pragmatism remains young and contested territory, arguing for a particular interpretation would be exhaustively time-consuming, and stipulating an interpretation would be foolhardy. For now, I am sticking with Ruth Anna Putnam.

Pragmatism’s slippery nature has not discouraged a good number of people from discussing pragmatism, and it will not muzzle me entirely either. It does, however, counsel a modest agenda from here on out. The remainder of this Essay will limit itself to exploring some of the more basic issues raised by the invitation to prophets that they join pragmatism. First, it will identify several fundamental elements of pragmatism, ones which would appear on many lists of pragmatism’s commitments. Then it will examine how much tension there is between those commitments on the one hand, and the hammer, anvil, and strong critique of current patterns of consumption and growth that are central to the prophetic message on the other.

Part II takes up pragmatism’s commitment to social action or social control. Part III examines pragmatism’s beliefs about truth that stress inquiry, tentativeness, revisability, and the testing of ideas. Finally, Part IV discusses pragmatism’s understanding that ends as well as means are susceptible to rational argument, with the result that ends are subject to the same norms of inquiry as are means. In each case, there are

27. Id. at 1007.
30. FARBER, supra note 12.
moments when an environmental prophet and an environmental pragmatist might well agree, but there are also moments of tension or friction between them.

II. SOCIAL ACTION

Of the three patriarchs of pragmatism—Peirce, James, and Dewey—Dewey contributed far more than did the other two to the development of a pragmatic understanding of social action and social decision making. Whereas some environmental priests urge organizing society “to satisfy individual desires, whatever they may be,”32 Dewey did not.33 This was not because he rejected the freedom to choose as an ideal, but because he thought that modern industrial conditions made it imperative for intelligent social action to establish the preconditions for liberating and enabling the full exercise of human capacities for “free individual development.”34 Dewey believed that public intervention in the economy and in the society was required to realize an “effective liberty,”35 not just a liberty to enjoy whatever impoverished choices the individual might confront. To him, freedom of choice became valuable when individuals confronted choices that made the development of human capacities possible.

Dewey did not think that what was required for effective self-development of the individual could be determined at the level of theory. Instead, “the particular course of action required in order to further liberalism’s ‘enduring ideals’ can only be determined once the specific [historical] situation has been surveyed,”36 and even then only after embracing the possibility that the course of action thought appropriate might be wrong and hence that experimentation would be necessary. In the context of the particular situation of America in the late 19th and early 20th century, Dewey saw a society afflicted by a “rising tide of human misery, economic instability, narrowed paths of opportunity, shocking concentrations of wealth, the oppressive exercise of private power, a debasement of moral and cultural standards, and the erosion of traditional patterns

32. Meyers, supra note 7, at 452.
33. The discussion of Dewey in this Part relies primarily on the account in Matthew Festenstein, Pragmatism and Political Theory 72-79 (1997).
34. Id. at 72.
35. Id. at 73.
36. Id.
of deference and loyalty."37 This diagnosis led him to recommend public interventions in the economy and society that were quite far reaching, including a massive program of public works, especially in housing; nationalization of banking, public utilities, transportation, and communications; an enforceable guarantee of the right to work; and a minimum wage.38

Dewey's idea that the analysis of social problems and hence of governmental response to them must be situated and contextual can easily be embraced by environmental prophets. It has been careful factual analysis of post-World War II economic, environmental, and institutional conditions that has generated the current diagnosis of the world's environmental problems. Nuclear energy, synthetic organic compounds, persistent organic pesticides, enormous amounts of green house gases, and populations of five billion people and more make analysis of our environmental situation, and hence any recommendations for improving that situation, embedded in a particular context.

Most important, Dewey's belief that the role of social analysis contemplated positive government action beyond the perfecting of private markets, including establishing the frameworks within which major institutions would operate (in Dewey's case extending to the nationalization of major portions of the economy), also resonates with transformative environmentalism.39 To be sure, part of the heritage and content of the prophetic message is a call to individual reform, a change of lifestyle and a rejection of consumerism, materialism, and self-centeredness. This is an aspect of the message that makes some people uneasy and others dismissive, either because such personal reformation is thought to be impossible or dictatorial or both. Besides this individual-level message, though, there has always been a strong element of


38. Festenstein, supra note 33, at 73.

39. See, e.g., Shapiro & Glicksman, supra note 13, at 4 ("The environmental and consumer movements that were instrumental in obtaining risk regulation were premised on the belief that the operation of private markets must be consistent with the social values that citizens establish through democratic deliberation and lawmaker.")
prophetic environmentalism that speaks to institutional reform and that sees a substantial role for governmental policy in reorienting institutions in ways that promote sustainability. One of the mottos developed as part of Canada’s study of the road to becoming a less environmentally disruptive society was the idea of “doing more with less,” but this was not so much a reference to doing without as it was to being smarter in what we do.\textsuperscript{40} In this country, Amory Lovins created quite a stir with the publication of \textit{Soft Energy Paths}, which included an argument that we could completely eliminate construction of new electrical power plants because the essential demands for electricity were only a small percentage of actual usage and alternative, environmentally friendly energy delivery systems could supply the other needs.\textsuperscript{41} The conviction that there are institutional and technological transformations that will not require a “return to nature” and primitivism underlies—and may be the only way to make sense of—the regular pronouncements of the Clinton administration that its policies created “win-win” situations for the environment and for the economy. Self-denial and asceticism play minuscule roles in such analysis, and institutional reform, technological change, and the need for governmental policies get center stage.

