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ARTICLE



## Critical environmental justice and the state: a critique of pellow

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### ABSTRACT

How should movements for environmental justice orient themselves towards the state? Recent work in the environmental justice field critiques the legalistic basis of both environmental justice research and movement strategy based in juridical action, regulation, and advocacy within state institutions. Meanwhile, rightward-moving politics in the United States threatens to choke off even this limited strategy. Scholars have responded by urging movements to adopt a more skeptical strategic posture towards the state, one informed by an anarchist conception of states as uniformly repressive structures. This essay addresses the most systematic attempt at re-theorizing the state for these movements, David Pellow's *What is Critical Environmental Justice?* While Pellow's work to integrate intersectionality theory into environmental sociology has been recognized, less attention has been paid to his anarchist state theory, which implies an untenable strategy of movement withdrawal from politics. Environmental justice movements and scholarship need a state theory that allows for the possibility of action both against and within states. I introduce an alternative, 'strategic-relational' view of states, and suggest that changing structural patterns of environmental injustice will require re-thinking both the state and the 'movement' of environmental justice, as they are conventionally imagined.

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## Introduction

Something is changing in American environmental politics. After years of environmental advocacy dominated by a professional-class liberalism, an insurgent progressive movement is beginning to offer an alternative. The emerging politics of the Green New Deal is forcing a public debate on the speed and scale of state intervention necessary to avert climate catastrophe. Leading Democratic presidential candidates campaign on ambitious policies to euthanize the fossil fuel industry and mobilize massive public investments in clean energy, public transportation, and regenerative agriculture. Big labor unions, led by workers in the strategic education and health sectors, are finally beginning to engage in coalitions demanding a just transition away from fossil fuels. Though it faces formidable barriers, the movement to root radical ecological policies in popular politics has made significant progress in a very short time.<sup>1</sup>

Meanwhile, another part of the green Left is at a crossroads. The environmental justice movement emerged in the 1980s in response to the disproportionate exposure of poor and nonwhite communities to various kinds of environmental risks generated by industry and the military. Academics allied with the movement produced research demonstrating the massive scale and systemic nature of environmental injustice and how these inequalities were reproduced by laws that favored polluters (Cole and Foster 2001, 24–26).<sup>2</sup> Since its inception, activists have had success in drawing public and government attention to ways

that socially marginal populations are treated as sinks for capitalism's waste. The movement has also now become a truly international phenomenon (Martinez-Alier et al. 2016). But today, there is a growing sentiment among environmental justice scholars that the movement in the United States has failed to end systemic patterns of environmental injustice, and that the legalistic strategy of the movement's activists and organizations needs to be reassessed. In a recent article, the American environmental justice scholar Laura Pulido declared that 'In order to move forward both as a movement and scholarly field, we must rethink environmental justice' (2017, 525).

The most far-reaching effort towards this 'rethinking' is David Naguib Pellow's *What is Critical Environmental Justice?* (2018), a manifesto for remaking both the theoretical foundations of the field and the political strategy of the movement. Pellow, an American environmental sociologist and activist-scholar, argues that conventional movement strategies have failed, and that scholars in the field have theorized environmental inequality in a narrow way that ignores larger systems of oppression. His alternative framework of 'critical environmental justice' merges the insights of a generation of environmental justice scholarship with ideas from Black feminist, animal liberation, and anarchist traditions. Geographer Ryan Holifield, in a review, calls *Critical Environmental Justice* 'a distinctive and compelling new path' for scholarship in the field (2018, 303). Pulido writes that the book is 'politically robust and theoretically informed', and that it is

'the book that the environmental justice movement has been waiting for.'<sup>3</sup>

*Critical Environmental Justice* is an ambitious contribution that pushes the field to think more expansively about the subjects, scale, politics, and ethics of environmental justice. The attention paid by the book to the intersectional construction of social difference has already proven useful as a means of bringing environmental sociology into dialogue with intersectionality theory (Malin and Ryder 2018). And as Holfield points out, Pellow's project can be understood as an attempt to bring environmental justice's theoretical foundations back into alignment with the expansive vision of the movement's early days, captured in the groundbreaking Principles of Environmental Justice document drafted at the First National People of Color Environmental Leadership Summit in 1991 (2018, 304).

