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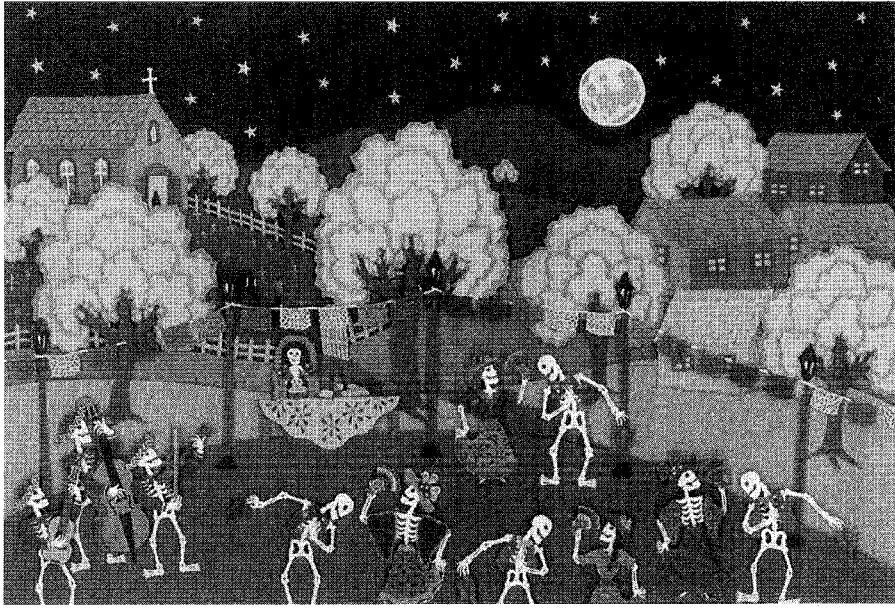
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SMALL SCHOOL.  
BIG VALUE.



The Dance Goes On, by Cay Garcia © 2004, with permission

## EL DIA DE LOS MUERTOS: THE DEATH AND REBIRTH OF THE ENVIRONMENTAL MOVEMENT

BY

EILEEN GAUNA\*

*In 2004, in response to an article titled Death of Environmentalism, many in the environmental community engaged in a debate about whether the environmental movement was capable of adequately inspiring the public to effectively respond to climate change. This Article examines the strand of this debate that centered upon responses from environmental justice actors to the larger environmental community. Specifically, the ensuing conversations raised questions about who, precisely, is the environmental community, what is its historical legacy, how should the environment be conceptualized to promote more effective climate policy, the role of*

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*technocratic solutions, and the need for transformative coalition building. This Article argues that there is much to draw upon from the experience of the environmental justice community in the project of building a more inclusive and coherent response to climate change. The Article concludes with the need to focus upon methods for building stable coalitions of diverse constituencies, a focus that requires an examination of privilege, diversity, interdependency, and distributional concerns.*

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## I. INTRODUCTION

In Latino traditions, there is a day called “el dia de los muertos” or the day of the dead.<sup>1</sup> The artwork commemorating this day best illustrates its mood, featuring whimsical skeletons in brightly colored clothes, typically dancing, singing, playing music, and otherwise celebrating. The message is clear: don’t take death—or yourself—too seriously. After all, death is part of life. The environmental community might want to similarly leave aside the more somber approach to its supposed death,<sup>2</sup> and look at its potential from a broader perspective.

In the fall of 2004, environmental consultants Michael Shellenberger and Ted Nordhaus, in an article proclaiming the “death of environmentalism,” started a debate about whether the environmental movement, as known and understood in more conventional U.S. circles, is a failed strategy and should be pronounced dead.<sup>3</sup> They suggested that as it currently exists, environmentalism is structurally incapable of adequately addressing the most serious environmental issue to confront humankind—global climate

<sup>1</sup> See, e.g., Carlos Miller, *Indigenous People Wouldn't Let 'Day of the Dead' Die*, <http://www.occultcorpus.com/forum/showthread.php?t=3437> (last visited Apr. 13, 2008) (discussing el dia de los muertos and the way it is celebrated in Latino cultures and beyond).

<sup>2</sup> See, e.g., Adam Werbach, *Address at the Commonwealth Club of San Francisco: Is Environmentalism Dead?* (Dec. 8, 2004), available at <http://www.grist.org/news/maindish/2005/01/13/werbach-reprint/>.

<sup>3</sup> See MICHAEL SHELLENBERGER & TED NORDHAUS, *THE DEATH OF ENVIRONMENTALISM: GLOBAL WARMING POLITICS IN A POST-ENVIRONMENTAL WORLD* (2004), available at [http://www.thebreakthrough.org/PDF/Death\\_of\\_Environmentalism.pdf](http://www.thebreakthrough.org/PDF/Death_of_Environmentalism.pdf) [hereinafter DEATH OF ENVIRONMENTALISM].

change.<sup>4</sup> The article sparked a vigorous debate within the environmental community. While the controversy has long since subsided, the arc of this article and various responses to it is telling and merits further reflection. There were several interesting aspects of this debate. For example, it raised questions about who exactly is the environmental community, what are “its” strategies, are they successful, and where do we go from here? Issues of race, class, and equity came to the surface. This Article examines some of the strands of this debate and how environmental justice actors fit within the project of a successful response to climate disruption.<sup>5</sup> It is important to keep this issue in mind as the adverse effects of climate change—while uncertain in severity, timing, and precise location—will not be distributed evenhandedly.<sup>6</sup> Anticipating significant harm to natural resources and adverse health effects (such as heat wave related deaths, respiratory illnesses, vector-related diseases, and injury and death from climate caused disasters), this unpredictable phenomenon raises important discussions over how much of our resources should be devoted to adapting to what is likely to be inevitable, and how much should be devoted to an attempt to change the trajectory of climate disruption by decreasing greenhouse gas emissions. Who gets to decide this, and by what processes? Will those most impacted have a meaningful say in the important decisions? This is the largely unarticulated backdrop to the “death” debates.