Dewey wrote a good deal about nature, but not from an environmentalist perspective.\textsuperscript{42} I am aware of no passages in his considerable oeuvre in which he discusses the problems of the natural environment, as opposed to problems of the human social and economic environment.\textsuperscript{43} His thinking seems

\textsuperscript{40} Science Council of Canada, Report No. 27, \textit{Canada As a Conserver Society: Resource Uncertainties and the Need for New Technologies} 14, 28-29 (1977) (“Ecology of design should not be equated with an approach that is either anti-technology or anti-industry. Rather the principle means simply that we must use the technology we have in more thoughtful ways.”).


\textsuperscript{42} For an effort to interpret Dewey as a precursor to environmental pragmatism, see Larry A. Hickman, \textit{Nature as Culture: John Dewey’s Pragmatic Naturalism}, in \textit{Environmental Pragmatism}, supra note 14, at 50.

\textsuperscript{43} Dewey talks of humankind taking action to “turn the powers of nature to account,” but this is in the sense of harnessing nature’s power for humankind’s security; but there is no explicit awareness that humankind’s modifications of nature could themselves produce their own environmental hazards. \textit{See, e.g., John Dewey, Experience and Nature} 42 (1925) [hereinafter EXPERIENCE AND NATURE] (“Man fears because he exists in a fearful, an awful world. The \textit{world} is precarious and perilous.”); John Dewey, \textit{The Quest for Certainty} 3 (1929) [hereinafter QUEST FOR CERTAINTY]
preoccupied with figuring out how to control nature to serve human ends. On the other hand, a Deweyan pragmatist focuses on problem solving and would be open to evidence that environmental degradation is now a much more pressing problem than when Dewey was first developing his philosophy, and that it consequently deserves explicit attention. Dewey urged orienting social analysis toward the anticipation of the next set of problems. In The Quest for Certainty, he wrote,

What there is genuine danger of is that the force of new conditions will produce disruption externally and mechanically; this is an ever present danger. The prospect is increased, not mitigated, by that conservatism which insists upon the adequacy of old standards to meet new conditions. What is needed is intelligent examination of the consequences that are actually effected by inherited institutions and customs, in order that there may be intelligent consideration of the ways in which they are to be intentionally modified in behalf of generation of different consequences.

This is the significant meaning of transfer of experimental method from the technical field of physical experience to the wider field of human life.44

Had he been active into the 1970s, Dewey would quite likely have seen environmental degradation as a powerful “new disruption,” requiring the “intentional modification” of “inherited institutions and customs” to “generate different consequences.”45 We can speculate that while Dewey’s pragmatism might well have turned him toward the environment as a significant social problem had he lived into the 1960s and 1970s, environmental prophets have difficulty with what appears to be an exclusive focus in Dewey’s thought on the individual and her capacities of self-development as the values that social action ought to be advancing.

III. BELIEFS ABOUT TRUTH

Pragmatism is most widely known for its understanding of truth and knowledge. Many questions that philosophers have long thought central to the discipline, such as the nature of a priori knowledge and the foundations of rational beliefs, pragmatists argued were unanswerable and above all not useful. As Farber so nicely puts it in Eco-pragmatism, trying to resolve foundational questions is akin to following a most difficult recipe: “Step 1: Settle the questions originally raised by

(describing different ways to react to the “world of hazards”).

44. Quest for Certainty, supra note 43, at 272-73.
45. See id. Dewey died in 1952.
Plato by providing an indisputable definition of the nature of 'the good.' Step 2: Apply the results of step 1 to the particular problems of environmental quality. Pragmatists—including environmental pragmatists—argue that we should just abandon Step 1 as an inquiry leading only to a dead end. Letting it go entails coming to believe that the search for apodictic foundations and grand theories that unify and resolve all questions of value and commitment is impossible and, thus, an unprofitable use of our time. In the place of the search for a priori foundations of knowledge, pragmatists—including environmental pragmatists—substitute a "dynamic, experimental, iterative, and adaptive problem-solving approach to the acquisition of knowledge and adjustment of social policy." Abandoning foundationalism and grand unified theories, they instead embrace learning from experience and subjecting ends as well as means to analysis and judgment in terms of their consequences. This Part argues that prophets can both abandon foundationalism and unified grand theories and embrace learning from experience without losing their critical stance and prophetic message. Part IV separately discusses pragmatism’s approach to the analysis of ends.

Foundationalism has been described as the search for abstract, a priori grounds for belief, for some "permanent, ahistorical matrix or framework to which we can ultimately appeal in determining the nature of rationality, knowledge, truth, reality, goodness or rightness." The contrary of foundationalism is fallibilism—"instead of resting on apodictic bedrock, we view our knowledge as open to revision and critical examination."