I share Pellow and Pulido's conviction that the theory and strategy of the environmental justice movement need to be reconceived. But *Critical Environmental Justice's* state theory – its analysis of the state's role in the production, mediation, and maintenance of environmental injustice – is problematic. Specifically, Pellow's insistence upon an anarchist conception of the state poses serious problems for movement strategy and stands in tension with his simultaneous emphasis on 'multiscalar' analysis and action. Pellow's reliance on anarchist political theory leads him to understand the state as a functional, monolithic entity that can only be opposed from the outside or evaded entirely. If translated into movement strategy, this strong skepticism of states risks pushing the movement away from a politics that could win and utilize state power for socio-environmental ends. This state-skepticism is particularly poorly equipped to respond to urgent struggles in the US, such as those confronting the COVID-19 pandemic and a racist policing system. Mobilizing public health investment to protect the most vulnerable from COVID-19, transforming (or abolishing) the unjust system of policing and incarceration, and – most urgently of all – confronting the global challenge of climate change, will require movements to move beyond an anarchist rejection of state institutions.

This essay seeks to offer an alternative. I begin by sketching the present dilemmas of the dominant environmental justice strategy, what I call *eco-legalism*, before reviewing the four 'pillars' of Pellow's framework. I show that *Critical Environmental Justice* views the state as deterministically-bound to produce oppressions. This position on the state, a variety of *eco-anarchism*, would pose significant strategic obstacles for movements. Though Pellow offers the most detailed articulation of eco-anarchism in this context, similar themes have recently appeared in the work of other scholars in the field, such as Pulido, Kohl, and Cotton (2016, 26), and are also, of course, represented in the eco-anarchist field.<sup>4</sup> Against this tendency, I argue that environmental movements should instead

look to a more disaggregated theory of states that has recently emerged in political sociology and anthropology (Jessor 2016; Thelen, Veters, and von Benda-Beckmann 2014). In this *strategic-relational* perspective, states are seen as complex assemblages of social relations layered with contradictions, instead of as singular, monolithic entities. While structurally biased against working-class and marginalized groups, states are not doomed to reproduce oppressive relations, and are potentially open to entry and contestation by progressive forces. To do this, however, I suggest that environmental justice will have to reconceive its assumptions about its own social base, and move beyond struggles based in 'livelthood' (Huber 2019) to struggles based in class.

### Justice denied: the failure of eco-legalism

*Critical Environmental Justice* appears at a time of great difficulty for the environmental justice movement in the United States. Though the last 30 years have yielded some victories against polluters, raised the political salience of environmental inequalities, and created institutional footholds in the American state, the movement has failed to end structural patterns of environmental injustice. The continued reality of racial and class inequalities in exposure to polluted air and water, hazardous wastes, and other forms of environmental burdens is well-documented (Bullard et al. 2008; Deskan et al. 2019). Most recently, the COVID-19 pandemic is striking low-income and nonwhite communities ferociously hard, and there is evidence indicating a positive association between exposure to air pollution and mortality from the virus (Lerner 2020; Wu et al. 2020).

At the same time, recent research in environmental sociology and law have demonstrated that the strategies pursued by the environmental justice movement have failed to change the behavior of state regulators or polluters. This research shows that the EPA and other federal agencies have not effectively implemented Bill Clinton's 1994 Executive Order on Environmental Justice, that the EPA's appeals board for adjudicating claims of discrimination in administrative enforcement has never once denied a permit on environmental justice grounds, and that Civil Rights Act-based complaints of environmental injustice have succeeded in just a single case (Pulido, Kohl, and Cotton 2016, 14–16). Universally-targeted environmental regulations have been found to under-regulate polluters in poor and minority communities. State-based laws, where they have been implemented, have likewise failed to alleviate environmental injustices (Pulido, Kohl, and Cotton 2016, 16).<sup>5</sup> The power of the movement to effectively use anti-discrimination laws has been hamstrung by an inability to demonstrate discriminatory intent by polluters (Cole and Foster 2001, 63–65). More perniciously, movement participation within regulatory and advisory bodies like the EPA's National Environmental Justice

Advisory Board (NEJAC) seems to expose activists to co-optation by industry and may end up shielding polluters from meaningful democratic oversight (Pulido, Kohl, and Cotton 2016, 17).

