

# Green Theory and Praxis Journal



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**Standing up to Corporate Greed:  
*The Earth Liberation Front as Domestic Terrorist Target Number One***

**Anthony J. Nocella, II and Matthew J. Walton**

*Investigating and preventing animal rights extremism and eco-terrorism is one of the  
FBI's highest domestic terrorism priorities.*

- John E. Lewis, Deputy Assistant Director, Counterterrorism Division Federal Bureau  
of Investigation<sup>1</sup>

*We have to show the enemy that we are serious about defending what is scared.*

- Earth Liberation Front, Beltane 1997

The current global political climate is steeped in fear of, and rhetoric about, political violence and terrorism. Scholars and practitioners must go beyond this fear and rhetoric, and instead seek a more nuanced understanding of political groups that utilize property destruction, kidnapping, assassination, armed struggle and other militant actions for political or ideological ends. Such understanding is important in order to slow down and reverse the current trend among legislative and policy-making bodies and leaders around the world, who increasingly marginalize, demonize and exclude such groups from arenas of debate, allegedly in the name of counter-terrorism.

This paper will examine the actions and philosophy of the Earth Liberation Front (ELF), particularly in relation to global capitalism. We seek to explain why the ELF does what it does, and why its actions have situated it atop the FBI Domestic Terrorist list, despite the fact that ELF guidelines specifically prohibit harming any human or non-human animals. Our argument is that ELF actions contain a compelling critique of capitalism, which is much more of a threat to “American values” and to the consumer-driven U.S. way of life in general, than other potential threats that seek to harm humans.

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<sup>1</sup> Senate Committee on Environmental and Public Works, May 18<sup>th</sup>, 2005.

In other words, maintaining the dominance of corporate power and the supremacy of market capitalism is more important to the U.S. government and intelligence agencies than protecting the lives of U.S. citizens.

## **ORGANIZATION**

We begin our paper by examining the development of global capitalism in the 21<sup>st</sup> century. We then move on to give some historical background on the ELF as well as the philosophical underpinnings of the organization. We examine the demand for the ELF and show some examples of state repression of ELF activists and supporters. We then dissect the notion of “eco-terrorism,” looking particularly at legislation that targets ELF-style actions. We will end by analyzing in more detail the ELF critique of capitalism, highlighting the threat that the ELF poses to this dominant economic and social paradigm.

## **GLOBAL CAPITALISM IN THE 21<sup>ST</sup> CENTURY**

*We need to hit these corporations repeatedly, without mercy, for this is precisely what they are doing to our ecosystems.*  
- Craig “Critter” Marshall<sup>2</sup>

As we begin the 21<sup>st</sup> century it is useful to look back and examine the historical events and ideologies that have shaped the world we live in today. The 20<sup>th</sup> century, particularly the latter half, was characterized by industrialization, globalization, and technological development. All of these processes have been driven by one ideological agenda that has been sold to the global community as not just beneficial, but inevitable; this agenda is capitalism.

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<sup>2</sup> Marshall, Craig (February, 2002). Letter from Critter.  
<http://www.spiritoffreedom.org.uk/profiles/critter/writings.html#od>, June 30, 2005.

The phenomenal growth that came about as a result of the processes mentioned above could not have occurred without significant governmental influence and control over not only the economic sphere, but social relations as well. This level of control cannot be reached by any government without resorting to tactics that repress those elements of society which seek to undermine the influence of market capitalism (Henderson, 1991). Some observers may feel that government control has become even more penetrating in light of the recent drastic shift in U.S. policy with regard to national security (Churchill, 2003). However, these tactics, specifically the depletion of civil liberties and limitations on social activism and freedom of speech, are only a continuation (albeit an intensification) of the repression that has necessarily existed within states from their formation (Schultz and Schultz, 1989; Goldstein, 2001).

The “War on Terror,” is being fought by Western nations to protect everything that these former colonial states have acquired and achieved (mostly through destructive and intrusive means) over the past several hundred years. Through this lens, so-called global terrorism is the opposite of global capitalism. In response to aggressive capitalist globalization policies, intense forms of resistance are mounting against the great endorsers of corporate domination such as the US and the UK. These resistance movements range from anti-Iraq war and social justice mobilization to Islamic fundamentalist forces such as Al Qaeda to the Earth Liberation Front.<sup>3</sup>

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<sup>3</sup> We are not suggesting here that there is necessarily a continuum between moderate social justice mobilization (such as opposition to the war in Iraq) and the more militant tactics employed by Al Qaeda, simply that there is a spectrum of groups that utilize a variety of tactics and strategies to combat global capitalism.

## **ELF BACKGROUND**

*Welcome to the struggle of all species to be free. We are the burning rage of this dying planet.*

- Earth Liberation Front, Beltane, 1997

The ELF was founded in Brighton, England, by members of Earth First! (an aboveground nonviolent radical environmental group) who refused to abandon criminal acts as a tactic when others wished to move the group into the mainstream.<sup>4</sup> This forced a split in the Earth First! chapter in England and led to the creation of the ELF. The ELF approach was modeled on the Animal Liberation Front (ALF) and members utilized economic sabotage to directly attack their corporate enemies. The Earth Liberation Front's first action in the United States was on October 14, 1996 in Eugene, Oregon; a McDonald's had its locks glued and was spray painted, "Earth Liberation Front."

For the ELF and their supporters, the environmental crisis is real and severe; they believe that extraordinary times demand extraordinary actions. Arguing that the state and its approved legal channels of social and economic change are bureaucratic traps and dead-ends –and believing that the state is essentially the political arm of the ruling elite -- ELF activists insist that the only way to stop exploitative industries is to attack their economic nerve center through costly acts of sabotage. Perhaps it is best to allow the ELF to explain itself:

The Earth Liberation Front (ELF) is an international underground organization that uses direct action to stop the exploitation and destruction of the natural environment. The ELF realizes that all life on Earth is threatened by entities concerned with nothing more than pursuing economic gain at any cost.

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<sup>4</sup> [www.earthliberationfront.com](http://www.earthliberationfront.com), November 2, 2004.

Therefore, the ELF uses clandestine guerrilla tactics in efforts to take the profit motive out of killing the Earth.<sup>5</sup>

The ELF is organized into autonomous cells that operate independently and anonymously from one another and the general public. The group does not contain a hierarchy or any sort of leadership. Instead, the group operates under an ideology. If an individual believes in the ideology and follows the ELF guidelines, she or he can perform actions and become a part of the ELF. This means that anyone can be involved, even you.

The ELF is structured in such a way as to maximize effectiveness. By operating in anonymous cells, the security of group members is maintained. This decentralized structure helps keep activists out of jail and free to continue conducting actions.<sup>6</sup>

## **THE PHILOSOPHY OF THE ELF**

*All good things are wild, and free.*  
- Henry David Thoreau

Earth Liberation Front activists and supporters do not adhere to one particular ideology or theory. They are, however, most commonly associated with deep ecology, a way of living first articulated by the Norwegian scholar Arne Naess in early 1970's. Deep ecology is often described in comparison to its counterpart, "shallow" ecology, or the conservation of resources based on utility for the human community (recycling, capping emissions, fuel standards, etc.). Deep ecologists are dedicated to the ideal of all living beings (plants, animals, even ecosystems as a whole) living together without being commodified as "resources" or used, oppressed or destroyed for economic reasons. The theory also has strong critiques of capitalism, human over-population, materialism, and

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<sup>5</sup> [www.earthliberationfront.com](http://www.earthliberationfront.com) May 3, 2003.

<sup>6</sup> [www.earthliberationfront.com](http://www.earthliberationfront.com), November 4, 2004.

human over-consumption. Although some social movement theorists and environmental scholars write that radical environmentalists' motivation derives from a well articulated philosophy of deep ecology, this is usually far from the truth. Rik Scarce explains that "most eco-warriors have no interest in a well-conceived philosophy or in any other explicit guideposts to tell them how to live their lives" (Scarce, 1990). While it is true that the tenets of deep ecology are compatible with many of the views of radical environmentalists, in the case of the ELF, it seems that actions are of primary importance, and a philosophical basis for these actions is only a secondary concern.

The organizational makeup of the ELF is rooted in anarchy, which results in a non-hierarchical, leaderless structure. ELF actions are governed only by the guidelines, which are posted in multiple locations on the Internet and distributed through various pieces of literature. Consequently, the motivational drive to protect the earth manifests differently within each cell and each member. An ELF member could be a southern Republican who does not want a highway in the back of her home, or a parent who has been devastated to find out that his child is dying of a local pesticide that is being sprayed on a farm nearby.

The piece of literature that probably did the most to motivate individuals to adopt a radical environmental stance utilizing property destruction is Edward Abbey's *The Monkeywrench Gang*. Abbey, an anarchist, writes about a group of pissed off environmentalists who all come to their radical convictions through diverse experiences and beliefs. They are fed up with what the "progress" of industrial capitalism is doing to the planet (and to their desert in particular) and set out to destroy billboards, bulldozers, bridges and trains, and even dream of blowing up Glen Canyon Dam. The term "monkeywrench" was consequently taken up by Earth First! and is used to describe small

acts of midnight vandalism, such as putting sand in the gas tank of an earth mover, flattening the tires of a bulldozer, or putting glue in locks of the U.S. Forest Service offices.

## **THE DEMAND FOR THE ELF**

*Don't just stand there. FIGHT BACK NOW!!*  
- Jeff "Free" Luers<sup>7</sup>

The ELF is an extremely topical and controversial group, yet to date there is very little analysis or understanding of them. In many ways this is an advantage for activists, as it has hindered law enforcement efforts to infiltrate the organization, but it also makes it more difficult for other streams of radical and even mainstream environmentalism to come to an understanding of why ELF members do what they do. In the early part of 1997 a communiqué from the ELF was sent out; it read:

Beltane, 1997

Welcome to the struggle of all species to be free. We are the burning rage of this dying planet. The war of greed ravages the earth and species die out every day. E.L.F. works to speed up the collapse of industry, to scare the rich, and to undermine the foundations of the state. We embrace social and deep ecology as a practical resistance movement. We have to show the enemy that we are serious about defending what is sacred. Together we have teeth and claws to match our dreams. Our greatest weapons are imagination and the ability to strike when least expected.

Since 1992 a series of earth nights and Halloween smashes has mushroomed around the world. 1000's of bulldozers, powerlines, computer systems, buildings and valuable equipment have been composted. Many E.L.F. actions have been censored to prevent our bravery from inciting others to take action.

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<sup>7</sup> Luers, Jeff (Summer, 2001). Don't Just Stand There. <http://www.freefreenow.org/writings.html#Eco>, June 30, 2005.

We take inspiration from Luddites, Levellers, Diggers, the Autonomie squatter movement, the A.L.F., the Zapatistas, and the little people - those mischievous elves of lore. Authorities can't see us because they don't believe in elves. We are practically invisible. We have no command structure, no spokespersons, no office, just many small groups working separately, seeking vulnerable targets and practicing our craft.

Many elves are moving to the Pacific Northwest and other sacred areas. Some elves will leave surprises as they go. Find your family! And lets dance as we make ruins of the corporate money system.

It is clear from this that the ELF does not only operate under the goal of defending Mother Earth, but also values building solidarity with other revolutionary groups that have common elements. They are facilitating an understanding of property destruction that moves from principle to practice, as a means to cause economic sabotage to corporations and to bring to their knees all those who profit from the destruction of the planet.

## **REPRESSION OF THE ELF AND ITS SUPPORTERS**

*It is not the oppressed who determine the means of resistance, but the oppressor.*  
- Nelson Mandela

The U.S. government began strategic repression of the ELF and its supporters essentially since the organization's inception in this country in 1996. Individuals convicted of ELF-style actions have been given severe sentences and those people who publicly advocate for and defend the group have been harassed and have had their homes raided. The following communiqué is the first public notice by the ELF of solidarity with activists who are being repressed for their support of the underground organization. The communiqué claimed responsibility for torching four luxury homes on Long Island, New

York, in resistance to gentrification. The estimated cost of damages was two million dollars.

December 31, 2000

Greetings Friends,

As an early New Years gift to Long Island's environment destroyers, the Earth Liberation Front (E.L.F.) visited a construction site on December 29 and set fire to 4 unsold Luxury houses nearly completed at Island Estates in Mount Sinai, Long Island. Hopefully, this caused nearly \$2 million in damage. This hopefully provided a firm message that we will not tolerate the destruction of our Island. Recently, hundreds of houses have been built over much of Mount Sinai's picturesque landscape and developers now plan to build a further 189 luxury houses over the farms and forests adjacent to Island Estates. This action was done in solidarity with Josh Harper, Craig Rosebraugh, Jeffrey "Free" Luers and Craig "Critter" Marshall, Andrew Stepanian, Jeremy Parkin, and the countless other known and unknown activists who suffer persecution, interrogation, police brutality, crappy jail conditions, yet stand strong.

This action is an example of the respect these underground environmental extremists have for the aboveground activists. Two of the activists in the list of above, (Jeffrey "Free" Luers and Craig "Critter" Marshall) are now in prison for ELF type actions.

Jeffrey "Free" Luers (who never claimed that he was involved with the Earth Liberation Front) is currently serving a twenty-two year and eight month sentence that began June 11, 2001. He was convicted of 11 felony charges for burning three SUVs at a dealership in Eugene, Oregon. His co-defendant, Craig "Critter" Marshall, is serving a five-and-a-half-year sentence. Luers is serving a greater sentence because police linked him to a past arson attempt at Tyree Oil Company.

Luers, a long-time nonviolent peace and environmental activist in his mid-twenties has never harmed any individual, yet he received double what a rapist is typically sentenced to in the United States. Why is this? The symbolic arson Luers was convicted of draws attention to the fact that SUVs are contributors to air pollution and the destruction of the ozone layer. Actions like this threaten entire industries because they inject a necessary ethical consideration into consumerism. When potential buyers know the extended impact of their purchases they become more thoughtful consumers and are less susceptible to advertising and propaganda. These actions also seek to expose the dangers inherent in a capitalist system that hides the negative effects of its modes of production from its consumers.

While Luers does not affiliate with the ELF, he did take similar measures in making sure that his actions at the dealership would not harm anyone. At the trial, both the night watchman at the dealership and an arson specialist confirmed that the fire set to the three SUVs was not a threat to human beings. It is clear that what was on trial was not the burning of three SUVs, but rather Luers' environmental politics, which were brought up on a number of occasions by the police and prosecuting attorney. This trial was to set a precedent so that others would think twice about conducting such an extreme act (be it symbolic or not) against automobile, petroleum, and oil industries.<sup>8</sup>

## **ECO-TERRORISTS?**

*The pump don't work 'cause the vandals took the handles.*  
- Bob Dylan, "Subterranean Homesick Blues"

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<sup>8</sup> For more information on Free's trial visit [www.freefreenow.org](http://www.freefreenow.org)

According to the FBI, the ELF is the top “domestic terrorist” organization in the U.S.; considered more menacing to “American values” than violent neo-Nazi, militia, and anti-government groups. The ELF apparently merits such serious attention because in the last decade it has firebombed buildings, razed housing complexes under construction, burned Hummers and SUVs, and in various ways destroyed the property of industries that contribute to environmental problems such as habitat destruction and air pollution. Because their modus operandi involves illegal actions and property destruction (property being the most sacred icon of capitalist society), the ELF is an underground movement comprised of people who revile capitalism as a destructive social system, advocate radical environmentalism (or ecology), and form anonymous cells to carry out their strikes.

Many ELF activists and supporters consider themselves freedom fighters who defend Mother Earth against the increasingly damaging encroachments of capitalist industries – timber, automobile, housing, etc. – whose only concern is profit regardless of any social or ecological costs or consequence. Attacking the property of those who harm life and taking steps to avoid the harming of any form of life itself (humans or otherwise), the ELF rejects the stigma of being a “violent” or “terrorist” movement and turns the accusations against those in the corporate-state complex whose actions and policies kill animals, destroy ecosystems, and ultimately harm human beings too.

The “terrorist” label presents an interesting choice for the ELF and for those who undertake ELF-style actions. In the present political climate, usage and application of the term is used to terrorize the general population and eliminate any rational discussion regarding a group’s motives or goals. For this reason, some people attempt to disassociate the ELF with the “terrorist” label, comparing them instead to other revolutionary groups

such as the Zapatistas, the American Indian Movement and the Irish Republican Army.<sup>9</sup> Another strategy is to embrace the “terrorist” label in the name of solidarity. The ELF is fighting a war against global capitalism, one of the main tools of the US Empire. In many ways their struggle is the same as those militant groups (including Al Qaeda) that combat the exploitation of the land and possessions of people in developing countries. Actively adopting the “terrorist” label forces people involved in the more mainstream struggle for peace and justice to acknowledge that this war against empire is being fought on many different fronts and with a wide array of tactics.

