



## **Acknowledgements**

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## **Thesis Abstract**

Current UK lifestyles are largely natural resource depleting, CO<sub>2</sub> emitting and therefore unsustainable. It is in part through institutional and social norms that people are 'locked in' to this behaviour. This paper focuses on current consumption patterns and the concept of governance to analyse the possible introduction of an individual carbon quota (ICQ) scheme as a sustainable consumption policy for the UK.

Criticising 'economism', the thesis explores the legitimacy of an ICQ scheme, and investigates how such a scheme could personalise the climate change problem. With an individual carbon quota it is possible that people would be more connected to and involved in national global warming mitigating actions through personal management of their carbon allowance.

Given the expected strong resistance towards an ICQ scheme, addressing the political feasibility is important. Interviews with pre-selected British professionals have therefore been conducted in order to add further insights.

The research concludes that an ICQ scheme could be a successful sustainable consumption policy for the UK, but this will depend on it being framed in a way that enables the British public to perceive it as fair. A strong case must be made for such a scheme.

## **Key words:**

consumption, sustainable consumption, ecologism, economism, governance, individual carbon quota, ICQ, policy, sustainability

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## 1. INTRODUCTION

The finite planet upon which we live has certain environmental boundaries<sup>1</sup>. If the ecological integrity of the planet is to remain intact it is crucial to aspire to a more bounded existence. Limitless pursuit of affluence and material acquisition by humankind is unsupportable by the planet. This is the case at present when only a fraction of the world live in extreme affluence. If all the earth's human population lived this way, environmental catastrophe would hurriedly be ushered in. It would be necessary to have three planets to cater for all for the people on earth living a European lifestyle, and six for the American lifestyle<sup>2</sup>. Accordingly "*change is essential*"<sup>3</sup>.

Several academics have argued that it is not enough to change patterns of consumption – consuming greener – and claim that we will probably need to address actual levels of consumption, which entails consuming less, and ensuring a fairer distribution of consumption of resources at the global level<sup>4</sup>. Among numerous others, the Lithuanian Nobel Prize winner Aaron Klug has stressed real urgency in the need for "*major changes in the lifestyles of the most developed countries - something that none of us will find easy*"<sup>5</sup>.

However, while 'greener' consumption may fit into current societal paradigms and may be accommodated within the current market paradigm, the ideas of slowing down, or even reducing consumption levels challenge this reigning market paradigm, and such policies would be challenged by strong vested interests. This means that policymakers tend to be cautious in their approach when discussing consumption policies. UNEP has stated that "*sustainable consumption is not about consuming less, it is about consuming differently, consuming efficiently, and having an improved quality of life*"<sup>6</sup>. In criticism of this definition, an actual curb on consumption to reduce levels themselves might in fact be necessary. For some, to be genuinely green and take environmental responsibility as a consumer requires consuming less in material terms<sup>7</sup>. By stating that the solution to our environmental, as well as other social and economic problems is not about consuming less, institutions and authorities are avoiding the issue and the controversy of advocating the need for a fundamental attitude change.

Whether reduced consumption levels means reduced human welfare, or whether less consumption could – in the right circumstances - actually increase human welfare, is a debated topic<sup>8</sup>. As it can hardly be expected that people will switch over to more sustainable

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1 e.g. limited natural resources and space to sink pollutants

2 Walter and Simms, 2006, as quoted in Fournier 2008

3 Sustainable Development Commission (henceforth: SDC) report (2009) pg94

4 Jackson (2005); Mont and Dalhammar (2008)

5 Foreword to Royal Society (2000) report

6 United Nations Environment Programme (1999); as quoted in SDC (2003) report

7 e.g. UK Sustainable Development Commission, Environmental Change Institute

8 e.g. Jackson (2005)

consumption patterns voluntarily<sup>9</sup>, institutional support is required. That means that positive top-down action could be warranted. For Mont and Dalhammar “*addressing consumption will probably mean that the role of governments needs to change*”<sup>10</sup>. Dealing with consumption policies requires new government approaches<sup>11</sup>.

The over-consumption of natural resources and carbon dioxide (CO<sub>2</sub>) emitting products in the UK is damaging to the environment, and currently the UK is far off its sustainability targets, especially in the area of climate policy. The country should act to solve its national problems. Accordingly, actions should be taken to reign in these high levels of consumption. In recent years there has been discussion regarding the potential introduction of an individual carbon quota (ICQ) scheme in the UK. The basic principle is simple: If there is a limited amount of CO<sub>2</sub> each individual can emit then there is a limited amount of environmentally harmful consumption that can take place, hence lending support to the goal of sustainability. The ICQ is an example of the kind of policy instrument that we may need in the future when we must maintain the ecological integrity of the planet while still coping with population growth. For the UK to meet its CO<sub>2</sub> emissions targets; addressing climate change and attempting to restrict global warming by only 2-3°C this century, the government may need to adopt an ICQ scheme. This will be controversial because it may require lifestyle changes<sup>12</sup> and potentially infringe individual liberty.

The remit of this thesis project is to ground the ICQ scheme as a sustainable consumption policy in a philosophical legal and political context. Also, the scheme could be presented as a sustainable consumption policy with the potential for reshaping behaviour.

It is relevant to frame the ICQ topic within the larger context of the need for sustainable consumption policies. The ICQ scheme is an example of those policies that may be needed in the future, tackling actual levels of consumption where individuals are restrained by the quotas assigned.

Therefore, this is a thesis to address possible attempts by the UK to best manage climate change with a long-term vision. An exploratory study into the potential for an individual carbon quota scheme is undertaken, considering such a scheme to be a possible solution by addressing the broader problem of unsustainable lifestyles and excessive consumption levels.

## 1.1 Objective & Research Questions

The current research is lacking a more philosophical or theoretical exploration of the potential to regulate against carbon intensive consumption trends in the UK. The main

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<sup>9</sup> Sanne (2002)

<sup>10</sup> Mont & Dalhammar (2008) pg3

<sup>11</sup> SDC report (2009)

<sup>12</sup> such as less travelling

objective of this research paper is to explore the potential moral justification, in terms of political and public feasibility, of an individual carbon quota scheme in the UK.

The following research questions have guided the research project:

- (a) To what extent can it be considered morally legitimate for the UK government to legislate to introduce an individual carbon quota (ICQ) scheme?
- (b) How could actions to intervene in consumer sovereignty of citizens be justified?

Exploration is made into the proposition that sustainability is achievable only if government takes decisive top-down action. The intention is to introduce the idea of an ICQ as potentially utilisable and perhaps pivotal in fostering requisite levels of environmental responsibility in UK citizens. Government intervention may be justified on the grounds of being necessary for the citizen's well-being.

Ideas about how best to introduce a sustainable consumption policy, necessary for the UK to reach the stated emissions targets committed to in the Climate Change Act 2008<sup>13</sup>, merit further analysis due to this being a relatively under-researched area. This calls for a qualitative, exploratory research approach. Such an approach makes it necessary to pay attention to available legal tools, but also to look at the political and social context where law is interpreted and implemented so as to analyse how the institutional setting influences the outcome.

This thesis project is primarily grounded in environmental sustainability. However, the exploration raises issues in the areas of social and economic sustainability: through the concept of governance as requiring greater stakeholder participation, and through focus on the demand side of the economy.

## **1.2 Methodological overview**

The epistemological position taken here is situated between positivist and phenomenological paradigms. The researcher is influenced by 'Critical Theory'<sup>14</sup> and the proponents of a more 'reflexive' research process. I am not isolated from the object of study, so simultaneously influence how reality is framed and studied. My thesis seeks to describe reality but also, when relevant, discuss social constructions of this reality.

### ***1.2.1 Research process***

The first stage was identification and examination of available literature, which included the reading of government reports, independent research documents, academic articles, and the content of some websites<sup>15</sup>. Whilst there is research available about individual carbon quotas

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<sup>13</sup> 2008 (c.27)

<sup>14</sup> Geuss (1981)

<sup>15</sup> e.g. RSA Carbon limited; Tyndall Centre: Online Ref. 1 Appendix C

(tending to be called ‘personal carbon allowances’ or ‘PCA’) more generally, there is little written specifically on the issue of the moral legitimacy of such a scheme.

I have focused on the literature that appears most suitable for the topic. In order to reduce personal bias when selecting literature, ideas and theories, I have relied on well-known literature in the field of sustainable consumption and environmental governance for guidance, and also personal contacts with researchers in the field.

The second stage was to structure the thesis so as to pull together the literature and ideas extracted to begin to make an exploratory case for the possible justification of a mandatory individual carbon quota scheme in the UK.

The empirical section was undertaken so as to speak with those who would be working with the hypothetical ICQ scheme. The main interview objective is to discover what themes and issues the respondents stress as vital. Thus, the interviews introduce a ‘real-world’ element to the research. The literature analysis provided themes for the interviews. More on my methodology for this is in SECTION 4.

### *1.2.2 Structure of the Thesis*

There are five main sections:

#### SECTION 1.

The concept of sustainable consumption forms a starting block from which criticism is leveled against economism<sup>16</sup>. After this the concept of ecologism is discussed.

#### SECTION 2.

The role of governments, the role of the individual and the role of the individual as part of a broader collective is analysed. Some discussion of the developments of rights is included as prelude to a subsection about the nature of freedom. The concept of governance is discussed, broaching the possibility of establishing a new managerial role for government as a facilitator of stakeholder dialogue. This is followed by a discussion regarding whether paternalism is appropriate in the environmental sustainability context. Here some of the ideas from ‘Nudge’<sup>17</sup> about neuro-economics and choice architecture are presented.

#### SECTION 3.

The ICQ scheme is further elaborated upon. This includes some design considerations, comparisons between a carbon tax and a carbon quota scheme, as well as between a voluntary or mandatory ICQ scheme.

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<sup>16</sup> i.e. the prevalent prioritisation of the needs of the economy over those of society more generally or the environment itself.

<sup>17</sup> Thaler & Sunstein (2008)

#### SECTION 4.

Contains the results of interviews conducted with British professionals. This research serves to add some further ‘real-world’ insights to the project, given the likely political and public resistance to such a scheme.

#### SECTION 5.

Makes the final concluding comments and highlights how this research could continue.

### **1.3 Limitations**

An explorative, qualitative research project such as this one will always entail a number of limitations, especially given the restriction of time and space. One limitation concerns the depth of philosophical analysis given to some of the core themes, such as freedom and the issue of justified restraint of the individual for the sake of the collective, because of the desire to keep the project at a ‘pragmatic’ level. Taking a policy-maker’s perspective, the author considers it as most valuable to ground the thesis in possible real-world application as opposed to attempting resolution of largely irresolvable and ultimately subjective issues, such as freedom. Thus, while theories on the nature of freedom and the role of governments are utilised, the thesis seeks to use this knowledge and relate it to the legitimacy of consumption policy and more specifically an ICQ scheme, rather than to examine these theories per se.

The final section of the thesis contains some empirical research findings. This section is limited due to resource and time constraints, of both the interviewer and those interviewed. The methodology and limitations of this particular section are elaborated further therein.