Prospects for change through regulatory agencies or the courts only worsened under the Trump presidency. Trump's administration succeeded in crippling parts of the government previously relied upon by both the environmental justice movement and mainstream environmental organizations. According to a report by Public Employees for Environmental Responsibility, an advocacy group, Trump's EPA made only 166 referrals of polluters for criminal prosecution in fiscal year 2018, representing a nearly 60% decline in enforcement activity from 2011 (Public Employees for Environmental Responsibility (PEER) 2019).<sup>6</sup> The Trump administration also severely curtailed scientific research carried out by the EPA and state, local, and non-governmental organizations that depend on federal funding (Desikan et al. 2019). Over the long-run, perhaps the most dangerous legacy of this period for the movement against environmental injustice will be the small army of conservatives that Trump has appointed to the federal judiciary: by the beginning of 2019, five of the 12 circuit courts in the United States were composed of at least 25% Trump-appointed judges (Johnson 2019), and the Supreme Court is now in the firm grip of a 6–3 conservative majority.

The incoming administration of Joe Biden, a centrist Democrat, may or may not present opportunities for meaningful regulation—though the Democrats' razor-thin Senate majority, and the strongly reactionary trend of the federal and state judiciary, are not hopeful signs. These facts, and the discouraging persistence of environmental injustice even in the decades preceding Trump, are forcing scholars to grapple with the legalistic assumptions built into the theory and strategy of the movement, and in particular its theories of the *state*. For example, sociologist Robert Bullard's classic definition of environmental justice frames claims of disparate environmental impact specifically in relation to the law. For Bullard, environmental justice is the principle that 'all people and communities are entitled to equal protection of environmental and public health laws and regulations' (quoted in Pellow 2018, 5). This assumption that the state is neutral terrain for movements, and that discriminatory environmental harms can be consistently remedied by movement experts acting through conventional state-institutional means, can be called *eco-legalism*.

Recent scholarship in environmental sociology demonstrates the risks of treating the state like a neutral actor. This research, which considers cases in the United States and elsewhere in the world, can be divided loosely into three currents. First, sociologists have examined the system of neoliberal environmental governance, which has become the dominant global framework for environmental policymakers (Lockie

2014). Neoliberalism as a governing logic prioritizes market-based responses to environmental problems – though it does not, as is sometimes assumed, oppose a strong role for state intervention to create and maintain those markets. From an environmental justice perspective, neoliberal governance involves a turn towards NGOs as stand-ins for the public, diminishing effective democratic control (Alstynne 2015). The diffusion of neoliberal ways of thinking within state agencies also tends to weaken the power of non-market based issue framings, even in regulatory bureaucracies that adopt the language of environmental justice (Liévanos 2012).

A second body of work emphasizes the pervasive fact of state-based coercion existing alongside this neoliberal market logic. This research has considered, for example, the grim 'climate opportunism' of military and corporate elites in the US (Bonds 2016), the continuous, transnational state violence in extractive industry in Guatemala (Fox 2015), and the role of political power in producing 'multiple marginalisations' among displaced populations in Mexico and Ethiopia (Nygren and Wayessa 2018). A third recent current in environmental sociology has focused on strategies for resisting state- and market-mediated environmental injustices. Analyzing the 2016–17 Standing Rock struggle, LeQuesne (2019) argues that successful anti-extractive movements must stitch together an 'intersectional populism' to confront the complex 'petro-hegemony' of a state and fossil fuel complex, which combines relations of consent, compliance, and force. Rivera (2017) considers the quite different case of movement-state cooperation in the Ecuadorean Yasuní-ITT initiative from 2007 to 2013, highlighting the role played by the movement's asymmetrical institutionalization within the state in contributing to its eventual betrayal and defeat.

It is within this context of critical theorizing about the state in environmental sociology that David Pellow's call for a 'critical environmental justice' should be situated. Pellow's book is the most ambitious critique of eco-legalism yet to appear in the field, and also the most developed articulation of what I call *eco-anarchism* as a strategic alternative. But while his theorization of the state is central – and, I will argue, critically flawed – it is not the only argument developed in this framework. Before examining Pellow's account of the state, it will be necessary to review these other parts of the theory.