## **THE ELF AND CAPITALISM**

*One thing more dangerous than getting between a grizzly sow and her cub is getting between a businessman and a dollar bill.*

- Edward Abbey

It cannot be denied that ELF actions have caused millions of dollars of damage in economic sabotage, and thus, the group represents a threat. However, the important question, in the context of labeling the group a domestic terrorist is who exactly is the ELF threatening? The ELF represents no direct or overt threat to the U.S. government, like the many right wing groups that have virtually disappeared from the DHS terror lists, despite targeting and threatening human lives. Rather, ELF actions hurt corporate abusers of the land, water, air and animals. Again, the guidelines of the ELF specifically prohibit the harming of humans in the process of economic sabotage.

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<sup>9</sup> While these groups may enjoy broader support on the left, they are by no means immune from the “terrorist” label themselves. Often the difference between a revolutionary and a terrorist is wholly dependent on both context and perspective.

This line of argument becomes more convincing when we add in the fact that the ALF "... is a serious domestic terrorist threat"<sup>10</sup>, according to the FBI. While ELF actions have caused massive amounts of capital loss for corporate interests, the monetary values associated with ALF actions are even less (although this figure continues to grow as both ALF and ELF members become more effective at what they do). Why then is this group also at the top of the domestic terror list? The answer is simple: The ALF and ELF are effective, decentralized, autonomous organizations that in their actions provide a clear and compelling critique of corporate capitalist society. Disregarding the level of actual damage they cause, every time they act, the lies and inequities contained within our current system of economic governance are laid bare. This critique is made even more insidious and effective because the very tools that serve to obscure the truth about the effects of capitalism to the U.S. citizens (corporate and government controlled media) are being utilized to spread the gospel (through mainstream news reports and magazine articles on ELF actions).

"These are not your local Sierra Club folks,"<sup>11</sup> said Ms. Sandy Liddy Bourne, director of policy and legislation for the American Legislative Exchange Council. The American Legislative Exchange Council reportedly helped draft approximately six "eco-terrorism" laws as recent as December 8, 2004. Laws that are currently being assisted by the American Legislative Exchange Council and U.S. Sportsman's Alliance include H.B. 433, commonly known as the "Animal and Ecological Terrorism Act" introduced into Texas legislation in February 2003 by Ray Allen (R-Grapevine). This bill defines a terrorist act as "...two or more persons organized for the purpose of supporting any

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<sup>10</sup> <http://www.fbi.gov/congress/congress04/lewis051804.htm>, July 1, 2005.

<sup>11</sup> <http://washingtontimes.com/national/20041207-111414-8901r.htm>, December 11, 2004.

politically motivated activity intended to obstruct or deter any person from participating in an activity involving animals or natural resources” (Texas H.B. 433). Actions that have been identified as “... intended to obstruct...” (Texas H.B. 433) include taking pictures of trees being cut down or trees being trucked off to a logging mill or cattle grazing on a ranch. New York, Pennsylvania and Ohio have similar bills that are currently in the legislature. Ms. Bourne states that the reason for these bills is, “that ELF or ALF hit 20 states in 2003 with arsons, bombings, destruction of biotechnology labs, damage to genetically modified food crops and freeing of livestock.”<sup>12</sup>

This legislation expands the definition of a criminal act, comparable to what the USA PATRIOT Act does to the use of terrorism. The PATRIOT Act circumvents civil liberties and freedoms in order to investigate legal and illegal activities that fall under a broad, new (and intentionally vague) definition of terrorism. The “Eco-Terrorism” bills go one step further in expanding the reach of the state and define as terrorism acts that are currently legal or that, until recently, were only misdemeanors (taking pictures, protesting logging companies, or sitting in front of a bulldozer). The message is clear: if you challenge or threaten the lumber, cattle, dairy, or vivisection industries, and keep them from making a profit you are a terrorist.

Through their actions, the ELF has been able to expose an inevitable but commonly hidden result of capitalism. For this economic system to survive and continue to flourish, the government must convince its citizens that property (owned material) is deserving of rights and value equal to that of a human. This is essentially a reversal of the process of slavery, in which a human individual is degraded to the level of property. In order to defend the current world order, the government is forced to adopt legislation that endows

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<sup>12</sup> <http://washingtontimes.com/national/20041207-111414-8901r.htm>, December 11, 2004.

corporations and property with certain legal status. Far from empowering the individual, capitalism eventually compels humans to grant almost equal status to their possessions and to intangible organizations in order to protect their acquisitions.

In testimony before the United States Congress in February 2002, former Northern American ELF spokesperson, Craig Rosebraugh ends his statement with the following:

If the people of the United States, who the government is supposed to represent, are actually serious about creating a nation of peace, freedom, and justice, then there must be a serious effort made, by any means necessary, to abolish imperialism and U.S. governmental terrorism. The daily murder and destruction caused by this political organization is very real, and so the campaign by the people to stop it must be equally as potent.<sup>13</sup>

It is clear that the ELF is not trying to reform the ways corporations interact with the environment. Their goal is the dismantling of multinational corporations that harm the natural environment and the complete collapse of the consumer-based, market capitalist economic order. Although this is a difficult message to bring to the masses, in targeting not only corporate criminals but also symbols of U.S. consumerism, the ELF is forcing people to confront their own complicity in the destruction of our natural world. Pete Spina, author of *Rethinking the Earth Liberation Front and the War on Terror* (www.infoshop.org, March 17, 2004), writes,

‘The FBI can't stop them, and their appetite for destruction is growing. Meet ELF, our biggest domestic terror threat.’ While über-glossies like Maxim usually don't delve much deeper than surfing chimpanzees or softcore hetero porn, March's issue contains an article detailing the exploits of the Earth Liberation Front, the decentralized group of militant environmental direct actionists who, together with

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<sup>13</sup> Testimony before US House of Representatives Subcommittee on Forests and Forest Health, February 12 2002; Eunice Moscoso, “Alleged EcoTerrorist Takes the Fifth Before Congress,” Cox News Service, February 12, 2002.

their sister organization the Animal Liberation Front, have caused a total of \$82,752,700 in property damage to SUV dealerships, ski resorts and other targets since 1996. Teresa Platt, executive director of fur industry lobby group Fur Commission USA, tells Maxim, 'They've hit the common man - An SUV is the common man. They're hitting soccer moms' (Reposted, <http://www.earthliberationfront.com/news/2004/031704a.shtml>, May 5, 2004).

## CONCLUSION

*Let this be a lesson to all greedy multinational corporations who don't respect their ecosystems. The elves are watching.*

- Earth Liberation Front, communiqué, December 25, 1999 Boise Cascade Northwest headquarters burned down

U.S. citizens should be deeply concerned with the implications this harassment of ELF activists and supporters has for civil liberties and the constitutional rights of those who oppose the obscene growth of corporate power. While it is true that the ELF uses tactics that, when successful, cause millions of dollars in damage, their anti-corporate, anti-exploitation message contains many similar elements to other, less militant activist organizations. The response of the U.S. government to the ELF indicates a willingness to use any means necessary to protect and defend the current system that allows virtually indiscriminate corporate destruction of the natural world. Less militant activists may not personally agree with the tactics utilized by the ELF, but they must recognize that ELF-style actions have a place within a robust environmental/ecological movement. And furthermore, unchecked government repression of groups like the ELF strengthens the ability of corporations to continue to exploit the earth, lessening the effectiveness of more mainstream methods of protest (Lichbach, 1987; Cunningham, 2003; Moore, 2000). The anti-capitalist message of the ELF must be embraced by all of us who care for and wish to defend the earth.

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# **Policy Advocacy: The Politics of Big Cat Protection in Arkansas**

**Christopher M. Branam and Kenneth N. Hansen**

***Abstract:** This article describes a strategy for policy advocacy at the state level, using a case study of an attempt to ban private ownership of large, carnivorous cats in Arkansas. Such a policy is designed to link animal rights with the larger issue of species conservation. As candidates who favor the environment have had a harder time getting elected to federal office in recent years, and as spending by corporate interests substantially outweighs that of environmental interests, more favorable venues must be found and utilized. Smaller states where campaigns are less expensive and legislators are more accessible lend themselves to lobbying on behalf of conservation. Small, non-profit organizations can successfully match image with venue in these circumstances, providing a way for academics to engage in the policy process without compromising professional ethics.*

## **Introduction**

In recent years, private ownership of big cats and other large carnivores has become chic. However, cute and cuddly lion or tiger cubs quickly outgrow living spaces and become too problematic for people without proper training to manage. They are expensive to care for, and are a public safety hazard. Often they end up in private zoos or game reserves and suffer from neglect and malnutrition.

This study describes how a small 501(c)(3) organization—the Tiger Protection Institute<sup>1</sup>—was able to get legislation passed in the Arkansas State House of Representatives banning ownership of large carnivorous animals, and how this can apply to species conservation and environmental policy making in an era of retrenchment. Utilizing the non-profit organization structure can enable academics to engage in the policy process without compromising professional ethics or rules against direct lobbying or campaign activity.

By banning private ownership of large carnivores such as tigers, lions, leopards, jaguars and cougars, Arkansas would join twenty-one other progressive states<sup>2</sup> that have

already put similar legislation into effect in recent years in order to encourage species conservation (see Paquette 2004; Animal Protection Institute 2005). Arkansas would also have the toughest law of any state in the South. Unregulated private ownership and unrestricted breeding of large carnivores, especially large cats, is becoming a problem nationally, as illustrated by the escape and subsequent killing by police, of a large tiger owned by a celebrity in Florida on July 13, 2004 (AP 2004). The near-fatal attack of Roy Horn on a Las Vegas stage by one of his captive tigers has given the issue greater public exposure as well.

A bill passed by the United States Congress in 2003 sought to bar interstate commerce of carnivorous big cats in an attempt to curb the exploding population of large cats in the United States, but does not have much enforcement power, nor does it really regulate what happens within states. Given the hostility in Congress towards new environmental or preservation policies generally, states would seem to be the more favorable policy venue for this type of legislation. Though there are considerable regional variations which need to be considered.

Though it is a socially conservative state, Arkansas makes an effort to maintain its environment for economic reasons. It is a premier location in the mid-South for hunting, fishing, and other outdoor activities, such hiking and rafting. Because of this, the state government makes more of an effort to maintain the environment than other small, southern states. Public opinion also supports balancing environmental protection with economic concerns (Arkansas Poll 2001).

Its size, and the relative accessibility of elected officials, makes Arkansas a favorable venue for the proposal of environmental legislation. Having charismatic species

such as lions and tigers involved is also a good way to promote habitat protection, as well as public safety and cruelty prevention. This is a classic example of Baumgartner and Jones' (1993) notion of matching image and venue in public policy making. However, special effort must be made to explain the link between animal rights, non-native species conservation, and public safety to legislators and citizens.

### **Animal Rights and Conservation Policy**

In years past, the species conservation movement got a great response from government. During the 1970s, Congress passed several important pieces of legislation, especially the Endangered Species Act, and created new executive agencies, or empowered existing bureaucracies, to carry them out (see Lester 1995). With the advent of the Republican takeover of Congress in the mid-1990s, however, there has been little in the way of new policy creation. In fact, environmentalists and animal rights proponents are barely holding on to the gains made in past decades as the second Bush administration further attempts to erode conservation and preservation policies (Vig and Kraft 2003). Anthony Downs (1972) might have predicted the decline in new environmental policies with his issue attention cycle, but issues concerning climate change, habitat decline, urban sprawl, and species extinction have festered on the policy docket, despite receiving a great deal of regular media coverage.

Robert Duffy (2003) discusses how traditional methods of politics, namely campaign contributions, which worked so well for environmental and species conservation in past decades, are no longer effective because such groups cannot match the amount of campaign dollars contributed by corporate interests hostile to conservation policies. These corporate interests out-contribute environmental and related groups by a

ratio of 100 to 1 (Duffy 2003). Environmental and related concerns have also increasingly become partisan issues. Those Republicans who favor greater environmental regulation are either considered mavericks and ignored, as in the case of Sen. John McCain, or are run out of the Republican caucus altogether, as in the case of Sen. Jim Jeffords. With the more pro-environment Democrats taking heavy losses for three consecutive election cycles, the fate of environmental protection at the hands of elected national officials looks bleak. Hence the need for different, more sympathetic venues than the federal government, and increasing calls for direct action.

Revolutionary environmentalism has picked up steam in recent years because of the accurate perception that government has become unresponsive. So-called “eco-terrorists” believe they must speak out on behalf of Mother Earth, before our gluttonous behavior destroys the planetary eco-system, and eventually, the human race (Rosebraugh 2004). Groups like the Earth Liberation Front (ELF) and the Animal Liberation Front (ALF) ascribe to the ideology of “deep ecology” and believe that direct action in the form of property destruction and resulting higher insurance premiums is the only way to stop environmental degradation (Rosebraugh 2004). While attacks by such groups are often very sensational and do sometimes achieve some of their stated objectives, they have not resulted in substantive public policy change at the national level.

Does this mean that all is lost for the species conservation movement? Certainly not: while conservationism may be in retrenchment, the political tide must turn at some point. Until that happens, there are other venues besides Congress and the White House where change can be effected (Lester 1995; Vig and Kraft 2003). Sensational events not unlike the 1989 *Exxon Valdez* oil spill in Alaska can put habitat and species protection

back on the policy agenda at any time. Though Islamic terrorism and homeland security are currently big issues, this will not always be so. Issues of concern to the environment will continue to demand attention (Hansen 2004).

While Washington, DC, may be unresponsive to macro-issues like climate change, smaller issues that eventually lead to habitat preservation, such as the conservation of charismatic species, may be pursued in more favorable venues. But such incrementalism is slow-going and not sensational enough for the likes of the revolutionary environmentalists (Rosebraugh 2004). The federal government can also use the recovery of charismatic species against them, arguing that they and their habitats no longer require governmental protection. Current efforts to de-list grizzly bears and wolves in Wyoming, Idaho and Montana from endangered status under the ESA are examples (see Skopek and Schuhmann 2005). Activists cannot back down from this challenge.

### **State Level Policy Making:**

Conservationists continue to be active at the state level. Part of this is simply by necessity. The practice of devolution in the early 1990s compelled states to become more active players in environmental regulation (Hedge and Schicchitano 1992; Hedge 1998). Relying on states to protect habitats is often problematic however; they are not consistent, have fewer resources, and can be subject to “agency capture” by corporate interests (Lester 1995). Nevertheless, states can be utilized as “policy laboratories” in the pursuit of new solutions to current problems (Rivlin 1971; Wright 1988). What works on a contingency basis at the state level can then percolate up to the federal government when the time is right (Hansen 2004).

There are a number of factors that enter into whether a particular state is a positive venue for environmental policy experimentation, including political culture, wealth, political will and institutional capacity (Lester 1995; Ringquist 1993). Despite having been stuck with additional tasks that they may not want, Rabe (2003) asserts that many states have gone beyond federal requirements concerning environmental regulation. This is certainly true with regard to big cat conservation, where the federal government has been much less active, while roughly a quarter of the states have taken the initiative to protect both citizens and endangered species.

James Lester (1995, 54-55) lumps the fifty U.S. states into four categories depending on political will and regulatory resources. These are the Progressives, the Strugglers, the Delayers, and the Regressives. The Progressive states are those we would expect, such as those on the West Coast and the Northeast, with strong environmental ethics and regulatory institutions. These are also typically the states that have big cat conservation laws. The Strugglers have the political will, but lack the institutional capacity to engage in sufficient environmental protection, while the Delayers have the opposite problem. The Regressives are usually those states in the South, which tend to have an anti-environmental political culture.

Just being in the South is not automatically a guarantee of a lack of environmental progress. For instance, Florida makes Lester's Progressive list. This is likely because Florida's tourist economy depends a great deal on a clean recreational environment, which necessitates habitat preservation and species conservation.

Another southern state that has recognized the economic benefits of conservation in recent years is Arkansas. Over the past few decades, the South has increasingly come

to be dominated by Republicans, although ticket-splitting still occurs (Fiorina 1996). Both Florida and Arkansas are considered “red states” in presidential elections, but both states still retain relatively strong Democratic Party organizations. This is especially true in Arkansas, where three out of four congressmen and both senators are Democrats, and the Democrats have overwhelming majorities in both houses of the state legislature. This would seem to make Arkansas a favorable venue for the passage of big cat conservation laws. But whether they are sympathetic to the plight of non-native species is subject to debate.

### **The Natural State:**

A few years ago, Arkansas changed its state motto to “The Natural State” to better reflect a new emphasis on the natural environment and related recreational activities, which generate revenue for the state government. Arkansas is often considered to be the most liberal Southern state (Broadway 2002). It is certainly one of the last outposts of the Democratic Party in the South. As such, one might expect less hostility towards environmental regulation. Arkansas maintains primary regulatory responsibility under the Clean Air and Clean Water Acts (Ringquist 1993). It has active environmental protection agencies like the Department of Environmental Quality (DEQ), which is the state’s mini-EPA, and the Department of Game and Fish. While many states’ regulatory agencies fall victim to agency capture by those industries they are trying to regulate, Arkansas’s agencies have been relatively stronger, since the state does not have a large energy industry. However, Tyson Foods Inc. has come under fire in recent years for contaminating the water with chicken waste, while state agencies have maintained a

hands-off policy toward the industry because of their strong lobby, casting some doubt on this assertion (Stephens 2002).