This exploration requires discussion of controversial and value-laden concepts. Although a researcher may attempt to be absolutely objective, there are inevitably some preconceptions that will influence the study process. Where it is accepted that research generated will always contain some element of subjectivity, then the definition of objectivity shifts from one of an ‘absolute’ objectivity towards self-awareness in the researcher. Philip<sup>18</sup> calls this ‘objective subjectivity’; where self-criticism and reflexivity may be used to increase the researcher’s understanding of ‘pre-understandings’ involved. Jamieson states that, “*Rather than seeking to achieve a false sense of objectivity and academic distance in relation to the topics that are under investigation, we should instead try to develop a more conscious sense of our own intellectual engagement, combining the detachment of the scientist with the passion of the participant.*”<sup>19</sup>

In this thesis I am aware of my own position and the need for transparency when considering how this may influence the research. More specifically, my personal bias will to some extent

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18 Philip (1998)

19 Jamieson (2001) pg40

influence the theories and literature that I have focused on in the research process. I have tried to overcome this bias through seeking advice from a large number of people with different ideas and experiences, and through consulting the academic literature. It is hoped that my own position does not unsettle the research contribution more generally. With this objective subjectivity stated and elaborated we now proceed.

#### **1.4 Intended Audience**

What follows is discussion of a relatively new idea, presented as guidelines for actual application. The author tried to adopt a policy-makers perspective in dealing with these issues. By taking a policy-makers perspective, the author chooses to concentrate on the issues that a policy-maker must deal with when introducing an ICQ scheme, and especially the issues relating to the legitimacy of a scheme. Therefore the intended audience is primarily those who would be instrumental in the introduction of an ICQ scheme, if deemed necessary into the future.

The project is also aimed at anyone interested in the broader justification of an individual carbon quota scheme.

## 2. CONSUMPTION, ECONOMISM & ECOLOGISM

This thesis project addresses the problem of the current lifestyle ‘choices’ made by the British public, in particular the already high and growing levels of materialism that UK citizens as consumers aspire towards. It is argued that the present trends are unsupportable by the planet.

The purpose of this project is not to rehash the age old debate, trying to establish to what level it is legitimate for a government to intervene in the lives of those it governs but this time with ecological motivations for sustainability. Rather, the immediate purpose is to explore the potential for an ICQ scheme as a means to develop environmental values in the UK by addressing the prevailing system itself. It is considered necessary to shift focus from the public as consumers to that of citizens. The idea is that the government is in a position to encourage the development of values that the society possesses, and it does so by subsidising norms that it supports.

### 2.1 Consumption

At its simplest, consumption is the use of commodities to satisfy needs and wants.

#### *2.1.1 Introduction to the Consumption Problem*

Prioritisation of material consumption, the source of stability in our society, means that the economy, political institutions and even the popular media all serve the task of continuous economic growth. This operates to make the public believe that the pursuit of higher material prosperity is the expected behaviour or even a patriotic duty<sup>20</sup>. For Mont and Dalhammar, the “clear tendency towards increasing incomes, lending to the growing purchasing power of individuals stimulated by the advertising industry and market push and being guarded by the sovereignty [of consumers] principle leads to increasing consumption”<sup>21</sup>. However, greater consumption levels does not necessarily equate to greater well-being<sup>22</sup>.

An ICQ scheme could go some way towards conveying to the British public the necessity for personal behaviour change. The ICQ scheme could also address important questions about the scale of consumption, the nature of consumer behaviour and the relevance of lifestyle change; all important aspects of the sustainable consumption debate<sup>23</sup>. On a deeper level, serious examination of the sustainability ideal involves questioning fundamental assumptions about the way modern society functions. One major barrier to serious committed discussion on the subject of sustainable consumption is the threat that this

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20 e.g. Beckmann et al (2001); Princen (1999)

21 Mont & Dalhammar (2005) pg5

22 e.g. Roepke (1999), Kasser (2002), Max-Neef (1995)

23 Sustainable Development Commission report (2003) pg4

represents to numerous very powerful vested interests. There are many who stand to gain, or rather are currently gaining under the present system. They will stand in staunch opposition to any shift in consumption and consumer practices.

There are various definitions of the term ‘sustainable consumption’, which propose that it will be vital for people to start consuming: (a) differently, (b) responsibly, or (c) less in quantitative terms<sup>24</sup>. As already stated, it may be necessary to actually curb consumption, as the last option proposes.

### *2.1.2 The Individual and Consumption*

Given that 40% of the UK’s carbon emissions come directly from the domestic sector<sup>25</sup>, it seems evident that this area must necessarily be targeted for control and reduction if the country is to have any hope of achieving the desired emissions level as specified in the recent Climate Change Act<sup>26</sup>, or before that as set out in the Kyoto Protocol<sup>27</sup>. Here ‘domestic sector’ means the contribution by households and from the general public at home. However, it could be claimed that almost 100% of the UK’s carbon emissions come from activities for the domestic sector and the British public at large: an indirect contribution or even a motivation for production. This only strengthens the call to target this area and the ensuing high levels of carbon-intensive consumption.

Consumption is essentially an act to provide wellbeing by meeting human needs and wants. However, it is possible to view consumerism as a social and psychological pathology – it doesn’t really make people ‘happier’ and yet they will keep doing it nonetheless<sup>28</sup>. Here some discussion of prosperity is apt. The most recent Sustainable Development Commission report expounds that the “*ability to participate meaningfully in the life of society*<sup>29</sup>” is a key attribute of prosperity, defined as human success and wealth in broad terms<sup>30</sup>. There is also a documented weak correlation between economic growth/GDP and reported happiness in rich countries<sup>31</sup>, where materialism is not conducive to wellbeing (except arguably for the very poor)<sup>32</sup>. There is some sense of great tragedy in the destruction of the natural environment for the pursuit of a lifestyle that does not seem to accomplish the intended goal of a better life.

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24 *ibid* pg14

25 House of Commons Environmental Audit Committee (2007-08)

26 as above, footnote 13

27 United Nations Framework Convention on Climate Change (UNFCCC)

28 SDC report (2003) pg26

29 foreword to SDC report (2009)

30 SDC report (2009) pg7

31 e.g Max-Neef hypothesis: Max-Neef (1995)

32 Kasser (2002); Kasser (2007) for SDC report (2009)

This idea of consumer ‘lock-in’ demonstrates how factors such as convenience, habits and norms influence people’s behaviour. A powerful case has been made demonstrating that citizens are often ‘locked-in’ to unsustainable consumer practices by the social and institutional norms and even the structures themselves<sup>33</sup>. On this perspective, it is vital the government shift the institutional architecture of consumer ‘lock-in’. Elsewhere it has been argued that, “*infrastructure...can be designed to prompt consumers into more sustainable behaviour or to lock-in consumers to very unsustainable actions*”<sup>34</sup>. There is necessity for governmental coordination of mass social change, and some of Thaler & Sunstein’s ideas in ‘Nudge’ about choice architecture are relevant. Past choices, technology, economic incentives, institutions, personal psychology, alongside the existing culture and social systems are all important in appreciating why the UK<sup>35</sup> is locked into its current consumption trends.

Consumption also has a symbolic role for display and status seeking. For some, construction and reconstruction of identity through consumption is a defining feature of modernity<sup>36</sup>. Consumption forms part of the search for belongingness, statement of affiliation, group identity, allegiance to ideals and distancing oneself from other ideals. Simplistic appeal to cease the current form of consumption will not work. Consumption is incredibly intricate and complex. The consumption literature often separates ‘needs versus wants’, where the latter can be seen as relative needs arising from comparison with other people<sup>37</sup>. Relentless material display and status competition is a problematic necessity of this prevailing lifestyle. For the Jackson report this is referred to as ‘novelty’ and is what drives the economy<sup>38</sup>.

It is clear that there are many motivations and underlying explanations of current consumption practices. Where it is accepted that the current trends are ecologically unsupportable then positive action must be taken if the UK is to become a sustainable society.

The majority of UK citizens profess to share a concern for social and environmental issues but place a low priority on these in their current consumption choices<sup>39</sup>. This gap between attitudes and action<sup>40</sup> is one of the points that this thesis intends to address: Why does this anomaly exist – is it hypocrisy? The argument is no, and rather that people in the UK exist as both citizens and as consumers. The values they have as citizens cannot be realised by them

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33 Sanne 2002, Mont & Dalhammar (2008)

34 Mont & Dalhammar (2008) pg5

35 or indeed any country

36 Bocoock & Thompson (1992)

37 Jackson (2005)

38 SDC report (2009) section ‘Confronting Structure’ pg60-66

39 SDC report (2003) pg7

40 Vlek et al (2000)

as consumers due to prevailing social forces and the ‘lock-in’<sup>41</sup>. This is why top-down action is imperative, giving guidance and support to community initiative undertaken by individuals in pro-social and pro-environmental co-operation<sup>42</sup>.

For Vlek et al<sup>43</sup> the necessary individual action of citizen consumers towards securing the ecological integrity of the planet requires convergence of ‘needs’, ‘opportunities’ and ‘abilities’. It needs to be possible to realise ones values. This is another example of consumer ‘lock-in’ and the resultant need for positive government action.

### ***2.1.3 Government and consumption***

There is much in the academic literature about a changed role for government institutions in a post-traditional, globalised society from one of directional command and control to one of change management<sup>44</sup>. The role for national government is evolving towards one of facilitator in a broad social debate. Government shapes cultural context through its influence on technology, market design, institutional structures, the media, and even the actual moral framing of social goods – that is, what is construed as ‘right’ in society.

## **2.2 Economism**

The UK’s Sustainable Development Commission recently published a new report<sup>45</sup> addressing the possibility of complete reshaping of the traditional understanding of the economy. This is particularly pertinent in this time of financial disturbance when it is necessary to ‘fix’ the economy. Perhaps it should be done with a longer-term vision.

In the report’s section about redefining prosperity, Tim Jackson argues that an “*important component of prosperity is the ability to participate meaningfully in the life of society*”<sup>46</sup>, which has much in common with Amartya Sen’s vision of development as ‘capabilities for flourishing’<sup>47</sup>. It is important to note that these are not simply some set of disembodied freedoms, but rather a range of ‘bounded capabilities’ necessary to live well - the ‘Good Life’ within clearly defined limits.

It is stated firmly in the SD Commission’s report on making a transition to a sustainable economy that a failure to take seriously the dilemma of growth may be the single biggest threat to sustainability<sup>48</sup>. In asking whether continued economic growth is a necessary

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41 Sanne (2002)

42 Berglund & Matt (2006)

43 Vlek et al (2000)

44 e.g. Stoker (2004); Fisher (2008)

45 SDC report (2009)

46 SDC report (2009) pg7

47 Sen (1999)

48 SDC report (2009)

precondition of lasting prosperity, it is found that economic resilience is certainly important, indeed vital for protecting jobs and securing livelihoods. Does this require continued growth? It is here suggested that although unconventional, the answer is ‘no’. Neither Mill nor Keynes believed growth would continue *ad infinitum* ...<sup>49</sup>

A green stimulus package in the UK seems like an entirely sensible response for the UK to take to the current economic crisis, after the collapse of the market at the end of 2008. The benefits are considerable, and numerous;

- short term – creation of jobs and economic recovery,
- medium term – energy security and technological innovation,
- long term – sustainable future.<sup>50</sup>

However, such measures remain within the conventional frame, the problematic and essentially unsustainable paradigm. Something more is needed. Companies strive to ensure consumers for their products, and consumers strive for novelty in products they consume<sup>51</sup>. The resulting GDP growth is the basis for stability in our society, but it is argued that the cost - in environmental and social terms - is too high.

## 2.3 Ecologism

‘Ecologism’ is an ideological position proposing a radically different society. The thesis now expounds Dobson’s take on this philosophy<sup>52</sup>. His description makes definite statement that a “*sustainable and fulfilling existence presupposes radical changes in our relationship with the non-human natural world, and in our mode of social and political life*”<sup>53</sup>. This can be contrasted with environmentalism, advocating “*a managerial approach to environmental problems*”<sup>54</sup> of the conviction that it is unnecessary to alter the fundamental manner in which humans exist on the planet and utilise natural resources. Environmentalism so construed also sees no need to modify the way we view our relationship with the natural environment. Basically, with such a light green position of weak sustainability<sup>55</sup>, humans could continue current levels of production and consumption, making no shift in values that underpin the present prevailing societal structures.