The hunt for grand theory is often associated with foundationalism, because the object of most foundationalist inquiries is a system, or grand theory, that we can use to adjudicate disagreements, whether they be about what is true, what is real, or what is the good in life. Foundationalism and grand theory are distinct ideas, however. Someone with a

46. FARBER, supra note 12, at 40.
48. RICHARD BERNSTEIN, BEYOND OBJECTIVISM AND RELATIVISM 8 (1983). Bernstein is defining objectivism, but the language works as well for foundationalism.
49. FESTENSTEIN, supra note 33, at 5.
particularly dark view of the world might be a foundationalist who is convinced that what is permanently and unchangeably true about the world is conflict, discord, and inconsistency. Likewise, someone could subscribe to a unified grand theory without basing it on ahistorical truth. For example, in its later formulations, John Rawls’ theory of justice is a thoroughly constructivist one, derived from a thought experiment about how real human beings would, as a practical matter, think about the social system they would prefer to live in if choosing from behind the veil of ignorance.50

Some critics of the prophetic message have concluded that it relies on both foundationalism and unified grand theory; that its insistence on the need for transformative social change must be grounded in commitments to a set of a priori constraints. This is the conclusion Charles Meyers reached long ago, in his influential reflections on sources of environmental thought. Meyers wrote that “[t]he environmentalist would base public policy on a set of values he holds to be transcendent and absolute, inherent in the nature of man and therefore ineluctable. . . . [H]e construct[s] a hierarchy of values . . . requiring society to adopt a set of policies to implement those values.”51

Were this assessment valid, it would place prophecy and pragmatism at loggerheads in their understanding of truth, thereby making the pragmatic turn a hard one for prophets to take. The assessment does not withstand further scrutiny, however. As for foundationalism, the belief in limits to growth can be, and I think usually is, grounded in the kind of historical, contextual, contingent analysis of the world that pragmatism embraces.52 It emerges from observing resource consumption, calculating the available store of finite resources, studying the carrying capacity of ecosystems and estimating the trajectories of population growth. There is nothing a priori or timeless about any of this. Malthus may have fathered the idea of local ecosystem collapse, but contemporary limit-to-growth concerns are predicated on post-World War II analysis of post-World War II realities.

Grand unified theories are anathema to environmental

50. See JOHN RAWLS, POLITICAL LIBERALISM 26, 93 (1993) (describing the veil of ignorance and the principles of political justice as emerging from a process of construction based on practical reason).
51. Meyers, supra note 7, at 451-52.
52. See text accompanying supra notes 37-38.
pragmatists because pragmatists have a view of policy-making that requires the accommodation of conflicting and incommensurable values. This view also has firm roots in the historical pragmatism of Dewey, who thought that solving social problems necessarily entailed confronting clashing values in which the ultimate resolution was heavily context-dependent, and could not be preordained by any grand theory.53 Such clashes of values could actually result in a change in valuation. Dewey wrote,

If a person, for example, finds after due investigation that an immense amount of effort is required to procure the conditions that are the means required for realization of a desire (including perhaps sacrifice of some other end-values that might be obtained by the same expenditure of effort), does that fact react to modify his original desire and hence, by definition, his valuation? A survey of what takes place in any deliberate activity provides an affirmative answer to this question.54

Environmental pragmatists likewise oppose grand unified theory, or what Stanley Fish has called "theory-hope"55 and what Richard Rorty has called the desire for constraints that will make "all contributions to a given discourse . . . commensurable. . . . [Where] 'commensurable' . . . mean[s] able to be brought under a set of rules which will tell us how rational agreement can be reached on what would settle the issue on every point where statements seem to conflict."56 For example, Farber starts a recent article with the observation that "[e]nvironmental law raises perplexing issues about how to handle tradeoffs between cost and environmental quality under conditions of great scientific uncertainty."57 Shapiro and Glicksman say that the "test of the wisdom of a solution to a problem is the extent to which it accommodates social values that are implicated by the nature of the problem. When these values conflict, pragmatism attempts the difficult task of finding solutions that accommodate conflicting values to the

53. Festenstein, supra note 33, at 35 (noting that the decision of what ends to pursue "is not determinatively given in advance of consideration of the particular circumstances within which an agent acts").
greatest extent possible.”  

Some accounts of the prophetic message assert that prophets cannot tolerate such an approach to competing values as environmental pragmatism embraces, but rather must be committed to a theory that places any environmental gain superior to any offsetting loss, no matter how little the gain nor how great the loss. In Meyers’s terms, environmental values are “transcendent and absolute.” By another account, “tree huggers” are people who “hold the environment sacred and reject economic values as profane.”  

In my view, this interpretation of the prophetic message is also a mistake. Prophetic views do not necessarily depend on rejecting the incommensurability and plurality of values. I do not doubt that there are elements of such a view to be found within the Deep Ecology literature, but it seems to be far from a requirement of the prophetic way of thinking about the environment. Daly’s “moral hammer” need not be based on transcendent or absolute valuations in order to have force.  