The 2001 Arkansas Poll surveyed state residents on environmental attitudes.<sup>3</sup> This study was designed primarily to be descriptive of environmental attitudes and to provide a record of Arkansas' public opinion at the time (see also Hansen and Schreckhise 2004). The main concepts the environmental questions in the survey measured were the respondents' level of trust and efficacy (confidence) in elected officials' and state institutions' ability to balance the state's need for economic development with conservation of natural resources. Overall, residents gave state officials and institutions high marks. Roughly fifty-four percent approved of the way the state balanced economic development with environmental concerns. Sixty-three percent viewed the state's efforts to balance energy needs with environmental protection favorably. Fifty-six percent gave the state's Department of Environmental Quality (DEQ) high marks for enforcing environmental laws and regulations.

A sizable majority of citizens, fifty-eight percent, view state agencies as more effective than the federal government when it comes to environmental regulation. This is not terribly unusual however, as most citizens are likely to trust local and state governments more than the federal government (Somma, Nikolai and Skopek 1999). The news was not totally positive, however. Almost fifty-four percent did not feel that state officials took into account the opinions of individuals when formulating environmental policies, which would indicate a lack of political responsiveness. Our relative ease at getting big cat conservation legislation passed in the Arkansas House in 2003 would

seem to belie the political responsiveness issue. Then again, our failure to get it passed in the Senate may substantiate it.

However, large carnivore conservation in the state was not a high-profile issue at the time of the survey in the fall of 2001, but a discussion of the study serves to indicate that environmental issues are important to citizens and the state government as a whole. Compared to most other southern states, Arkansas would seem to be a favorable venue for the experimentation of environmental policies. For Baumgartner and Jones (1993) finding access to the appropriate venue is crucial to successful policy making. A second crucial variable is image. The use of charismatic species by environmentalists to attract attention to habitat destruction is a tried and true method. Regulation of private ownership of large carnivorous animals, especially big cats, has great potential to match images of endangered species with a favorable regulatory venue in the state of Arkansas.

### **A Model for Big Cat Protection**

The typical paradigm for environmental policy change has been viewed as one where legislators act in response to mass politics and campaign contributions, often following on the heels of some sensational disaster (Downs 1972). But this does not necessarily have to be the case, as we argue in this article. Big cat protection laws in a dozen states were passed prior to sensational events, such as the tiger attack on Roy Horn. Our conservation law also passed the Arkansas House in advance of this occurrence.

Rather than mass mobilization, perhaps smaller organizations with more narrowly focused agendas would be more effective, similar to those discussed by Mancur Olson (1965)<sup>4</sup>. As Baumgartner and Jones argue, spin is also important (1993)<sup>5</sup>. If species

conservation issues are redefined as public safety or economic development issues, they can pass the muster of more conservative legislators reluctant to be labeled as too “green” by their opponents. Conservation organizations set up to act in the public interest are also less likely to be labeled as “special interests” or “influence peddlers” because they do not have the resources to make large campaign contributions.

In fact, these types of organizations are prohibited from doing so by law (Hopkins 2001). This gives them the appearance of neutral objectivity. Rather than trading on contributions, such organizations use information as political currency instead (see Schlozman and Tierney 1986 for a discussion of interest group strategies). As government agencies become increasingly politicized or captured by the interests they are supposed to be regulating, certain not-for-profit organizations may become the last bastion of Progressive reform.

### **The Non-Profit Organization:**

The organizational structure employed to advocate conservation of large carnivores in Arkansas was the 501(c)(3) not-for-profit organization. There are several advantages to using this structure, as described above. However, the main advantage was that it allowed a very small number of concerned academics with few resources to engage in policy advocacy with some measure of success.

By working within the system in this way, we had cover against professional retribution, which would not be the case if for example we had been arrested for burglarizing and releasing captive animals, not unlike tactics utilized by the ALF. We could also not be accused of engaging in partisan or campaign-related activity by working through such a construct. Drucker (1990) maintains that non-profit organizations

of this type should be mission-driven. Given that our Tiger Protection Institute has a single motivation, not unlike that of many other purposive interest groups, it is not terribly difficult for us to maintain our overall focus.

Wolf (1999) argues that in order to qualify as a non-profit organization, a group must legally qualify as a charitable or public interest organization and meet the following five criteria. They must have: 1) a public service mission, 2) an organizational structure consistent with that of other non-profit or charitable corporations, 3) specify a lack of self-interest or desire for private financial gain, 4) federal tax exemptions, and 5) special legal status enabling the write-off of gifts or contributions (Wolf 1999, 20-21). Hopkins (2001) discusses the utilization of 501(c)(3) organizations for the sake of environmental conservation. This purpose is consistent with the missions of other charitable organizations, which can include the advancement of science, lessening the burdens of government [in our case, EMS and law enforcement], as well as public health and welfare (Hopkins 2001, 38-39).

There is a clear distinction to be made between an environmental conservation group and political organizations. While political organizations are typically tax exempt, they are created expressly for the purpose of influencing election outcomes, and take the form of Political Action Committees (PACs). Certain types of income, such as investment income generated by PACs can be taxed, whereas with charitable organizations this is often not the case. They are also each subject to different sets of laws. PACs are subject to the Federal Election Campaign Acts, whereas charitable organizations are more directly governed by the tax codes. But most importantly,

charitable organizations are expressly forbidden from taking part in electoral campaigns (Hopkins 2001; see also Ott 1999).

### **Case Study Methodology:**

The case selected for this study—the state of Arkansas—was of course chosen for convenience, but also for its unique feature of being a relatively pro-environment Southern state.<sup>6</sup> A previous study indicated that feelings of trust toward the state government on environmental issues “are related to positive attitudes toward the state’s environmental protection agency, assessments of the state leaders’ desire for input, projections of the general direction of the state, personal retrospective economic evaluations, residence in a non-farming region, and a liberal political ideology” (Hansen and Schreckhise 2004, 1). Our study assumes these attitudes continue to be reflective of public opinion, and that being representative of such opinions, legislators will exhibit political behavior in support of these views.

The causal relationship we seek to demonstrate is one where image and venue are matched to achieve policy aims as described by Baumgartner and Jones (1993). Our not-for-profit organization lobbies the legislature to effect a change in the law,<sup>7</sup> not necessarily in as high a profile as Downs (1972) or Kingdon (1984) would have us believe is required. Instead, our experience is more like what Mayhew (1974) or Fenno (1978) described where information is brought to bear on issues and acted upon. The method used was participant-observation.

Why does this analysis matter? We believe that it contradicts conventional wisdom and contemporary theory, which posits that in order to effect policy change, political actors must generate widespread public opinion or contribute large amounts of

money to candidates for elective office via large organizations. In many places the conventional wisdom is undoubtedly true, such as in Washington, DC, or large states like California and New York. However, other venues can be just as valuable, despite having been overlooked by the literature. This case allows us to get at that notion. We also aim to bring greater attention to the issue among the Green community for informational purposes.

### **Banning Private Ownership of Big Cats in Arkansas**

As stated in the introductory section, twenty-one states have laws restricting or banning the ownership of big cats. Fourteen states also have statutes regulating private possession.<sup>8</sup> Still, it is relatively easy and inexpensive to obtain lion or tiger cubs (MSNBC 2003). However, in a few short years they become too large, expensive and unmanageable for the average person to maintain. Often the animals are neglected, hungry, abused and suffer from a lack of veterinary care. There are an estimated 15,000 big cats and other large carnivores in captivity in the U.S. Ten thousand of these are tigers, which is estimated to be two to three times their population in the wild (Handwerk 2003; MSNBC 2003).

Clearly the animals belong in their own habitats and not in our backyards, which is also the position of the USDA, the federal agency that regulates private zoos, refuges and policy concerning the ownership of exotic pets (USDA 2000). That being said, how can private ownership of these creatures be discouraged? The problem is more complicated than simply passing laws. Enforcement and effect implementation are crucial. But well-written legislation is a necessary first step (see Mazmanian and Sabatier 1983). The Tiger Protection Institute, our 501(c)(3) organization, has provided such

legislation for passage by the state government in the form of House Bill 2857 (2003) and would attempt to serve as a “watchdog” organization to assist with policy implementation.

**Problem Definition:**

By “large carnivore,” we mean those species of animals that are inherently dangerous to humans. Large carnivores include, but are not limited to tigers, lions, cougars, leopards, ocelots, servals, all bears, bobcats, lynx, cheetahs, jaguars, and any hybrids thereof<sup>9</sup>. A “possessor” is any person who owns, harbors, or has custody or control of a large carnivore. “Wildlife sanctuary” means a non-profit organization as described by the Internal Revenue Service that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced large carnivores are provided care for the duration of their lifetime. A wildlife sanctuary does not conduct any activity that is not inherent to the animal’s nature, use the animal for any type of entertainment, sell, trade, or barter the animal or the animal’s body parts, or breed the animal for purposes of sale (HB 2857, 2003).

It is not known how many large carnivores are in human possession in the state of Arkansas. There are about twenty-two private zoos, preserves and sanctuaries in the state, but it is not known how many contain big cats. While twenty states have ownership bans of the type we advocate, and fourteen states regulate large carnivore possession (Paquette 2004), policy is inconsistent and the threat to public health and safety, as well as that of the animals themselves, remains a substantial problem. Many who possess predatory animals claim they are doing it for captive breeding and species preservation, but this is a fallacy because they do not re-release animals back into the wild (Paquette 2004).

Some of these animals are used as target practice on simulated “big game” hunts, or killed and served up as exotic meals. For some strange reason, lion steaks are considered a delicacy. Ideally, large carnivores belong in their natural habitat, not as household pets. Efforts at species preservation should focus on habitat preservation, not on captive ownership or possession. Ownership bans are designed with this ultimate goal in mind (Tiger Protection Institute 2003).

**Causal Assumptions:**

It is the intent of the legislation to compel the state of Arkansas to protect the public against health and safety risks that large carnivores pose to the community, and to protect the welfare of the individual animals held in private possession. By their very nature, these animals are wild and inherently dangerous and, as such; do not adjust well to a captive environment. The law prohibits any person to own, possess, keep, harbor, bring, or have in one’s possession a large carnivore, except in compliance with the law. It is also prohibited for the possessor or any other person in control of a lot, tract, parcel of land, residence or business, to knowingly permit any other person to be in possession of a large carnivore. Additionally, it is prohibited for a person to breed a large carnivore, in order to reduce the overall captive population (HB 2857, 2003).

**Exemptions:**

There are two clear exemptions to the law. The first involves wildlife sanctuaries that provide succor to the unfortunate animals and act in accordance with government regulation. The second involves *ex post facto*, prohibiting retroactive enforcement of the statute. The provisions of this act will not apply to institutions accredited by the American Zoo Association, registered non-profit humane societies, animal control

officers or law enforcement officers acting under the authority of the law, veterinary hospitals, clinics, or any wildlife sanctuary as defined under this act (HB 2857, 2003).

The statutory grandfather clause stipulates that a person may possess a large carnivore only if the following conditions are met: 1) the person was in possession of the large carnivore prior to the effective date of this act and is the legal possessor of the large carnivore, 2) the person applies for and is granted a personal possession permit for each large carnivore in the person's possession within 90 days after the effective date of this act, 3) the large carnivore must be spayed or neutered before any permit will be issued to the possessor, unless a veterinarian confirms that spaying or neutering would endanger the animal (HB 2857, 2003).

Persons who meet the requirements set forth in the legislation shall annually obtain a personal possession permit, which involves a stringent, detailed process. Subsequent to the effective date of this law, no new large carnivore may be brought into possession under authority of a personal possession permit (HB 2857, 2003). Though the bill permits possession, it discourages the practice by creating a regulatory inconvenience.

**Additional Regulations:**

The possessor of a large carnivore is required to maintain the cage requirements recommended by the American Zoo Association for each species of large carnivore. Any deviations from the regulations must be approved by the state upon showing of good cause. Failure to provide adequate caging as set forth in this act will result in the cancellation of the possession permit. The possessor of a large carnivore must have posted and displayed at each possible entrance onto the premises where a large carnivore

is kept a sign that is clearly legible and easily readable by the public, warning that there is a large carnivore on the premises (HB 2857, 2003).

If any large carnivore escapes or is released, the possessor of the large carnivore must immediately contact law enforcement officials of the city or county where the possessor resides to report the escape or release. The possessor is liable for all expenses associated with efforts to recapture the animal, which is not inexpensive in many instances. The possessor shall not bring a large carnivore to any commercial or retail establishment unless the possessor is bringing the animal to the veterinarian clinic (HB 2857, 2003).

**Enforcement Provisions:**

The possessor of an exotic animal, at all reasonable times shall allow an official of the state of Arkansas, animal control, or law enforcement officials, to enter the premises where the animal is kept to ensure compliance with this act. Any large carnivore may be immediately confiscated by the state of Arkansas if: 1) the possessor does not have a personal possession permit, 2) all provisions of this act are not being met, and 3) conditions under which the large carnivore is being kept are directly or indirectly dangerous to human health and safety. Failure to cooperate with law enforcement concerning this policy is a misdemeanor punishable in accordance with the laws of Arkansas (HB 2857, 2003).

If a large carnivore is confiscated, the possessor is liable for the costs of placement and care for the large carnivore from the time of confiscation until the time the animal has been relocated to an alternative facility, such as a sanctuary, humane society, or an institution accredited by the American Zoo Association. A person found acting in

violation of this act is guilty of a misdemeanor punishable in accordance with state law and confiscation of the animal. Both the costs of ownership and of failure to follow the law are intentionally prohibitive for all but zoos. This is designed to reduce the demand for large carnivorous exotic pets. Spaying and neutering are designed to further reduce the supply, and hence to indirectly increase the cost, of owning a predatory cat (HB 2875, 2003).

**Framing the Issue:**

Besides finding the appropriate venue, Baumgartner and Jones (1993) also maintain that image, or what is commonly called political spin, is important for policy success as well. Simply explaining the need for tiger conservation in their natural habitat is not likely to generate a great deal of support among politicians in a small, southern state with financial crises in health care and education. Arkansas is too far removed from such a problem. However, the issue of big cat conservation can be brought to bear on Arkansas by emphasizing the public health, safety and welfare inherent in the private ownership issue, which was the tack that we took in attempting to persuade legislators to adopt our statute.

A secondary element involved preventing animal cruelty. A somewhat related ballot initiative was passed on Election Day in 2002, making it a felony to harm dogs, cats and other pets. The rationale behind this law was that people who harm animals eventually turn to other human beings as targets for violence. This initiative also indicates a measure of support against cruelty towards animals more generally. The combination of public safety and anti-cruelty images was an important argument for legislators who sponsored and pushed our bills conserving charismatic carnivore species. Extending the

argument further, one can make the case that what is harmful to other species is ultimately also harmful to our own.

The strategy used to make these arguments and to pass the legislation was relatively simple. Over a period of months during the 2003 legislative session, we contacted legislators who were sympathetic to the issue and explained the public safety and cruelty elements in a rather low-key letter writing campaign and via personal visits with the bill's sponsors. Communications from our organization to legislators emphasized the danger to the public, particularly children, from large cats not caged or cared for sufficiently. We also took advantage of key events, however small they might have been when compared to the high-profile incidents with celebrity ownership of big cats by an actor in Florida and the attack on Roy Horn.

An incident where four adult male lions escaped from a "private safari" near Quitman, Arkansas and roamed free for days before being captured was highlighted. Such events are not in the public interest, nor in the interest of the animals. Though the incident was not as sensational as it could have been, it brought the issue closer to home for the legislature.

We also supplied sample legislation to sponsors in the House based on that passed in other states [the content of which is discussed above] to save them time authoring new statute law. Representative Phillip Jackson of Carroll County, Arkansas, was a crucial player in sponsoring the legislation and shepherding it through committee, and the eventual floor vote in the House. Though the measure failed in the state Senate, we will continue to try and are hopeful of its eventual passage. However, that will not be the end of the story.

### **Policy Implementation:**

It remains to be seen how effective the law will be once it has been passed by both houses and signed by the governor. Effective implementation is the key. Just because a practice has been outlawed does not mean it will cease. Often the problem just goes underground, or the new statutes create even worse conditions than existed *status quo ante*. Even in states where ownership is unregulated, breeders tend to maintain a low profile (Animal Protection Institute 2005). Our legislation attempts to reduce both the supply and demand for private ownership of big cats. It also attempts to match an appropriate solution to the stated problem.

Though fourteen states regulate private ownership, and twenty have banned it outright, they still have problems related to effective implementation. A recent example of the difference between intentions and actions in enforcing big cat conservation policy in the U.S. is the state of California. Recently, an escaped tiger was killed in a residential area near the Reagan Presidential Library in Simi Valley. Attempts at baiting and capturing the animal alive by state game wardens and the USDA were unsuccessful. When the tiger was finally located, “old and tired-looking,” according to one witness (Covarrubias 2005a), it was quickly shot to death.