Using Dobson’s concept of political ecologism, the problem of over-consumption resulting from the current economy-focused lifestyle practices could be tackled. These practices have

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49 all SDC report (2009)

50 ibid section ‘New Green Deal’ pg67

51 ibid section ‘Confronting Structure’ pg59

52 Dobson (2007) Green Political Thought

53 ibid pg3

54 ibid pg2

55 O’Neill et al (2008) pg187

contributed to pathology and mere illusion of improved well-being for people seen primarily as consumers<sup>56</sup>. There is desperate need for the consumer to reclaim the badge of citizen; as stated by the contemporary British writer Ben Okri, “*we must put back into society a deeper sense of the purpose of living*”<sup>57</sup>.

After the Limits to Growth report it was believed that “an unexpectedly large number of men and woman of all ages and conditions will readily respond to the challenge and will be eager to discuss not if but how we can create this new future<sup>58</sup>”. However, we have not seen such action geared towards change, begging the question: why not? Part of the answer could come from the fact that the issues of environmental concern, including global climate change, are collective action problems. What this means is that if action is not undertaken altogether then individuals (and individual nations) could disadvantage themselves by taking action when others do not do so.

One of Dobson’s ideas for better environmental practices, and particularly pertinent for the purpose of this thesis, is that of ecological citizenship. One of the main reasons for pushing an individual carbon quota over a carbon tax as the preferred solution to reducing UK’s carbon emissions is because of the double dividend, (a) removing the failed frame with its blind economism pandering to the false conception that growing material prosperity leads to better standard of living<sup>59</sup>; but also, (b) fostering a sense of connectedness with our environment as if humans are stewards of our planet, empowered to make the best choices with a much longer time perspective, using but not misusing the earths resources.

The political will to bring about the necessary change perhaps requires nothing short of environmental catastrophe, it being naive and unrealistic to expect people would “*choose simplicity and frugality except under ecological duress*”<sup>60</sup>. Maybe the impending doom is enough: surely humanity aware of its precarious situation, the threat to its very existence would be motivated to act in its best interests. This is not necessarily so. There is risk of a bit of a ‘devil may care’ attitude. Even James Lovelock, who popularised the GAIA hypothesis, is quoted saying, “*if we are all doomed, enjoy it while you can.*”<sup>61</sup>

The point is that if the UK government is committed to sustainability then it might be necessary for the government to co-ordinate collective action.

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56 SDC report (2009); Roepke (1999); Sanne (2002)

57 Okri (2008) as quoted in SDC report (2009) pg85

58 Meadows et al (1974) pg196

59 For instance, a tax would continue to lend credence to the theory of humans as self-seeking, individualistic rational actors, interested only in their own ends as opposed to having a sense of belonging and participation/responsibility to a wider community.

60 Daly (1977a) pg170, as quoted in Dobson (2007) pg103

61 Telegraph newspaper 15th March 2009

### 3. GOVERNANCE AND SUSTAINABILITY

Defining governance as ‘the act, process, or power of governing; government’<sup>62</sup> is too narrow. Nowadays in academic literature it is conceived of as going beyond this; of being the government and administrative bodies working together in partnership with all stakeholders.

#### 3.1 The Role of Government

The ‘proper’ role and purpose of a national government needs to be addressed. Government can be seen as having a dual, possibly irreconcilable role within society. Having responsibility for the present and the future are two aims that can easily be in conflict. It seems that the priority is the present. Ensuring the nation’s stability now, in a macro-economic sense, is undoubtedly of great importance. But protecting immediate interests ought not to trump the other role of government, which is to protect and secure the future of the society it governs<sup>63</sup>. The government of a society should deliver social and ecological goals and protect long-term interests. The trend for “*narrow pursuit of growth represents a horrible distortion of the common good and of underlying human values*”, which may actually undermine the legitimate role and justification for government itself<sup>64</sup>.

Michelman defines ‘government’ as, “a hierarchical organisation widely regarded as having the legitimate authority to inflict detriments on persons (within their jurisdiction)”<sup>65</sup>. Inflicting detriments is within the legitimate action of government, but only when this is considered to be appropriate in terms of the broader public interest. If sustainability is a goal for the UK, protecting citizen’s interests and natural areas now and for the future, then steps need to be taken to change the apparent priorities. In other words, acting to promote the other pillars<sup>66</sup> for people and planet, not simply ‘profit’, is of great importance. This would entail some serious redefinitions, as almost everything is measured in financial terms.

Rules are essential because they serve to set the context for an individual’s strategic choices. Rules either permit or prohibit certain types of behaviour and do so whether they are legally binding or not - what is required is that they carry enough weight to be adhered to. The government is not the sole but it is the dominant controller in terms of rule making and setting out the behaviour that should be observed in society. In light of this fact, it has an important role with considerable influence and power.

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62 Free online dictionary (\*1): Online Ref. 2 Appendix C

63 as much as is possible or realistic

64 SDC report (2009) pg11

65 As quoted in Ellickson (1991) Chapter 7, ‘Theory of Norms’ pg127

66 environmental and social - not just economic

The table below shows the form a ‘controller’ can take, along with the type of rule that this entails, the sanction for non-compliance, and the means of enabling compliance:

<b>Controller</b>	<b>Rules</b>	<b>Sanction</b>	<b>Combined system</b>
1 <sup>st</sup> party control – ACTOR	Personal ethics	Self-sanction	Self-control
2 <sup>nd</sup> party control – PERSON ACTED UPON	Contracts	Personal self-help	Promise-enforced contracts
3 <sup>rd</sup> party control – SOCIAL FORCES	NORMS	Vicarious self-help	Informal control
Organisation, NGOs	Organisation rules	Organisation	Organisation control
GOVERNMENT	LAW	State enforcement	Legal system

Table taken from Ellickson (1991) Chapter 7: ‘Theory of Norms’ pg131

For our purposes it is particularly interesting to note the 1<sup>st</sup> party controller, 3<sup>rd</sup> party controller and the government as controller. These are the individual actor, where the rules are an individual’s personal ethics and the system of ensuring compliance is self control; the society or community itself, where norms and standard social practices are the rules and the control is informal; and the government, with law as the rules and legal system to ensure compliance alongside formal state enforcement as the sanction (meaning that failure to abide to the rules could lead to fines or even imprisonment).

In terms of what a government can do to shape the values and society it wants, there are various ways the governed may behave which can be reacted to in different ways. Behaviour can be pro-social, supported and encouraged through rewards; ordinary, eliciting a neutral government response; and anti-social, leading to punishments aimed at discouraging such behaviour<sup>67</sup>.

Hybrid systems can exist based on the above table, whereby one of the identified controllers enforces another controller’s rules<sup>68</sup>. An individual may internalise society’s norms and then act to enforce those rules on himself: from the general morality of society develops personal ethics of the individual. Each of us is, to a greater or lesser extent, ruled from within by such an inherent sense of justice and what we conceive of as being right or wrong. The rules of one controller often feed back to influence the rules of another. So, innovations in norms may ultimately affect the content of law, or indeed vice versa. So law and legislative enactments can therefore operate to foster new norms and values within the UK. Here it can also be noted that ideas about justice<sup>69</sup> are often a motivating factor for action<sup>70</sup>.

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67 e.g. by criminal sanctions.

68 Ellickson (1991) Chapter 7 ‘Theory of Norms’

69 i.e. what is fair and equitable

70 Fouriner (2008)

However, ethics only work as universal principles for living if they can emerge as practical rules that guide a form of functioning in a cultural context, informing the society's impression of the 'Good Life' and enabling this to be reached. Modern British society arguably lacks an appropriate sense of the fact that with rights come responsibilities. There is something lamentable about the separation between environmental and human concerns. For instance evidenced in a newspaper's science sections discussing the real risk of environmental catastrophe if global temperatures rise by 3-5°C, whilst that same newspaper's business sections encourage short term investments for the best profit margins, and the opinion sections bemoan fuel price increases instead of "*educating us about how we should act as citizens*"<sup>71</sup>.

### 3.2 The Role of the Individual

There is an inconsistency discernible in that UK citizens profess to have pro-environmental values, yet this is not evidenced in consumer practices. One reason for this anomaly is that people exist in two forms, namely as both citizen and as consumer<sup>72</sup>. As a citizen people can genuinely hold values or personal ethical systems that conform to sustainability ideals but as a consumer not live by said codes of conduct because of the 'lock-in' due to the social norms.

There is purported to be growing disappointment<sup>73</sup>, not just with how weak and often totally absent positive initiatives intended to involve citizens in environmental policies seem to be, but also with the evident skepticism of public authorities that it can be fruitful to appeal to a sense of social responsibility. It seems that they hardly even try to address the potential 'anxious and pathological system' of consumerism<sup>74</sup> and the standard economic structures within our society, as if it is either unquestioningly ingrained or simply too hopeless to attempt.

### 3.3 The Nature of Freedom & Institutional Structures

This section investigates possible conceptualisation of 'freedom', exploring how notions of the nature of freedom relate to the moral legitimacy of a mandatory ICQ scheme. The development of rights will form a short section to precede this.

#### 3.3.1. Introduction: The development of rights

In 1979 Karel Vasak, a Czech legal philosopher, proposed the division of rights into three 'generations' inspired by the French Revolution's '*liberty, equality, fraternity*'<sup>75</sup>.

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71 Jamieson (2008) pg181

72 Berglund & Matt (2006)

73 Sen (2004) Spotted Owl Essay

74 Jackson (2005)

75 UNESCO (1977)

The first generation rights consist of those that are civil or political; constitutional rights. These serve to protect the individual from coercion from government power. Examples include the right to a fair trial and to due process, as well as the presumption of innocence until proven guilty. Securing freedom of thought, speech, expression and freedom of the press are considered crucial to democracy. Here applies the 'liberty' label, which encompasses those rights that enable participation in the political life of one's state.

Second generation rights are social and human; those rights to welfare, protection, and security. Human rights enable us to flourish as human beings. This takes the 'equality' label, encompassing those rights that enable people to be recognised and given respect as individuals. They can be social, economic and cultural based.

The rights in the third generation of Vasak's categorisation are collective rights; those for solidarity. Having rights as a group and being 'in it together', embodies ideas of brotherhood and the 'fraternity' label. These types of rights are largely under-developed and not nationally secured by any legal enactment in the UK. Rather, these are protected in international law as in 'soft law' enactments such as international treaties. The most important examples are the 1972 Stockholm Declaration and the 1992 Rio Declaration. However, specific countries remain sovereign hence the 'soft law' form of this international legislation.

In the future it may be that collective rights will emerge and become legally enshrined. Such rights are on the agenda for the 21<sup>st</sup> century and already found in legal documents, but only in an 'unofficial' way and not legally binding at nation-state level.

### *3.3.2 The individual within the Collective*

It is the third generation of rights that are particularly relevant for the immediate purpose: analysis of legitimate limitations on individual freedom and rights for the best interests of the community or society at large. These types of rights entail a high level of responsibility to one another – it is within this third generation that rights of intergenerational equity and sustainability are stated (and 'protected'). All rights entail responsibilities but the specifics are often ill-defined and not always adequately emphasised. Responsibilities within the first and second generations can be conceived of as being more negative: an obligation not to impede upon someone else's rights, and less requiring of any positive action. It is here advanced that as a citizen one does have positive duties. Accordingly, limits to freedom of an individual are justified for the good of all, for the collective.