## II. THE DEBATE SPARKED BY THE DEATH OF ENVIRONMENTALISM

Back to the story. The authors of *Death of Environmentalism* offered several specific reasons for their assertion that the environmental movement had failed. The more central reason was that “environmentalism” was too narrowly defined to mean a “thing.”<sup>7</sup> As such, the roots of environmental problems were poorly conceptualized and the solutions—largely within the technicalities of pollution control and set-asides of pristine areas—did not animate the deeper values that sustain critical political support over the long haul.<sup>8</sup> Instead of a values-based strategy, environmentalists opted for an

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<sup>4</sup> *Id.* at 6.

<sup>5</sup> I thank Professor Linda A. Malone for suggesting the use of the term “climate disruption.” See Linda A. Malone, Marshall-Wythe Found. Professor of Law, College of William & Mary Marshall-Wythe School of Law, Presentation for the Environmental Law Section at the Annual Meeting of the American Association of Law Schools: Responses to a Changing Climate: Developments in Law, Policy, and the Classroom (Jan. 5, 2008). The meeting program is available at <http://www.aals.org/am2008/saturday/index.html>.

<sup>6</sup> INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, FOURTH ASSESSMENT REPORT CLIMATE CHANGE 2007: SYNTHESIS REPORT SUMMARY FOR POLICYMAKERS 11 (2007), available at [http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4\\_syr\\_spm.pdf](http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr_spm.pdf) [hereinafter IPCC REPORT] (noting that even within relatively high income areas, the poor, young children, and elderly will be particularly at risk). See generally CONG. BLACK CAUCUS FOUND., INC., AFRICAN AMERICANS AND CLIMATE CHANGE: AN UNEQUAL BURDEN 2 (2004), available at [http://rprogress.org/publications/2004/CBCF\\_REPORT\\_F.pdf](http://rprogress.org/publications/2004/CBCF_REPORT_F.pdf).

<sup>7</sup> DEATH OF ENVIRONMENTALISM, *supra* note 3, at 12.

<sup>8</sup> *Id.* at 33.

“environmental protection” frame.<sup>9</sup> This was not without good reason. In the 1970s, conventional environmentalists—with exactly this frame—helped win the policy battles that ushered in an impressive regulatory regime.<sup>10</sup> However, environmentalists ultimately became complacent and, according to Shellenberger and Nordhaus, some perhaps a bit too arrogant.<sup>11</sup> The reification of the environment as a “thing” separate from humans, a thing protected by an elite group of technocrats, kept environmentalists busy over the next few decades quibbling over technical solutions, horse-trading on the Hill, and otherwise entirely missing the boat.<sup>12</sup> They failed to see the larger political, economic, cultural, and values-based context that generated environmental problems, and missed opportunities that could have planted the seeds of more holistic solutions.<sup>13</sup>

As one example of this myopia, the authors of *Death of Environmentalism* illustrated how environmentalists failed to consider the concern of industry and unions that the high cost of health care is the biggest threat to the competitiveness of the U.S. auto industry.<sup>14</sup> Environmentalists therefore failed to cultivate the necessary alliances to collectively design win-win solutions and, as a result, the auto industry and labor unions dug in their heels, became adversaries, and were ultimately successful in slowing or halting important initiatives central to staving off global climate change.<sup>15</sup> Helping the auto industry address the health care issue could have made the industry and its unions allies on environmental issues—issues that, ironically, were relatively less important to these powerful interest groups.<sup>16</sup>

At the same time that environmentalists were fighting the auto industry and its unions, neo-conservatives were busy cleverly constructing the intellectual framework for dismantling government, with environmental regulation as ground zero in this project.<sup>17</sup> The *Death of Environmentalism* authors suggested that the “environment,” framed as a thing that had to be saved, did not have a chance when pitted against the right’s strategists,<sup>18</sup> and against their intellectual brainchild of decades of think-tank incubation: an individualistic, market-captivated agenda of “smaller government, fewer taxes, a large military, traditional families, and more power for big business.”<sup>19</sup> In short, modern environmentalism is not capable of prompting

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<sup>9</sup> *Id.* at 9.

<sup>10</sup> See RICHARD J. LAZARUS, *THE MAKING OF ENVIRONMENTAL LAW* 83–84 (2004).

<sup>11</sup> *DEATH OF ENVIRONMENTALISM*, *supra* note 3, at 8.

<sup>12</sup> *Id.* at 17–18.

<sup>13</sup> See Michael Shellenberger & Ted Nordhaus, *Death Warned Over*, *THE AM. PROSPECT*, Oct., 2005, at A29, A30–31.

<sup>14</sup> *DEATH OF ENVIRONMENTALISM*, *supra* note 3, at 19.

<sup>15</sup> *Id.* at 20.

<sup>16</sup> *Id.* at 19–20.

<sup>17</sup> See *id.* at 29. See also RICHARD N. L. ANDREWS, *MANAGING THE ENVIRONMENT, MANAGING OURSELVES* 256–59 (2nd ed. 2006) (describing the Reagan administration’s deregulation initiative).

<sup>18</sup> *DEATH OF ENVIRONMENTALISM*, *supra* note 3, at 31.