Immediately the question was raised as to why the animal was killed, rather than tranquilized. Despite the protests of animal rights activists, officials maintain that the health and safety of residents and motorists precluded them from tranquilizing the animal. This is a questionable explanation, given that no attempt was made to sedate the animal before it was killed. Also, no one has claimed ownership of the animal. Officials seem to think it was kept illegally until its escape (Covarrubias 2005b).

Despite having had an ownership ban in California since 1992 (Animal Protection Institute 2005), this incident illustrates the difficulty of enforcing the law. Though state Fish and Game wardens and local law enforcement are empowered to kill difficult animals, and have shot cougars that attack humans, this is generally not the intent of legislation regulating big cat ownership or animals in habitats on the periphery of human civilization. Illegal possession clearly remains a big problem in California. Florida is another state that has had similar high-profile implementation problems. Clearly, banning the problem does not solve it outright, but it is a good first step.

The intention of the Tiger Protection Institute is to assist state regulators and law enforcement in the implementation of the new law once it is passed. This could be done by providing information and training for practitioners, by monitoring private zoos, by providing a venue for anonymous tips concerning violations, and eventually providing financial assistance to approved sanctuaries for the care and protection of neglected animals. The institute currently does not have the institutional capacity to engage in these activities. This would require a change in focus, an expansion in the number of volunteers, and a substantial fundraising strategy.

### **Conclusion**

This study serves to illustrate how a small 501(c)(3) not-for-profit organization can influence species conservation policy processes. While our findings are not earth shattering, they demonstrate methods that are often overlooked in the literature because they are not sensational enough. This “shallow ecology” case study lends credence to the view that image and venue continue to be important in achieving public policy goals.

Selecting a small, southern state as a venue for conservation and achieving some measure of success is a counterintuitive finding.

However, our case has shortcomings because we were not totally successful in getting our legislation passed by both houses of the state legislature. We are in all likelihood, too small of an organization to effectively take on such a large endeavor at the present time. We failed to take advantage of the national exposure provided by sensational events in the media concerning the big cat ownership issue, though we were able to utilize similar local occurrences to our benefit. Thus, we were able to match image and venue, but only to a certain extent.

Arkansas does not have a strong energy industry, and its perceptual orbit takes into account the economic benefits of having strong environmental policies. Add to this the relative strength of the Democratic Party and relatively higher propensity towards ideological liberalism compared to other southern states, and Arkansas begins to look more attractive as both an animal rights and species conservation policy venue.

Though its methods are more conventional than the direct action advocated by “deep ecologists” the Tiger Protection Institute ultimately shares similar goals, the survival of species in their natural habitats. This case demonstrates that traditional methods of writing legislation and providing information to decision-makers can still be done without the benefit of large campaign contributions. In fact, the tax law governing the structure of 501(c)(3) organizations expressly prohibits any type of involvement in political campaigns. This maintains an appearance of objectivity, and provides academics with a way to engage in policy advocacy without compromising professional ethics.

As far as its applicability to other types of environmental issues is concerned, the big cat conservation issue brings environmental safety and security home to individuals. In this sense, environmental concerns are personalized for ordinary citizens who may not pay as much attention to these issues as those of us who study and advocate for them. If one is aware of the danger of attack from someone's escaped pet tiger when they are taking a leisurely stroll through their neighborhood, then they might also consider the needs for habitat preservation and species conservation.

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<sup>1</sup> The Tiger Protection Institute supports legislation banning the private ownership of big cats, and strong regulations restricting the manner in which big cats are kept in captive situations. They serve as a watchdog organization for captive big cats and to keep the public informed about any unlawful activity or misconduct regarding captive big cats (Tiger Protection Institute 2003). Though the immediate problem concerns animal rights, the underlying cause of this problem is the failure of governments and the international political economy to protect natural habitats globally so that mega-fauna can exist in their natural state. Attempting to redress the pain and suffering of individual large carnivores, while an important end in itself,

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is also crucial for educating the public on the underlying causes of habitat destruction and the need for preservation.

<sup>2</sup> States that outlaw keeping big cats as pets include; Alaska, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Utah, Vermont, Virginia, and Wyoming (Animal Protection Institute 2005).

<sup>3</sup> The 2001 Arkansas Poll was conducted by the University of Arkansas Center for the Study of Representation, October 17-20, 2001. Using random sampling, 767 residents of the state were surveyed with a +/-3 percent margin of error. Note that the survey sampled all residents, not just registered voters or citizens. Roughly 57 percent of the sample is female, meaning that women were over-sampled. However, this is not an unusual occurrence in survey research. Racial and ethnic minorities were somewhat under-represented in the sample.

<sup>4</sup> When discussing the efficiency of small groups, Olson maintains, “the larger the group, the farther it will fall short of providing an optimal amount of a collective good” (1965, 35) because it may have a tendency to lose its focus or fall victim to individual competition for control of the group’s agenda. Large groups can also be hampered by other collective action dilemmas such as the “free rider problem.”

<sup>5</sup> Baumgartner and Jones (1993) posit that effective policy making is a result of sophisticated efforts on the part of organized interests to match politics and policies with the appropriate institutional venues. For example, if they fail to protect their interests in the court system, groups will turn to the Congress. If they fail at the federal level, they will try state legislatures, and so on, until this “venue surfing” behavior results in the desired ends. Changing venues requires tweaking the policy image, commonly known as political spin, to appeal better to the individual motivations (say, of legislators) or to the institutional interests of the venue involved (say, the courts or bureaucratic agencies with rule-making powers).

<sup>6</sup> See King, Keohane and Verba (1994) for a more in-depth discussion of picking cases based on the independent variable.

<sup>7</sup> These are our main research propositions. See Yin (1989).

<sup>8</sup> States with statutes that regulate but do not ban large carnivore possession include; Arizona, Delaware, Indiana, Maine, Mississippi, Missouri, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, and Texas. States with bans typically have grandfather clauses and regulations in addition to the bans (Animal Protection Institute 2005).

<sup>9</sup> Strangely enough, federal laws do not really cover sub-species hybrids, which provide private breeders with a loophole in the law. Whereas breeders may not be able to sell Bengal tiger cubs and ship them across state lines, there are no such restrictions on Bengal-Siberian tiger hybrids.

# **Wolf in Sheep's Clothing? State Implementation of the Gray Wolf Recovery Plan Under the Endangered Species Act**

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## **Abstract**

*Species recovery is an extremely complex and difficult policy problem that encounters obstacles at every stage of the implementation process. The case of the reintroduction of the endangered gray wolf back into Yellowstone National Park is no exception. Often, states like Wyoming can pose major barriers for the implementation of federal environmental programs. This paper analyzes the implementation factors surrounding the Northern Rocky Mountain Gray Wolf Recovery Plan and argues that there are specific barriers to implementing federal environmental programs at the state level.*

## **INTRODUCTION**

On January 12, 1995, the first gray wolf was returned to Yellowstone National Park as part of the U.S. Fish and Wildlife Services' (USFWS) implementation of the Northern Rocky Mountain Gray Wolf Recovery Plan (Recovery Plan). Wolves were largely eradicated from Idaho and Wyoming by the 1930s, due mostly to large scale hunting efforts as part of a federal extermination program. However, in 1973, the gray wolf was listed as an endangered species under the Endangered Species Act (ESA) signed by President Nixon. The goal of the ESA was to target specific species bordering on extinction, such as the gray wolf, and increase their numbers through recovery and habitat conservation (Endangered Species Act 1973).

The plan to reestablish a viable population of gray wolves into their former habitat in Yellowstone National Park and the surrounding areas was approved in the

summer of 1994. As part of the Recovery Plan, once states had developed acceptable management plans of their own, the USFWS envisioned the devolution of wolf management to the fish and game agencies of states targeted for wolf reintroduction (Idaho, Montana and Wyoming). The intent of the Recovery Plan was to delist the wolf as an endangered species after it had successfully recovered its numbers and established a sufficient breeding population within the region. Here, delisting would serve two purposes: first, delisting allows ranchers greater opportunities to protect livestock; second, delisting allows agencies to spend their limited resources focusing attention on other endangered species. However, despite indications of recovery (see later discussion), ten years later the gray wolf is still listed as an endangered species under the ESA and wolf recovery management still lies in the hands of the USFWS.

While Idaho and Montana have successfully submitted state management plans for the gray wolf, Wyoming has not. Wyoming submitted its wolf management plan to USFWS in 2004, which was subsequently rejected. Without approval of the Wyoming plan, USFWS will not delist the wolf as an endangered species nor will it allow states to manage the wolf recovery program in their state, as all plans in the regions must be coordinated and approved prior to any action. It appears at this time that USFWS and Wyoming Game and Fish are at an impasse in correcting the perceived problems with the Wyoming plan. This paper provides an historical account of the Northern Rocky Mountain Gray Wolf Recovery Plan and discusses the difficulties inherent in the approval and implementation of an environmental policy of this magnitude.

Issues involving ecological conservation and animal reintroduction are often extremely volatile with many competing groups voicing strong opinions. In the context

of the ESA, we analyze Wyoming's failure to develop and adopt a wolf management plan acceptable to USFWS. We argue there are specific factors that account for Wyoming's inability to implement a sound recovery plan (at least from USFWS' perspective).

Drawing on implementation literature (see Mazmanian and Sabatier 1989; Van Meter and Van Horn 1975), we identify specific barriers to policy implementation under ESA in Wyoming, including: tractability of the problem, agency capture (powerful interest groups), statutory factors such as inadequate causal theory and scientific uncertainty, and state political culture. We use this theoretical approach because, as Sabatier (1999) notes, "understanding the policy process requires a knowledge of the goals and perceptions of hundreds of actors throughout the country..." (4). The wolf management plan is no different; thus, we find no single lens provides sufficient perspective on this issue.

### **CASE STUDY**

Historically, the wolf, in Euro-American tradition, was viewed as a vicious predator to be hunted and killed. The villainous character of the wolf plays out in European literature and children's tales such as Little Red Riding Hood and the like (Jones 2002). This predatory reputation signaled the destruction of wolves in Europe as well as the New World with the arrival of Europeans. When Yellowstone was designated a National Park in 1872 for example, it was determined that wolves should be obliterated to make the Park 'safe' for tourists as well as to 'protect' the more pastoral elk, deer and bison populations in the area. Subsequently, the native wolf was virtually wiped out in the lower 48 states by the 1920's with the exception of a few stragglers in northern Montana and parts of Minnesota (Jones 2002).

The fortunes of the wolf began to change in 1970s, however, and today the wolf enjoys a new reputation as a majestic and spiritual symbol of the west. With the passage of the Endangered Species Act (ESA) in the 1973, the gray wolf gained endangered status and protection from hunting. In early 1990, Congress established a Wolf Management Committee whose purpose was to develop a “gray wolf reintroduction and management plan for Yellowstone National Park and the Central Idaho Wilderness Area” (Idaho Fish and Game Department 2004, 2). The committee submitted its wolf recovery plan to Congress the following year and was then directed to prepare the statutory environmental impact statement (EIS) as required by the National Environmental Policy Act (NEPA).

In July 1993, the draft EIS was released to the public and resulted in over 160,000 comments from various interested parties, the most comments of any federal project to date (Jones 2002). With the final completion of the EIS during the spring of 1994, the USFWS proposed its Wolf Reintroduction Plan for Yellowstone National Park and Central Idaho. The plan would release Canadian gray wolves as a ‘non-essential experimental population’ (Idaho Fish and Game Department 2004) meaning wolves would be able to be hunted if found harassing livestock outside the designated experimental population area. The main tenets of the Recovery Plan include:

- States and Tribes can develop acceptable state management plans and receive funding by USFWS until wolves delisted.

- Wolves expected to reach sufficient levels in designated areas by 2002 (Idaho Fish and Game Department 2004; US Fish and Wildlife Service 2005)

As expected, there is substantial controversy surrounding the Recovery Plan.

With the approaching finalization of the Plan, litigation was filed by several groups in

Wyoming's District Court. Environmental groups, such as the Sierra Club, surprisingly lead the charge and argue against designation of the wolf as 'experimental', fearing a lack of protection for native animals and reintroduced animals wandering outside the population area (Brown 2000). The Wyoming Farm Bureau also filed suit seeking a preliminary injunction to prevent the reintroduction of the wolves. Both suits were dismissed in early January 1995 and on January 12, 1995, the implementation of the Recovery Plan commenced with the arrival of Canadian gray wolves to Yellowstone National Park (Brown 2000). This of course was not the end of the controversy or the litigation. In perhaps the most prominent case, *Wyoming Farm Bureau Association v. Babbitt* (1997), the District Court enjoined three independent lawsuits.

The lawsuits involved several different issues and a variety of plaintiffs. The Wyoming Farm Bureau, which represents ranching and farming interests in the state and surrounding area argued that wolf reintroduction threatened their livelihood by endangering livestock. The second group of plaintiffs, Pinedale, Wyoming residents and amateur researchers James and Cat Urbigkit, filed suit, contending the reintroduced 'Canadian' wolves were a separate and distinct subspecies from the naturally occurring wolves still thought to enter the area and the reintroduction of the different subspecies of wolf infringed on their right to study the 'native' wolf population thought to still exist (Brown 2000; *Wyoming Farm Bureau Association v. Babbitt* 1997).

The third set of plaintiffs to the joined lawsuit included various environmental groups such as the National Audubon Society, Predator Project, Sinapu and the Gray Wolf Committee. While these 'pro-wolf' interest groups supported the Recovery Plan's goals, they continued to be troubled by the lack of protection for naturally occurring gray

wolves that might wander into the recovery area and become part of the experimental population of Canadian gray wolves, which are not an endangered species in Canada (Brown 2000; *Wyoming Farm Bureau Association v. Babbitt* 1997). This is similar to the earlier Sierra Club lawsuit.

On December 12, 1997, U.S. District Court Judge William Downes ordered the removal of the wolves released into Yellowstone National Park. Judge Downes ruled that USFWS' wolf recovery program was actually a violation of the ESA, siding with the environmentalists, arguing that the Plan did not adequately protect naturally occurring wolves in the area (see *Wyoming Farm Bureau Association v. Babbitt* 1997). However, the judge stayed his order of removal pending appeal, as the removal of the wolves would ultimately end in destruction of many of the animals (CNN Online 1997; CyberWest Magazine 1997).

The National Wildlife Federation appealed the District Court's ruling to the 10<sup>th</sup> Circuit Court of Appeals and the eviction of the wolves from the Park was overturned (National Wildlife Federation 2000). The Appeals Court ruled that the Recovery Program was in keeping with the goals of the ESA, calling the lower court's ruling a restrictive interpretation of the law that would handicap species recovery. Some environmental groups such as the NWF and Defenders of Wildlife hailed the case as precedent setting, giving the ESA some much needed flexibility (Franz 2000; National Wildlife Federation 2000).

In addition to lawsuits and the continued controversy over the wolf recovery program, the states were given the opportunity to draft management plans of their own to take over for USFWS once the wolf is deemed ready to be delisted. Throughout 2003,

Idaho, Montana and Wyoming's Fish and Game agencies along with their respective state legislatures began compiling their own state plans. By November 2003, all three states submitted their plans to USFWS for review and approval by eleven wolf experts. Management plans for Idaho and Montana were approved in January 2004, while Wyoming's plan was rejected. According to USFWS, the main problem with the Wyoming management plan is its dual classification of the wolf as both a trophy animal and a predatory animal.

Wyoming's dual classification calls for managing wolves as trophy game in Yellowstone National Park and as a predatory animal outside Park boundaries. This dual classification, while protecting animals in the Park itself would allow for a shoot on sight, open hunting season outside the Park boundaries under predatory status. While the Montana and Idaho plans do allow for shooting of wolves found to be harassing livestock, the Wyoming plan goes beyond that and establishes open season. USFWS rejected the plan on this basis arguing the dual classification is not enough protection for the wolves, which were eradicated in the area under the predatory classification during the last century. USFWS felt the plan did not provide sufficient controls to protect and maintain the necessary wolf population (Morton 2005; Williams 2004).

The state of Wyoming and the Wolf Coalition, upon rejection of the Recovery Plan, filed their intent to sue the federal government. The state of Wyoming filed suit against USFWS in April of 2004, joined in September by the Wyoming Wolf Coalition, made up of Wyoming Wool Growers Association, Wyoming Stock Growers Association, Wyoming Farm Bureau Association, the Wyoming County Commissioners Association, Wyoming Association of County Predatory Animal Boards as well as various Sportsmen

and Outfitter Associations (Wolf Coalition News Release 2004). Both entities argued in their suit against USFWS, Secretary Gale Norton, Director Steven Williams and Regional Director Ralph Morgenweck, that USFWS improperly managed the gray wolf population in Wyoming allowing the wolves to severely damage wildlife and hurt the state's ability to manage wildlife and raise revenue because of depredation on livestock (Morton 2005). The state of Wyoming asserted additionally that its sovereignty was violated by USFWS through improper usage of the Endangered Species Act in rejecting their management plan and resulted in what equates to an unfunded mandate (Morton 2005). U.S. District Judge Alan Johnson rejected the suits remarking that the federal government did not violate the 10<sup>th</sup> amendment with wolf reintroduction and that there are no mandates under the ESA since Wyoming has the right to refuse state management of the wolves and allow the USFWS to continue managing it (Morton 2005). Both plaintiffs have said they are considering an appeal (Black 2005).