On the subject of legislating under the 'fraternity' label, it might be undesirable for the government to force brotherhood due to the risk of being undemocratic. The 19th century philosopher Frederic Bastiat said that, "*It is quite impossible for me to conceive of fraternity as legally enforced, without liberty being legally destroyed, and justice being legally*

*trampled underfoot.*”<sup>76</sup> The values of respect, trust and community need to grow. They will not work if demanded of people because to force these values is to nullify them.

It is relevant to include mention of Rousseau’s social contract<sup>77</sup>, which is the notion of an individual citizen giving up some autonomy for the purpose of the successful operational functioning of the society at large. The idea is that with the ICQ scheme individuals would be enabling the better functioning of the society taken as a whole, and that there is already implicit consent to introduce regulation in this way.

### 3.3.3 Freedom

A complicated concept, in some sense freedom is always subjective. What makes one person feel free could be to another person of quite the opposite effect. We can take the example of an anarchist who sees the existence of a legal system or any institutions and organisational structures as a fundamental limitation of their freedom. This can be contrasted with the capitalist who values absolutely and holds in high regard the organisational structure of the market, the institution that affords a way to achieve and exercise their quite different view of freedom. Accordingly freedom is problematic to facilitate. The particular definition of freedom that one chooses will have an impact on whether or not it can be seen as legitimate and justifiable to limit it.

Let us turn to consider The Brundtland Report’s definition of sustainable development, which requires meeting “*the needs of the present without compromising the ability of future generations to meet their own needs*”. Sen wonders if emphasis upon ‘needs’ presents a rather meager view of humanity, “*people have 'needs', but they also have values, and, in particular, they cherish their ability to reason, appraise, act, and participate*”<sup>78</sup>. The essential point is that perhaps the question of sustainability, and what should be sustained, should apply to our freedoms and not only to our needs. For Sen, we ought to concern ourselves with the preservation and even expansion of substantive freedoms for current generations, whilst not impacting detrimentally the ability of future generations to have similar or more freedoms. The basic notion of sustainability should take better account of humans than our being mere patients worth no more than our living standards. The goal requires a broader perspective be taken hence his elaboration of ‘capabilities for flourishing’, putting a human slant to standard, conventional economic theory.

The Brundtland definition of sustainability is perhaps too limited and so was given elegant extension by the economist Robert Solow<sup>79</sup>. For Solow, sustainability is the requirement that the next generation be left with, “*whatever it takes to achieve a standard of living at least as*

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76 Bastiat (1995) Online Ref. 3: APPENDIX C

77 Rousseau (1762)

78 Sen (1999)

79 Solow (1998)

*good as our own and to look after their next generation similarly*<sup>80</sup>. Whilst this slight refining and redefining is certainly apt, Sen debates whether this more concrete concept of living standards, elaborating the Brundtland ‘needs’, is inclusive enough. In any case, it is unclear whether ensuring living standards affords adequate protection to human freedoms. Sen states that, “*sustaining living standards is not the same thing as sustaining people's freedom to have - or safeguard - what they value and to which they have reason to attach importance*”<sup>81</sup>. The reasons people have for valuing the existence of certain opportunities need not necessarily lie in their direct or even indirect contribution to living standards.

Sen presents Buddha’s argument<sup>82</sup> that since we humans are so much more powerful than other species, we therefore have responsibility towards them linked with this imbalance. There is responsibility associated with power. This idea goes some way in expressing an emphasis on encouraging a connectedness between human and nature that does not exist broadly within post-traditional<sup>83</sup> societies. Perhaps taking a less anthropocentric position than is standard fare, especially in the context of traditional economic approach and legal theory, will be necessary.

Given that too much freedom in fact does away with freedom, government intervention is necessary to guarantee freedom. For Popper<sup>84</sup>, what should guide public policy is not utilitarianism’s ‘maximise happiness’ but rather to ‘maximize avoidable suffering’. This is not without its controversy: the UK’s liberal, capitalist social policies may be argued as resting quite firmly on the former guiding principle. However, it is considered that evolving to become a society adapted to problem solving is necessary in the context of environmental problems, including climate change and the sustainability goal. These could be ‘clumsy solutions’<sup>85</sup>. In any case a solution is required to the lifestyle problem of carbon intensive high consumption levels.

Hardin’s view on freedom is interesting to note in the context of limiting individual liberty for the greater benefit to all<sup>86</sup>. His views seem to be in line with some of the classical Greek philosophers. Whereas we have inherited many ideas about democracy and politics from the ancient Greeks, they lived in a society where an individual’s responsibility towards the state was a fundamental feature of everyday life. The modern view of the individual’s right to pursue happiness without concerns for the common good would probably have appeared

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80 as quoted by Sen (2004) ‘Spotted Owl Essay’

81 *ibid*

82 in ‘Sutta Nipata’ in Sen (2004)

83 certainly Western

84 Popper (1945)

85 Verweij & Thompson (2006)

86 Hardin (1968)

very strange to the ancient Greeks. Indeed, Socrates stated that only the good person who is good to others is free, thereby linking freedom to goodness<sup>87</sup>.

It is helpful to define a two key terms: ‘constraint’ is to be restrained, bound and confined<sup>88</sup>; whereas ‘restraint’ is to hold back, to have self-control<sup>89</sup> -more like limiting oneself.

Constraint is an outside action on an individual perhaps with negative impact on rights and freedom by not having choices; whereas restraint can be self-imposed, so therefore more appropriate. Restraint is not as intrusive or severe as constraint. So, to be free is to have one’s integrity and to be without undue constraint<sup>90</sup> but that this does not need to mean no restraint.

Restraint may be linked to the idea of temperance, which is vital to any sustainability project. A key notion is that of ‘temperance’, defined as ‘moderation and self-restraint’<sup>91</sup>. It is connected to one part of the motivation for and justification behind introducing an ICQ scheme in the UK. This is so on the basis of freedom and the ‘Good Life’, in terms of the governmental role as facilitator of the collective ability to live well and meaningfully in a diverse, plural democratic society.

It has been argued that a new law of nature on the basis of an eco-centric ontology and ethics is necessary<sup>92</sup>. Law is itself justice and correctness and accordingly, its reach should extend to manage the interaction between human and nature<sup>93</sup>. So long as the jurisdiction of law broadly is conceived of solely the realm of justice between humans and other humans then the whole outlook is flawed and cannot function properly to ensure the ecological integrity of the planet. From the point of view of the relationship between the human world and other biotic communities, just law is that which complies with eco-centric ethics. For Kaufmann, “*law is a cluster of mutual relations of people and relations to other natural entities*”<sup>94</sup>. Here it is possible to appreciate the purpose of law as guiding or even securing what is ‘right’.

The latter part of the 20<sup>th</sup> century saw the development of environmental law as a reaction to the problem of destruction and misuse of nature. However, its inefficiency at solving pressing environmental concerns is increasingly evident<sup>95</sup>. Establishing a more eco-centric legal philosophy requires a shift from the anthropocentric ‘environmental protection’ to the

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87 von Wright (1994) pg60-67

88 Online dictionary (\*2): Online Ref. 2 APPENDIX C

89 Online dictionary (\*3): Online Ref. 2 APPENDIX C

90 i.e. most countries will constrain you via criminal sanctions not to steal, kill, etc

91 Online dictionary (\*4): Online Ref. 2 APPENDIX C

92 Plicanic The Concept of New (Ecocentric) Legal Philosophy:: Online Ref 4 APPENDIX C

93 ibid

94 Kaufman (1994) pg32

95 as above footnote 90

specific maintenance of natural equilibrium. The state has a role as guardian of the interests of human communities, tied up with the interests of other biotic communities. This connects to ideas about global citizenship and humans as environmental stewards, taking care of the planet<sup>96</sup>.

Social agreement can be seen as a contract of statehood, which provides the basis for the operation of the state itself. It does this by giving a status of ‘law’ and legality to human relations and interactions. For Aristotle, ‘the state’ results from social agreement of man reflecting on man’s social aspect<sup>97</sup>. For our purposes, it may be that this conceptualisation is framed too narrowly.

The idea of ecological citizenship heralds civic responsibilities as crucial for tackling serious environmental challenges such as climate change. Stronger commitment by people to the various responsibilities of citizenship could improve respect for the natural environment. Dobson’s work highlights “*what citizens can do when they are moved by social understanding and reasoned reflection, rather than only by financial incentives*”<sup>98</sup>. This establishes the importance of taking humans as agents (who act, think and value) and not merely as patients acted upon. This thesis with its investigation into the feasibility of an ICQ scheme in the UK advocates a greater sense of civic duty, a rediscovery of what it means to be a citizen. This tackles the problem of environmental degradation by connecting people to the consequences of their consumption ‘choices’.

### *3.3.4 Institutions and Social Norms*

The Jackson report states “history suggests a cultural drift within government towards supporting and encouraging a materialistic and individualistic consumerism”<sup>99</sup>. Whatever the specific form of capitalism, all varieties have a structural requirement for economic growth, relying on consumerism to achieve this<sup>100</sup>. The UK has a particularly intense liberal free market society.

The potential for positive action based on rational analysis has been shaped, in the modern capitalistic market society, by Smithian notions that an individual who intends only his own gain is led by an invisible hand to promote the public interest<sup>101</sup>. The tendency to assume those decisions reached individually and in self-interest are also the best decisions for an entire society has justified non-interventionist government policies: the ‘hands-off’ approach to the market. However, it is argued as false that humans are only motivated by self-seeking utility maximisation.

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96 e.g. Dobson (2003)

97 Aristotle (1997)

98 Sen (2004)

99 SDC report (2009) pg11

100 whether directly or indirectly

101 Smith (1937) pg423

Theories of social institutionalism look into how institutions socialise people. People are not only, or even mainly, instrumentally calculative, they will tend to act on the basis of their values and beliefs. As Stoker states, “what people want and the way they behave are determined by whom they think they are and where they are, where their life is embedded”<sup>102</sup>. The point to appreciate is the serious potential for institutional contribution in the forming of those inherent and personal belief systems.

For rational choice theorists, individuals are driven by only two incentives: 1) economic gain, and 2) social acceptance. This fails to give weight to the fact that people appear engaged in more than this understanding of the reasons for their action. Challenging rational choice perspectives and the inbuilt assumption that people always need an incentive, there is the idea of ‘intrinsic motivation’<sup>103</sup>. When something has an immanent value, as opposed to instrumental value for some end, the reward for acting is the actual acting itself. Intrinsic reasons for action or behaviour, along with ‘social identification’<sup>104</sup>, are two examples of motivations that could be extremely relevant to consider in study of co-operation and collective action. These are essentially ignored by rational choice theorists<sup>105</sup>.

### 3.4 Governance

Building on evolved conception of the best role for national governments, and the role of the individual, the thesis turns to look at the role of government now, serving the state (more broadly construed) to enable and encourage discursive debate between all stakeholders.

A powerful case can be made for government action when one approaches from the angle of mass social change. This cannot be affected individually, although there is a crucial individual aspect in terms of really committing to the value the norm embodies. Change of social norms requires collective social action and so it is not only legitimate but also absolutely necessary this takes the form of government action.

In terms of the anti-interventionist government position, concerns can be quailed by the proposed new and improved role for government as co-ordinator. taking a more managerial role to facilitate communication and deliberation between all stakeholders. This is referred to in the academic literature as ‘governance’, and is considerably less ‘command and control’.

