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American Stewardship: A Path Already Laid

Colin W. Maguire

Abstract

The United States of America continues to be a global leader in many economic and social areas. However, the environmental movement has been given a lukewarm response in America. Far from being a global leader, the United States lags behind in the implementation of green building technology, efficient automobile use, and renewable energy technology. It is a tragedy that is slowly being addressed but one that is often an issue divided along political lines. American conservatives, whether calling themselves Republicans, Libertarians, or Independents, often lament the progressive underpinnings of the green movement and fail to give full support to green initiatives. In the opinion of a conservative who is an advocate of sustainable practices and environmental stewardship, the environmental narrative needs to start at an earlier time for conservative Americans to understand the significance of the green movement. This piece is an analysis of the seminal works of Thomas Hobbes, John Locke, and Jean Jacques Rousseau, in order to find the causal connection between their influence on America's Founding Fathers and environmental stewardship. Such thinkers were the revered voices of what is now considered a type of fresh and classic conservatism in Americas. To mine their work for sustainability concepts is a necessary step towards convincing conservative elements in the United States to see environmental stewardship as a part of our political heritage. In the end, a workable philosophical and policy narrative exists.

Key Words: Environment, Sustainability, Land, Nature, Revolution, American, Conservative, Government, & Society.

1. Adherents to the Past

The United States of America owes its formation, in no small part, to the western philosophers of the 17th, 18th, and 19th Centuries. These thinkers purveyed a certain type of wisdom. A wisdom which our modern day society often takes for granted. Much of that wisdom understood the relationship between the natural world and the efficient, capitalist world.

In modern conservative movements such as the TEA Party¹ and the Heritage Foundation,² we see a direct link between the ideals of the Founding Fathers and modern politics. While such groups seek to establish a strong relationship with the American past, their position on environmental sustainability issues is sometimes contentious.³ Even the recent U.S. Supreme Court decision of *Sackett v. U.S.*

Environmental Protection Agency features opinions by conservative Supreme Court Justices Antonin Scalia and Samuel Alito which dispute the government's authority to decide what protecting the environment means, without judicial review.⁴ Even the more moderate conservative Justice Kennedy referenced the navigational observations of the Lewis and Clark Expedition in his majority opinion to *PPL Montana, LLC v. Montana*.⁵ Justice Kennedy went on to distinguish the American Revolution's effect on differentiating the English Crown's Common Law rule - that sovereigns automatically hold title to river beds - while deciding that a state had to prove title in a riverbed by proving public navigation of that riverbed.

Private groups like The Union of Concerned Scientists points specifically to American consumption of fossil fuels as a cause for global warning.⁶ They specifically claim that, as a direct result of carbon-dioxide emissions, the planets average temperature may rise by as high as 9.9 degrees by the year 2100.⁷ In 2010, the United States Environmental Protection Agency (EPA) issued a report stating the U.S. greenhouse gas emissions, which include carbon-dioxide and lead to climate change, rose 14% from 1990 to 2008.⁸

This climate change has very real impact, like decreasing much of America's already strained drinking water supply.⁹ Very recently, the EPA won an appeals court decision allow them to a) acknowledge that greenhouse gases are a threat to human welfare, and b) the Clean Air Act allowed the EPA could federally regulate such gases.¹⁰ Still, divergent legal theories and interest group posturing only prove a gap exists between conservative and liberal elements in the United States.

The definition of sustainability is "[a process which] creates and maintains conditions under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations."¹¹ Justice is defined, in a commutative sense as "fairness in the exchange of goods and the fulfillment of contractual obligations."¹² Whereas, the definition of natural justice strictly moral.¹³ Yet, could there be an environmental justice inbetween? Is there supposed to be a cross-section of thought and policy between sustainability and justice where conservative and liberal American policy can meet? Is this what the America's Founding Father's intended, or did they even care?

We know that even the greatest founder, George Washington, was a great lover of nature; whose admiration of trees and wildlife can be traced to his days as a young surveyor in the Appalachian Mountains.¹⁴ However, the Founder's policy may have differed from their admirations'. Are these harsh critiques of steps towards sustainability a rebuke of the type of interest Washington had in the natural world or an alternative view to sustainability issues? If one carefully examines the most popular writings of three political philosophers who influenced the founders, the answer should be the latter.