<sup>19</sup> *Id.* at 32. See generally Cato Institute, *Individual Liberty, Free Markets, and Peace*, <http://www.cato.org/about.php> (last visited Apr. 13, 2008).

the reform needed to adequately address climate change and should be pronounced dead.<sup>20</sup> Or so the argument goes, as put forth by *Death of Environmentalism's* authors.

The executive director of the Sierra Club, Carl Pope, responded to the *Death of Environmentalism* critique in an equally vigorous manner. While agreeing with Shellenberger and Nordhaus that progressive movements generally, and environmentalists in particular, have inadequately mobilized the public by failing to present a more coherent vision, he believed the authors' analysis overlooked, simplified, and downright misrepresented.<sup>21</sup> First, he noted that the article was based on interviews with a relatively small group of the movement's more technically-oriented leaders (including Carl Pope himself).<sup>22</sup> Contrary to the *Death of Environmentalism* authors' characterizations, Pope argued, these environmental leaders do not blindly believe that the handful of technical solutions they proposed, such as hybrid cars and efficient light bulbs, will alone halt or reverse climate change.<sup>23</sup> He pointed out that the article also glossed over the fact that conventional organizations, like the Sierra Club, had for years pursued alliances with labor unions and other interest groups.<sup>24</sup>

Equally important is that Shellenberger and Nordhaus failed to mention that other strands of the larger environmental movement—such as sustainability, deep ecology, and the environmental justice movements—do not necessarily accept the assumptions of the “environmental protection” frame as described by the authors.<sup>25</sup> But the perspectives of these groups were not included in the report. As Carl Pope noted, Shellenberger and Nordhaus seemed to define the entire environmental movement as the 25 people they interviewed,<sup>26</sup> along with a few conventionally recognized fathers of the environmental movement, such as John Muir. After defining history and the movement narrowly, the authors proceeded to attack it as being too narrow. Equally problematic is that within their critique, they failed to recognize that global warming is a very different kind of environmental problem. At least at the time of the *Death of Environmentalism* article, climate change was viewed by many as a more remote and abstract problem.<sup>27</sup> In addition, because of the scale of the problem the solution will necessarily demand a reorientation of basic values and an economic transformation of unprecedented scale; these are important reasons, by the way, why there has been a disappointing lack of

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<sup>20</sup> DEATH OF ENVIRONMENTALISM, *supra* note 3, at 6.

<sup>21</sup> Carl Pope, Response to ‘The Death of Environmentalism’: There is Something Different About Global Warming (2004), [http://www.sierraclub.org/pressroom/messages/2004\\_december\\_pope.asp](http://www.sierraclub.org/pressroom/messages/2004_december_pope.asp) (last visited Apr. 13, 2008).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> See *infra* notes 29–45 and accompanying text.

<sup>26</sup> Pope, *supra* note 21.

<sup>27</sup> This was before the 2006 movie AN INCONVENIENT TRUTH (Paramount Pictures 2006), *infra* note 65 and accompanying text, and before the IPCC REPORT, *supra* note 6.

progress on this front, despite the record of progress on more concrete and immediate environmental issues.<sup>28</sup>

Environmental justice advocates also weighed in on the debate. In a response titled *The Soul of Environmentalism*, a group of activists and scholars first set out to correct Shellenberger and Nordhaus' rendition of the history of the environmental movement.<sup>29</sup> They suggested that environmental justice advocates had been making similar critiques of the conventional strand of the U.S. environmental movement for decades, questioning its narrow focus on technical fixes, its failure to provide a coherent political analysis that provided adequate linkage to economic and social justice, and its inability to form respectful alliances with other progressive movements and environmentally impacted communities.<sup>30</sup> *The Soul of Environmentalism* also contained a political analysis of why the efficacy of progressive movements more generally had waned over the past years.<sup>31</sup>

The authors of *The Soul of Environmentalism* also had some suggestions. Instead of being obsessed with narrowly defined problems and technical solutions, they argued, we need to take time to identify the big fights and the crucial intersections in progressive politics that will allow us to come together in new ways.<sup>32</sup> Some of the big fights relate to funding the public sector, land use, human and reproductive rights, the "war on terror," and creating wealth for everyone.<sup>33</sup> Secondly, they spoke of the need to go beyond self interest by reinvigorating the value of community.<sup>34</sup> While these environmental justice activists agreed with Shellenberger and Nordhaus's call for a big investment in energy efficiency, they pointed out that smaller, visionary projects are sprouting up in the grassroots initiatives of resource poor but spiritually rich communities.<sup>35</sup> These initiatives are infused with the overarching values of community and sustainability, and as such can be easily linked to similar international movements.<sup>36</sup> Like others, they called for placing environmental issues in new frames that animate broader visions and values. For example, a new energy policy is not just about less carbon dioxide, it is about "human rights, jobs, security, trade, and economics."<sup>37</sup> Like others, they also endorsed as a priority outreach to other affected constituencies; pointedly, however, the groups they identified for outreach

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<sup>28</sup> Pope, *supra* note 21. See generally LAZARUS, *supra* note 10.

<sup>29</sup> MICHEL GELOBTER ET AL., *THE SOUL OF ENVIRONMENTALISM: REDISCOVERING TRANSFORMATIONAL POLITICS IN THE 21ST CENTURY* 8-10 (2005), available at <http://www.rprogress.org/soul/soul.pdf>.

<sup>30</sup> *Id.*; see Letter from environmental justice actors to a multitude of conventional environmental organizations (Mar. 6, 1990), in *ENVIRONMENTAL JUSTICE: LAW, POLICY, AND REGULATION* 21-22 (Clifford Rechtschaffen & Eileen Gauna eds., 2002) [hereinafter *LAW, POLICY, AND REGULATION*].

<sup>31</sup> See GELOBTER ET AL., *supra* note 29, at 11-15.