Lasting prosperity requires providing capabilities so as that people can flourish within limits. This need not be conceived of as a curtailment of freedom, but rather as the re-evaluation of common understanding of what it truly means to be free. Freedom has several different

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102 Stoker (2004) pg27

103 Stoker (2004); Hechter (1994)

104 considering oneself as a member of a group

105 Stoker (2004)

aspects. Freedom as ‘authenticity of desire’ is one such aspect that can be taken to illustrate how within the current system and social-economic structures, with the focus on individual consumption and the endless strive for novelty as is requisite for economic and thus social stability, such individual freedom is negatively impacted.

There is a real need for macroeconomics to become ‘ecologically literate’, which means accepting and respecting nature’s limitations. Part of so doing requires reduction of the current structural reliance upon the mechanism of consumerism and this form of (economic) growth as the underlying source stability in our society. The myth that ‘as long as there is growth, everything will be fine’ desperately needs dispelled. To state so unequivocally is nothing short of delusional.

The main task in this context – the need from governance - is that of balancing individual freedoms against the broader societal interests. This requires the establishing of ‘commitment devices’, which ensure that long-term public goods are not undermined by short-term private interests. The reason that consumer sovereignty has been elevated above social goods is because of the insistence upon growth – it seems to be believed that short term growth is the best goal for the long term. This assumption seems to have been demonstrated as resting on false premise<sup>106</sup>.

Polanyi, in critical analysis of societal arrangement more than sixty years ago, referred to the ‘double movement’ of society, whereby the state is inherently conflicted by pursuing competing goals<sup>107</sup>. This still exists and has grown more apparent. It is what the most recent Sustainable Development Commission report terms as the ‘dilemma of growth’<sup>108</sup>. To solve this dilemma requires strong leadership. Individuals cannot act alone to change, not least because they are susceptible to social signals and status competition as well as the fact that climate change alongside other global environmental or sustainability challenges are collective action problems.

Industry will also never solve this dilemma alone without support because they operate under market conditions. By their very nature could not be the source of such different prioritisation or development away from narrow profit accumulation. When the operational parameters are different, then industry will undoubtedly play an important part, but changes must first be made to the underlying institutional and economic structure. The need is for strengthened commitment and more pro-social, pro-environmental behaviour, “*shifting the balance of existing institutions away from materialistic individualism and providing instead real opportunities for people to pursue intrinsic goals of family, friendship and community*”

<sup>109</sup>.

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106 e.g. SDC report (2009)

107 Polanyi (1942)

108 SDC report (2009) pg37-46

109 SDC report (2009) pg98

Often policy-makers and government actors seem wary of making value judgments, “*uncomfortable with the idea that they have a role in influencing people’s values and aspirations*”<sup>110</sup>. This concern is undue because the state has always been in a position to ‘send out signals’. It does so through subsidising norms it considers prudent to back, or taxing behaviours that it seems prudent to curtail<sup>111</sup>. Also indicative of the government acting to shape the social context are their establishing of educational structures and the national curriculum, or the work-leisure balance as affected by wage policy and work week. The government even intervenes in the realm of family through its family law legislation, e.g. by creating a policy on paternity leave. Accordingly, arguments that the state ought not to intervene would appear to be either uninformed or simplistic and naïve. The legitimacy and actual possibility of state intervention to change the social logic of consumerism seems much less unrealistic and problematic than it is sometimes portrayed<sup>112</sup>.

Let prosperity be understood as ‘success and wealth’<sup>113</sup>. The question is whether this really needs to be measured so strictly in monetary terms. Perhaps we should think of wealth in a much broader sense, and success always ought to be subjectively assessed. It is an inherently personal concept, and perhaps this is part of the problem. Does information about how many billionaires there are in a nation really enable determination about the success of a society? The new role for government, in its ‘governance for sustainability’ will include identification and subsequent correction of “*perverse incentives in favour of a materialistic individualism*”<sup>114</sup>, as these serve to undermine the prospect for achieving collective success in the UK.

“*Governance for prosperity must engage actively with citizens both in establishing the mandate and delivering the change*”<sup>115</sup> – the majority of people will not change on their own, in fact it is almost impossible to do so with this issue being collective action problem. Given that authoritarianism can be seen as damaging to human well-being in its own right<sup>116</sup>, the solution is a new role for government as facilitator of the discussion process and coordinator of group action.

### 3.5 A case for paternalism?

The concept, ‘paternalism’, does not put most people at ease. They tend to react with distrust. There is an adverse gut reaction to this notion whereby people are turned off by the interference or ‘meddling’ of government where it is impossible to know or do what is best

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110 *ibid* pg94

111 tobacco and alcohol are obvious examples here

112 SDC report (2009) pg95

113 Free Online Dictionary (\*5): Online Ref 2 APPENDIX C

114 SDC report (2009)

115 *ibid* pg98

116 Layard (2005)

for everyone. The claim is that a government cannot promote what is in the best interests of each citizen because their individual preferences will be so distinct. It should therefore keep its ‘hands off’ and allow people to form and pursue their own preferences. Personal choice and freedom to make one’s own decisions as to what the ‘Good Life’ entails are fundamental within a democratic, liberal society like the UK.

However, these convictions about free choice may be overemphasised. Recently a body of scientific knowledge has grown up arguing that we are less ‘free’ in our decision making than we may have liked to believe<sup>117</sup>. Advertising is one example of often intrusive and aggressive market pushes, and prevalent social norms is another that both contribute to generating peoples notion’s of what they want. Choice architecture<sup>118</sup> is another means of influencing choice, and will now be considered in greater detail:

### 3.5.1 ‘Nudge’

Ideas from a recent book entitled ‘Nudge’<sup>119</sup> will now be presented. This highly acclaimed book has been picked up both by the Obama administration in the USA<sup>120</sup> and by David Cameron (leader of the Conservative party) in the UK<sup>121</sup>. It is considered pertinent to acknowledge and apply techniques of behavioural economics and the psychology of decision-making to public policy, and to do so without limiting choice. The book itself intended to advocate an approach that is neither right nor left - a so-called ‘new Third way’<sup>122</sup>. It is considered that in this respect the authors have failed, and that there is a clear political positioning of the text. It does push an agenda; in essence the ‘solutions’ advocated are traditional pro-market, and minimal government interventions.

There are some key tenets in the book’s own case for libertarian paternalism through choice architecture. One such tenet is how psychology recognises two systems of thinking. The first is automatic and intuitive, the ‘gut reaction’, which is effortless, rapid, uncontrolled, associative, skilled and unconscious. The second is rational and reflective conscious thought, which is effortful, controlled, slow, deductive, self-aware and rule-following. Connected to this are two possible conceptions of people; the ‘Econs’ are made-up people who economists imagine that we are when they advance their theories, who always consult their reflective system before making a decision. Humans are what people really are – the British public is human! They sometimes just go ‘with the flow’, and follow their gut feeling. As the science

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117 Sunstein (1995), Sanne (2002)

118 ‘Choice Architecture’ is the notion that opportunities be presented in a particular way to encourage certain choice selection, see Thaler & Sunstein’s ‘Nudge’ (2008) itself for further explanation

119 Thaler & Sunstein (2008)

120 also reportedly, Sunstein will be heading the Office of Information and Regulatory Affairs within the Office of Management and Budget within the Obama Administration OnlineRef. 5 Appendix C

121 Times newspaper online: Online Ref. 6 Appendix C  
and Guardian newspaper online: Online Ref. 7 Appendix C

122 Nudge (2008) pg252-253

of economics advances it creates ever smarter Econs but this does not reflect the human reality. Humans are susceptible to failings of calculation and rational thought theory that Econs would never make<sup>123</sup>.

One part of the book explains how people hate losses<sup>124</sup>. Accordingly any ICQ scheme would need to be presented in a particular way and framed as a gain<sup>125</sup>. Maybe this could be a financial gain, as a quota system could be where people sell the parts of their quotas that they do not use.

The libertarian paternalism of 'Nudge' suits the times. It promotes free choice and when people have clear ideas about what they want, no intrusion or restraint. However, when people haven't any idea of what choice to make then it proposes a sensible default option. It could be said that such an approach gives the appearance of a government caring about the well-being of its citizens but actually is very hands-off. The 'changes' are mere technicalities and incur minimal cost; more like restructuring.

The use of incentives is important, for where there are incentives it is possible to shake off the paternalism label. Incentives appeal to people's intelligence, and don't directly tell them how to behave but rather encourage them to do so. This is using the tool of persuasion as opposed to that of coercion.

Choice architecture could be used in setting a pro-environment default, taking steps towards making it easier, and even cheaper, to live sustainably than otherwise. It is considered that some aspects of 'Nudge' can be utilised, and the ethos of the book pertains to an argument for government action in the best interests of society as a whole. The point here is that there is need for state intervention to enable people to choose more sustainable lifestyles. The ICQ scheme as a sustainable consumption policy can be envisaged as choice architecture, although in the spirit of 'Nudge' it would have to be voluntary. Admittedly, a mandatory ICQ scheme is more of a shove than a nudge...

### *3.5.2 Using psychology for collective action*

Using knowledge about how people think and act, it is possible to achieve goals by the creation and structuring of certain systems. This is known as behavioural science or a sort of basic neuro-economics. Its utilisation is of relevance to any institution aiming to re-direct behaviour. The intervention of government introducing an ICQ scheme could be crucial to the attainment of sustainability, because of the affect on reducing environmental harmful consumption, alongside fostering environmentally responsible values that could enable the shift towards a sustainable society.

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123 *ibid* pg77

124 *ibid* pg33-34

125 long-term perhaps, but nevertheless a gain

The required environmental action is individual and personal in its nature but collective in form. This means the changes must happen personally within each individual but somehow altogether across society. People will be required to fundamentally adapt lifestyles by changing their current behaviour, shifting prevailing practices and the current consumptive patterns. This will necessitate a complex balance and relationship between bottom-up, top-down as well as an interlinking web between individuals and institutions. One major way of changing behaviour is to criminalise the undesirable practices, although this is not without controversy. Still, it does remain available to a government to assess the values it represents for its citizens and act to promote these values.

A less extreme method of promoting or encouraging the values a society purports to hold than criminalisation of certain actions is to make it easiest to behave in such a manner as the society supports. That is, make it expensive or difficult to act in a contrary manner. Examples might include congestion charges to discourage motorists, along with greater investment in public transport infrastructure. This is the ‘Nudge’ ideology.

Connected to the notion of government standing back and not influencing people’s values, dispelled above, is the related idea about them not influencing choices. Values themselves as norms internalised can shape choices, but in ‘Nudge’ the idea is simply that many times it will be necessary for an organisation or institution<sup>126</sup> to make some decisions that will inevitably affect the behaviour of others. The problem arises when they refuse to consciously recognise this fact. These are ‘unintentional nudges’<sup>127</sup>.

### *3.5.3 The Harm Principle*

Using paternalism, intervention and restraint is broadly considered as justified when it prevents person A from harming person B. With grown adults of sound mind, paternalism is rational when it restricts freedom so as to enable prevention of irreversible, far-reaching and potentially dangerous harm. Or alternatively, it can be invoked to secure a future good, on balance worth the restriction at the earlier stage.

Paternalism is broadly accepted as appropriate when either (a) an adult doesn’t know of the risks/benefits, or (b) an adult does know but suffers from human traits of weakness of will including psychological or social pressures and also irrational discounting of danger from attitudes due to short versus long term consequences. Limitations on personal freedom or choice are justified by the benefit to s/he whose freedom is being restricted. Interventionist or paternalist government tools come in varying degrees of intervention: information, persuasion and then coercion. The libertarian paternalism of ‘Nudge’ falls into the persuasion category. A mandatory ICQ scheme is probably more akin to coercion. The question is whether such coercion is warranted.