Sorting out the competing source-of-value claims made within the broad literature of environmental philosophy and ethics would force a greater detour here than I can make. Instead, I will simply provide three observations to lend some support to the view that a critical stance toward business as usual regarding the environment and a pragmatic approach to values need not be opposed to one another. First, Deep Ecologists and others who voice the prophetic message have an established record of extended and detailed investigations into ways that we might satisfy human needs through methods that are much less resource consumptive than the current status quo. They order such investigations in significant part because they recognize that satisfying human needs does indeed have a significant value. A large part of the prophetic project seeks ways to accommodate both a high degree of human need satisfaction and environmental protection, not always to denigrate the former. Prophets think that society’s current balance between the two is out of kilter, but they need not think that the two do not have to be balanced at all. The “doing more with less” movement, soft energy paths, hydrogen-based fuel cells, recycling—these and other such efforts are not

58. SHAPIRO & GlicHSman, supra note 13, at 21.
60. Farber, supra note 12, at 39.
merely strategic efforts to reduce amoral or non-moral opposition to the moral hegemony of environmentalism. Instead, they are efforts to accommodate competing moral values.

Second, much of the time that prophets have been defending policies that might seem to endorse the absolute value of environmental values, like policies of zero risk or the Delaney Clause, they are doing so at least in part out of a strategic calculation that the proposals to “reform” such policies would sacrifice too much in the way of environmental improvement, and not because they are opposed to all such reforms. The willingness of environmentalists to give up the absolutist Delaney Clause protection for pesticide residues on food, for improvements elsewhere in the pesticide regulatory system, recognizes competing values and displays a willingness to compromise in appropriate cases. 61

Finally, Dewey was a man of strong moral and ethical convictions that generated strong criticisms of the economic and social policies of his time. Some of his proposals, such as the nationalization of major segments of the economy, seem no less “extreme” in relation to the problems he was addressing than do the recommendations of many environmental prophets. Dewey’s strongly critical stance and his pragmatic commitment to the context-dependent resolution of clashing values seem to have been compatible in his case. This ought to make us skeptical of any blanket claims that the rejection of grand unified theory and strong criticism are incompatible.

Learning from experience is the final ingredient in

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61. Federal statutes contain several versions of the Delaney Clause, each of which, in different regulatory settings, flatly prohibits the use of substances found to induce cancer in humans or animals. See, e.g., Les v. Reilly, 968 F.2d 985, 986-89 (9th Cir. 1992) (describing the operation of the Delaney Clause as it applies to additives, including pesticide residues, in processed food); Public Citizen v. Young, 831 F.2d 1108, 1109-10 (D.C. Cir. 1987) (describing the operation of the Delaney Clause as it applies to FDA approval of color additives). In 1996, industry and environmental advocates agreed to a consensus revision of the federal government’s approach to the regulation of pesticide residues in processed food, eliminating the application of the Delaney Clause to such residues, and replacing it with a standard that pesticide residues must be reduced to a level that ensures a “reasonable certainty of no harm.” 21 U.S.C. § 346a(b)(2)(A)(ii) (2000). Included in the Food Quality Protection Act (FQPA) of 1996 were other provisions aimed at streamlining the regulatory process and at providing increased protection for children exposed to pesticide residues. See ROBERT PERCIVAL ET AL., ENVIRONMENTAL REGULATION: LAW, SCIENCE AND POLICY (4th ed., forthcoming 2003) (describing the contents of the FQPA).
pragmatism’s approach to truth that we identified at the outset. I think there is little question that environmental prophets can and do value learning from experience. Prophets have long been beset with a deep sense of their inability to understand the complexities of the world and its interrelationships, and are acutely aware of the probability that human decisions regarding the environment will err. A concern about unintended consequences, those that lie beyond our limited ability to anticipate, drives their interest in avoiding large-scale interventions into the natural world. No reason exists to suppose that prophets would think that we got the first generation of environmental legislation just right. The prophets’ resistance to change stems from a suspicion that “learning from experience” can cover an agenda of deregulation that will point us in the wrong direction, not from an indifference to iterative action and experimentation.

A lively sense of the extent of our uncertainty about so many aspects of the world pervades pragmatism’s emphasis on learning. Comparing pragmatism’s stance toward three types of uncertainty to a prophetic stance can bring out some additional detail regarding the compatibilities and tensions between the two. One type of uncertainty is scientific uncertainty regarding the composition and nature of environmental hazards, the fate and transport mechanisms, their potencies, their ecological and human consequences, and so on. This is uncertainty about the way the physical world works. With regard to this kind of uncertainty, pragmatism urges continual scientific inquiry. Appreciation of the value of scientific inquiry in this context is by no means unique to pragmatism, however, and does not even constitute one of the beliefs that make pragmatism a distinctive approach to knowledge.