<sup>32</sup> See *id.* at 16-19.

<sup>33</sup> *Id.* at 17-19.

<sup>34</sup> *Id.* at 20.

<sup>35</sup> *Id.* at 21.

<sup>36</sup> *Id.* at 21-22.

<sup>37</sup> *Id.* at 22.

were more diverse and included anti-deficit groups, community development organizations, labor unions, trade organizations for new industries, and evangelical communities.<sup>38</sup> They also echoed the need for conventional environmentalists to abandon their isolationist approach and form transformative alliances with other progressive movements, exploring commonalities rather than emphasizing differences.<sup>39</sup>

The authors of *The Soul of Environmentalism* went further than either the authors of *The Death of Environmentalism* or the ensuing general consensus with regard to reframing issues and alliance building. While they agreed that conventional strategies could be pursued, they argued that there should be more investment in smaller organizations, particularly those at the grass roots.<sup>40</sup> They also promoted the idea of leadership without borders and the need to cultivate younger leaders, particularly those who skillfully reach across issue lines.<sup>41</sup>

This sentiment was also expressed by other environmental justice activists, who suggested that it is not enough for the elite conventional environmental movement to examine what they can do differently while maintaining their position of power. They need to be open to options that require them to interrogate their own position of privilege and to share power.<sup>42</sup> Others noted that whatever the new frames, alliances, and strategies, they all needed an adequate race and class analysis, and must always question who benefits and who bears the burdens.<sup>43</sup> Finally, any political agenda must speak to the central economic and social needs of vulnerable communities.<sup>44</sup>

The *Death of Environmentalism* article and this particular strand of its aftermath raised several important questions. While most agreed that narrowly framed issues accompanied by overly technical solutions failed to inspire or provide a coherent vision, this observation alone does not get us very far. Perhaps the most disappointing omission of *Death of Environmentalism* was its failure to analyze conventional environmentalism within the context of its sister environmental movements in particular, and progressive movements in general. When we broaden the perspective, what we might be witnessing is not a failed strategy that should be pronounced dead, but uncoordinated movements that have not yet offered their strengths to a better, more coherent approach. The "death" debate itself suggests several areas where a more expansive analysis of the issues might prove fruitful. These interrelated areas are the history of the environmental

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<sup>38</sup> *Id.* at 24.

<sup>39</sup> *Id.* at 26.

<sup>40</sup> *Id.* at 24–25.

<sup>41</sup> *Id.* at 26; see also Adrienne Maree Brown, Rainbow Warrior, <http://www.grist.org/comments/soapbox/2005/03/15/brown/> (last visited Apr. 13, 2008).

<sup>42</sup> Ludovic Blain, Ain't I an Environmentalist?, <http://www.grist.org/comments/soapbox/2005/05/31/blain-death/index.html> (last visited Apr. 13, 2008).

<sup>43</sup> Vivian Chang & Manami Kano, Panel Surfing, <http://www.grist.org/comments/dispatches/2005/03/04/chang/index.html> (last visited Apr. 13, 2008).

<sup>44</sup> Orson Aguilar, Why I Am Not an Environmentalist, <http://www.grist.org/comments/soapbox/2005/05/31/aguilar/index.html> (last visited Apr. 13, 2008).



movement, the conceptualization and framing of environmental issues, the role of technocratic solutions, and transformative coalition building. These are crucial issues with which the environmental justice movement has been engaged since its inception. This movement's encounter with these issues merits revisiting, as some of these struggles, and the lessons learned, may be used to fashion a coherent progressive vision and political strategies that can lead to effective solutions. At the same time, the approach of more conventional environmentalists also has strengths that should not be discarded, but instead used to enhance a more cohesive progressive environmental project.<sup>45</sup>

### III. AREAS FOR FURTHER ANALYSIS

#### A. *The History Of The Environmental Movement, Broadly Defined*

The authors of *The Soul of Environmentalism* noted that the authors of *Death of Environmentalism* only cited to three people who came before: John Muir, David Brower, and Martin Luther King, Jr.<sup>46</sup> While it was appropriate to cite Dr. King, and by implication acknowledge the strategic and tactical lessons that were a gift of the civil rights movement, this by itself was insufficient. *The Soul of Environmentalism* authors argue that the successful rebirth of the environmental movement (indeed, the birth of any movement) depends upon being clear about lineage and history.<sup>47</sup> Critical of John Muir because of his insensitivity to racial issues, the *Soul* authors noted that

[t]here are better shoulders for us to stand on. In 1849, Henry Thoreau explained that he was refusing to pay taxes to a government 'which buys and sells men, women, and children like cattle at the door of its senate-house.' In 1914, Louis Marshall made the critical argument that saved the Adirondack wilderness, despite the fact that he was a Jew and many of his neighbors in the North Country were rabid anti-Semites. In the 1930s, Marshall's son Robert founded the modern wilderness protection movement. Around the same time, Zora Neale Hurston documented multiethnic America in her many books about people and nature. In the 1960s, Henry Dumas wrote of the healing role of nature in even the most viciously segregated rural areas of the South.<sup>48</sup>

Undoubtedly there are other historical figures, both domestically and globally, to include in a larger, shared history of environmentalism. While redefining history may seem frivolous to some, particularly given the urgency of global-scale climate disruption, it is important to keep in mind

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<sup>45</sup> See, e.g., Amanda Griscom Little, *Death Wish: An interview with authors of the controversial essay "The Death of Environmentalism,"* <http://www.grist.org/news/maindish/2005/01/13/little-doe/> (last visited Apr. 13, 2008).

<sup>46</sup> GELOBTER ET AL., *supra* note 29, at 8.