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126 such as a government

127 Thaler & Sunstein (2008) pg10

The authors of recent text ‘Nudge’, Thaler and Sunstein invoke the use of choice architecture to gently direct people towards better decisions about their health, wealth and general happiness. This is a behavioural approach to economics which uses knowledge about human psychology to make a case for liberal paternalism.

### **3.6 Climate Change**

Climate factors and global warming are a main motivation for the proposal that a sustainable consumption policy is urgently needed in the UK. The ICQ scheme as a potential policy is both a means of reaching CO2 emissions targets as well as addressing the trend for carbon intensive lifestyles. This could be called a double dividend.

#### ***3.6.1 The Precautionary Principle***

The Rio Declaration on Environment and Development Principle 15 states, “Where there is a threat to human health or environmental protection, a lack of full scientific certainty should not be used as a reason to postpone measures that would prevent or minimise such a threat”<sup>128</sup>. This could be used to form some part of the justification for limitation of consumer sovereignty and individual liberty in this context.

Ideas of intervention where there is a threat of harm or risk and uncertainty regarding harm as a real, present threat, could be invoked to support introduction of an ICQ scheme in UK. This advocates the taking of a preventative position; managing the perceived risks. The assumption is that predicted levels of climate change and CO2 emissions will have a detrimental effect on human life or personal property<sup>129</sup>.

#### ***3.6.2 Climate Change Act 2008***

The law to enable the introduction of an ICQ scheme already exists in the form of the UK’s Climate Change Act 2008. This is praised as being world leading legislation<sup>130</sup>, making the introduction of an ICQ scheme an immediate legal possibility. The need, and purpose of this thesis project is to examine how an ICQ scheme as a mandatory form of environmental action and sustainable consumption policy could, in the UK, be seen as legitimate - justified and necessary – from a more ethical and moral perspective. Yes it can be done legally, but the issue is whether it is feasible more broadly: whether the politicians and the public could accept and support the ICQ scheme.

#### ***3.6.3 Administrative Constitutionalism***

Large and central institutional governmental structures are part of the UK. What isn’t set in stone is the exact role that they will play. There is broad agreement that as institutions become less decentralised they should be more transparent in their administrative duties and

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128 Rio Declaration on Environment and Development (1992) Principle 15

129 See Kingsnorth protesters case UK. Online Ref 8 APPENDIX C

130 SDC report (2009)

decision making so as to ensure accountability. The voting public must necessarily determine the legitimacy of governmental institutions in a democracy such as the UK. Governing bodies must evolve to reflect what the governed support.

We can construe ‘technological risk’ broadly, including environmental effects such as those from high carbon consumption and the resulting emissions of CO<sub>2</sub><sup>131</sup>. Where the problem of a warmer planet, from the impact of CO<sub>2</sub><sup>132</sup>, is understood as presenting a technological risk, an important issue to address is that of good public administration in evaluating and regulating the identified risk.

Fisher’s ‘Deliberative Constitutive’ paradigm<sup>133</sup> offers one legitimising perspective of administrative action. Public bodies are granted substantial and on-going problem solving discretion, so as to enable adaptation to uncertainties. Public administration is therefore to be seen as a political institution that “helps to create... express and realise public purposes”<sup>134</sup>. Such collective problem solving is guided by public reason and not by votes, power or interest group bargaining as the focus of deliberation. Fisher describes it as an “interactive process that moves towards closure”<sup>135</sup>. This is relevant where sustainability is understood as a “discursively ‘created’ rather than an authoritatively ‘given’ project”, democracy is a core and non-negotiable value of green political theory<sup>136</sup>.

Fisher’s Deliberative Constitutive (DC) paradigm may be compared with another titled ‘Rational Instrumental’ (RI). Within the RI frame the nature of technological risk is viewed as being objective and quantifiable; and scientific uncertainty as manageable. By contrast, within the DC frame, such risk is seen as entailing complex socio-political disputes, involving values and even epistemological problems.

It is the DC paradigm that fits best with statements found in IPCC report<sup>137</sup> and the Stern Review<sup>138</sup> that this area involves acting to some level in uncertainty; that democracy with social values co-exist with science and ‘facts’. This is the frame that could best be used in administration of an ICQ scheme in the UK, in terms of justifying the actions taken.

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131 Fisher et al (2006) pg67-69

132 and equivalents

133 Fisher (2007) Risk

134 Cook as quoted in Fisher (2007) Risk pg30

135 Fisher (2007) pg31

136 Barry (1996) pg116–117, as quoted in Dobson (2007) pg110

137 IPCC report (2007)

138 Stern (2006)

## 4. INDIVIDUAL CARBON QUOTAS

### 4.1 Why ICQs?

One potential bonus of an individualised carbon quota scheme in the UK is that it may be an excellent means of communicating the necessity to the public of civic duty, behaving as citizens to take responsibility for their actions as consumers, and for the consequences of those actions. Industrialisation and globalisation has disassociated people from the environment that sustains them<sup>139</sup>. In short, it is vital to connect people with the problem of their unsustainable lifestyles, in terms of the consequences for the planet itself and for society more generally. It is arguable that a carbon tax would not have this same effect.

Research has been made into how personal carbon allowance could achieve the desired CO<sub>2</sub> emissions reductions<sup>140</sup>. The under-explored potential for the ICQ scheme is in its operating more directly as a sustainable consumption policy, serving both to reduce emissions and crucially to communicate the necessity of lifestyle changes in the UK.

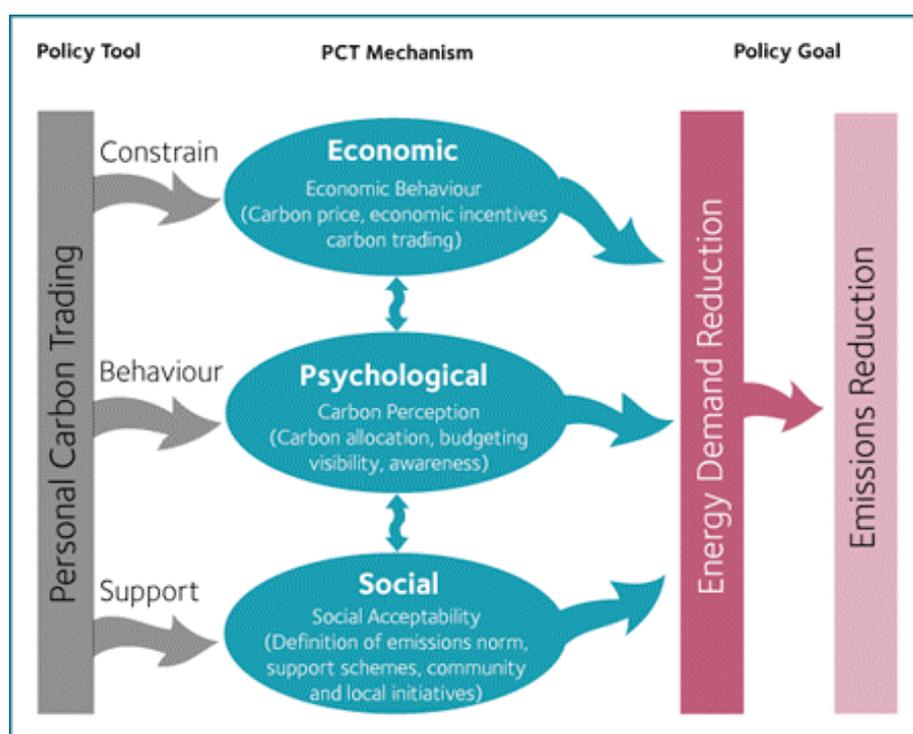


Table taken from ECI website: Online Ref 9 APPENDIX C

139 e.g. 'hinterlands', which once referred to the land around a town but now the lands used to sustain a community are often not in the vicinity at all, so people do not see how their actions have consequences in the necessary way

140 e.g. by the Environmental Change Institute (ECI), Oxford University

Seyfang compares carbon credits and what these are trying to achieve with other currencies<sup>141</sup> and has concluded that although personal carbon schemes are tending to be approached from the utilitarian market system perspective, it would be best viewed as action requiring socially embedded collective behaviour. What this means is that the concept of ‘ecological citizenship’ is much better than that of ‘ecological modernisation’ in this context.

#### *4.1.1 Tax or Quota*

It is considered that even if the issue is put off now, at some point in the not too distant future personal involvement and commitment, such as that advocated by an individual carbon quota scheme, will need to be addressed. The introduction of a tax or a quota system would both serve to internalise the costs of carbon emission and the resultant climate change, but the exact effect of each is very different. This section will make some analysis of these two possible means of tackling the CO<sub>2</sub> problem, comparing and contrasting the tax and the quota.

If the intention is to actually connect the citizens of the UK with the broader environmental, social and economic problems of their unsustainable lifestyles based on carbon intensive consumption practices, then this necessitates a quota rather than a tax.

Several issues should be given attention: On the political level it is reasonable to assert that neither the tax nor the quota will be ‘easy’ politically. It has been advanced that the quota has the advantage of dealing with the issue ‘head on’. Relevant here is the idea of ‘low hanging fruits’ – a tax may just prolong the inevitable. However, it may also be the case that an environmental tax would be an important step towards widespread agreement that climate change needs urgently addressed. On a more technical note, the tax may be easier to implement because the structures already exist for taxes. UK citizens already pay numerous taxes. The individual carbon quota scheme would require a whole new administrative system to be set up.

Another important issue is the impending ‘peak oil crisis’. Quotas can serve to support and encourage a genuine “sensible and staged” reduction in the use of finite resources thereby better handling the onset of a peak oil crisis. Also, a quota might better serve climate change; the claim is made that an ICQ scheme is stronger than a tax as regards keeping this issue firmly on the agenda. Lastly, in terms of market signals, it has been claimed that a quota would provide a clearer signal to the market in terms of future reductions in the use of fossil fuels.<sup>142</sup>

It is argued that a tax doesn’t communicate the need for a greater eco-centric focus to achieve the moral consensus for the UK to become a sustainable society. It remains within the current frame, providing basic financial incentive to ‘go green’. The argument is that the

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141 Seyfang (2007)

142 All from ‘Tread Lightly’ information leaflet authorised by Australia’s Western Region, Online Ref 10: APPENDIX C

government of a country should set the frame and that the market should operate within these parameters<sup>143</sup>.

#### *4.2. Design considerations*

An ICQ scheme could take many forms, but the most common at this initial stage seems to be that of a flat cap of domestic emissions available to the UK citizen consumers that would be divided up equally. If one were to need more than one's quota then it would be possible to buy these credits from those who did not use up their full quota on the free market – this is cap and trading.

The ECI report the possibility of making a trial of an ICQ scheme (although they call it a personal carbon allowance). They go into some detail about the form it could take finally proposing that adults would get a full quota based on equal division across the population, and children would be given between a third and a half of that quota<sup>144</sup>.

##### *4.2.1 Voluntary or mandatory*

###### 'CRAGs'

There are some groups across the UK who are living in a low carbon way, with a self-imposed carbon rationing scheme. These are called Carbon Rationing Action Groups or 'CRAGs'<sup>145</sup>. Whilst there are people in the UK who do highly prioritise the environment and how their lifestyles impact the earth, in order to reach the majority of the British population it will be necessary to make more fundamental structural changes. It has to be easy to live in this way and it is argued that were the UK to introduce an ICQ scheme then a necessary part of this would be to ensure the opportunities to live within a carbon budget are in place. Without dedication to the environmental cause, making truly sustainable choices currently involves living against the dominant structures and this is not what most people will do.

###### Trial of an ICQ scheme

Undertaking a trial version of the ICQ scheme has been presented as feasible<sup>146</sup>. This necessitates that the whole country act together. Given the aforementioned anomaly of people having professed pro-environment values yet not expressing these in their consumer decisions, the criticism remains that institutional support is needed so as to reach the majority.