Where do prophets stand on the desirability of scientific inquiry? Prophets generally support the precautionary principle, and that principle has sometimes been derided as “anti-science.”62 Were that so, prophets might have to be understood as dissenting from the interest of pragmatists in improving scientific knowledge as applied to environmental issues. The derision, however, is not justified. Prophets do have genuine disagreements with the priests over what

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quantum of scientific knowledge of risk ought to be sufficient to justify precautionary action, but the best formulations of the precautionary principle explicitly recognize the tentativeness of precautionary decisions and direct that scientific inquiry proceed in order to increase our knowledge of the risk involved.63

So, pragmatism's approach to scientific inquiry into how the physical world functions is shared by the prophets. What distinguished early pragmatism from formalism and other forms of grand theory was its belief that the "methods of the sciences should shape moral and political thinking."64 Pragmatists, especially Dewey, were "commit[ted] to the use of the social sciences, and of scientific technology more generally, in addressing social problems."65 One dimension of this commitment was the view that the scientific method could be adapted to acquiring knowledge about how human institutions worked. Dewey held that pragmatic philosophy "could examine how change served specific purposes, how individual intelligences shaped things, how scientific administration might beget increments of justice and happiness."66 Unless the scientific method could be extended to the human problems, the sole options were "routine, the force of some personality, strong leadership or ... the pressure of momentary circumstances."67 On the other hand, if the scientific method were extended to the study of human institutions, human interactions, and the regulatory instruments one might employ to produce better results, social programs could be structured in ways that worked. Thus, the second kind of uncertainty that concerned pragmatists was uncertainty about how human institutions work.

Reducing uncertainty regarding how different regulatory instruments and institutions work also does not drive a wedge between pragmatists and prophets. Both can acknowledge that we have learned a great deal from the past thirty years of

64. FESTENSTEIN, supra note 33, at 30.
65. Id.
67. Id. at 186.
regulation and administration, and they may even agree on some of the lessons learned. Still, had prophets had more influence over the regulatory structure during this period, the lines of inquiry and experimentation that we would have pursued—and hence the store of knowledge upon which we could now draw—would have been quite different from our actual experience.\textsuperscript{68}

To cite an example, prophets would have devoted more resources on technology forcing. A prominent idea at the time of the initial environmental legislation, the concept of technology forcing has essentially dropped from view in recent years, even though asking industry to develop successful new technologies that are also environmentally friendly would seem to present one of those win-win situations we are so eager to find. Some technology forcing efforts have continued, prominent among them the California Air Resources Board's (CARB) requirement that a percentage of California's new vehicle fleet must consist of zero emissions vehicles (ZEVs).\textsuperscript{69} Although the requirement has been repeatedly deferred as the mandatory model year approaches, CARB has refused to drop the requirement altogether. Under the shadow of the looming requirement, car manufacturers and third-party suppliers continue active research and development programs in battery powered electric cars and fuel cells.

In addition to technology forcing experiments, institutions responsible for administering the nation's energy policy would have resembled the Energy Research and Development Agency (ERDA) under Jimmy Carter more than they did the Department of Energy (DOE) under Ronald Reagan or either of the Bushes. We would have been as intent on commercializing solar energy as we now are on finding technological solutions to the long-range disposal of high-level radioactive waste. Public

\textsuperscript{68} I do not mean to equate the actual history of the past thirty years in gaining knowledge about and experimenting with human institutions with the path environmental pragmatists would have pursued, either. See Farber, supra note 12, at 163-98 (suggesting a pragmatic agenda for institutional reform and experimentation); Shapiro & Glicksman, supra note 13, at chs. 8-9 (suggesting a pragmatic agenda for institutional reform and experimentation).

\textsuperscript{69} California's ZEV program has not succeeded in stimulating production of a ZEV that is marketable without significant subsidy and compromises in vehicle size. This does not yet mean it has failed, just that the experiment is still underway. For program details, see California Air Resources Board Fact Sheet, Zero Emission Vehicle Program Changes, at http://www.arb.ca.gov/msprog/zevprog/factsheets/zevchanges.pdf (Dec. 10, 2001).
utilities would have been reformed to become aggressive instruments of energy conservation, with pricing systems that do not reward consumption. The Pollution Prevention Act would have been fully funded and used as a means of stimulating further industrial efforts to reduce pollution levels through changes in production processes and product design.

Experimentation and inquiry would have been different in these ways because prophets would have been seriously seeking to achieve a steady state economy or a sustainable society and to lower the intensity and extent of human disruption of the natural environment. Driving toward those objectives would have been the organizing principle of environmental policy. Prophets understand that the hardest problems environmental policy faces arise when important social goals conflict with the goal of making further environmental progress, and they understand that societies only succeed if they are satisfying multiple needs at once. So prophets would have seized upon the opportunities for inquiry to explore ways in which technological and institutional design can reduce the conflicts between environmental quality and the other demands of society.

The approach of the priests has been quite different. Happy enough to take technological solutions where they arise due to the dynamic experimentation of others, the priests’ narrow conception of social action leads them to adopt a static management style for government. They aim to manage conflict, increasingly through analytical techniques of comprehensive rationality, rather than to use the resources of government to experiment with ways that could avoid conflict. Pragmatists and prophets, on the other hand, agree both on an active role for government and on the importance of experimentation.

Our existing environmental programs may not have produced the experimentation prophets would most desire, but they have done a good deal of valuable experimentation nonetheless. Prophets are as eager as anyone to learn from the experiments that have taken place. Even when it comes to learning from experiments, however, what prophets learn bears a distinctive stamp. Consider the substantial experience we have gained in the last fifteen years with regard to how emissions trading schemes work. Such trading schemes appear on the recommendation lists of almost all the new schools of
thought. In the typical cap-and-trade version,\textsuperscript{70} government sets its overall objectives or total emissions targets and assigns initial emissions allowances to individual emissions sources that are covered by the regulatory regime.\textsuperscript{71} Those sources then figure out how to avoid exceeding their allowed levels of pollution, whether by adjusting manufacturing processes, installing pollution control equipment, or purchasing some allowances from another source. The opportunity to sell allowances creates the prospect of a source "over-complying" in order to have excess allowances that it can sell.