### Critical environmental justice: difference, scale, indispensability

*Critical Environmental Justice* frames its alternative to eco-legalism as a set of four 'pillars', or principles of analysis, and applies these pillars to novel case studies of environmental injustice. Taken together, the pillars aim to move environmental justice scholarship and movement strategy well beyond their conventional

limits. Pellow's first pillar concerns the intersectional nature of environmental injustice, which he argues is always experienced through multiple categories of difference. Environmental injustices, like any other experience of oppression, are treated here as distinct and non-commensurable, but connected by a common 'logic of domination and othering as practiced by more powerful groups' (Pellow 2018, 19; emphasis in original). Pellow identifies the inclusion of non-human nature as an important departure from conventional thinking in the field, and emphasizes the importance of considering 'sionatures', which encompass 'the entangled and inseparable character' of urban public space and their associated ecosystems (20).<sup>7</sup>

*Critical Environmental Justice's* second principle encourages a 'multiscalar' method. Pellow means by this to encourage researchers to explore geographical linkages between apparently-separate cases of environmental harms or resistance, and then to embed these linkages in deep historical context. This is meant as a corrective to the tendency in environmental justice research to focus on the local effects of pollution occurring over relatively short periods of time. Pellow instead hopes for research that examines broader and longer-duration continuities between cases, citing as examples the connection between the accumulation of carcinogenic pollutants in Arctic Nunavik populations and the local-level environmental hazards caused by the production of those chemicals, or the connection between elevated rates of asthma around a coal-fired power plant in the Bronx and climate change effects experienced on the other side of the world. The approach to history here is also broader than in conventional environmental justice scholarship, considering, for example, the temporal continuities between settler-colonial ecocide and environmental injustices experienced today by Native Americans, or the (literally epochal) implications of the Anthropocene for socio-ecological systems (20–22).

The third pillar in Pellow's framework concerns the origins of inequality and oppression, which Pellow associates with hierarchical, state-enforced forms of social order. This is the weakest part of *Critical Environmental Justice* and is examined in detail in the following section. Pellow's final pillar incorporates work from the field of critical race theory that argues for the 'indispensability' of populations oppressed within an exclusionary social order (27). I read this pillar as a statement about the political ethics of environmental justice. For a group to be truly indispensable is for it to be included wholly in the movement for its own emancipation, and to be active as a political subject.

Pellow's empirical chapters address environmental justice in the context of movements against police violence, mass incarceration, and oppression in Palestine, none of which have been studied extensively

as environmental justice cases. This analysis is interesting and valuable. Each case highlights under-examined features of prominent contemporary social movements and argues that there is a common experience of environmental disparity running through each. As Hollfeld notes, this is potentially a basis for coalition-building between movements, and indeed, capacious justice-based framings of this kind are increasingly visible within coalitions on the American radical Left (2018, 305). This is, of course, especially true of the movement against racist policing that exploded across the United States in spring 2020. This movement, combined with the devastating impact of the COVID-19 pandemic, is already galvanizing a revival of organizing against environmental racism, and empirical work in these areas will only become more relevant as the movement grows (Lerner 2020).

*Critical Environmental Justice* makes valuable theoretical contributions, as well. Pellow's efforts to bring the tools of intersectionality theory into environmental sociology have already been noted (Malin and Ryder 2018). In addition, though Pellow doesn't directly engage with the work of scholars like David Roediger on the racialized production of social difference under capitalism, this framework can be read as an attempt to theorize the *production of environmental difference* as one part of capitalism's general need to fracture working-class solidarity and diffuse class subjectivities through logics of race, gender, and nation (Roediger 2017, 121–23). This would represent an advance upon Pellow's earlier framework of environmental inequality formation, which addressed the institutional generation of environmental inequalities, but not the production of social subjects (Pellow 2000). Viewed this way, the book contributes the insight that environmental inequalities, and the social experience of them, operate as another vector through which difference is constructed and institutionalized over time.

These strengths notwithstanding, *Critical Environmental Justice* is seriously limited by how it conceptualizes the *origins* of environmental injustice, which it identifies strongly with states. This is also the part of Pellow's argument that has the greatest bearing on questions of movement strategy. These two issues are the concern of Pellow's third pillar, and to this I now turn.