<sup>47</sup> Michel Gelobter et al., *Standing on Whose Shoulders?*, <http://www.grist.org/comments/soapbox/2005/05/27/gelobter-soul/> (last visited Apr. 13, 2008).

<sup>48</sup> GELOBTER ET AL., *supra* note 29, at 8-9.

that entire groups of people have been all but erased from history or characterized as trivial. These groups first needed to reclaim their histories in order to proceed further in their progressive movements. If the larger environmental community is going to progress as a cohesive group, it needs a more inclusive history, acknowledging its multiethnic, multiracial, and multinational ancestry. Moreover, the act of redefining and reclaiming history will help dissolve entrenched privilege and debunk the view of environmentalism as an elite movement. This in turn will destabilize the right's labeling of environmentalists as "limousine liberals,"<sup>49</sup> or with other terms aimed at undercutting the environmental movement's legitimacy. Far from being a frivolous endeavor, a shared history of environmentalism will help launch an effective reframing project.

### *B. Conceptualization of the Environment and Framing of Environmental Issues*

The conventional environmental movement has been criticized because it reifies the environment, reducing it to a "thing" to be protected.<sup>50</sup> While Carl Pope's response—that the environment *is* a thing and indeed has *its* dynamics—is well taken, conceptualizing the environment in this way seems to lead to single-minded strategies of preserving pristine places, or of addressing pollution and risk outside of its economic, social, and cultural context. As a result, the solutions proposed or endorsed by conventional environmentalists left vulnerable communities without access to critical natural resources, and safe jobs and livelihoods.<sup>51</sup> Just as importantly, it left impacted communities without a meaningful say in decisions that affected their communities.<sup>52</sup> In a related vein, a single-focus can potentially lead to undermining important principles of sovereignty for Native American

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<sup>49</sup> "Limousine liberal" is "a pejorative American and Canadian political term for a wealthy liberal or liberal who claims to have a deep concern for poverty in the United States or poverty in Canada, but doesn't actually engage with impoverished individuals on a day to day basis." Wikipedia, Limousine liberal, [http://en.wikipedia.org/wiki/Limousine\\_liberal](http://en.wikipedia.org/wiki/Limousine_liberal) (last visited Apr. 13, 2008). See also Urban Dictionary.com, Limousine Liberal, <http://www.urbandictionary.com/define.php?term=limousine+liberal> (last visited Apr. 13, 2008). A more recent iteration of this sentiment was expressed in a speech about global warming, in which the speaker referred to "those in the liberal elite who jet to environmental conferences in Gulfstream Fives and drive around in Hummers singing the praises of hybrids and bicycles . . ." Senator Tom McClintock, Speech at the Western Conservative Political Action Conference (Oct. 12, 2007), available at [http://www.carepublic.com/blog.html?blog\\_id=193&frompage=latestblog&domain=tom\\_mcclintock](http://www.carepublic.com/blog.html?blog_id=193&frompage=latestblog&domain=tom_mcclintock).

<sup>50</sup> DEATH OF ENVIRONMENTALISM, *supra* note 3, at 9.

<sup>51</sup> See generally LAW, POLICY, AND REGULATION, *supra* note 30, at 3–26; LUKE W. COLE AND SHEILA R. FOSTER, FROM THE GROUND UP: ENVIRONMENTAL RACISM AND THE RISE OF THE ENVIRONMENTAL JUSTICE MOVEMENT 19–33 (2001); Philip Weinberg, *Equal Protection, in THE LAW OF ENVIRONMENTAL JUSTICE: THEORIES AND PROCEDURES TO ADDRESS DISPROPORTIONATE RISKS* 3, 3–22 (Michael B. Gerrard ed., 1999).

<sup>52</sup> Eileen Gauna, *The Environmental Justice Misfit: Public Participation and the Paradigm Paradox*, 17 STAN. ENVTL. L.J. 3, 35–36 (1998).

tribes.<sup>53</sup> In several instances, the self-determination and agency of people of color in impacted communities were disregarded while tradeoffs, made in the name of net environmental benefit, were brokered by conventional environmental elites.<sup>54</sup>

Environmental justice activists responded to this situation by redefining the "environment" as the place where people live, work, play, learn, and worship.<sup>55</sup> Moreover, the environmental justice movement explicitly linked environmentalism to economic and social justice.<sup>56</sup> This reconceptualization enabled consideration of pollution, risk, and resource use in a broader economic and cultural context,<sup>57</sup> and encouraged alliances, particularly on a more local level where cultural practices and livelihoods were often at stake.

Participants in the "death" conversations often spoke of the need to think of the environment in different terms, but exactly what those terms should be unfortunately remained vague. Equally unfortunate is that the reconceptualization of the term "environment" by environmental justice advocates, while intended to prompt consideration of the environment in a complex economic, social, political, and cultural context, might not be sufficient on a global scale. To address global climate change, the term "environment" might need to be broadened further still, to include considerations of climate justice, ecological resources of global significance, and protection of biodiversity. At the same time, the conceptualization must have the power to link the serious but relatively more remote problem of

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<sup>53</sup> Some scholars have argued that a narrow focus on environmental justice, without consideration of tribal sovereignty and the federal trust responsibility, can undermine important goals and lead to a form of economic paternalism. Jana L. Walker et al., *A Closer Look at Environmental Injustice in Indian Country*, 1 SEATTLE J. SOC. JUST. 379, 390 (2002). The same cautionary note is applicable to efforts to address climate change, both by conventional environmentalists and environmental justice actors.

<sup>54</sup> See Richard Toshiyuki Drury et al., *Pollution Trading and Environmental Injustice: Los Angeles' Failed Experiment in Air Quality Policy*, 9 DUKE ENVTL. L. & POL'Y F. 231, 234-35 (1999).