The cap-and-trade program, established under Title IV of the Clean Air Act, which regulates acid rain precursors, is the poster child for such programs, and some have used its success to urge that environmental policy should adopt a presumption in favor of emissions trading schemes, using them as the preferred means of addressing pollution problems whenever possible. While environmental priests argue that our experience with emissions trading systems justifies enthusiastic endorsement and view setting up trading markets as the answer to an ever-expanding array of environmental problems, prophets are much more cautious. They argue that our experience with emissions trading systems counsels careful monitoring, built in assurances of genuine pollution reduction benefits, and limited application.

Prophets say that the acid rain success story needs to be read alongside the setbacks to Los Angeles's Regional Clean Air Incentives Market (RECLAIM).\textsuperscript{72} That market for improving air quality within Los Angeles's air basin through a declining cap-and-trade program set initial allowances on the basis of what was effectively an inflated baseline of historic emissions levels. Consequently, numerous pollution sources came into possession of excess allowances without doing any emissions control, and the declining cap produced very little pollution improvement. The market also generated hot spot problems by permitting stationary sources to purchase allowances from

\textsuperscript{70} For an explanation of cap-and-trade emissions markets, see PERCIVAL ET AL., supra note 61.

\textsuperscript{71} Several different initial allocation techniques are possible, but as a practical matter, the existing cap-and-trade programs all begin with an assignment of allowances based on past emissions levels, so that existing sources are to a degree grandfathered into the marketing program.

\textsuperscript{72} For a description of the RECLAIM program and its problems, see PERCIVAL ET AL., supra note 61.
dispersed sources. As a result the areas immediately around some stationary sources saw emissions increase in their immediate area. RECLAIM collapsed entirely in the summer of 2001, when the California energy shortage compelled public utilities to bring peaking power gas turbines on line to handle base load demand. This resulted in greatly increased utilization of those turbines, and concomitantly a sharp increase in the demand for RECLAIM allowances to cover their emissions. Prices for oxides of nitrogen allowances spiked to $50,000 per ton and the utilities demanded relief. In response, the air quality management district suspended requirements for RECLAIM compliance by the public utilities.  

Contrasting interpretations of such experiments will continue to be typical. Experiments in human institutions generally produce more ambiguous lessons than we would like. Such experimentation, however, can shed some light on how to improve regulatory and institutional design, and therefore we should encourage it. At the same time, we should not expect the elimination of uncertainty with regard to this type of inquiry any more than we can anticipate the elimination of uncertainty with regard to scientific inquiries into the functioning of the physical world. One reason the results of human experiments are interpreted differently by different people is that we view the results of the experiments through the biases and presuppositions that we bring to the problem at hand. Prophets tend to be alert to the possibilities and propensities of regulatory systems to be manipulated and their effectiveness undermined, which leads them to worry about the deficiencies or potential deficiencies in such systems. Priests tend to be alert to the ability of such systems to harness self-interest in the service of the public good, which leads them to stress the upside potential of such systems. Pragmatists understand that people bring such biases and prejudices with them in responding to social problems, and the interpretation of experiments in institutional and instrument design can be no different. One job of pragmatic philosophy is to provide a "critique of prejudices," examining them to "form the best

73. Id.
74. Alvin M. Weinberg first highlighted the problem of "trans-scientific" questions—questions that are phrased as though science ought to be able to answer them but which it is actually unable to answer. Alvin M. Weinberg, Science & Trans-Science, 10 Minerva 209, 209 (1972).
judgment possible about what led us to like this sort of thing, and what has issued from the fact that we liked it." At the same time, pragmatists acknowledge that there are many ways of interpreting the events in our lives thought to support our biases. So experimentation needs to continue, but we should not expect it to resolve all disputes over regulatory strategies and institutional design.

Something in addition to the play of biases and presuppositions can cause people to extract different lessons from experiments in human institutions. The knowledge being sought from these experiments is being sought for one reason: to help us determine ways to design human institutions that fulfill our environmental objectives. These objectives are themselves a source of dispute. Crudely put, priests seek to optimize pollution, are relatively indifferent to the impact of human alterations of the environment on nonhuman things (save those providing feedback that affects the satisfaction of human wants), discount (literally) the interests of future generations and do not think there are limits to growth. Prophets seek to minimize pollution, care about human impacts on nonhuman things, worry about future generations, and believe there are limits to growth. These different convictions motivate different environmental objectives, different senses of urgency, different assessments of trade offs with other values, and so on. Through the adoption of a pragmatic method, environmental pragmatists suggest that the uncertainty about these sorts of things—ends and values—can be overcome. This brings us to the third kind of uncertainty pragmatism promises to overcome with the application of the methods of science.