Philosophizing writers like Thomas Hobbes, John Locke, and Jean-Jacque Rousseau were some of most popular authors of their day. Hobbes, an Englishman, published his seminal work in 1642: *Leviathan*. Locke, another Englishman, wrote many treaties which were popular in the late 17th and early 18th centuries. The most influential of Locke's works being his *Second Treaties on Government*. Jean-Jacques Rousseau, a self-proclaimed citizen of Zurich, first published, in French, *On the Social Contract* in 1762. The subsequently translated book was an immense success in all of Europe and its colonies. These works look at nature and try to decipher how the lessons of the natural world are applicable to society. The spirit of the American Revolution, and resulting governing structures, reflect influences from these works. Each one of these great and influential minds possesses common thread in their appreciation of nature. An understanding of the important philosophical relationship between America's natural resources and America's spirit of freedom predates contemporary times and must functionally affect conservative thinking.

2. The Importance of Nature in Hobbes' *Body Politique*

Thomas Hobbes subscribed to the theory that he and his contemporaries were all part of a *Body Politique*, a single commonwealth that formed the body, soul, and sword of a country, with the monarch as its head.¹⁵ It is this commonwealth that Hobbes termed the "Leviathan" because of the size, power, and structure of the society.¹⁶ Hobbes' work provided the foundation for a political movement that was derived from a modern British understanding of political structure.¹⁷ The founders of the new American nation borrowed, as much as their beliefs' would allow them, directly from the Hobbesian understanding of equality.¹⁸ Hobbes argued that the *Body Politique* is a creation of man. Just as God made man in his image, so man created the commonwealth that is the *Body Politique* in his own image. Despite the constructed nature of the commonwealth, Hobbes insisted it is subject to the laws of nature.¹⁹

Hobbes asserted that the relationship between nature and man was inseparable and important. To understand how man interacts with nature, Hobbes looked first at how men interact with one another. Hobbes saw man's greatest strength as the ability to unite. Through a combination of natural and civil laws, man can create the "Common-wealth": a powerful association of faction which man may use to bring peace or war.²⁰ The base of this powerful entity is that every man has the power to obtain a future good.²¹ In Hobbes's time, this future good was raw materials derived from nature and there would be competition for such materials. Hobbes proposed an approach as to how that would play out.

Hobbes gave us a surprisingly liberal definition of the equality of man. Strikingly, it is not equality in the eyes of God but equality in the eyes of nature.²² In the context of nature, Hobbes argued, we equate almost perfectly.²³ Some may be stronger, faster, or smarter, but these differences are infinitesimal in the context

of the natural world. This begins to set up an idea that equality among people is derived from natural sources but also their own minds. Hobbes argued that we inherently, if not explicitly, understand these small differences. As such, individual people think they are as wise as almost anyone else.²⁴ After all, who among us would step forward to say they are inferior to others and is not such confidence necessary to be a part of the *Body Politique*?

It is this sense of unyielding confidence of an individual aptitude that could be thought of as self-preservation. Hobbes argued that man has a right to do everything, except that which is destructive to him:

A LAW OF NATURE, (*Lex Naturalis*,) is a Precept, or general Rule, found out by Reason, by which a man is forbidden to do that which is destructive to his life, or take away means of preserving the same; and to omit, that, by which he thinketh it may be best to preserve...[B]ecause RIGHT consisteth in liberty to do; whereas LAW, determinith and bindeth to one of them: so that Law and Right differ as much, as Obligation and Liberty...²⁵

Hobbes' second part of this analysis is especially telling. The basis of need and regulation must be counterbalanced. This seems to be an endorsement of conservation of resources and rights, as if mutuality existed.²⁶

Hobbes' discussion of the laws of nature also contemplated the transference of rights and obligation. Though later thinkers would expand upon the interaction between the natural world and our rights, Hobbes began to see a relationship between nature and societal constructs. Again, Hobbes saw rights as similar to natural resources; you could claim them, lose them, or *transfer* them.²⁷ Whatever one decided to do, rights, like resources, carried an obligation and duty to properly use those rights. Hobbes argued that abusing one's rights is a great injustice.²⁸ True, a good argument exists that Hobbes' writing opened the door to the idea that man should master nature itself, both societal and physical;²⁹ a result which has caused harm to the natural world. But if natural rights are voluntarily obtained goods, did Hobbes really anticipate us causing harm to nature when he called the voluntary injury of voluntarily obtained things "*Absurdity*"?³⁰ The Founders understood the Hobbesian sensibility that man was rough and vicious, but at least capable of self-sustaining principles. Thus, the Founders fashioned a republic which gave a voice to many men, but was designed to constrain man as necessary.³¹

There was another thinker, influential to the Founding Fathers, who also saw the wastefulness of resources as a great evil. Of a far different sensibility than Mr. Hobbes, John Locke still was able to identify with and, popularly, expand upon Hobbes's ideas.