## Eco-anarchism and the state

### A repressive 'purpose'

*Critical Environmental Justice's* third pillar seeks to identify the structural origins of environmental injustice. For Pellow, this is the state itself.<sup>8</sup> Pellow associates his view explicitly with anarchist thinking on the state, which has not previously been integrated into environmental justice theory (Pellow 2018, 113, 156). Pellow argues for a 'transformative vision' to carry the movement beyond

the parameters of law and the state itself (17–18). He opposes his analysis to the conventional ‘progressive-Left’ politics of most scholars and activists who, he says, naively assume that state capacities can be directed away from ‘anti-socioecological’ purposes (23). The repressive functions of the state, in Pellow’s view, ‘tend to be integrally linked’ with other, seemingly progressive state functions (23). He implies that these two types of state function, progressive and repressive, are difficult or impossible to separate.

Why would this be the case? It is, Pellow says, because the state ‘was never intended to provide justice for marginalized peoples and nonhuman natures’ (23). Rather, the ‘purpose’ of states is to dominate – to control populations, ecosystems, territory, migration, knowledge, ideas, and ‘everyday existence’ (23, 58). This ‘management and manipulation’ is accomplished via ‘exclusion, control, and violence’ and projected along categories of difference such as ‘race, gender, class, sexuality, citizenship, and species’, categories which in fact ‘co-emerged with’ and were made possible by the modern nation-state form (58). More concretely, states manage and manipulate through practices such as policing, incarceration, civil vigilantism, bureaucratic negligence, racially-unequal legal structures, state-created socioecologies (45–49), and – surprisingly – public employment, housing, and education (57).

This last trio of state practices identified by Pellow as repressive raises the problems posed by a theory which proposes that the state can be said to have a ‘purpose’. Concrete historical practices of state repression, abundantly demonstrated in Pellow’s case studies and cited literature, come to stand in as a sufficient explanation for the existence of those practices – they are functional and causally sufficient, simply because they occur. This functionalist view of the state poses a major obstacle for theory and movement strategy vis-a-vis the state. Simply put, if the purpose of states is always to control and repress, then by definition those social groups subjected to repression could never hope for anything progressive to come from engagement with state institutions – at least not over the long-run.

Pellow appears to realize the problems with this, because he constantly hedges his position. Movements ‘may be better off’ evading the state, states may not be ‘reliable partners’, state practices ‘tend to lean toward’ (a double qualification!) authoritarian and exclusionary arrangements, and so on (22–23). The historical ‘purpose’ of states is to control and oppress, ‘among other things’ – a rather large caveat (23). He admits that movements may sometimes change the character of the state, but only if they engage in ‘massive disruption’ (24).

Pushing past these equivocations, however, Pellow’s actual views on the relationship between movements and the state lean in an anarchist direction. This is most obvious in Pellow’s chapter on the Black Lives Matter

movement. Black Lives Matter, Pellow says, takes a ‘rigorous and critical’ approach to the state, but doesn’t go far enough (55). Pellow quotes movement leaders Patrisse Cullors and Darnell Moore advocating for local, state, and federal divestment from police and prison budgets. This money, they say, should instead be “‘redirected to those federal departments charged with providing employment, housing and educational services”” (57). But Pellow is skeptical. This approach, he says, ‘overlooks the possibility that reinforcing progressive state power may also reinforce state power more generally, including its repressive dimensions’ (57).

Pellow seems to be arguing here that social movements cannot really ever win when they engage with the state – public investment directed to schools, jobs, or anything else ‘progressive’ redounds to the benefit of the repressive apparatus, even when power and resources are directly taken away from that apparatus. Why would this be the case? Pellow’s argument is one about legitimacy. He writes:

The issue here is that such an approach may leave intact the very power structures that produced environmental injustices in the first place. Yes, it names those institutions as sources of the problems and seeks to reform them, but by working in collaboration with those entities, *such efforts ultimately risk reinforcing their legitimacy.*<sup>9</sup> (17; emphasis added)

Putting aside Pellow’s usual qualifications (*‘may leave intact, risk reinforcing’*), the boiled-down argument for why movements should avoid the state is this: when movements interface with the state to win progressive changes, the state as a whole gains legitimacy, and this hegemonic consent can in turn be deployed to justify further repression.