IV. THE ANALYSIS OF ENDS

Pragmatists think that values should not be debated by the logic of general notions or grand theory—doing so is Step 1 in Farber's recipe for stalemate. Instead, values ought to be debated in the same way that anything else whose truth concerns us can be debated, by figuring out whether certain values are useful. A belief is true when "holding the belief leads us into more useful relations with the world." In

76. QUEST FOR CERTAINTY, supra note 43, at 272.
77. Id. ("[T]here are many ways of interpreting what in the past is authoritative.").
78. SHAPIRO & GLICKSMAN, supra note 13, at 15 (quoting Louis Menand,
Dewey's understanding, a value judgment is a species of practical judgment and ought to be evaluated by ascertaining its usefulness to the decision maker. 79

Values are susceptible to rational appraisal because, having the logical shape of practical judgments, they contain a claim about the consequences of acting on them, and implicitly a causal judgment [sic] about the circumstances in which the action takes place. They may be appraised by assessing the extent to which they 'unify' the situation. 80

When deliberating over values, each competing option "takes its turn projecting itself upon the screen of the imagination. It unrolls a picture of its future history." 81 Experimentation, inquiry, and the testing of hypotheses improve our ability to paint an accurate picture of how the pursuit of a particular value will unfold. Our ultimate practical judgment regarding the value depends, then, upon our ability to discern its consequences.

This general description of a method of practical inquiry ought to be one that prophets can embrace. Indeed, many prophets have come to their views precisely by "unrolling a picture of the future history" of competing policy approaches to environmental problems. When the prophet looks at competing futures, ones with a great deal less environmental degradation and greater respect for environmental preservation and quality look better to her than the future that will be produced by status quo policies.

A difficulty faced by this method, by whomever pursued, is the familiar one of uncertainty. It is just not possible to be terribly confident that the pictures of the future that we unroll—even when premised on the best science, the most intensive inquiries, the most concerted efforts to learn from experience—are accurate or not. It has never been entirely clear how pragmatists thought we ought to distinguish among alternative policies when the implications of the alternatives were fuzzy and subject to great error. Nonetheless, this much is clear and certain: Uncertainty is a problem that any approach to environmental problem solving must face. The commitments of the prophets do not put them on any different

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79. See FESTENSTEIN, supra note 33, at 34.
80. Id. at 40.
81. FESTENSTEIN, supra note 33, at 36 (citing JOHN DEWEY, THE MIDDLE WORKS 1899-1924, at 133 (Jo Ann Boydston ed. 1922)).
footing vis-à-vis uncertainty than any other set of commitments aimed at setting environmental policy on the basis of forward-looking considerations.

That said, the specific policy positions one endorses can and should always remain open to revision. Were someone to develop a persuasive picture of the future in which largely market-driven decisions did not conflict with the maintenance or restoration of environmental quality, I can see no defensible reason for strong environmentalists to close their eyes to that picture. Should someone develop a persuasive picture of the future in which the ill-wisdom of according moral consideration to future generations or nonhuman species could be demonstrated, I can see no defensible reason for strong environmentalists to close their eyes to that picture, either.

In other words, I see no inconsistency between pragmatic insistence on fallibilism about ends on the one hand, and current commitments to prophetic views on the other. So on the question of whether or not prophets could accept the idea that ends ought to be subject to reappraisal of the kind upon which pragmatism insists, my answer is a tentative yes.

Perhaps the biggest reason for the apparent clash between pragmatism’s embrace of the kind of practical reasoning just sketched and the prophetic message is that prophets often paint future scenarios so unlike the current state of affairs that they seem to require near revolutionary upheavals in the current way of doing things. Pragmatism, in contrast, seems more incremental. Pragmatic inquiries always begin embedded in our existing social and normative structures and practices. Thus, Farber’s eco-pragmatism “grows out of our society’s current practice.” Pragmatists embrace an incremental strategy because, along with being anti-foundationalists, they are anti-skeptics as well. For them, critical inquiry takes place as a response to specific doubts, problems or difficulties. As that problem-driven inquiry proceeds, a good deal of the normative underpinnings and presuppositions of a culture or society remain unquestioned. So in that sense, one would anticipate that pragmatic answers would seldom be radically discontinuous with existing practices and values. Bruce Kuklick’s understanding of Dewey’s approach to social problems supports this moderate and meliorist interpretation.

82. Farber, supra note 12, at 11.
“Dewey,” Kuklick writes,
steered between those who thought progress impossible and those
who thought dramatic progress immediately achievable by revolution.
His evolutionary metaphysics made the present a fulcrum for modest
and responsible change.... Radicalism, as a future-oriented
consciousness without mediation by the past and present, only rashly
anticipated the world as it might be. Conservatism, on the contrary,
unthinkingly imported the past into the present and future.
According to Dewey, only the present, the meeting-place of past and
future, could synthesize both political views into intelligent action.
The genuine social reformer interpreted each of the extremes to the
other. Joining the wisdom of the past to the vision of the future
would resolve conflict in the present.  

It is too simplistic to equate priests with unyielding
conservatism or prophets with unrealistic radicalism. It is also
not unfair, however, to see environmental pragmatism
positioning itself as the middle term in the equation: the one
that can “synthesize both political views into intelligent
action.”  