<sup>55</sup> The first definition used was a reference to the environment as where people "live, work and play." Gauna, *supra* note 52, at 70. It has since been broadened. *E.g.*, Asian Pacific Environmental Network, Environmental Justice & API Issues, [http://www.apen4ej.org/issues\\_what.htm](http://www.apen4ej.org/issues_what.htm) (last visited Apr. 13, 2008) (referring to "the environments where we live, work, play, learn and pray").

<sup>56</sup> A reflection of this sentiment is prominent in the name of one of the major environmental justice networks, the Southwest Network for Environmental & Economic Justice, <http://www.sneej.org/> (last visited Apr. 13, 2008). For more examples, see the websites of other prominent environmental justice networks: Asian Pacific Environmental Network, <http://www.apen4ej.org/> (last visited Apr. 13, 2008) ("Uniting Asian and Pacific Islander communities for environmental and social justice."); Indigenous Environmental Network, <http://www.ienearth.org/> (last visited Apr. 13, 2008) ("A network of Indigenous Peoples empowering Indigenous Nations and communities towards sustainable livelihoods, demanding environmental justice and maintaining the Sacred Fire of our traditions."); National Black Environmental Justice Network, <http://www.nbejn.org/who.html> (last visited Apr. 13, 2008) ("[A] national preventive health and environmental/economic justice network with affiliates in 33 states and the District of Columbia.").

<sup>57</sup> See, e.g., GELOBTER ET AL., *supra* note 29, at 22-23.

longer-term distributional impacts of climate change<sup>58</sup> to the more immediate problems currently facing vulnerable communities, such as natural resource depletion, pollution, and the lack of access to emergency response services. For example, the inevitability of federal legislation regulating greenhouse gases<sup>59</sup> appears to be an important consideration in the surge of new coal-fired power plants,<sup>60</sup> presumably in order to seek grandfather status under new regulations. There are also other forms of energy, such as biofuel, liquefied natural gas, and nuclear, that are asserted to be “cleaner” from a greenhouse gas perspective and to promote energy security, but present their own set of risks and that are likely to exacerbate racial disparities in the United States.<sup>61</sup> A comprehensive strategy must include a serious response to these and other distributional impacts.

More broadly, we must find a way to adequately convey that the environment is more than where we collectively live, work, play, learn, and worship. It is also one tiny planet and our only home, a home we share with other sentient beings and with future generations. The Native American concept of Mother Earth,<sup>62</sup> or the Gaia concept sometimes used by the deep ecology and other movements,<sup>63</sup> may be helpful in this respect. Unfortunately, these nontraditional conceptualizations of the environment have been characterized as both romantic and bizarre,<sup>64</sup> and the groups that have promoted them have been marginalized in the larger environmental movement. This marginalization is itself an assertion of privilege that should be challenged by all sister progressive movements.

Al Gore’s recent movie,<sup>65</sup> which takes the more conventional but accessible approach of explaining the scientific underpinnings of climate change, reinserted climate change issues into the broader public dialogue. With the help of cognitive scientists like George Lakoff<sup>66</sup> and others, the

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<sup>58</sup> See CONG. BLACK CAUCUS FOUND., *supra* note 6, at 1; ROBERT CORDOVA ET AL., CLIMATE CHANGE IN CALIFORNIA: HEALTH, ECONOMIC AND EQUITY IMPACTS 1 (2006), available at [http://www.rprogress.org/publications/2006/CARB\\_ES\\_0306.pdf](http://www.rprogress.org/publications/2006/CARB_ES_0306.pdf).

<sup>59</sup> See Victor B. Flatt, *Taking the Legislative Temperature: Which Federal Climate Change Legislative Proposal is “Best” (Part II)*, 102 N.W. UNIV. L. REV. COLLOQUY 123, 123 (2007), available at <http://www.law.northwestern.edu/lawreview/colloquy/2007/32>.

<sup>60</sup> For an assessment of coal-fired power plants that are in various stages, from announcement through permitting and construction, see ERIK SHUSTER, NAT’L ENERGY TECH. LAB., TRACKING NEW COAL FIRED POWER PLANTS (2007), available at <http://www.netl.doe.gov/coal/refshelf/ncp.pdf>.

<sup>61</sup> See, e.g., National Black Environmental Justice Network, <http://www.nbejn.org>; see also Eileen Gauna, *LNG Facility Siting and Environmental (In)Justice: Is it Time for a National Siting Scheme?*, 2 ENVTL. & ENERGY L. & POL’Y J. 85 (2007).

<sup>62</sup> See The First National People of Color Environmental Leadership Summit, *Principles of Environmental Justice*, in LAW, POLICY, AND REGULATION, *supra* note 30, at 22–24.

<sup>63</sup> See generally Dr. James Lovelock & Dr. Lynn Margulis, *The Gaia Hypothesis*, <http://www.mountainman.com.au/gaia.html> (last visited Apr. 13, 2008).

<sup>64</sup> See Robert Williams, *Large Binocular Telescopes, Red Squirrel Pinatas, and Apache Sacred Mountains: Decolonizing Environmental Law in a Multicultural World*, 96 W. VA. L. REV. 1133, 1136 (1994).

<sup>65</sup> AN INCONVENIENT TRUTH (Paramount Pictures 2006).

<sup>66</sup> George Lakoff is the author of many books, including *Don’t Think of an Elephant*, which addresses the framing of issues within political contexts. GEORGE LAKOFF, DON’T THINK OF AN

larger environmental movement could use this momentum to reshape the public conception of environment and climate change in a way that would animate positive values of community and fairness on a global scale, instead of remaining within the more comfortable but overly narrow scientific and technical approach.