###### 'Sustainability doesn't come naturally'

Addressing the necessity that the ICQ scheme has top-down enforcement and the support of law it is possible to evoke discussion of genetics and social context. Richard Dawkins argues that sustainability does not come naturally to people and he evidences his claim by reference

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143 The recent financial crisis can be offered as evidence that greater levels market guidance and transparency are required

144 ECI (2007) 'Trialing Personal Carbon Allowances' pg47 Appendix B: Matrix of PCA variables

145 CRAG's: Online Ref. 11 APPENDIX C

146 ECI (2007)

to a Darwinian conceptualisation of the human species<sup>147</sup>. Under a Darwinian perspective, the short-term is the priority. An individual looks no further than his or her own lifetime. Any species will act to ensure the continued survival of its genes, but this does not necessarily operate to ensure the broader survival of the species itself. There is no inbuilt mechanism to preserve the ecosystem of which all animals are part. The development of the idea ‘sustainability’, and the embodied emphasis on sensible (i.e. not wasteful or polluting) resource use, the rights of future generations to the same opportunities present generations enjoy and balance with the natural world are arguably a result of intellectual reflection.

This idea of anti-sustainable self-seekingness is true even beyond the realms of biological context: most people “*are concerned with matters that affect only family or friends over a short period of time*”<sup>148</sup>.

The predicament: neither biology nor psychology would appear to lend support to the goal of sustainability. However, Dawkins does not despair. For him, hope lies with the human species having bigger brains. Sometimes people make decisions, rational choices even, based on an evaluation of the circumstances and possible consequences of action. See the contraception example, where it is of course against instinct to procreate to use contraception, but on conscious reflection people often decide that doing so is sensible.

Led from above, in top down enactment, people could be supported to use their ‘bigger brains’ to make the shift to becoming more sustainable.

#### *4.2.2 Some potential problems*

The British public has voiced concern that the UK is becoming a surveillance state<sup>149</sup>. Furthermore there is concern about large databases holding public information, given the UK government’s numerous blunders in not ensuring the security of such private data<sup>150</sup>.

However if, “ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all”<sup>151</sup>, positive action should be taken. Hardin’s ideas about the exploitation and advantage-taking of a common resource, such as finite resources as a source for carbon or the air as a sink for CO<sub>2</sub> emissions, could be used for justifying the restraint of individuals carbon use by introducing the carbon quota scheme

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147 Dawkins (2007)

148 Meadows et al (1974) pg19

149 e.g. BBC news ‘Surveillance State’ Online Ref. 12 APPENDIX C

150 e.g. 2007 data protection fiasco where bank and employment details of 25 million people in UK were lost in the post, Times online. Times online: Online Ref. 13 APPENDIX C

151 Hardin (1968)

Another problem is that of the embryonic carbon market. Howell in a report for the ECI identified a problem in that people may not trade their quotas<sup>152</sup>. It is considered that whilst that would be true of some people, the majority would likely be motivated by the financial gain. Howell was working from CRAGs and these are made up mainly of the environmentalist minority in the UK. This is an issue however, as if people do not agree that carbon and the right to emit should become a tradable commodity then the free market will have problems in managing this resistance.

## 5. THE UK: A CASE STUDY

### 5.1 Objective of empirical research

The main purpose for including an empirical section was to get deeper into the main issues identified in the literature and exploratory study of some main controversies. It is also relevant due to the policy orientation of the thesis project and the importance of understanding what obstacles people working with these policies perceive might exist.

### 5.2 Methodology and Process

A focused sampling<sup>153</sup> technique was used. Potential respondents were identified by their expertise in relevant areas<sup>154</sup>. These people were first contacted by email, and upon expressing willingness to participate in the study they were sent an interview information document<sup>155</sup>. This consisted of the thesis abstract, short introduction, project objective and research questions as well as some other questions acting as an interview guide.

The themes for the interviews came from analysis of the literature and from the theoretical exploratory study that preceded this penultimate section of the thesis. The interviews lasted between 15 and 45 minutes. These were allowed to progress in the direction the respondent led the conversation, but APPENDIX B acted as a guide. In this way these were semi-structured interviews where there was *“a list of questions of fairly specific topics to be covered... but the interviewee has a great deal of leeway in how to reply”*<sup>156</sup>.

### 5.3 Limitations

Time constraints of both interviewer and those interviewed meant the depth of the interview was limited. The sample is not representative, although achieving a ‘representative’ sample was not the purpose. It was considered that choosing people able to make comment due to their being ‘experts’ was better than conducting a more general public survey when the field is not ready<sup>157</sup>.

Space was another limitation. Given the exploratory nature of the whole thesis project and the initial objective of making investigation into the possible ways of morally justifying

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153 Hakim (2000) pg170-2

154 i.e. legal, political, economic, and environmental

155 APPENDIX A: List of Interview Respondents: Names & Professional role; APPENDIX B: Interview Information Document

156 Bryman (2004) pg321

157 At present, people have had minimal exposure to the ICQ idea

limitation on an individual in this way for the sake of the good of society more generally<sup>158</sup>, the scope for the depth of these interviews was reduced. They nevertheless raise important points from practitioners, should the ICQ scheme become a more immediate policy possibility.

#### 5.4 General Reflections from Respondents

The most common theme across all the interviews was that of how major an attitude shift an introduction of a personal commitment in the form of an ICQ scheme would represent. This would be far from the norm and against the prevalent culture of consumerism. The need for a moral consensus that living a carbon intensive lifestyle was wrong was raised because at present this is not shown to be the case. Public opinion polls conducted by RSA and the Tyndall Centre<sup>159</sup> show that people do not consider it to be morally wrong to live a carbon intense lifestyle. The example was given by one respondent that, “*you wouldn’t stand on a mouse*” – to do so is somewhat morally objectionable. But by comparison there is no widespread disapproval of those who live in a way that emits much CO<sub>2</sub>. This lack of moral consensus for change in consumption levels seems to be a real obstacle to the ICQ scheme’s possible success.

One way of addressing the lack of moral consensus could be an education campaign informing people about the UK’s commitment to a 3% CO<sub>2</sub> reduction very year<sup>160</sup>, and more specifically the reasons behind this. One respondent felt quite strongly that this could be an event that could enable attitude change. However, most respondents believed an extreme occurrence was necessary for the government to stand up and lead, setting ‘the mood’ in this context.

The call was made on several occasions for the provision of accurate carbon-type information about products or manufacturers, and also the need for alternatives. This harks back to the proposition that government has an important role to play via the established institutional structures – how can someone heat or light their home in a low carbon way if they are attached to the national grid and this does not use low carbon technologies? They can do so but it is difficult. Generally “*people will follow the path of least resistance*”, as a green politician contributed to the debate. At present living a carbon intense, high consumption even wasteful lifestyle is that path; this is what everyone else is doing. This is a reason for the proposed top-down nature of the ICQ scheme.

One respondent invoked rationing as an example: people did not rise up to this challenge without the legal requirement. Rationing was introduced in the UK in World War Two, but it did not ‘fly’ in World War One. For long term goals, attitude changes are often a key aspect.

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158 e.g. ‘the collective’

159 RSA website and Tyndall Centre website: Online Ref. 1 APPENDIX C

160 Climate Change Act 2008 c.27

If the government is to play its role developing moods in the public, given its determination of what is best for the society overall, then having the force of law will be important.

Several respondents suggested framing the scheme in different ways for different people, and the idea of making the ICQ relevant outside of the strictly environmental context does seem to be a sound one. In fact, for sustainability in its broadest sense this is vital. The challenge is to make the ICQ scheme acceptable to those who do not prioritise the environment, to “*capture the interest and imagination of the majority*”. It could be that attempt is made to make them do so, but it would be a better use of resources to reach them in other ways. Providing material incentive to reduce carbon is one such means of doing so, and one respondent suggested that where there is an incentive, the ICQ scheme need not be conceived of as being ‘paternalistic’. This would also avoid that ‘nanny state’ concern, raised by almost all of those interviewed in the context of positive actions by government to impose value judgement.

However, providing a material incentive to choose low carbon consumption does not go to the crux of the issue, that the mindset is itself unsustainable in terms of the high consumption trends in the UK today. There is need for social learning to embed the behaviour change, which doesn’t happen with command and control legislation or with fiscal incentives.

Catastrophe was a common example of an event that could effect attitude changes. Where extreme weather events to occur close to people, then this could quite literally ‘hit home’ the seriousness of the threat. It was noted that the UK is a long island over different latitudes meaning that as a country we are used to variations in weather, making it more difficult to appreciate the long term change. In general it was commented that people still doubt the credibility of the science, although the absurdity was noted by one respondent who gave example of the recent documentary ‘The Age of Stupid’<sup>161</sup> where it is reported that whilst only approx 1% of scientists doubt the anthropogenic contribution to the current global warming, as much as 60% of the general public do so. Another respondent talked about Anthony Giddens’ new book<sup>162</sup> and the problem of psychological blocks people have in the face of disaster. It was suggested that to deal with these one can make clear that the problem, whilst being a very real threat, is nevertheless manageable.

Another interesting issue that came up on several occasions during the interviews was the problem with the short term-ism of party politics. It may be necessary to remove issues requiring much longer term strategies<sup>163</sup> from the party political setting. This is likely to raise all sorts of difficulties, especially in terms of democracy, but there is nevertheless something very true in the need to look on much longer time scales than the UK’s five year election cycle. One respondent commented that select committees normally have much sensible to

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161 Online Ref. 14 APPENDIX C

162 Giddens (2009)

163 e.g. climate change and environmental destruction

say, and gain cross party support. This is more desirable than cherry picking where what is needed is an overall strategy, inevitably entailing trade-offs or sacrifices to be made and a balance struck.

It was raised by one respondent that climate change is not the only problem that we face; poverty was given as example of another serious issue. To introduce an ICQ scheme would be to elevate climate change and global warming above other problems. However, in a broad reading of sustainability as a goal, to move towards this all economic, environmental and social problems would have to be tackled as they present themselves.

#### *5.4.1 Positive comments*

The universality of ICQ scheme as a national enactment was thought to operate in its favour; people find it easier to be part of something when everyone is doing it in part because of the freerider problem, which a national scheme avoids. However, it may be problematic if the UK tried to implement this scheme ahead of the rest of the world. It was proposed by one respondent that this need not be an issue because *“there could be considerable paybacks for the UK as the first country to take this step, if it seemed that this was the direction being moved in anyway”*.

The quota was also considered by some to be fiscally progressive in that it has a redistributive element, and it was even proposed by one respondent that this could be utilised in ‘selling’ the idea to the public. Perhaps *“the principle of restraint is an honourable cause to aspire to”*, for helping those less fortunate.

#### *5.4.2 Criticisms*

Criticism was leveled either against the logistic practicality of this energy demand reduction strategy, or more fundamentally against the nature of what it is trying to achieve. Let each be presented in turn:

The exact type of ICQ scheme proposed is important to its broader acceptability. Accordingly, there are many aspects that are difficult to adequately address before a full proposal is produced. The likely high cost; including set-up, administration, and reporting to ensure compliance, was broadly criticised as being a strong case against the ICQ scheme<sup>164</sup>. In terms of enforceability, it is more complex than the smoking ban<sup>165</sup>. It would be difficult to ensure compliance and this is another serious hindrance. The ICQ scheme is not black and white like previous normative enactments such as the smoking ban or enforcing the wearing of seatbelts. It is not sensible to introduce laws that cannot be enforced.