Pragmatism promises more than political pluralism,
however. As Dewey thought of it, pragmatism was “criticism
of the influential beliefs that underlie culture... which
considers the mutual compatibility of the elements of the total
structure of beliefs.” Although it does not put everything
under the critical microscope at once, it does promise to provide
a way to evaluate values, biases, prejudices, and beliefs. At the
level of individual decision making, Dewey drew famous
distinctions between “the enjoyed and the enjoyable, the
desired and the desirable, the satisfying and the
satisfactory... The fact that something is desired only raises
the question of its desirability; it does not settle it.”  

With pragmatism, in other words, it ought to be possible
that someone has wants or desires that are ill-advised and ought to
be changed. The same applies to questions of social policy.

83. KUKLICK, supra note 66, at 181.
84. See id.
85. Lisa Heinzerling has pointed out the problem in a position that is
entirely dependent upon a political equilibrium. Heinzerling, supra note 31,
at 1430 (suggesting that positions justified by appeal to political consensus are
defenseless against changes in that consensus).
86. FESTENSTEIN, supra note 33, at 25 (emphasis added) (quoting QUEST
FOR CERTAINTY, supra note 43, at 207).
88. Hilary Putnam, Comment on Robert Brandon’s Paper, in PUTNAM,
supra note 25, at 61 (“Dewey is quite willing to say that you may have the
wrong wants.”).
When one writer interpreted the task of legal reasoning as "simply... keep[ing] the system going well enough so that there isn't a violent revolution," Hilary Putnam replied that this was a very different role from "the (classical) pragmatist position that I am arguing for... Dewey and I," he continued, "are committed to the existence of such a thing as a reasonable outcome to a discussion, and not just the existence of politically successful outcomes." 89

Such a critical stance toward the status quo certainly resonates with the prophetic message. Sound and understandable reasons exist for wanting to demonstrate how one's policy position is actually an explication or a working out of views already held by the American people, and most prophets are pleased that environmental protection has become a significant and stable component of public opinion. Yet many prophets want to push further and faster than the general public is yet willing to go. Indeed, it is always an open question within prophetic circles as to whether prophets ought to participate in the policy-making game at all, precisely because it involves so many compromises with public opinion and political acceptability. This has been an on-going debate within Germany's Green Party, for instance, personified by the competition between Petra Kelly and Joschka Fischer. Lately, Kelly's vision of the Green Party as the anti-party party has been losing to Fischer's more pragmatic approach. Fischer's approach received a substantial boost in September 2002, when the increase in the Green Party's vote accounted for the margin of victory for Gerhard Schroeder's coalition government—an outcome certain to increase Fischer's clout in the German administration. This is an issue that prophets continually face, and they face it because they believe so passionately in their position and they understand that their policies will have to be trimmed if they are to have influence within the halls of government. 90 At the end of the day, a disagreement about the

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89. *Id.* at 39.

90. One vignette exists on each side of this question. In 1993, Petra Kelly is quoted as saying, "I am sometimes afraid that the greens will suddenly get 13 percent in an election and turn into a power-hungry party. It would be better for us to stay at 6 or 7 percent and remain uncompromising in our basic demands. Better to do that than have green ministers." *Andrei Markovits & Philip Gorski, The German Left: Red, Green and Beyond* 123 (1993). By the late 1990s, Joschka Fischer, German foreign minister, was authorizing German support for NATO bombing of Serbs. *Neil Carter, The Politics of the Environment* 113 (2001).
pace of change may be the most important tension between pragmatists and prophets.\footnote{I thank Sid Shapiro for pressing this point with me.}

CONCLUSION

Recall that pragmatism's appeal to the prophets originally went something like this: Take the pragmatic turn. This is a way to make further progress toward the objectives to which you are committed. Together we can claim a determining role in policy debates to protect the planet and achieve a sustainable society. Pragmatism's essential appeal is thus that it is the best bet for putting environmental policy on a glide path to the goals that the prophets want, and indeed the steepest glide path feasible. The prophets worry, however, that pragmatism risks morphing into political pluralism—all glide and no path. So prophets will continue to push for faster change; they have concluded that the anvil and the hammer require faster responses. The greatest uneasiness many environmental prophets have with emerging pragmatic thinking applied to the environment may lie in a worry about whether a pragmatic tendency toward the more gradual belies a lack of commitment to the environmental values prophets hold dear.

Notwithstanding this continuing source of tension between some prophets and some pragmatists, this Essay has attempted to show that there are fewer unbridgeable gaps between a prophetic perspective and a pragmatic one than a casual inquiry and the usual juxtaposition of the two might suggest. Even this remaining tension between prophets and pragmatists may ultimately prove beneficial to each. On the one hand, it may take the jeremiads of the environmental prophets to discipline pragmatism's tendencies in the direction of directionless incrementalism and political pluralism, always raising questions about whether what is being proposed is truly the best that can be done. On the other hand, absent the kind of radical individual level transformation of values some prophets have insisted is necessary, but which seems highly unlikely to be forthcoming, the attention to critical learning from experience and engagement with the competing social values that pragmatism espouses may be the best way to move in the direction the prophets desire.