But this approach to reframing also has a dark side. It might be too tempting to rely solely upon experts to frame issues for public consumption. Although such an exercise would be helpful as part of a coordinated strategy, a more useful approach was used by the environmental justice movement in the early 1990s. At that time, many people in the movement came together to collectively draft a set of principles to guide the constellation of disparate grassroots organizations that were addressing environmental justice issues across the United States. These principles were worked, and reworked, in a public forum over a period of days by all the participants at the 1991 People of Color Environmental Leadership Summit.<sup>67</sup> At the end of the process, the organizations and individuals involved had a sense of ownership of these principles and were able to continue their work, individually and together, with a greater sense of cohesion and optimism. The broader environmental movement and closely aligned allies might try a similar approach, exploring commonalities and shared values, to come up with a similar set of principles, redefinitions of environment, and sense of mission. This process-oriented approach, rather than a consultant and think-tank oriented approach, may cultivate a more cohesive and enduring movement over the long run.

### *C. Role Of Technocratic Solutions*

One of the central points of *Death of Environmentalism* was that the conventional environmental movement made a critical error in focusing on technical solutions while the right wing of the ideological spectrum was busy winning over the public with cleverly packaged ideas.<sup>68</sup> The implication of this critique seems to be that we too should have focused on ideas that would help sustain support for environmental causes over the long haul. In this respect, the authors' criticism was not entirely fair. Far right-wing ideology is different in one critical respect: its central project is to shrink government and dismantle health and environmental programs, not solve difficult environmental problems.

Here, again, the experience of the environmental justice movement may be helpful in illustrating the issue. Environmental justice advocates burst

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ELEPHANT (2004).

<sup>67</sup> See LAW, POLICY, AND REGULATION, *supra* note 30, at 21–24. See also FIRST PEOPLE OF COLOR LEADERSHIP SUMMIT, PEOPLE OF COLOR ENVIRONMENTAL JUSTICE “PRINCIPLES OF WORKING TOGETHER,” Oct. 27, 1991, available at <http://www.ejnet.org/ej/workingtogether.pdf> [hereinafter FIRST PEOPLE OF COLOR LEADERSHIP SUMMIT]; Videotape: First National People of Color Environmental Leadership Summit Highlights (Comm'n for Racial Justice, United Church of Christ 1992) (on file with Tisch Library, Tufts University).

<sup>68</sup> DEATH OF ENVIRONMENTALISM, *supra* note 3, at 9–12.

onto the environmental protection scene in the late 1980s, raising powerful justice claims that centered on values of fairness and community that speak directly to our sense of civic virtue.<sup>69</sup> In other words, they did exactly what the *Death of Environmentalism* authors said was the critical omission of the environmental movement: they spoke to deeper values. This approach paid off, sort of. Community demonstrations shining a spotlight on specific environmental injustices—for example, African American communities targeted for the siting of hazardous waste facilities—enjoyed media attention and garnered public support.<sup>70</sup> Environmental justice became a high profile issue within a very short time, and it animated the same better aspects of our collective self that are the legacy of the civil rights movement. However, in spite of this support, there were few sustained victories.

While the myriad reasons for many short-lived victories are complex, this much can be said: the environmental justice movement was largely comprised of grassroots initiatives in poor communities that had relatively few technical resources with which to address heavy pollution loads from multiple sources.<sup>71</sup> There was also the problem of pinpointing risk with the necessary degree of certainty.<sup>72</sup> So although in many instances there was strong public support, the thorny technical issues of pollution reduction and risk elimination remained. These problems are genuinely hard and require technical solutions, at least over the short term. There is no escape from that fact.

Far from being a central failure of the conventional environmental movement, the focus on the technicalities of pollution control, risk, and resource management is perhaps its greatest contribution.<sup>73</sup> The creation of a regulatory infrastructure that comprises a mix of legal proscriptions, scientific understandings, and engineering technologies has addressed many domestic environmental problems admirably. Instead of berating conventional environmental organizations, perhaps we should thank them and ask them to continue their valuable work. Instead of demanding that one organization, or cluster of organizations, be all things, we should move ahead in a coordinated alliance of grassroots, national, and international groups to address climate change. This will require not banishing the technocrats, but banishing the entrenched notions of privilege that view conventional environmental organizations as the only game in town—a view that has an impact on the funding infrastructure that supports progressive causes. The technicians are critically important, but there is much more in the environmental project that has to be supported and developed.

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<sup>69</sup> See LAW, POLICY, AND REGULATION, *supra* note 30, at 3–5.

<sup>70</sup> See *id.*

<sup>71</sup> See *id.* at 3, 5, 13.

<sup>72</sup> See *id.* at 87–105.

<sup>73</sup> See generally LAZARUS, *supra* note 10; Werbach, *supra* note 2; GELOBTER ET AL., *supra* note 29, at 8–10.

#### *D. Transformative Coalition Building*

Most participants in the “death” debate agreed that alliance building was key, but unfortunately building alliances is far easier said than done. This was, curiously, the least developed part of the ensuing conversations, although arguably it is the most important. What should be the ground rules of these new alliances and collaborations? Can they be transformative or will they simply replicate old forms of domination with a few new players?