As of this writing, the state of Wyoming and USFWS are at an impasse. Wyoming refuses to reconsider its dual classification of the wolf in its management plan. The state legislature ended its session this spring without passing any legislation regarding wolf management. Governor Dave Freudenthal is continuing to ask USFWS to manage wolves outside the Park where it is alleged that they are harassing lambing grounds of local ranchers. USFWS says they are monitoring the situation (Urbigit 2005). In addition, USFWS has declined to remove the wolves from the endangered list even though their numbers are thought to exceed those required by the Recovery Plan, at least until Wyoming has an acceptable management plan. The Federal Government is

however, considering devolution of wolf management to Idaho and Montana although they have not done so as of yet.

### **Analysis**

As Anderson (2000, 203) notes, political scientists have yet to strike much intellectual pay dirt when it comes to identifying “the variables critical to successful [policy] implementation,” although many have tried (see Mazmanian and Sabatier 1989; Van Meter and Van Horn 1975). The Wyoming wolf reintroduction program is yet another example of a policy that appears to confound traditional policy models and adds fuel to the law of unexpected consequences. What the Wyoming wolf case study confirms is the idea that it is often difficult to separate policy adoption from its implementation. Here, just as Pressman and Wildavsky (1973) argued decades ago, implementation and adoption are entirely intertwined in a circular process and, according to these authors, each of the elements is dependent upon the other. The federal government has adopted and implemented a program and has asked the states (as part of this policy) to come up with their own plan so that the federal government can step aside. However, the federal program cannot fully be implemented without the cooperation of the states, which must adopt their own federally acceptable plan. Thus, full implementation is not possible until actors at both levels create mutually acceptable policy. Confusing from a policy modeling perspective to say the least. As Sabatier (1999, 3) notes, “... the policy process involves an extremely complex set of interacting elements over time.” There are hundreds of actors with multiple, different interests and policy preferences and each can derail the policymaking and implementation process in strange and unexpected ways.

### Tractability of the Problem

Mazmanian and Sabatier (1989), in their implementation analysis framework cite 16 variables important to the success or failure of policy implementation. In particular, they discuss the inherent difficulties associated with some policy problems. Mazmanian and Sabatier (1989) argue that the tractability or difficulty associated with some policy issues increases the chances of implementation failure. They suggest something of an aggregated variable that includes such things as technical difficulties, diversity of target group behavior, target group as a percentage of the problem and the extent of behavioral change required (Mazmanian and Sabatier 1989, 23).

In addition, according to Bardach (1977), environmental problems are inherently difficult. They usually include technical difficulties with monitoring and development of necessary specific technologies. They often require a large amount of behavior change in industries or communities and can include a large percentage of the population in terms of change and impact. Wolf conservation and recovery as an environmental issue is no exception.

In the case of the Wyoming wolf management plan, tracking the wolves, as well as monitoring the number of wolf kills by humans and natural causes, is an enormous task. There appears to be a large amount of disagreement among various stakeholders, such as USFWS, environmental groups, biologists and Wyoming Game and Fish as to their ability to actually keep track of the wolf population through proposed monitoring efforts, thus creating technical issues in the implementation of the Wyoming plan. In addition, the western half of the state, primarily made up of ranching, farming and outfitting professions, will be required to make behavioral changes in their disposition

toward the wolf. Ranchers are accustomed to hunting the wolves under state law and USFWS wants to change this behavior except in certain circumstances, such as when livestock are directly threatened. Wyoming Game and Fish is at odds over this aspect of the plan. Regardless of the wolves majestic symbolism in much of the US's psyche today, western ranchers still view the wolf as a vicious predator bent on killing their livestock and livelihood, thus further increasing the discord and inability of the various actors to come to agreement on implementation strategies.

### Agency Capture

For Wyoming, the wolf reintroduction policy is reflective of a variation on “agency capture” or “client politics.” Here, the traditional idea of agency capture focuses on having a regulated industry or interest group (in this case ranching and agriculture) control the regulating agency. Here, too, “capture” occurs where an agency is more responsive to a special interest group than it is to the legislature or the executive. We see Wyoming Game and Fish as more reflective of Strigler's (1971) idea of a “clientele agency” where the agency promotes the interests of a given sector of the economy (e.g., Department of Agriculture and the agribusiness industry) rather than simply performing a regulatory function. The Wyoming Game and Fish agency can easily be seen as part of the client politics model. Here, the powerful ranching industry is glad to have WGF because its policies are ultimately designed and operated primarily for its benefit. Surprisingly, despite the state's reputation, ranching and agribusiness is only a very small portion of the economy although it holds a powerful political influence. Here, reputation, cowboy culture, and the media have created a false impression that ranching is big

business. Indeed, the size of the contribution is small in terms of numbers. However, ranching is tightly moored to Wyoming politics despite its small economic contribution.

For example, in 2004, of all the jobholders in the state of Wyoming, only two percent of those worked in ranching and forestry (versus 37% in service industry, 24% in wholesale/retail trade, 9% in construction, 7% in mining, 6% in transportation). During this same year there were 9,200 ranches and farms in Wyoming, with an average size of 3,743 acres. Two-thirds of them had annual sales of more than \$10,000; many of the remaining one-third were sidelines for operators who held other jobs. Agricultural land occupied 34 million acres, of which less than 10 percent was dedicated to growing crops; most is grasslands and shrublands used for livestock grazing. The sale of livestock and livestock products accounts for 83 percent of farm income; the sale of cattle and calves most of that amount. In number of sheep, Wyoming ranks third among the states, behind only Texas and California. Many of the crops raised in Wyoming are used to feed livestock. Alfalfa, corn, and various meadow grasses are the major feed crops (Wyoming 2004 – “Just the Facts”).

Despite the relatively low economic impact of ranching on the state, some pro-wolf, environmental organizations point to the ‘capture’ of Wyoming’s Game and Fish by ranching interests by noting that Jim Magagna, Executive Vice-President of Wyoming’s Stock Growers Association and head of Wyoming’s Wolf Coalition was a leader in drafting the state’s rejected wolf management plan (Outside Magazine 2005). Magagna is thought by many to have drafted a large portion of the plan while VP of the Stock Growers Association, the states leading ranching interest group. Magagna was the former Director of State Lands in Wyoming who was dismissed from his position in

November, 1997 by Governor Jim Geringer for suspicion of unauthorized changes in proposed state land rules (Office of Governor Press Release, November 18, 1997). His coalition of ranching and farming interests, known as the Wyoming Wolf Coalition, still has a lawsuit pending against USFWS for their rejection of the state wolf management plan. Some environmental groups even cite the designation of the wolves by USFWS as an “experimental” population, done to appease opponents of the reintroduction plan such as the Farm Bureau and Stock Growers Associations, allowing the wolves to be hunted if found harassing livestock (CNN online 1997).

#### Lack of Clear Statutory Language

Mazmanian and Sabatier (1989), in their framework for implementation analysis argue that statutes structure implementation and include variables such as the need for adequate causal theory and scientific uncertainty. According to their framework, of the variables affecting policy implementation, adequate causal theory is necessary in the writing of ‘good’ policy at the beginning of the process and will ultimately shape the policy’s ability to structure implementation (Mazmanian and Sabatier 1989). Shaky science, especially in environmental policy, is an additional problem in incorporating causal theory into statute writing. Bardach (1977, 147) argues for example that “the difficulties of implementing federal pollution control programs cannot be ascribed only to the destabilizing effects of the federal intrusion into a delicately balanced political situation, but must also be related to technical and scientific inadequacies of current environmental policies.” Acceptable and agreed upon scientific evidence and facts are important to the successful implementation of environmental policy as it can help reduce conflict among the competing stakeholders over the policy adoption itself and its

subsequent implementation. In our analysis of the wolf reintroduction program in Wyoming, we find several of the key players, including the state's Game and Fish Department, disputing USFWS scientific evidence and management plans, creating not only a lack of cohesion in implementing the policy, but also a lack of agreement on the theory underlying the policy itself.

First and foremost, it appears that some of the scientists reviewing the three states' management plan disagree with USFWS assessment that Wyoming's plan would not adequately protect the wolves. They suggest in fact that the plan is adequate and the state's reporting mechanism for wolf kills by humans is sufficient to keep close tabs on the wolf population in Wyoming (Stockton February 6, 2004). It appears then that there is initial disagreement on the management plan itself, thus bolstering the state of Wyoming's lack of cooperation on the policy, echoing Mazmanian and Sabatier's (1989) variables.

In addition, there appears to be some dispute over the definition posed in the statute itself as well as scientific agreement over delisting the wolf from 'endangered' to 'threatened.' In their initial lawsuit for example, Wyoming Farm Bureau asserted that the USFWS' definition of a 'population' of wolves was not clear in regards to individual native species that might come into the experimental area, an argument echoed by others including the state of Wyoming and even some environmental groups such as Defenders of Wildlife (*Wyoming Farm Bureau v. Babbitt 1997*). Further, according to the USFWS, there must also be agreement among the three states as to the definition of a wolf pack. States must cooperate on forming an agreement across the plans as to how many wolves and breeding pairs form a viable pack. Wyoming Game and Fish disagrees with Montana

and Idaho's management plans on what constitutes a pack, thus further hindering implementation of a management plan since maintaining a specific number of 'packs' is a core component of the wolf reintroduction policy under the ESA (Brown 2000).

Finally, it appears some biologists disagree on delisting the wolf 'so soon' after its reintroduction (Kleiner 2003). This lack of scientific agreement on what constitutes a sustainable and reestablished wolf population, in part, with Wyoming's failed management kept the gray wolf from being delisted, going from 'endangered' to 'threatened' under the USFWS Reintroduction Plan. Several groups, including the Wyoming Wildlife Conservation Society and Montana's Ecosystem Management Research Institute, argue that the current numbers, even though they appear large enough, in fact do not mean full species recovery (Kleiner 2003). A lack of scientific agreement is not uncommon in environmental policy such as for example, global warming, ozone layer depletion and endangered species recovery.

### Political Culture

Consistent with Sabatier's (1986) ideas of top-down, bottom-up approaches to the study of policy implementation, the wolf reintroduction example requires us to explore how lower level state officials (and how they interact with their own clients) appear to crash into the actions of top-level federal officials. Here, issues of intergovernmental relations clearly complicate the implementation of national policies (Anderson 2004). The wolf reintroduction program requires dependence on the states of Wyoming, Montana, and Idaho for support. However, Wyoming struggles to adopt policy guidelines that the federal government can digest. Thus, without states adopting policy consistent with the spirit of federal guidelines, wolf reintroduction policy is at a standstill.

Scholars argue that in order to get states to adopt policy the federal government must bend a bit in the winds of local interest. However, the issue upon which the federal government must bend in favor of local interests is the shoot-on-sight provision. This aspect of the program is anathema to the core of the federal policy to reintroduce the wolf and seems to lie at the heart of the controversy.

What we have is an example of old-style picket fence federalism. Here, the policy process involves interrelated issues and agencies focused on a single problem which crosses state and federal boundaries. But even here, where actors share similar professional expertise, state politics (and particularly local interest group politics) inserts a wedge into the policymaking and implementation machinery. Thus, political culture and deeply held values and local interests serve to split our picket fence into seemingly discrete irreconcilable outcomes.

As Bowman and Kearny (2003, 17) note, “political culture is a factor in the differences (and similarities) in state policy” and can be useful in understanding why some policies succeed while others fail. Elazar’s (1966) political culture map suggests that Wyoming is not dominated by any single political culture. Instead, Wyoming has a mix of “individual” and “moral” characteristics. Here, under Elazar’s rubric, government is seen as having a very practical orientation and there exists a significant degree of cynicism directed toward government. Here, private concerns trump public ones.

A different and potentially more illuminating way to describe the state’s political culture is with the term “libertarian conservatism.” In Wyoming, conservatism is the hallmark but the state’s brand is more libertarian than social. What this means in practice is that Wyomingites hold many traditionally conservative political values, such as fiscal

constraint, while they reject any government intrusion into the moral lives of citizens.<sup>1</sup> Their self-perceived “rugged individualism” is a reflection of this brand of conservatism. Generally, then, Wyoming politics and political culture reflect conservatism, rugged individualism, and, according to Elazar (1984, 17-18), a degree of internal unity matched by few other states. Indeed, Wyoming’s drive for statehood reflected widespread disaffection with federal control. A particularly trenchant example of Wyomingites’ disaffection was their expelling in 1877 of the Wyoming territorial justice, William Ware Peck, for “arrogance and insensitivity to local customs” (Keiter and Newcomb 1993, 3). Prominent Wyoming historian T.A. Larson (1978, 129) contended that Peck was “too deliberate for many people who were accustomed to having court business wrapped up in a hurry.” We see much of this cultural sentiment in Wyoming’s second lawsuit, contending that the federal government violated the state’s sovereignty and right to self governance under the 10<sup>th</sup> amendment, as well as its reluctance to ‘play ball’ with USFWS in removing the dual classification of the wolves (see *Wyoming Farm Bureau Federation et al. v. Babbitt 1997*)

Much of this ‘anti-federal government’ sentiment is evidenced in a series of press releases and editorials by various groups and individuals throughout the state. One posting on Wyoming’s “Save the USA” website has a headline of “Wolves-Government Sponsored Terrorists” and offers bumper stickers with the same wording for \$1.00. Another posting suggests that the Endangered Species Act is essentially a cover for land-grabbing federal bureaucrats and equate the wolf to the spotted owl controversy in Oregon and Washington. Local ranchers near Yellowstone have asserted that wolves are in fact federal agents in wolf’s clothing and that the plans to reintroduce the wolves were

akin to Jews listening to the Nazis talk about Auschwitz (Jones 2002). Editorials in the Casper Star-Tribune echo this distrust of the federal government, saying that Wyoming's management plan is workable and its rejection is merely political in nature and simply a way for USFWS to maintain authority of the state and jeopardize the livelihood of its people (Hamilton 2005). Wyoming's inherent and historical distrust of the federal bureaucracy appears to be a big component in the state of Wyoming's refusal to change its wolf management plan to meet the specifications of USFWS.

### **Conclusion**

The state of Wyoming has been described as a small town with very long streets. Because of its lack of population, proud western heritage and rugged geography, Wyoming has a unique political culture that shows signs of distrust of federal interference. For them, the case of wolf reintroduction into Yellowstone National Park is a classic example of federal interference at the state level. The lack of cooperation shown in the creation and implementation of a viable state wolf management plan is the outcome of this political culture. This, coupled with the lack of cohesion in the scientific community over the wolf's past and future and powerful interest groups thought to control the state's Game and Fish Department, does not bode well for the delisting of the wolf in Wyoming.

Despite the apparent inability of either side to come to a negotiated agreement, there is much we can learn from this case. As species conservation, protection and recovery policy continues to develop at the federal level, more states will be required to implement reintroduction programs. These will include, of course, additional predatory animals such as grizzlies, lynx and wolves in other areas of the country (such as wolves

in New York State). Because of the nature of these types of policies and the perception of the endangered species themselves, these programs will not be without controversy.

Identifying and overcoming the variables as described in the Wyoming case is an important step in gaining cooperation among the various agencies and actors at all levels of government. Policymakers can learn from past mistakes and learn to deal with the fear and mistrust at the state level associated with a program such as species reintroduction and move these valuable policies forward.

For Wyoming, in order for implementation to be successful, the benefits of a delisting policy must be made clear to state officials and interest groups alike.

Wyoming's distrust of government is too great (as the idea of wolves being federal agents in wolves clothing suggest) and the scientific ambiguity over wolf reintroduction will continue to serve as a wedge by interest groups on both sides of the issue. Here, both ranchers and environmentalists alike must see the need and benefit of wolf delisting. Indeed, both Wyoming officials and their federal counterparts would like to devolve wolf reintroduction policy to the states. Thus, devolution for government officials is a win-win if only Wyoming could develop a policy acceptable to the USFWS. Clearly the federal officials understand Wyoming's political culture. It seems that Wyoming's apparent agency capture and the determined arguments presented by the ranching industry have drawn a line in Wyoming's proverbial sand.

We believe that wolf reintroduction policy is ultimately good for the wolf, the State of Wyoming, and the federal government. Wyoming's political culture leans toward minimizing the role of the Washington, D.C. policy maker and thus, successfully transferring responsibility to the State should be a win-win. The seemingly inconsistent

federal policy of at one time allowing killing of the wolf while, now, protecting this predator is not a new problem. Ecosystem management remains as much art as science and conclusive evidence of the wolf's precarious environmental position will most likely remain elusive. From "food pyramids" to national speed limits, federal policy bends to the latest scientific trends and national crises. Thus, changing our mind on the importance of the wolf should not be a reason to abandon federal interests in wolf policy.