3. Locke, Sustainability, and Labour Theory

Locke's *Second Treaties on Government* (and other writings) is often seen as an indictment of absolute monarchy. Learned Americans read Locke's works and the American colonies are mentioned by name in *Second Treaties on Government*.³² Thomas Jefferson adored Locke so much that Jefferson put him in the intellectual company of Francis Bacon and Isaac Newton; claiming that the three were "my trinity of the greatest men the world has ever produced."³³ Locke's discussion of nature and property remains important.

In *Second Treaties on Government*, Locke's most extreme theories propose that a strong monarchy does not make sense in a natural state of things because every man is born free.³⁴ It is easy to see how this opinion could infuriate a head-strong monarch. However, a closer examination of Locke's thoughts on nature reveals a proposed society far from anarchy. Most notably, Locke believed that individuals should be charged with an incredible amount of personal responsibility.³⁵ Using religious pretext, Locke insisted that nature deserves responsible actions by man. To Locke, the concept of liberty was far removed from the concept of license:³⁶

(C)reatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection...but though this be a state of liberty, yet it is not a state of license: though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession.³⁷

Locke went on to establish that, at any moment, the preservation of one's self is only slightly more important than the preservation of all mankind.³⁸ In many ways, this line of thinking is similar to Locke's argument regarding property.

Locke had economically inclined views about how one should regard property. For starters, Locke believed in, "*natural reason*."³⁹ This meant that man has a right to everything that nature affords him for his survival.⁴⁰ Locke even referenced the Bible stating that God "*has given the earth to the children of men*."⁴¹ These rights to goods and property are given equally and necessarily.⁴² However, Locke stopped short of saying that all men are entitled to everything another man owns. Rather, Locke examined the importance of personal property.⁴³ The way Locke wrote about personal property, one might think it was a spiritual right because, as Locke reasons, one can no sooner be forced by government to care for their own health as they can their property.⁴⁴ Locke strongly believed that property could only become yours if you put a labor into the property.⁴⁵ Locke's concept of labor equaling ownership was the most important element to property

ownership, but the second most important element was societal recognition of that ownership.⁴⁶

How does a society know that you own property? Locke argued it is because you are a steward of that property.⁴⁷ One clearly displays the fruits of their labor by owning respectable looking, productive property.⁴⁸ Nowhere was this more relevant, in Locke's assessment, than with land.⁴⁹ Other individuals in a society may see you working on your land and know who the possessor is.⁵⁰ If you disregard your land, or you do not properly utilize the goods which that land gives you, then Locke proposed that a society can take that land from you.⁵¹ If not, Locke at least believed that you should be thought less of because you were a poor steward of the land.⁵² Based upon this point, Locke specifically admonished the American colonies for wasting their potential:

Americans...who are rich in land...whom nature having furnished as liberally as any other people, with the material of plenty, i.e. a fruitful soil, apt to produce in abundance, what might serve for food, raiment and delight; yet for want of improving by it by labor, have not one hundredth part of the convenience we enjoy; and a king of a large and fruitful territory there, feeds, lodges, and is clad worse than a day-laborer in England.⁵³

In Locke, the founders saw an enlightenment thinker who spoke to their convictions on human reason, natural rights, life, liberty and property.⁵⁴ Some have said that Locke's teachings on natural rights were a complete diversion from conservative principles such as religious teachings and highly structured society.⁵⁵ However, it is because Locke discussed the importance property acquisition and sustainability, among a great many other elements, with an unabashedly faith-based zeal and an acknowledgment of an invisible structure in nature that Locke communicated accessibly to a revolutionary spirit and a sense of morality.⁵⁶ Yet, Locke's intended message may not exclusively focus on the individual economic good; rather, there comes a point where the individual good demands interaction with the societal good.⁵⁷ The next step and eventual epiphany for conservatives of the property discussion involved Rousseau.