This is another area where the lessons and insights from the environmental justice movement are helpful. The environmental justice movement is a very large, decentralized constellation of local organizations, loosely organized communities, and sometimes regional and national networks of affiliate organizations.<sup>74</sup> It is multi-issue, multi-racial, multi-cultural, and increasingly multi-national. It spans diverse ecosystems, from inner city enclaves to remote Native American reservations. The conditions these communities face are equally disparate, from concentrated animal feeding operations to hazardous waste facilities, clusters of oil refineries and chemical plants, fields of produce laced with harmful pesticides, degraded forests and rangelands, and lack of water and emergency services. Native Americans have sovereignty and tribal governance issues that complicate their campaigns. Yet, despite the diversity in cultural perspectives, environmental issues faced, geography, and history, these groups have managed to come together to execute a fairly unified movement. To be sure, this project has not always worked well. There have been ideological differences, as well as the inevitable fracturing that is often the product of over-sized egos and unskillful interactions—a condition that affects all groups of humans coming together for broad goals. Nevertheless, there are alliances that have remained stable for years and continue to function fairly efficiently.

During the 1991 First People of Color Environmental Leadership Summit, there was substantial thought given to how these disparate groups would work together in the years to come. A draft set of principles for working together was discussed. These principles included core values, such as the value of working from the ground up (instead of the top down), recognizing traditional and indigenous forms of knowledge, recognizing that impacted community members should speak for themselves and be supported in developing leadership within their communities, and in particular, leadership among the youth.<sup>75</sup> They recognized that while on-the-ground activists had to set their own priorities, power had to be shared at all levels.<sup>76</sup> The participants also discussed how learning about different cultural and political histories was important in building respect and trust over the long run. This would also serve to strengthen cross-cultural communication skills and yield a culturally appropriate process for this diverse group.<sup>77</sup>

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<sup>74</sup> See ENVTL. JUSTICE RES. CTR., PEOPLE OF COLOR ENVIRONMENTAL GROUPS DIRECTORY (2000), available at <http://www.ejrc.cau.edu/poc2000.htm>.

<sup>75</sup> See FIRST PEOPLE OF COLOR LEADERSHIP SUMMIT, *supra* note 67.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

As the environmental justice movement went forward in the years to come, these principles proved difficult to abide by, particularly given pressing issues that had to be addressed quickly and decisively. In 1996, some movement participants gathered together in Jemez, New Mexico, and discussed principles for democratic organizing. These “Jemez Principles” might also prove instructive to the larger environmental community as it considers how environmental and progressive communities might come together in future years to address climate change. Some of the principles were similar to those developed in 1991, but a few more were added. Briefly, they are 1) the need to be inclusive, 2) bottom-up organizing, 3) letting people speak for themselves, 4) working together in solidarity and unity, 5) building just relationships, and 6) a commitment to self-transformation.<sup>78</sup>

The participants understood that inclusiveness “may delay achievement of other important goals [and] will require discussion, hard work, patience, and advance planning. It may involve conflict, but through this conflict [the participants] can learn better ways of working together.”<sup>79</sup> As the “death” debates revealed, the larger environmental community is significantly fractured and it is likely that conflict is routinely avoided rather than confronted. As a result, some groups became players and some groups were marginalized. This did not serve the environmental community, as all groups and their constituencies have something to offer the effort. At this critical juncture, all groups should think more precisely about how coalitions can be built, particularly in a context of unexamined race and class attitudes in the United States, unexamined privilege of those in developed countries, and limited funding sources that generate unhealthy competitiveness. As daunting as this task is, however, it is necessary for effective and stable coalitions.

The first step in this process might be for the entire environmental community—not just the conventional environmental community—to meet for the specific purpose of exploring possibilities for further collaboration. They may, for example, work on a set of principles for working together and discuss ways of defining the “environment” and framing environmental issues. While cognitive scientists and think-tank ideas can be helpful, they should not substitute for the type of “bottom-up” discussions that allow all participants to be genuinely invested in the process. This process would also allow conflicts to surface, which is a good thing. Some conflicts are generated by differences in perspective and ideology, by unhealthy attitudes, or by inequality in position. Other conflicts may arise because there is a divergence of interests in responses to climate disruption, which should be recognized and accepted. Discussion of these issues will be difficult, and everyone should make a sincere commitment to be open to them.<sup>80</sup> The alternative—keeping disagreement and conflict below the surface—is a corrosive course that will inhibit progress. A bottom-up strategy will prove more effective over the long run.

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<sup>78</sup> See RUBÉN SOLÍS, SW. PUB. WORKERS UNION, *JEMEZ PRINCIPLES FOR DEMOCRATIC ORGANIZING* (1997), available at <http://www.ejnet.org/ej/jemez.pdf>.

<sup>79</sup> *Id.*

<sup>80</sup> See, e.g., Werbach, *supra* note 2.



## IV. CONCLUSION

Whether we view environmentalism as failed, crippled, dead, or in the process of transformation, there is an overriding imperative that all of us agree upon—addressing climate change. This is an issue that no one constituency owns. However, it should be recognized that the arctic north, global south, and the south within the north will be most affected by the disruption that climate change will bring. Thus, how we approach this imperative will matter, as not all will be situated equally in this looming tragedy. We must resist the temptation to respond to the urgency of climate disruption by creating an energy infrastructure that will place new risks and impacts on the back of vulnerable communities. Some of us will have to let go of privileged positions and not purport to be the exclusive voices for this issue. We can also take a tip from nature and recognize that we are interdependent movements and that diversity and cooperation are the ultimate keys to survival. When we recognize the strengths and contributions of sister progressive movements, adopt and adapt strategies, and move forward together, we will have a much better chance of reaching our collective goals.

As we can learn from *el día de los muertos*, or the day of the dead, above all, it is possible to recognize the urgency and gravity of climate disruption while at the same time simply refuse to take ourselves too seriously, regardless of which environmental or progressive constituency we most identify with. In other words, let's approach our death, rebirth, and diversity with a lighter touch. The struggle—and the dance—goes on.