Wolf-related damage to the ranching and agriculture community appears nominal and, at worst, manageable. Here, the science behind determining a wolf-caused kill appears straight forward. A system is already in place to compensate ranchers for their losses when livestock are killed by wolf predation. Are wolf-kills a serious inconvenience to ranchers? The answer is yes. However, the problems can be managed and are outweighed by the many advantages of wolf reintroduction.

Wolf reintroduction is now an added feature in Wyoming's important tourist economy. Although not exactly eco-tourism, the image of the majestic wolf provides a new dimension to the Wyoming tourism market. An opportunity to view a newly reintroduced wolf enhances the tourism already associated with Yellowstone, Wyoming, and the Mountain West. Wolf reintroduction is good public relations for the state as well. In terms of Wyoming's national image, no good can come from turning our back on the wolf. As with most public policy outcomes, the various interests surrounding this issue will be affected differently. Clearly, wolf reintroduction policy does not meet the Pareto criterion. However, John Stuart Mill (and the wolf) would certainly approve. And not unlike seat belt requirements, drinking ages, and the regulation of open-containers, Wyoming may eventually come around to accepting federal requirements as much from

“wearing out” issues as from strategically crafted policy arguments. This particular legislation is as much culturally bound as it is process bound. An overt compromise over the specifics of wolf reintroduction may not quickly be achieved. However, the federal government can take away some new understanding on the obstacles to reintroducing endangered species, such as through better education programs for the citizens of affected states to change the long held perceptions, often instilled by the federal government itself, of the animals, and the environment. Like the problem in Wyoming, citizen perceptions of the wolf as a predator that requires eradication stem from the original federal policy of wolf extermination. Citizen understanding of the challenges did not evolve with new scientific understandings of endangered species and the federal policies associated with the changed perspectives. As mentioned above, creating a reason for the state and its citizens to embrace the wolf reintroduction program is paramount to its ultimate success. Failing that, the federal government, along the USFWS will simply have to take a hard line with reticent states like Wyoming on issues involving the environment and endangered species and tell them to simply ‘get over it.’ Some issues maybe are not meant to be devolved.

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<sup>1</sup> Although Montana's political culture is similar to Wyoming, these features are in contrast to Idaho which is currently characterized by "regional growth, economic displacement, and conflicts concerning political pragmatism, individualism, and an all-pervasive dependence on government that marks the fastest-growing region of the United States" (Alm, et al 2001, 110).

**From Herbert Marcuse to the Earth Liberation Front:  
Considerations for Revolutionary Ecopedagogy**

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*By saying no to the devastating empire of greed, whose center lies in North America, we are saying yes to another possible America...In saying no to a peace without dignity, we are saying yes to the sacred right of rebellion against injustice.*  
– Eduardo Galeano

In many respects, the 21<sup>st</sup> century has opened to the politics of the “no.” The neoliberal and imperialist hegemony behind the United States market economy and military have sought to erode or supersede any and all limits to their behavior. Thus, they have said “no” to legal protocols of war by abandoning the Geneva Convention, “no” to civil liberties and rights by rejecting the World Court internationally and domestically instituting (and then expanding in the face of widespread protest) the PATRIOT act, and “no” to the regulation of capitalist greed by amending or repealing laws and other measures that were enacted to variously prevent corporate monopolism, profiteering, industrial development beyond reason, and “natural resource” extraction beyond sustainability. Indeed, as this paper will argue, the ruling class today promotes a ubiquitous socio-cultural attitude that can best be described as the capitalist system’s extinction of life generally in the form of a growing global ecological catastrophe.<sup>1</sup>

In response, the populist grassroots have mobilized as decidedly anti-globalization and anti-war, and their street slogans evince the negative character of the new social movements: “No blood for oil,” “Not in our name,” “No more years!” However, while the anti-globalization movement has incorporated Greens into its membership and been

associated with important ecological battles such as Cochabamba, Bolivia's "water war" (Olivera, 2004), its aim has been more anti-corporate than pro-ecology thus far. Likewise, though U.S.-led war has evoked ecological issues of crucial importance, such as the environmental effects of an oil economy and the widespread environmental toxicity produced through the American use of depleted uranium-enhanced weapons and vehicles, the anti-war movement has largely evaded ecological critique in favor of anti-imperialist, anti-racist, and pro-democracy discourses. The result has been an unfortunate failure to deeply integrate the environmental movement into contemporary progressive causes, and vice-versa, such that the socially educative potentials of what I have referred to as "a critical dialogue between social and eco-justice" (Kahn, 2003) have not materialized in the large.

Yet, such dialogues have begun to emerge in the radical margins of militant ecological politics, with affiliated organizations such as the Earth Liberation Front (ELF) and Animal Liberation Front (ALF) attempting to produce a revolutionary society based on critiques of the multiple fronts of systemic oppression (Rosebraugh, 2004; Pickering 2002) as they move towards creating "interspecies alliance politics" (Best, 2003).<sup>2</sup> Having totaled over \$100 million in damage over the last decade by most accounts, these groups have been labeled by the government as "eco-terrorists" and are promoted as one of today's "most serious domestic terrorism threats" in the United States (Lewis, 2005). While the charge of "terrorism" here is patently wrong and politically motivated (Best, 2004), the government is correct that eco-militancy appears to be on the rise in the face of widespread environmental crisis and the utter failure of the mainstream environmental movement to offer successful opposition to the most rapacious aspects of capitalist

development. Indeed, a 2005 RAND report even posits the greater convergence of the anti-globalization movement with ecological militancy over the next five years and predicts the potential “emergence of a new radical left-wing fringe across American society that is jointly directed against ‘big business,’ ‘big money,’ corporate power, and uncaring government” (Chalk, et al., 2005, p. 51).

All of this makes me think of the great contemporary philosopher of radical negation, Herbert Marcuse – the so-called “father of the New Left” – who theorized the radical movements of the 1960s and 1970s and saw in them the revolutionary potential to act as educational catalysts in the transformation of society. In fact, as the recent critical reader on Marcuse asserts (Abromeit & Cobb, 2004), as well as Douglas Kellner (1992), Timothy Luke (1994), and Henry Blanke (1996) in the last decade, ecological politics were an important aspect of Marcuse’s revolutionary critique and he should be considered a central theorist of the relationship between advanced capitalist society and the manifestation of ecological crisis, as well as of how to overcome this crisis through the creation of revolutionary struggle and the search for new life sensibilities that would overcome the nature/culture dichotomy that the Frankfurt School saw as a driving force behind Western civilization.<sup>3</sup>

Yet, Marcuse’s philosophy seems mostly unnoticed by current ecological militants, as the movement is dominated on the one hand by the sort of pervading anti-intellectualism that Marcuse sought to educate amongst the New Left (Kellner, 2005, p. 152) and by a linkage with questionable readings and uses of the philosophy of anarcho-primitivism on the other.<sup>4</sup> Though groups like the ELF and ALF have been key in educating the public about the dangers and horrors of crucial ecological issues of the

moment like genetic engineering, urban sprawl, deforestation, automobile pollution and the effects of the oil economy, wildlife preservation, factory farms, and biomedical animal tests (Rosebraugh, 2004; Best and Nocella, 2004), they arguably lack a coherent theory of education and social revolution that could bolster and legitimate their advocacy.

This paper, then, seeks to make (in however an introductory a fashion) a Marcusean intervention into the radical ecological politics of the present moment and thereby “educate the educators” (i.e., activists). As an explication of Marcuse’s thought makes clear, groups like the ELF and ALF are undoubtedly social educators in that they hold key knowledge about the world that few possess and they have accordingly organized a politics (and to some degree a culture) that seeks to build upon and inform that knowledge. However, their politics run the risk of devolving into both a sort of vanguard elitism and despondent nihilism without a stronger theoretical basis, and Marcuse not only offers this but perhaps more than any other social theorist of recent memory combines the radical critique of society with a “positive utopianism” that can transcend pervading pessimism (Gur-Ze’ev, 1998).

The essay itself seeks to embody a sort of Marcusean intervention that moves beyond a straight explication that could run the risk of divorcing Marcuse’s thought – itself always changing to meet the requirements of the present moment – from its socio-historical context. In this way, Marcuse is hailed as an inspiration and is in a way both a subject and object of the paper. Correspondingly, I will at times move beyond the conceptual language that Marcuse himself used in order to better intervene in present issues, all the while keeping the overall spirit of Marcuse’s thought as a perpetual guide. I begin by tracing the conjunction between the birth of radical ecological politics and the New Left,

then move to a reconsideration of whether a Marcusean politics and culture of social intolerance is legitimate under contemporary circumstances. Following, I outline a call for the reconstruction of a Marcusean “pro-life” politics, and then close with a discussion of how Marcuse provides an under-utilized theory of politics *as* education and a revolutionary conception of *humanitas*, through which Marcuse sought to work to overcome the historical struggle and dichotomy between culture and nature, as well as the human and non-human animal. The conclusion offered is that Marcuse is a founding figure of a revolutionary ecopedagogy that says “No!” to the violent destruction of the earth, as it works to manifest a critical posthumanism based upon new life sensibilities that amounts to a utopian “Yes!” that will come to displace and end domination and repression broadly conceived.

### **The Modern Birth of Radical Ecological Politics**

*I don't like to call it a disaster...I am amazed at the publicity for the loss of a few birds.*

– Fred L. Hartley, then President of Union Oil Company

In 1970, Earth Day largely marked the beginning of the modern environmental movement in the United States. Yet, a good case can be made that Earth Day itself, along with the sort of radical ecological politics now associated with groups like the Earth Liberation Front, erupted out of an event that took place the prior year (Corwin, 1989). While drilling for oil six miles off the coast of Santa Barbara on the afternoon of January 28, 1969, Union Oil Company’s equipment failures resulted in a natural gas blowout from the new deep-sea hole they were excavating. Though the gas leak was quickly capped, the resulting pressure build up produced five additional breaks along a nearby

underwater fault line (it is California after all), sending oil and gas billowing into the surrounding ocean. Ultimately, it took the better part of twelve days to stop the main leaks, and some 3 million gallons of crude oil were released into an 800 square mile slick that contaminated the coastal waters, ruined 35 miles of shoreline, and damaged island ecologies. Amounting to a sort of Union Carbide disaster for non-human animals, over 10,000 birds, seals, dolphins, and other species were soon covered with tar, poisoned, or otherwise killed by chemical detergents used to break up the slick. Many more animals that did not die outright were adversely affected through destruction of their habitat, as the region became seriously polluted and took on the smell of the worst regulated oil refinery plant.

Santa Barbara's ecological catastrophe became a national media spectacle beamed into every American's television on the nightly news and, drawing on the nascent environmental consciousness sparked during the 1950s by Aldo Leopold's *Sand Country Almanac* and the 1960s by Rachel Carson's bestseller *Silent Spring*, public outrage erupted at the sort of governmental decision making that allowed Big Oil to cavalierly despoil the country for profit. It was revealed that oil companies had corrupted the U.S. Geological Survey, whose job it was to oversee the granting of offshore land leases and that such leases were routinely granted with little investigation as to their salience, save for that conducted by petroleum corporations themselves (whose data was private and could not be made a matter of public record). Further, corruption also flowed from President Johnson's administration on down, as the Vietnam war was proving overly costly and so a policy of producing additional federal revenues from the selling off of natural resources (even at pennies on the dollar) was enacted in order to manufacture the

illusion of budgetary economic soundness on part of the country. As a result, the Santa Barbara channel had been auctioned off at the nice price of \$602 million, providing the green light for oil companies to do with it as they willed, as the former proposal to turn the area into a wildlife sanctuary was quietly dropped from the agenda (Pacific Research Institute, 1999, p. 1).

Clearly, no one in power had ever stopped to question what the political effects of a giant slick in the Santa Barbara channel would be. A place of natural beauty that had been fighting as a community since the 19<sup>th</sup> century against the battleship-sized drill platforms stationed obtrusively on the horizon line, Santa Barbara was already mobilized on the issue. In the days following the spill, GOO (standing for Get Oil Out!) was created and it served as an organization to lead activist campaigns for reducing driving time, staging gas station boycotts, and burning oil company credit cards. Further, Santa Barbara was a city of wealth and intelligence. A home to many people with insider connections to alter the usual workings of the status-quo, their pressure led to two major national policy changes: the enacting of a federal moratorium on leases for new offshore drilling (except in huge swathes of the Gulf of Mexico) and the passage in 1970 of the National Environmental Policy Act (NEPA), the Magna Carta of environmental legislation in the United States. Finally, Santa Barbara was also a university town that was a hotbed of 1960s youth activism and counterculture.

The New Left and Marcuse-friendly community of Isla Vista, in particular, was known for its radicalism in opposing police repression, staging war resistance, and defending leftist UCSB professors who were being denied tenure and removed from their posts (Gault-Williams, 1987). In 1970, Isla Vista militants responded with their own

reply to the corporate energy cum military State by breaking into and razing the local branch of the Bank of America to the ground. The bank made a perfect target for many reasons. On the one hand, the bank was *the* community representative of capitalist business and, whether in its opposition to Cesar Chavez's grape boycott or its support for American imperialism (and hence the Vietnam war) through its opening up of branches in Saigon and Bangkok, Bank of America was seen as corrosive to the community's social justice values. But there is a less well-known, though equally important, reason that the bank was targeted. Bank of America directors were also known to sit on the board of Union Oil and so were themselves seen as responsible for the terrible oil spill of 1969 (Cleaver, 1970, p. 4).

In this context, though the Earth Liberation Front's first American arson campaigns are dated only to 1997 (Rosebraugh, 2004), the torching of Isla Vista's Bank of America stands as one of the very first acts of uncompromising direct action to be found in United States' environmentalism and thereby shows that radical ecological approaches to politics co-originated with the mainstream movement.<sup>5</sup> However, unlike the mainstream, Isla Vista New Left radicals tethered their ecological sensibility to an anti-capitalist and anti-imperialist stance that demanded a qualitative change in social relations. It was political moves such as this that served as an impetus for Marcuse to more straightforwardly announce the importance of ecological struggle as a central revolutionary theme in his end period.<sup>6</sup> Thus, groups like the ELF have a direct historical ally in Marcuse and so today's eco-radicals would benefit from a deeper investigation of Marcusean philosophy and its educational, political, and cultural implications.

### **Returning to the Question of Social Intolerance**

*Civil disobedience has many permutations.  
You can block the streets in front of the United Nations.  
You can lay down on the tracks, keep the nuke trains out of town,  
Or you can pour gas on the condo and you can burn it down.*  
– David Rovics, Song for the Earth Liberation Front

While there are dramatic differences between the political and cultural scene of the 1960s and the present, in many ways it seems like old times. Oil is again the center of political discussions as the Bush administration is hunkered down in a costly and apparently unwinnable Vietnam of its own making in Iraq. While Bush has promised to honor his father's extension of the federal moratorium on offshore drilling until 2012, Big Oil has been working vigorously to gain access to the continental shelf, amongst other potential exploration sites. As of the time of this writing, having failed at an attempt at complete repeal of the moratorium in the House, oil lobbyists are grafting an inclusion onto Bush's 2006 Energy Plan that will allow states the right to lease offshore land to help pad their budgets in a dwindling economy, thereby keeping incumbent politicians employed (Dinesh, 2005). Further, NEPA itself – the law created to make sure federal agencies properly account for potential environmental impacts prior to developing federal lands – has come under an all-out assault as the Bush administration seeks to free industries from what it deems to be a time-consuming and expensive legislative regulatory procedure (Reiterman, 2005). This as a 2005 “mystery spill,” unclaimed by any oil company (go figure), once again painted Santa Barbara beaches black and killed some 5,000 birds and other animals, making it one of the worst oil disasters of recent memory (Covarrubias & Weiss, 2005).

Yet, three and a half decades have also brought startling changes. Whereas 1969's spill both radicalized students into taking direct action against anti-ecological capitalism

and galvanized a national environmental movement in the mainstream, 2005's oil slick passed by relatively unnoticed. One might argue that in the present age of megaspectacle, nothing short of global warming as fictively pictured in the absurd movie *The Day After Tomorrow* has enough emotional punch to break through the anaesthetized sensibilities of the seemingly oblivious masses.<sup>7</sup> In this sense, the relatively rare devastation wrought by a killer tsunami rouses widespread attention today, as the public passes by news about the toxic burdens brought to bear upon life by corporate and state malfeasance with little more than a bored shrug and, perhaps, a blog post.<sup>8</sup> For sure, since the Battle for Seattle the United States has seen a reinvention of public protest, and while people continue to link images of the Sixties with notions of social discontent, the recent events of February 15, 2003 and the 2004 Republican convention in New York City demonstrated dissent on a scale far beyond that ever mustered by the flower-power youth. Still, why then did the counterculture of the 1960s seemingly accomplish so much while the contemporary Left has appeared to suffer being overrun, consolidated, and ostensibly ignored despite its large numbers?