Equal division is not sensitive to variations in personal lifestyle. In reaction to this, perhaps that is the point and it is not about accommodating those who make ‘bad’ or unsustainable

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164 especially so in the current economic climate

165 i.e. someone is either smoking in a bar or not

choices. It is about reaching the emissions targets, tackling climate change and doing so by addressing the problem at its root – carbon intense lifestyles at high consumption levels.

## 5.5 Increasing the Acceptability

There is pressing importance in asking whether and if so how the public more generally could see such interventionist action as acceptable. It is considered that this will depend on the ICQ scheme being framed in a way that makes it seem fair to people, as well as it being adopted and pushed for by politicians. It might be necessary to frame the message of the ICQ scheme differently to different groups. The crucial point is that the ICQ scheme needs a strong case to be made for its being justifiable and necessary.

Social norms are important. They represent what is broadly considered ‘normal’ within a society, although may be archaic and out of sync with social developments or society’s stated aspirations. Sustainability affords a good example here. The old norms of ever increasing levels of material consumption simply do not fit this national goal. Members of a society corroborate with social norms because that is what is expected and proper. It is a respect of the status quo and the social balance. At present the citizen may even be seen as having largely cast off the role of responsible citizen in favour of being a consumer because that is the norm.

This is particularly pertinent when criticising the trend for over-emphasis on the rational self-seeking actor - the Econ<sup>166</sup> - as against normal human people. The concept of norms as used in rational choice theorising is rather thin, and is more like an internalised sanction that operates to control the behaviour of individual egoists making them ‘feel guilty’ or fear social exclusion<sup>167</sup>. Invoking a more sophisticated role for norms, as reflects of a way of understanding life, they could be seen as commitments and not simply sources of sanctions.

It came up during the interview process that increasing the acceptability of the ICQ scheme might require more than just making clear the urgency, dangers faced and costs of not acting. Framing the scheme so as to appeal not only to people’s rational sides but also to their more ‘human’ sides could be a good way of proceeding. This means alongside using the science to make a case for the ICQ scheme as a good means of managing scarce resources and limited sink for pollution, also appealing to part of people that acts for immanent value in a behaviour choice. This was qualified with the need for strong leadership from politicians and government, as is presently lacking in the environmental context in the UK.

To increase the acceptability would appear to require a shift in traditional thinking – in short a move out of the prevailing paradigm into one which takes a more holistic approach to life, giving at least equal weight to economy, environment and society. To succeed in personalising the environmental problems faced by humanity, as it has been proposed that

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166 Thaler & Sunstein (2008) pg6-8 (for introduction to concept)

167 Stoker (2004) pg27

the ICQ could go some way towards doing, could represent a step along the way to such a fundamental change.

Another way to increase the acceptability would be to enact it as EC legislations, or even at a global level. That way the *“ICQ scheme would operate against a backdrop of other countries doing the same thing”*.

One respondent remarked, *“people tend not to actively choose to live immorally”*, arguing that it is unhelpful to make issues about the need for lifestyle change too moral. In law, when the term ‘normative’ is used it refers to the way that something ought to be done as according to a value position. There is risk of possible weakening of the prized objectivity of law by putting too much positive ‘value’ into concepts. In criticism of Rawls, Geuss claims *“it is a mistake to moralise politics or to construe it as applied ethics in the Rawlsian way”*<sup>168</sup>. In science, and social science no less so, positive statements are better than normative ones. However, there is always some agenda or interpretation of morality behind legislation – establishing the type of society desired and then legislating in accordance with this. The same respondent went on to lament the absence of a clear ‘moral adjudicator’. As a normative enactment, the ICQ scheme could succeed if the government has the trust of the governed in implementing such a sustainable consumption policy.

## 6. CONCLUDING COMMENTS

At least since 1992 it has been widely accepted that current generations have obligations to those in future generations, and also to those within the same generation but economically or geographically distinct<sup>169</sup>. To fulfill this obligation, sustainability requires serious re-evaluation of priorities. The UK mustn't shirk its responsibilities and the British public should be given the chance to once again become citizens as opposed to mere consumers, reduced to their economic function. The ICQ scheme could operate to this end and CO2 emissions targets also met. There is a potential 'win-win' in living better by consuming less – it is good for the planet and it is good for people too<sup>170</sup>.

In relation to changes, even where an individual or group<sup>171</sup> perceives the world in a different way, there is conflict in choosing a lifestyle opposed to the structures and values that dominate society. Acting against the norms entails questioning what has become ingrained as 'normal'. This is vital for sustainability. The institutional structures of the UK must not be mistakenly thought immutable. It is possible for them to evolve and even be completely re-focused if that is in the country's best interests.

Solutions advanced for environmental problems sometimes insist that the environment, as a source and sink, should be privatized. However, it may be arbitrary to leave the answer to an under-regulated market. Other people will insist that the solution requires the environment be nationalized. It is argued that neither will provide the answer, given problems of common pool resources. Rather, it is suggested that the environment be personalised. This is where an ICQ scheme could have an incredible effect. Beyond being merely a system of rationing because circumstance needs it<sup>172</sup>, such a carbon quota scheme could serve to connect UK citizens with the problem of environmental destruction, and engage them with the solution.

It is possible to envisage three possible future scenarios: The first is environmental catastrophe; the second sees increasing global inequality and environmental degradation; and the third entails change in the way of life for the world's most privileged people<sup>173</sup>. It is clear what is required for the achievement of sustainability.

To achieve the third scenario sacrifices will be necessary. It will be crucial to secure commitment from national government and the commitment of individuals themselves will also play a pivotal role. However, widespread public acceptance may not in fact be a

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169 Brundtland Report (1987) Rio Conference (1992)

170 Jackson (2005)

171 e.g. local community

172 e.g. as with food items in World War Two

173 Dale Jamieson (2008) pg196

prerequisite to the successful implementation of an ICQ scheme<sup>174</sup>. Even if the public do not want the scheme and limitation on consumer sovereignty they could still adhere to it if they agree with its legality and morality, finding it ‘fair’.

Therefore, the question is whether the ICQ scheme can be introduced and ‘stick’ – are the British public ready for this personal commitment to the environment and the future? The UK united against a common enemy with rationing and the ‘dig for victory’ campaign<sup>175</sup>. The government will have to act to develop the mood for a united UK once again, and the difference will be whether this happens before the onset of disaster in the form of environmental catastrophe.

Further research, alongside other efforts, must be undertaken in looking at the ICQ scheme and the possibility of such a government-led public policy for sustainability.

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174 House of Commons Environmental Audit Committee report on PCT (2007-08) paragraph 50

175 During World War Two: Online Ref.15 APPENDIX C

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## APPENDIX A

### Interview Respondents

#### *Name & Professional role*

- Aitken, B. MSP Glasgow representative, Scottish Conservative Party
- Brown, R. MSP Glasgow representative, Liberal Democrat Party
- Dobson, A. Professor of Politics, Keele University
- Horder, J. Professor. Law Commissioner for England & Wales, Fellow of Criminal Law & Jurisprudence, Worcester College, Oxford University
- Ingleby, T. Reverend Canon, Church of England
- Marin, A. Senior Lecturer in Economics, London School of Economics
- McAlister, A. Adjudicator to HM Land Registry at the UK Ministry of Justice
- O’Riordan, T. Professor of Environmental Sciences, University of East Anglia
- Samuel, A. Academic researcher & PhD candidate, Business Relationships, Accountability, Sustainability & Society (BRASS) at Cardiff University’s Business School
- Seaton, J. Professor of Media History, Westminster University
- Sprull, A. Professor of Applied Economics & Director of International Development at Caledonia University, Glasgow
- Toulmin, C. Dr. Director of International Institute of Environment & Development, London
- Wild, K. Glasgow Councillor, Scottish Green Party
- Wilson, B. former MP & Energy Minister, Labour Party

## APPENDIX B

### Interview Document

*LUMES Thesis project 2009*

*Lucy Brown*

#### **Abstract:**

UK lifestyles are largely natural resource depleting, CO<sub>2</sub> emitting and unsustainable. It is in part through institutional and social norms that people are 'locked in' to this behaviour. This paper focuses on current consumption patterns and the concept of governance to analyse introduction of an individual carbon quota (ICQ) scheme as a sustainable consumption policy for the UK. Exploration is made into whether protecting the ecological integrity of the planet and enabling human flourishing could be achieved by an ICQ scheme.

Criticising 'economism', the thesis builds on its exploration into the legitimacy of an ICQ scheme to conceive of how the UK could personalise the climate change problem. With an individual carbon quota it is possible that people would be more connected to and involved in national global warming mitigating actions through personal management of their carbon allowance.

Given the likely public resistance to an ICQ scheme, addressing political feasibility is relevant. Accordingly, interviews with pre-selected British professionals add further insights to the thesis project.

#### **Key words:**

consumption, ecologism, economism, governance, individual carbon quota, policy, sustainability

#### **Introduction:**

For the UK to meet its CO<sub>2</sub> emissions targets, addressing climate change and attempting to restrict the warming of the planet by only 2-3 degrees Celsius during this century, the government may need to adopt policies that potentially infringe individual liberty.

Introducing an individual carbon quota (ICQ) scheme, capping the levels of carbon each person can emit through their individual consumption choices, could reshape behaviour. In light of this, there has been deliberation in the UK about such a scheme both by government commissioned research centres and independent academics. However, to date most of the research has focused on the technicalities of an ICQ scheme looking into the logistic feasibility and how it could operate administratively. The recent reports all agree that there is a discernible omission of research into the political feasibility and public acceptance of any

such scheme<sup>176</sup>. This is the remit of this thesis project: to undertake some research in this area, grounding the ICQ scheme as a sustainable consumption policy in a legal and political philosophical context in order to explore the case for its necessity and its legitimacy.

**Objective:**

The main objective of this research paper is to explore the potential for an individual carbon quota scheme in the UK. The thesis will argue that personalising the problem of over-consumption and the ensuing high CO2 emission levels could be vital to addressing this issue, particularly in terms of preserving the ecological integrity of the planet.

**Research Questions:**

- (a) To what extent can it be considered legitimate for the UK government to legislate to introduce an individual carbon quota (ICQ) scheme?
- (b) How could actions to intervene in consumer sovereignty of citizens be justified?

**Opening interview question:**

Do you foresee any obstacles with the individual carbon quota scheme?

- If so, what are these?
- Have you any suggestions about how these obstacles could be addressed?

**Public response & political feasibility:**

If the government wanted to introduce an individual carbon quota scheme under the Climate Change Act 2008, because it considered this to be necessary to achieve its stated CO2 emissions targets –

Do you think that the British public would be receptive to this?

Do you think that politicians would support and push for this?

What kind of events and attitude changes do you think could increase the acceptability of an individual carbon quota scheme?

**‘Proper’ role of government:**

Do you consider positive government action to be appropriate for the purpose of making it easier to live a sustainable lifestyle?

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176 RSA ‘A Persuasive Climate: Personal Trading & Changing Lifestyles’, Matt Prescott 2008; House of Commons Environmental Audit Committee ‘Personal Carbon Trading’ Fifth Report 2007-08; DEFRA ‘Rough Guide to Carbon Trading’, 2006

**‘Normative’ enactments:**

Governments do sometimes introduce legislation to impose behaviour when they consider it to be in the best interests of the individual, e.g. the smoking ban or enforced use of seatbelts. This can be said as made based on a value judgement.

If the government wanted to introduce an individual carbon quota scheme as a sustainable consumption policy, as a value judgement with a view to improving people’s lifestyles by encouraging different forms of or even less consumption -

Do you think this could be acceptable and appropriate in the UK?

## APPENDIX C

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