4. Rousseau on Responsibility and Freedom: Derived from the Land

Jean-Jacques Rousseau published the successful *On the Social Contract* in 1762. Rousseau begins his thought process not dissimilar from John Locke's. Rousseau argued that all men are born free and equal (not surprisingly, Rousseau references Locke several times during the course of *On the Social Contract*) but from there on "everywhere [man] is in chains."⁵⁸ Rousseau differentiates himself from Locke by explaining an application process. In other words, we might know a

wrong against nature exists but we still need to resolve that wrong. Rousseau even eloquently writes about slaves and that they are not imprisoned by their masters but by themselves.⁵⁹ For even if they were born into slavery and appeared to willingly serve, somewhere along the line an ancestor was forced into slavery.⁶⁰ In the right moment, with the right amount of emotion, does not a slave revolt and is a nation not a mild form of slavery?⁶¹ Rousseau sees the answer in the affirmative.⁶² However, Rousseau's admiration of populist uprisings, though relevant in France, did not receive great following in America.⁶³ Still, Rousseau's analysis of property and preservation provided the analysis of Hobbes and Locke with application principles.

Similar to Locke, Rousseau explored how a man acquires land. His principle idea seemed to be that the land is acquired only through labor and is forfeited by wastefulness.⁶⁴ Going in a different direction from Locke, Rousseau sees differentiation between nature and the society of man.⁶⁵ By laboring upon the land, Rousseau argued, you snatch land out of its natural state and cause such an alteration that it may never return to that natural state.⁶⁶ As Rousseau states in *On the Social Contract*: "[B]y granting the right of the first occupant to need and labor, hasn't it been extended as far as possible? It is impossible to establish limits to this right?"⁶⁷ Rousseau means to impart two things here. First, that once land is properly claimed for civilized society, it is always a part of society. Trees cut down may grow back and trails blazed may fade, but the rights and responsibilities of ownership will still exist.⁶⁸ Second, Rousseau attacked foreign usurpation:

When Nunez Balboa, standing on the shore, took possession of the South Sea and all of South America in the name of the crown of Castille, was this enough to dispossess all the inhabitants and exclude all princes of the world? On that basis such ceremonies multiplied rather ineffectually, and all the Catholic King had to do was to take possession of the entire universe from his study.⁶⁹

Rousseau's point, if accepted, raises an important question for citizens of the English colonies in America: Who is in charge? This is especially relevant if their supposed sovereign is only looking on from afar.

By Rousseau's reasoning, the answer would be the colonists. As history shows, a good number of the colonists believed this to be the case. For within Rousseau's truth is revealed the great con of monarchy. Rousseau noted that, in modern times, kings ruled not men but land.⁷⁰ By claiming to rule a man's land, kings could reach into the very heart and soul of that man then take possession of him.⁷¹ Rousseau eloquently speaks to the development of this theory in the following way:

This advantage does not appear to be well understood by ancient kings who, only called themselves Kings of Persians, the Scythians, the Macedonians, seem to have considered themselves leaders of men rather than masters of a country. Today's kings more cleverly call themselves Kings of France, Spain, England, etc. By thus holding the land they are quite sure to hold its inhabitants.⁷²

Rousseau emphasized the importance of land to a society. The fundamental rights and responsibilities of land possession may be Rousseau's fundamental building blocks of a society.⁷³

It seems no accident that Rousseau saved his discussion of real estate for the last section of Book I in *On the Social Contract*.⁷⁴ After discussing first societies, slavery, sovereignty and other similar subjects; Rousseau jumps to real estate. There are some reasons for this jump that have already been established here. Foremost amongst them is that the claiming of land by the first inhabitant represents one of the first basic transitions of man from nature to society.⁷⁵ We then know that labor and proper care of the land establishes ownership of that land in the eyes of your peers.⁷⁶ However, Rousseau argues the interests of a community are more important than the rights of the individual because "the loss [of a man's contribution to society] will harm others less than its payment burdens him."⁷⁷ So how do we bridge this gap between the rights of man and the requirements of a society?

Rousseau offered land as the key in a most excellent argument. Rousseau argued that private individuals give their rights in the land over to the state and the state, in return and recognizing the good works of the private citizen towards the land, gives recognition to that citizen; then and ultimately returns the rights to the land better than they were given originally.⁷⁸ Rousseau argued there existed (and may continue to exist) a mutually beneficial exchange, based upon stewardship of the land, between private citizens and societies. This giving and returning of the right to land established the very stitching of the fabric of our early societies.⁷⁹

Rousseau clearly omitted the condition that you need a monarch or authoritarian figure to establish a society according to the laws of man and the laws of nature; rather, he asserts you need individuals responsibly cultivating and exchanging rights in property.⁸⁰

5. Sustaining Conservative Sustainability

Rousseau's applicative understanding of the principles established by Locke and Hobbes provides the framework for American conservatives to positively interact with sustainability issues in society. Rousseau's description of the government's interaction with property rights provides the perfect analogy for how conservatives should allow the government to aid sustainability measures. The

government role toward environmental issues in *Sackett v. EPA* repulses the conservative psyche. Conversely, the tangential support of incentives excites the pragmatism of the conservative spirit. Also, government planning and localized ordinances can effectuate real sustainable development.