The answer requires a reconsideration of the past. Post-9/11 the United States has been engaged in a McCarthyesque crackdown on activists by brandishing them as terrorists, as corporations and the government intone treasured words like "freedom" and "democracy" (Best & Nocella, 2004). The State portrays itself as a security apparatus in charge of preserving the liberal ideal of tolerance, while it uses the extremism of groups like Al Qaeda to smear all of its enemies with charges of tyrannical fundamentalism. Thus, animal liberation activists like the SHAC7 are described as anti-democratic enemies of the State because of their willingness to directly challenge and attempt to shut

down the self-imposed rights of corporations to cavalierly murder animals in the name of science and business, while SHAC's opponents regularly promote themselves as good citizens who recognize the right to voice even the most unpopular opinions as long as those opinions do not step beyond the bounds of free speech into "intimidation" (Best and Kahn, 2004).

Herbert Marcuse wrote an important essay, "Repressive Tolerance" (1965), in which he examined this process by which the liberal State and its corporate members assert that they are fit models of democratic tolerance, as they insist that radical activists are subversive of the very ideals on which our society is based. In this essay, Marcuse notes that the claim that democratic tolerance requires activists to restrict their protests to legal street demonstrations and intra-governmental attempts to change policy is highly spurious. Tolerance, he says, arose as a political concept to protect the oppressed and minority viewpoints from being met with repressive violence from the ruling classes. However, when the call for tolerance is accordingly used by the ruling classes to protect themselves from interventions that seek to limit global violence and suppression, fear, and misery, it amounts to a perversion of tolerance that works to repress instead of liberate. Thusly, Marcuse thought such tolerance deserves to be met, without compromise, by acts of revolutionary intolerance because capitalistic societies such as the United States manage to distort the very meanings of peace and truth by claiming that tolerance must be extended throughout the society by the weak to the violence and falsity produced by the strong.

Many have criticized Marcuse for advocating violence against the system in order to quash the system's inherent violence (Kellner, 1984, p. 283), however, the critique of

repressive tolerance is key to understanding why revolutionary violence would remain – if not ethical – a non-contradictory and legitimate mode of political challenge towards effecting “qualitative change” (Marcuse, 1968, p. 177).<sup>9</sup> For a tolerance that defends life must be committed to opposing the overwhelming violence wrought by the military, corporations, and the State as the manifestation of their power, and it is, by definition, to fail to work for their overthrow when one actively or passively tolerates them. Therefore, Marcuse felt that revolutionary violence may in fact be necessary to move beyond political acts that either consciously or unconsciously side with, and thereby strengthen, the social agenda of the ruling classes. Further, he noted that the tremendous amount of concern (even amongst the Left) evoked as to whether revolutionary violence is a just tactic fails to correlate to how often it is actually applied and practiced. Meanwhile, systemic violence constantly goes on everywhere either unnoticed and unchecked or celebrated outright. This goes to show, Marcuse felt, how hard it is to even think beyond the parameters set by repressive tolerance in a society such as our own and this serves as yet another reason why such tolerance must, by any means necessary, be met with social intolerance.

Yet, Marcuse also recognized a wide-range of tactics, such as marching long-term through the institutions,<sup>10</sup> grabbing positions of power wherever possible, and – in terms of ecological politics – “working *within* the capitalist framework” in order to stop “the physical pollution practiced by the system...here and now” (Marcuse, 1972, p. 61) if they were undertaken with a revolutionary thrust towards a more ecologically-sound, peaceful, and free planet.<sup>11</sup> On the other hand, Marcuse’s key tactic has to be his concept of the “Great Refusal” that designated “a political practice of methodical disengagement from

and refusal of the Establishment, aiming at a radical transvaluation of values” (Marcuse, 1969, p. 6). By rejecting death principle culture and imagining an alternative reality principle based on reconciliatory life instincts capable of integrating humanity with its animal nature, Marcuse saw the Great Refusal from the first in ecological terms.<sup>12</sup> This idea gripped the counterculture of the 1960s, who set out to create a plethora of new cultural forms and institutions (such as the environmental movement) across the whole spectrum of society. Certainly, there are also bold new cultural forays in today’s radical ecological politics. Increasingly, individuals and countercultural collectives are attempting to reject the mega-war-machine of the mainstream, as they take up veganism, permaculture, and other alternative lifestyles such as the Straight-Edge movement that mixes urban punk stylings with a commitment to self-control, clean living, and political expressions like animal rights. Additionally, radical gathering events such as the Total Liberation tour travel the country, and hardly an urban setting can be found that is free of some form of regular culture jam. But as today’s popular culture seems dominated by media spectacle and all manner of mass-commodified technological gadgetry unlike ever before, eco-radicals must work harder still to distinguish the ways in which their culture represents a positive realization of anti-oppressive norms based on ideals of peace, beauty, and the subjectification of nature and is not just a nihilistic disapproval of a society that they may rightly deem unredeemable. That is, from a Marcusean perspective: a politics of burning down that lacks a correlative social, cultural, and educational reconstructive focus should not itself be tolerated.

### **Reimagining a Pro-Life Politics**

*...be just and deal kindly with my people, for the dead are not powerless.  
Dead, did I say? There is no death, only a change of worlds.*  
– Chief Seattle

George W. Bush has been characterized as a pro-life leader for his desire to overturn *Roe v. Wade*, ban stem cell research, and stop funding for international aid organizations that offer counsel on abortions and provide contraceptives. Of course, in his role as outright war maker in Afghanistan and Iraq, indirect war maker through his global neoliberal structural adjustment policies, and ecological war maker as the worst environmental president in United States history (Brechin & Freeman, 2004, p. 10), Bush is anything but pro-life. Rather, as the sort of über-representative of the affluent society, its forces, and its values, Bush is a fitting figurehead for a politics of mass-extinction, global poverty, and ecological catastrophe. But, let us make no mistake about it, death-dealing politics such as Bush's extends far beyond the ideological confines of his neoliberal and neo-conservative administration and so, from a perspective of radical ecology, strategies such as the "Anybody But Bush" that liberals, left liberals, and other progressives attempted to use during the 2004 election cycle could not be more misguided.

Since the first Earth Day, we have witnessed a form of "endless growth" political economy that is literally over-producing and consuming the planet towards death. Wholly without precedent, the human population has nearly doubled during this time period, increasing by 2.5 billion people (Kovel, 2002, p. 3). Similarly, markets have continued to worship the gods of speed and quantity and refused to conserve. The use and extraction of non-renewable energy resources like oil, coal, and natural gas has followed and exceeded the trends set by the population curve despite many years of warnings about the consequences inherent in their over-use and extraction, and this has led to a

corresponding increase in the carbon emissions known to be responsible for global warming. Likewise, living beings and organic habitats are being culled and destroyed in the name of human consumption at staggering rates. Tree consumption for paper products has doubled over the last thirty years, resulting in about half of the planet's forests disappearing (Kovel, 2002, p. 4), while throughout the oceans, global fishing also has doubled resulting in a recent report finding that approximately 90% of the major fish species in the world's oceans have disappeared (Weiss, 2003). Mile-long nets used to trawl the ocean bottoms for commercial fishing enterprises are drowning and killing about 1000 whales, dolphins, and porpoises daily, some of the species near extinction from centuries of commercial hunting (Verrengia, 2003). Further, since the end of the 1960s, half of the planet's wetlands have either been filled or drained for development, and nearly half of the Earth's soils have been agriculturally degraded so as not to support life (Kovel, 2002). Finally, as giant corporate agribusinesses have consumed the family farm and as fast food has exploded from being a cultural novelty to a totalizing cultural staple across the world, vast, unimaginable slaughterhouses – brutal production-lines in which thousands of animals are murdered for meat harvesting every hour – have also become the business standard (Scully, 2002).

Marcuse himself referred to the sort of systemic disregard for life evinced by statistics such as these as “ecocide” (Marcuse, 2005, p. 173) the attempt to annihilate natural places by turning them into capitalist cultural spaces, a process that works hand in hand with the genocide and de-humanization of people as an expression of the market economy's perpetual expansion. More recently, others speak of ecocide as the destruction of the higher-order relations that govern ecosystems generally (Broszimmer, 2002), as

when economies of need take areas characterized by complexity and diversity like the Amazonian rainforest and reduce them to the de-forested and unstable monoculture of soybeans for cattle-feed. However, while it is no doubt possible to disable an ecosystem from sustaining much life, it is not clear that one can actually kill it. Instead, we are witnessing a process by which bioregions are being transformed pathologically from natural ecologies of scale that support life to capitalist ecologies that function beyond limit and threaten death. In this way, the current globalization of capitalism that institutes classist, racist, sexist, and speciesist oppression is a sort of biocidal agent.

It is biocidal, also, in a more philosophical sense. The term “*bios*” is a Greek word that has come to designate natural life as studied by the science of “biology.” Originally, though, *bios* meant a sort of characterized life (Kerenyi, 1976, p. xxxii) – as in a “biography” – that is demonstrated by the active subjectivity of sentient beings. In this manner, organizations like People for the Ethical Treatment of Animals (PETA) have as their ultimate goal the social recognition of animals’ *bios* (Guillermo, 2005) and, accordingly, want them to be afforded the status of being considered subjects of a life that are therefore deserving of rights. When compared with the larger socio-political context against which PETA struggles, however, the McDonaldsization of the planet is obviously moving in the opposite direction. Most beings today, including the great Earth and the sustaining cosmos beyond, are instead increasingly reduced to one-dimensional objects for exploitation, and should they provide too much resistance to the schemes of profit and power in the process, they are tagged for systematic removal.

In stark contrast to the objectification of life that typifies mainstream culture in the United States, as well as to the sense of life as “characterized” that is represented by

the idea of *bios*, the Greeks (in a manner similar to many indigenous cultures) held that life was fundamentally *zoë* – a multidimensional and multiplicitous realm of indestructible being (Kerenyi, 1976). Thus, in Greek culture primeval and natural places were consecrated to the pagan deity Pan (whose name means “all”), and these were held to be sacred groves where *zoë* was especially concentrated in its power. The final point, then, is that ruling class politics are also zoöcidal, though not in the sense that it kills *zoë* (which cannot be killed by definition). Rather, in instituting a transnational network of murderous profanity over the sacred, in paving paradise in order to put up a parking lot, capitalist life is zoöcidal in that it seeks to colonize any and all spaces in which cultures based on understandings and reverence for *zoë* can thrive.

The call, therefore, to future radicals is clear. They must, if they are not doing so already, integrate the ecological critique into their politics and culture and so become ecological radicals. Further, ecological radicals themselves must increasingly move to develop cultural relationships to nature that exhibit the sort of positive liberatory values that have emerged out of a long history of social struggle and which Marcuse felt could be accessed through the subordination of “destructive energy to erotic energy” (Marcuse, 1992, p. 36) in the present age. Of course, eco-radicals will also have to learn, grow, and ultimately teach, the values and practices that unfold a new sensibility towards life that emerges from the attempt to liberate and reconcile with the Earth proper. In this respect, perhaps, the reimagination of a pro-life politics in which human and non-human beings are understood as both *bios* and *zoë* represents for us the great anti-capitalist challenge of the current historical moment. In the face of expanding zoöcide, to think that this could occur without widespread rebellion and, ultimately, revolution, seems extremely

doubtful. As Marcuse (1966) remarked: “In defense of life: the phrase has explosive meaning in the affluent society” (p. 20). Today, radical ecological politics such as practiced by the ELF seem determined to prove Marcuse right.

### **Ecopedagogy as Political Education and Educational Politics**

*...the real change which would free men and things, remains the task of political action.*

– Herbert Marcuse

To my mind, Marcuse is one of the pre-eminent philosophers of education in modern times, not only because he lived as well as propounded a radical theory of education as a centerpiece of his social critique and political plan of action, but because his educational theory was essentially linked to the ecological problem of human and non-human relations due to his understanding that education is a cultural activity, and that in Western history such culture has systematically defined itself against nature in both a hierarchically dominating and repressive manner (Kahn, *forthcoming*). As a result, Marcuse conceived education in both an intra- and extra-institutional scope, and ultimately saw it as incorporating all of social life and the total existential development of humanity towards achievement of new life sensibilities capable of “dispelling the false and mutilated consciousness of the people so that they themselves experience their condition, and its abolition, as vital need, and apprehend the ways and means of their liberation (Marcuse, 1972, p. 28). For Marcuse, then, education and revolution were largely synonymous forces which struggled against their reified forms as one-dimensionalizing political apparatuses, corrupting professions, and dehumanizing cultural forms.

Recently, in a number of books and essays Peter McLaren has become the leading

voice in the call for and development of a “revolutionary pedagogy” that can heretically challenge market-logic and reformist ideology in favor of wholesale social transformation. In fact, in an essay written with Donna Houston (McLaren & Houston, 2005), McLaren has even charted a sort of “eco-socialist pedagogy” that stands in defense of convicted ELF arsonists such as Jeffrey Luers, as it militates against what he terms the “Hummer” educational machinations of the mainstream and capitalist status-quo. However, where Marcusean erotic archetypes could deeply inform and bolster such a pedagogy, McLaren has instead pointed to the symbolic (and other) influence of Che Guevara and Paulo Freire (2000). Indeed, while Freire himself finally recognized the importance of ecological struggle at the end of his life, writing that “It must be present in any educational practice of a radical, critical, and liberating nature” (Freire, 2004, p. 47), it can be argued that the U.S. educational left’s reliance upon Freire over the last 30 years significantly hampered pedagogical developments vis-à-vis nature and non-human animals (Kahn, 2003; Bowers & Appfel-Marglin, 2005) that Marcuse himself had reached as early as the 1950s and 1960s.

Interestingly, both Freire and Marcuse sought through their pedagogy and politics to promote the goal of humanization, and as Henry Giroux notes in his Introduction to Freire’s *The Politics of Education*, Freire himself developed a partisan view of education and praxis that “in its origins and intentions was for ‘choosing life’” (Giroux, 1985, pp. xxiv-xxv). Yet, Marcuse differs from Freire in a key respect in that he, like Antonio Gramsci, began with the primacy of the political sphere through which he derived the necessity of education – politics *as* education – whereas Freire’s work starts with education and works towards the goal of political action, thereby producing a politics *of*

education or theory of education as politics (Cohen, 1998). Thus, while Freire's work is more easily tailored to education professionals and teachers, as the critical pedagogy movement that has centered schools as a primary site of struggle and which tethers notions of literacy to political literacy demonstrates, Marcuse offers a theory of education as a political methodology that is "more than discussion, more than teaching and learning and writing" (Marcuse, 2005, p. 85). He feels that unless and until education "goes beyond the classroom, until and unless it goes beyond the college, the school, the university, it will remain powerless. Education today must involve the mind *and* the body, reason *and* imagination, intellectual *and* the instinctual needs, because our entire existence has become the subject/object of politics, of social engineering" (Marcuse, 2005, p. 85).

Ilan Gur-Ze'ev (2002) has pointed out how Marcuse promoted a form of German *Bildung*, or the cultural learning and practices that intend the shaping and formation of more fully realized human beings (Kellner, 2003), as counter-education. Marcuse himself was more prone to speak of the goal of "humanity" (Marcuse, 2001, p. 140), the classical ideal of *humanitas* (Marcuse, 2001, p. 77, 132) or even the universal sense of human dignity connoted by *Menschlichkeit* (Marcuse, 1997, p. 16), but always in a manner akin to *Bildung*, and so in Marcuse all speak to an ideal of human potential and freedom that can emerge only through political action as education. Historically, educational projects of *humanitas* and *Bildung*, while serving progressive purposes also promoted self-contradictions of class privilege and other forms of oppression,<sup>13</sup> yet Marcuse hardly utilized these conceptions in an idealistic manner and instead sought to use them as critical challenges to the educational and status quo of the current day. Marcuse also

enlisted them as utopian thrusts to explore and expand the Marxist conception of “human needs” – the full development of which is necessary for the appropriation of nature that would afford the realization of humanity as a “species being” – as being something more than an epiphenomenon of coming socialist institutions by rooting them in the universally instinctual (i.e., natural) needs of individuals (Marcuse, 1972, p. 62; Marcuse, 2001, p. 136). In this, species being itself ultimately opens up to other species in a common heritage and Marcuse’s revolutionary humanism came to take the form of a sort of critical posthumanism that advanced the hope for an end to anthropocentric oppression and exploitation of the non-human (Marcuse, 1972, p. 68-69).