### **Movement strategy: withdrawal from the state?**

The strategic implications of this attitude towards the state are hard to discern, because Pellow appears to be making both a weak and a strong argument about strategy. In the weak argument, social movements should be careful and build institutions mostly outside the ambit of the state. Given the failure of eco-legalism, this does not seem to be bad advice – but does this strategy really follow from Pellow’s argument that the state is *by definition* an instrument of violence and control? This theory of a permanently-oppressive state would seem to demand not a politics of state avoidance, but rather a politics that could *dismantle* the state – because as long as the state exists, it will act to produce and reproduce oppression. But Pellow clearly rejects this, too – the environmental justice movement should not, in his view, seek to abolish the state (24). Instead, movements should ‘seek the abolition of socioecologically violent, hierarchical relationships that tend to support state institutions and flow from them’ (24).

Pellow's repeated assertions to the effect that states are essentially (and permanently) forces for violence and control, and his rationale for rejecting strategies like Cullors and Moore's divestment/reinvestment proposal, indicate a more pessimistic view – that progressive change involving the state is actually impossible. This is his strong argument: In this view, movements should build their own institutions and withdraw from engagement to the greatest extent possible, in a kind of eco-separatism 'beyond the state' (22), which 'walk[s] away from the state rather than toward it' (13; emphasis in original). Touching the state at all – even if this means defunding its repressive apparatuses to meet collective needs, like building schools and homes – ends up reinforcing hegemonic consent to all other state practices, including those more directly implicated in repression. This is logically consistent: If the purpose of states is to oppress, then all state practices must come around in the end to that task. The state and all its practices form a monolith that cannot be entered nor pulled apart, because each piece of it is bound, somehow, to the imperative of oppression.

Even worse, the state appears to be invulnerable. Pellow's explicit disapproval of strategies of state abolition, taken alongside his analysis of the state as a powerful hegemonizing force, suggests that he doesn't think destroying the state would even be possible. And yet, despite this pessimism, Pellow still suggests that movements 'may' be able to make parts of the state 'more robustly democratic' by 'work[ing] through' them (24). He cycles back and forth between these positions, driven by the implications of his functionalist state theory to endorse escape and withdrawal, and by the actual history and current practice of movements to reluctantly recommend careful engagement. For example, earlier in the very same paragraph, Pellow wonders 'why we should exert so much energy in making largely undemocratic institutions [states] more democratic rather than just practicing direct democracy ourselves' (24).

Where do these paths lead? Pellow's strong argument suggests a movement strategy of maximal withdrawal from interaction with state institutions. Depending on how seriously one takes Pellow's argument that states are functionally and inescapably committed to oppression, and that engaging with state institutions necessarily risks reproducing that oppression, then it may become necessary for movement activists to withdraw entirely from capitalist society, maintained as it is by state infrastructures subverting property relations, money, and markets. But this would confuse the pursuit of a communal logic separate from the state with one that is antagonistic to it. The state, and capitalism, are more than capable of accommodating these movements because they neither disrupt state practices nor provide an appealing alternative for most people (Srnicek and Williams 2015, 47–48).

Such a strategy would also alienate most environmental justice activists, who are usually involved in place-based struggles to defend their communities. At least for activists in the Global North without access to non-commodified, defensible territory, 'walking away' from the state would represent not an effective practice of resistance, but surrender.<sup>10</sup>

Despite Pellow's inconsistent position on withdrawal from the state, what does seem clear is that he believes there is a permanent asymmetry of force between movements and states in all or nearly all contexts, and that, in most cases, there is more to lose than to gain by engaging with them. The implications of this are serious. Rejecting states and their capacities would have dramatic effects on the ability of the environmental justice movement to accomplish its goals. In particular, a strong skepticism of state power cripples any effort to achieve environmental justice in a 'multiscalar' way, in the sense implied by Pellow's second pillar. At best, movements operating on this model could effect micro-scale redistributions of power and resources to front-line communities. Pellow cites mutual aid initiatives in the wake of Hurricane Katrina and environmental cleanup organizing in Barcelona, Boston, and Havana as successful examples of the strategy in action (24–25).