There are current, appropriate examples of government involvement under this theory. As a result of federal budget issues, solar energy in the U.S. shifted from a subsidized industry to an incentivized industry during 2012.⁸¹ The funding vacuum triggered investment and interest from main-stream corporations like General Electric, Google, and Apple.⁸² In another example, the U.S. Department of Housing and Urban Development started a program in 2010 to give local governments, private groups, and citizens the ability to plan for a sustainable future with in-depth involvement and studies of their communities; of the dozens of grants already given, several exceed \$3 million.⁸³

In conclusion, American conservatism should be synonymous with environmental sustainability because reemphasizing relationships between our political heritage and sustainability is deeply rooted in our political philosophy. This must be omnipresent in American conservative dialogue and help shape meaningful sustainability policy.

Notes

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³ Mike Brownfield and Nicolas Loris, “Obama’s Ten Worst Energy Policies,” The Foundry Blog, entry posted April 11, 2012, <http://blog.heritage.org/2012/04/11/obamas-ten-worst-energy-policies/> (accessed April 23, 2012); Nicolas Loris, “Department of Energy Budget Cuts: Time to End the Hidden Green Stimulus,” The Foundry Blog, entry posted March 23, 2012, <http://www.heritage.org/research/reports/2012/03/department-of-energy-budget-cuts-time-to-end-the-hidden-green-stimulus>; Cathy Landolfo, “Virginia, House Republicans battle Obama and EPA,” Tea Party Patriots, entry posted March 2, 2012, <http://www.teapartypatriots.org/news/virginia-house-republicans-battle-obama-and-epa/> (accessed March 23, 2012).

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¹⁴ Andrea Wulf, *Founding Gardeners: The Revolutionary Generation, Nature, and the Shaping of the American Nation* (New York: Alfred A. Knopf, 2011), 16-7.

¹⁵ Thomas Hobbes, *Leviathan* (London: Penguin Classics, 1985), 82.

¹⁶ Hobbes, 81.

¹⁷ Wilson Carey McWilliams, “On Equality as the Moral Foundation for Community,” in *Moral Foundations of the American Republic*, 3rd ed., ed. Robert H. Horowitz (Charlottesville: University Press of Virginia, 1986), 297.

¹⁸ *Ibid.*

¹⁹ Hobbes, 82-83.

²⁰ *Ibid.*, 150.

²¹ *Ibid.*

²² *Ibid.*, 183.

²³ Walter Berns, “Religion and the Founding Principle,” in *Moral Foundations of the American Republic*, 3rd ed., ed. Robert H. Horowitz (Charlottesville: University Press of Virginia, 1986), 215.

²⁴ Hobbes, 183-4.

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- ²⁶ Ibid., 190.
- ²⁷ Ibid., 191
- ²⁸ Ibid.
- ²⁹ McWilliams, 290.
- ³⁰ Hobbes, 191.
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- ³⁵ Locke, 8.
- ³⁶ Ibid, 9.
- ³⁷ Ibid. 8.
- ³⁸ Ibid. 9.
- ³⁹ Ibid. 18.
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- ⁴⁵ Locke, 19.
- ⁴⁶ Ibid.
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- ⁴⁸ Ibid.
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- ⁵¹ Ibid. 19-20, 24.
- ⁵² Ibid.
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⁵⁸ Jean-Jacques Rousseau, *On Social Contract: with Geneva Manuscript and Political Economy* (New York: Bedford/St Martin's Press, 1978), 46.

⁵⁹ Rousseau, 46-52.

⁶⁰ *Ibid.*, 48.

⁶¹ *Ibid.*, 48-9.

⁶² *Ibid.*

⁶³ Willi Paul Adams, *Republikanische Verfassung und burgerliche Freiheit* [The First American Constitutions] (Chapel Hill: University of North Carolina Press, 1980), 26.

⁶⁴ Rousseau, 56.

⁶⁵ *Ibid.*, 56-7.

⁶⁶ *Ibid.*, 57.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.*, 57-8.

⁷⁴ *Ibid.*, 56-8.

⁷⁵ *Ibid.*, 56.

⁷⁶ *Ibid.*, 57.

⁷⁷ *Ibid.*, 55.

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⁷⁹ *Ibid.*

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