Against those like Blanke (1996, p.190) who find evidence of a mystical consciousness in Marcuse’s attempt to reconcile human culture with nature by liberating the later as a Subject in its own right, the correlative of the new sensibilities afforded by a qualitative change in society, Marcuse’s thinking is nothing of the sort. As with Adorno and Horkheimer (1979), Marcuse recognized the “Domination of man through the domination of nature” (Marcuse, 1972, p. 62) – that nature was the primordial object whose subjection distinguished and founded human control – and thus, in the end, the “Realization of nature through the realization of man as ‘species being’” (Marcuse, 2001, p. 132) must logically represent the historical end goal of the movement towards liberation. His point is, first, that education must seek to forge a new nature, which must be envisioned and aesthetically materialized because such would be the dialectical condition for the emergence of socialism and a new culture of human relations. Secondly, beyond what he sees as base Marxist accounts that leave even this nature as but a sphere of productive force for non-class-based social relations, Marcuse posits an ecology of

freedom that finds that as people start to live freely for their own sake and generate instinctual autonomy, this must be mirrored externally by the increasing relation to all that surrounds them in the spirit and form of freedom. Dialectically speaking, the liberation of the external environment and the production of peace and freedom also entail the potential realization of the subjective conditions that could be the basis of a “new science” capable of manifesting a free society.

If Marcuse were alive today, he would not hail New Age transcendentalism as a solution to the gross globalization of capital, the external human plight of over 3 billion and the internal plight of billions more still. He would be deeply alarmed by the unprecedented mass extinction of species, the waylaying of planetary ecosystems, and the mass production of zoöcide at levels that can soon no longer even profit the ruling classes, as they threaten them too. If Marcuse were alive today, one has to believe that he would be a tireless promoter and organizer of a sort of ecopedagogy (Kahn, 2004) that is not a simple addendum to standard curricula, but rather an attempt to raze education under capitalism in favor a pedagogy of the repressed that seeks to wage revolutionary political struggle towards a future culture based on radical notions of sustainability and a humanized nature that can represent values of tolerance, beauty, subjectivity, and freedom on a cosmic scale. With the scale of suffering so nearly unimaginable and the politics of counterrevolution so fully in effect at the present, Marcuse would no doubt highlight the marginal political and cultural actors, like the Earth Liberation Front, who work to educate society as to the gravity of the consequences of their political economy and provide the hope of alternative relationships in the world. Without a doubt, in turning earth warriors into leading pedagogues (who though, as this essay has declared,

nevertheless stand in need of their own education as educators), the Marcusean spirit has moved far a field from most contemporary educational discourse, even in ecological and environmental education. However, this may well be, not because of the naivety or insufficiency of the educational projects and political goals mounted by the earth or animal liberation movements, but rather because present versions of academic ecoliteracy are themselves seriously, and perhaps gravely, depoliticized.

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<sup>1</sup> According to the recent United Nations Environment Programme GEO-3 report, a vision of global capitalist development is consonant only with earthly extinction. It claimed that either great changes will be made in our societies and cultural lifestyles now or an irrevocable ecological crisis will descend upon the planet by 2032 (UNEP, 2002, pp. 13-15). For a more detailed engagement of ecological crisis, see (Kahn, 2004; Broswimmer, 2002; Kovel, 2001).

<sup>2</sup> The Earth Liberation Front "is an international underground organization that uses direct action in the form of economic sabotage to stop the exploitation and destruction of the natural environment" (Pickering, 2002, p. 58). Its guidelines are:

- 1) To cause as much economic damage as possible to a given entity that is profiting off the destruction of the natural environment and life for selfish greed and profit.
- 2) To educate the public on the atrocities committed against the environment and life.
- 3) To take all necessary precautions against harming life.

<sup>3</sup> Jurgen Habermas also briefly notes Marcuse's importance as an ecological theorist when he writes in his "Afterword" to the *Collected Papers, Volume Two*, "Long before the Club of Rome, Marcuse fought against 'the hideous concept of progressive productivity according to which nature is there gratis in order to be exploited'" (Marcuse, 2001, p. 236).

<sup>4</sup> On anarcho-primitivism see Perlman, 1983; Zerzan, 2002; and journals like *Green Anarchy* and *Fifth Estate*.

<sup>5</sup> Others (Chalk, et al., 2005, p. 47; Jarboe, 2002) date the ELF as originating earlier in the 1990s, as an outcropping of Earth First!, the environmental group that counseled

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“monkeywrenching” as “resistance to the destruction of natural diversity and wilderness” (Foreman, 2002, p. 9). However, monkeywrenching was specifically defined as “not revolutionary,” in that such acts “do not aim to overthrow any social, political, or economic system” (p. 10). Likewise, while the FBI connects the ELF to the birth of the Sea Shepherd Conservation Society in 1977, under the rubric of “special interest extremism” (Jarboe, 2002), Sea Shepherd’s mission to conserve and protect the oceans, and its commitment to international law and the UN World Charter for Nature, disclose it as a non-revolutionary group different in kind than the ELF.

<sup>6</sup> As proof of Marcuse’s support of militant, over the mainstream, environmentalism, one should note the beginning to Marcuse’s 1972 talk “Ecology and Revolution” (Marcuse, 2005) – a piece essentially dating, as we have seen, to the beginning of the U.S. environmental movement. In that talk, Marcuse begins by declaring, “Coming from the United States, I am a little uneasy discussing the ecological movement, which has already by and large been co-opted [there]” (p. 173). In the context of the title referencing “revolution,” Marcuse can only be deploring that American environmentalism was proving in its infancy to be a largely white and bourgeois politics that had as its goal governmental regulations that would afford some measure of humane reform while leaving the system basically unchallenged. Of course, Marcuse was not against meliorating policies that arose out of a revolutionary struggle, but his later point was that these should be considered one means towards a larger end, and not an end in themselves.

<sup>7</sup> Marcuse called for a revolutionary aesthetic sensibility because he felt that capitalist culture served to anesthetize people to the history of real needs (Reitz, 2000). Building upon Reitz, we might suggest that media spectacles are required to generate feeling and enthusiasm in advanced capitalist nations like the United States much in the same way that substance abusers require larger and larger doses of pharmaceuticals in order to unlock the “high” that they crave. In other words, the addict’s senses are reduced to low-levels of affectation as part of a process of ever diminishing returns.

<sup>8</sup> This is not to say that blogging cannot be an effective and interesting form of technopolitics, even as regards ecological concerns (see Kahn & Kellner, 2005).

<sup>9</sup> The concept of “qualitative change” is crucial in this respect, as Marcuse recognized that many political revolutions have sustained the “continuum of repression” and simply “replaced one system of domination by another” (Marcuse, 1968, p. 177). The revolution for qualitative change, however, has as its means and end the elimination of systemic violence in its myriad forms and the augmentation of beauty and happiness in the name of liberty.

<sup>10</sup> The “long march through the institutions” originated with the Italian Marxist Antonio Gramsci, but Marcuse integrated this concept/strategy by way of the radical Rudi Dutschke (who went on to help establish the Green party in Germany). For Marcuse, this did not mean engaging in parliamentary democratic governmental processes, but rather in staging organized demonstrations for clearly identified issues, creating radical caucuses

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and counter-institutions, and – most importantly of all – in moving into the institutions of society, becoming educated in the work to be done, and educating others so that everyone will be prepared to manage these positions in a non-oppressive manner should the revolutionary moment arise on the world’s stage.

<sup>11</sup> Readers of Marcuse will no doubt know that in the 1970s he strategically modified his revolutionary position from the mid-1960s in order to deal with the apparent fracturing and staggering repression of radical groups that had begun to occur. Previously, he had uncompromisingly attacked repressive tolerance and called for examinations of how third and first world revolts might ignite a revolutionary subject(s) capable of overthrowing the capitalist status-quo, but Marcuse’s end period publications and talks often saw him advising that liberal society would have to be utilized from within (Marcuse, 1972) through a sort of double-agency of insider/outsider status. In a lecture of this period entitled “The Radical Movement,” for instance, he notes that “we are in a very bad situation” that means “there is a lesser evil” in which “even certain compromises with liberals are on the agenda” (The audio of this lecture is available online at: <http://www.gseis.ucla.edu/faculty/kellner/media/marcuse2.ram>). Yet, Marcuse never abandoned his belief that violence against capitalist aggression was legitimate under the right conditions, and while he did not fetishize revolutionary violence, he did believe that regrettably the current counter-revolutionary order of things appeared to ultimately demand it.

<sup>12</sup> Kellner (1984, p. 174) points out that, in *Eros and Civilization*, Marcuse’s “archetypal images of liberation” vis-à-vis the new reality principle are the figures of Orpheus and Narcissus and that they serve as a contradistinction to the Marxian figure of Prometheus. Notably, Orpheus was a sort of shamanic figure who is often pictured as singing in nature, surrounded by pacified animals, and Narcissus portrays the dialectic of humanity gazing into nature and seeing the beautiful reflection of itself. Marcuse’s Great Refusal, then, must be thought as intending a post-anthropocentric work in which nature and the non-human are radically humanized, meaning that they are revealed as subjects in their own right. Thus, Marcuse writes, “The Orphic-Narcissistic images are those of the Great Refusal: refusal to accept separation from the libidinous object (or subject)” (Marcuse, 1966, p. 170) and that through this dialectical re-engagement with nature, “flowers and springs and animals appear as what they are – beautiful, not only for those who regard them, but for themselves” (Marcuse, 1966, p. 166).

<sup>13</sup> For a genealogy of *humanitas*, in this respect, see Kahn (*forthcoming*).

**Book Review:**  
**Collapse: How Societies Choose To Fail Or Succeed.**  
**New York: Viking. 2005. by Jared Diamond**

**by Samuel Fassbinder**  
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Jared Diamond's popular geography book, *Collapse*, investigates the ecological limits of social formations. This is important work. It brings to public consciousness the seriousness of the environmental effects of everyday social practice. *Collapse* received considerable media attention, and (as of this writing) is ten weeks running on *The New York Times* hardcover nonfiction best seller list.

*Collapse* brings to the light of public knowledge all sorts of information. The reading public is invited to understand a number of historical social collapses, from the demise of the Easter Islanders (a case study popularized in Clive Ponting's earlier *Green History of the World*) to the downfall of the Greenland Norse, to determine what contemporary society can learn from these historical examples. In the process, it entangles itself in basic questions of economics and production.

But the social relations of capitalist production never really quite go into Diamond's analysis. Instead, *Collapse* is more a "hodgepodge of ideas" (27) as Judith Lewis of the LA WEEKLY describes it (Feb. 2004). Diamond jumps from area to area, in an eco-tour of geography and history, taking a few notes here and there, and posting a conclusion now and then, all the while attempting to personalize environmental problems. He goes to Montana, for instance, to find that the farm economy of Montana has become a speculative toy of well-off "farmers" who work the land (to its detriment) as a money-losing hobby while soaking up the spectacular Montana scenery. Then he investigates the mining economy with a focus on the cleanup of old mines. Finally, he

recognizes that "Montana's own economy already falls far short of supporting the Montana lifestyle, which is instead supported by and dependent on the rest of the US," and that, "*The US in turn depends for essential resources on, and is economically, politically, and militarily involved with, other parts of the world, some of which have even more severe environmental problems and are in much steeper decline than is the US*" (74). But instead we are to consider this global reality as "personalized" by portraits of the lives of individuals.

In the first half of *Collapse*, Diamond examines why different (i.e., pre-capitalist) societies made different choices that led either to survival or dissolution. Of course, human economies are over-determined. There is more than mere economics guiding human behavior. Indeed, the diversity of human societies means that the relations of production cannot be described merely as the product of economic "stages" -- so in looking at pre-capitalist societies we are best advised to understand cultural differences as ecologically meaningful. For instance, the Greenland Norse failed to create a sustainable society in Greenland, whereas the Greenland Inuit adopted more ecologically-harmonious practices and survived there. One important difference between a globalized (capitalist) economy and a local economy is that cultural differences become less ecologically meaningful as production practices become standardized globally. Capitalism standardizes production processes in the direction of greater productive efficiency, the better to bring products to market more profitably.

The project pursued in *Collapse* has in a sense become fashionable. It has become trendy to talk about the current civilization as if it were threatened with the possibility of destruction. Talk of ecological limits has been fortified by evidence of the human-caused

nature of global climate change in the immediate era, and by the eco-systemic damage caused by natural habitat loss due to human expansion into wilderness (popularized in books such as Leakey and Lewin's *The Sixth Extinction*). The publication of *Collapse*, consequently, has even been cited in discussions of this civilization's economic fragility to show that "it is now rational... to consider the possibility of the ecological collapse of global capitalist society- in ways analogous to earlier ecological collapses of civilizations."

Diamond, however, does not talk about economic collapse, nor about the "age of finance capital" that is partly to account for the increasing environmental impact of global human civilization. He is indeed obliged, in the process of digesting his subject matter, to discuss economics. For instance, the economic growth of China is the central focus of his chapter on that nation. But there is a basic weakness to all of Diamond's analyses that the anthropologist Clifford Geertz, in the *New York Review Of Books*, characterized as "sociologically thin" and "lacking in psychological depth." Diamond doesn't explore the likely possibilities that social psychology or political economy might be the primary causes of our decline.

The similarity between Diamond's prose style and the style of nature specials on PBS (which today runs advertising by oil companies) merits notice. In discussing the environmental impacts of corporate practices, for instance, Diamond makes a positive example of Chevron's environmentally-sensitive industrial practices in New Guinea. It is all fine and well that Chevron should be environmentally sensitive, yet we should be asking at this point why the world of today needs to burn 80 million barrels of oil every

day just to do business, and why are we hiding the effects of all that burning from ourselves? Production may be conscientious, or not, but what is it for?

We might also be motivated to ask at some point: If nature got by quite well for billions of years with the help of big business, why are we to believe that the environment needs big business "champions" now, except as we might have come to regard environmental devastation today as a normal state of affairs? At any rate, Diamond is not hostile to big business. He argues:

*Our blaming of businesses also ignores the ultimate responsibility of the public for creating the conditions that let a business profit through hurting the public: e.g. for not requiring mining companies to clean up, or for continuing to buy wood products from non-sustainable logging operations. In the long run, it is the public, either directly or through its politicians, that has the power to make destructive environmental policies unprofitable and illegal, and to make sustainable environmental policies profitable (484).*

The first part is quite true -- the public bears responsibility for maintaining the relations of production that let businesses profit through hurting the public.<sup>i</sup> But the terms of profit are not decided by a public acting in any conscious way. Sustainable environmental policies will not magically become profitable upon the waving of the wand of public support if the market will not make them so, as Diamond himself noticed in his chapter on Montana. Economic ignorance will not suffice us to hold big business accountable.

Politicians are not responsible to a public that is politically misinformed either, and as the LA WEEKLY points out, Diamond will not inform them of which politicians are to be held accountable and which ones aren't. An amusing turn in the WEEKLY's scoop on *Collapse* focuses upon Diamond's political non-posture:

*When I pressured Diamond to blame the Bush administration for our increasing isolation he gently refuses, on the grounds that he doesn't want to alienate the people who could most benefit from his book. "I've worked very hard in this book to keep the lines of communication open," he says. I don't want to turn someone away from this information for partisan political reasons." (27)*

What needs to be spelled out here, and not merely assumed, is the way in which Bush supporters could in fact "most benefit from his book" if, at the same time, they follow a candidate who consistently refuses to acknowledge environmentalism's significance.

On the positive side, Diamond courageously admits that "*our world society is presently on a non-sustainable course.*" As a consequence of this course, "*the world's environmental problems will get resolved,*" either through pleasant ways of our choosing, or through war, famine, plague, collapse, etc. (498). And he dismisses most of the excuses people have for not learning the lessons of historical and present-day ecological unsustainability. This brings us into the purview of modern-day ecological economics, as indeed Part 3 of his book informs the lay reader quite well about the ecological economics of Rwanda, the Dominican Republic, Haiti, China, and Australia.

At its philosophical core, however, ecological economics revolves around a contradiction. Economic "growth," the foundation of modern economic planning, requires more environmental exploitation, which is ecologically unsustainable. Herman Daly tried to get around this contradiction by changing his definition of capitalism and calling his economics "steady-state economics." Diamond wants to cut through the problem by insisting that our society simply change its values. He asks: "*how much of our traditional consumer values and First World living standard can we afford to retain*" (524)? He also insists that we develop "*the courage to practice long-term thinking, and to make bold, courageous, anticipatory decisions at a time when problems have become perceptible but before they have reached crisis proportions*" (522). But the struggle to be competitive under capitalism, whether as capital or labor, is a day-to-day struggle, not a struggle of the long-term.

So Diamond is advising, essentially, that the whole society collectively behave in an anti-economic way, and side with ecology. However, if our own consciousness of the ecological problem sits atop the relations of production, then we can expect a headlong collision between the conspiracy for ecologically sustainable production practices, and the conspiracy for "traditional consumer values and First World living standard," which is (whether Diamond wishes to admit it or not) the norm for business. If Diamond wants to spend his real time eco-touring the world (and incurring a big environmental footprint in the process, as one Amazon.com reviewer observed) while observing the wonders of Chevron's environmental policies, the relations of production will not be shaken. But at least there is hope with Diamond that a brilliant, polymath consciousness such as his can think against its foundations.

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<sup>i</sup> The problem, of course, is that getting the businesses to conspire to hurt the public is much easier than getting the public to conspire to take responsibility, since the former conspiracy requires fewer participants than the latter, and whereas the latter conspiracy might require a global revolution and thus be labeled "impractical."