But environmental justice goals must extend far beyond re-establishing moral economy under conditions of state failure or neglect. The global ecological crisis – climate change, mass extinction, zoonotic diseases, and the rupture of planetary biospheric limits – sits far to the other side of the book's conceptual-strategic scale, and Pellow spends little time considering it. Pellow does occasionally discuss climate change as a form of environmental injustice (15, 49), and he also seems to endorse climate justice efforts to boycott and divest from fossil fuel corporations (16), intervene in the UNFCCC climate negotiations (16), and participate in large demonstrations like the 2014 People's Climate March (29). But these few references all occur in Pellow's discussions of intersectionality, multiscalarity, and indispensability, *not* his analysis of state power. Tellingly, each example of movement activity involves the state. The UNFCCC process is primarily a forum for governments to develop and adopt (or fail to adopt) climate policy instruments. The People's Climate March, as Pellow points out, was carried out in support of 'progressive climate change *policy*' (29; emphasis added). And the movement to divest from fossil fuel companies quite often involves activists pressuring local governments or public bodies, like universities, to divest their holdings of fossil fuel stocks. Pellow provides just a single example of climate justice organizing that is plausibly 'beyond' the state (22) – a brief reference to international solidarity between anti-Shell Oil campaigners in Louisiana, Nigeria, the Philippines, and elsewhere (20–21).

The reason Pellow can't offer guidance about how movements might slow or reverse the global ecological crisis while truly acting 'beyond the state' is because there is no way to do so. There are simply no extra-state institutions with the power to shut down fossil fuel companies, mobilize investment into a green energy transition, or restrain global eco-imperialism. Even assuming that movement institutions with the power to do these things could be built (a kind of global dual-power situation), the ecological crisis does not give us time to build them, and they would inevitably come into conflict with states at some point. And yet, pursued rigorously, the strategy implied at least by Pellow's strong theory of states would force climate justice movements to commit to just this kind of extreme dual-power strategy. When the state is treated in functionalist terms as a purely oppressive force, a monolithic and all-powerful entity that movements can neither split apart nor destroy, there is simply no other option.

### Relational states, class politics: state theory and movement strategy

Pellow deserves credit for attempting to provide a coherent *state theory* for environmental justice: an account of the state's role in the production, mediation, and maintenance of environmental injustice, and a set of guidelines for movement strategy vis-a-vis the state. As we have seen, however, his theory would pose serious problems for movements. Most importantly, it gives us no way to imagine popular power being exercised at the speed and scale demanded by the Anthropocene. This point is crucial. Unless we have means of envisioning strategies that carry movements across regional, national, and international scales, environmental justice in the twenty-first century will only be realized at small scales through desperate, rear-guard struggles. Technocratic eco-legalism is now clearly a dead-end, but at least efforts to enlist laws and regulators involves acting offensively to change relations of power between private polluters, state agencies, and affected populations, and then to 'lock-in' those progressive changes. *Critical Environmental Justice*, on the other hand, by rejecting the state *tout court*, denies the possibility of institutionalizing re-balanced power relations at all.

The weaknesses in Pellow's account of the state are at least in part the product of a tendency – carried over from anarchist theory – to reify the state as a singular entity. In this framework, the sociological and institutional composition of the state is de-emphasized. Though Pellow does distinguish between 'progressive' and 'repressive' state practices (57), the main tendency of his analysis is to treat the state as a monolithic whole unified by the 'purpose' of oppression. Even when he acknowledges some possibilities for movements to interact with state institutions, Pellow tends to treat those institutions as

overly concrete. For example, Pellow at one point admits that 'there are moments and spaces where states can be *pushed*' (24, emphasis added). The state here seems to be an intransigent *thing* that can, at best, be acted upon, not within or through.

To theorize an alternative, we can turn to recent work in anthropology and political sociology that emphasizes the relational, processual character of the state, grounded in an ontology which begins with interactions, not entities (Emirbayer 1997). The state is a famously difficult object for social theorists, with debate raging since the early days of Marxism over its institutional composition, relationship to the class structure, and ultimate necessity in a complex society. The diversity of historical forms displayed by this modality of power led the influential Greek political theorist Nicos Poulantzas to conclude that 'the fact remains that there is no general theory of the State because there can never be one' (Poulantzas 2014 [1978], 20). Instead, as the Spanish political theorist Juan Carlos Monedero notes, it seems more helpful to speak of 'states' in the plural, connected theoretically by the minimal Weberian determinants of territory, population, and apparatus of rule (Monedero 2019, 7).

From the perspective of political anthropology, Thelen, Veters, von Benda-Beckmann (2014) set out a theory focused on the role of symbolic interaction in the social definition of states. Abstracting from the familiar institutional forms associated with states, they write that, in a general sense, 'situational power differentials' structure the articulation of different 'state images' and 'practices' by different social actors, and these together 'sediment into larger political formations and lend the state as a political formation an appearance of coherence through time.' (8) These ongoing contests of state definition also involve active 'boundary work' – struggles to construct where 'the state' ends and 'civil society' begins (8). This perspective furnishes the relational, processual micro-foundations for the macro-level institutional anatomy of state forms theorized by Bob Jessop (2016), in a framework he characterizes as 'strategic-relational'. The keystone concept of Jessop's work, extending an idea originally developed by Poulantzas (2014 [1978] [1978]), is what he calls 'crystallization' (Jessop 2016, 42–44). Particular conjunctures of negotiation, conflict, and alliance between different forces 'outside' the state – classes, but also regional, religious, or ethnic groups, with gender relations cutting across all of these – cohere into more or less stable sets of arrangements 'inside' the state.

This historical process means that states display particular 'strategic selectivities', or biases, arising from the 'situational power differentials' of the different actors contesting the terms on which their particular interests and rationalities are crystallized. Concretely, this crystallization 'represents the interests of the dominant bloc, the victors of past social



struggles – of capital over labour, men over women, whites over blacks and indigenous peoples, the centre over the periphery’ (Monedero 2019, 8). The familiar formal institutions of the state apparatus – executive, legislature, bureaucracy, military, judiciary – are all constructed from this heterogeneous mixture of past social struggles. Finally, to act cohesively, these institutions must themselves adhere to what Jessop calls a ‘state project’ which determines the overall orientation of the state system (Jessop 2016, 84–86).<sup>11</sup>

The emphasis on process and heterogeneity in this framework makes it easier to imagine how popular movements, once ‘in power’ (beginning usually in the executive or legislature), can and indeed must move rapidly to re-condense a new set of social relations throughout the whole apparatus of the state, the ‘strategic selectivities’ of which will always be biased against historically subaltern groups. This will necessarily involve, in a relational sense, a re-definition of the boundaries and meaning of the state from both its ‘inside’ and ‘outside’.<sup>12</sup> Conceptualizing the process this way also makes clear that, in a real sense, re-making parts of the state is always simultaneously a process of re-making the social ‘outside’. The state comes into view, finally, not as an ‘entity’, but as a ‘relationship of forces’ (Poulantzas 2014 [1978] [1978], 128–29).

While this perspective hopefully dispels the image of a monolithic state which movements can neither enter nor transform, it leaves open the ‘movement’ part of this equation. It is one thing to articulate in theory how states exist in continuous relational interaction with the societies that form their (constructed) exteriors, and how organized political blocs within societies can contest for and re-found the state apparatus, in part or – in the case of revolutions – in whole. It is another to understand the scale of this task, especially when the conditions one hopes to change – pervasive environmental injustice, a pattern as old as class society – are so deeply ‘sedimented’. This point suggests a possible reason for Pellow’s pessimism about the state, as well as his unwillingness to think about the global ecological crisis: a too-narrow idea of who counts as an environmental justice agent.

Usually, for a movement to be described as an effort to achieve environmental justice, it must be based in what geographer Matt Huber, in an important recent critique, calls ‘livelihood struggles’. ‘The underlying political focus [of environmental justice]’, writes Huber, ‘is that it is these marginalized communities themselves that should lead environmental movements against the corporations poisoning them and their communities. It is their *direct material experience* with pollution and toxicity which grants them this special political status’ (Huber 2019, 21, emphasis added). Indeed, it is this insistence on the agency of those directly suffering and resisting environmental harms that distinguishes environmental justice from technocratic environmentalism. This is reflected in

the common usage of ‘front-line’ or ‘fence-line’ communities to refer to the social base of the movement, or in the tendency to focus attention on struggles waged against the dispossession of traditional relationships to land and nature. Those directly exposed to environmental injustice – whether by a toxic landfill in the American South or bulldozers in the Brazilian Amazon – are, logically, often the first to resist it, and the ethics of what Pellow calls ‘indispensability’ involve a moral duty to recognize struggles against injustice waged by those already at the margins.

Environmental justice discourse, however, often presumes that these struggles over livelihood are co-extensive with the movement’s base. In other words, the only people who ‘really’ have a stake in challenging extractive industry and disparities in environmental harm are those groups with a ‘direct material experience’ of such harms. The basic problem with this framing is that those engaged in livelihood struggles are often the *least* powerful groups in a society. Huber asks the pertinent question: ‘[H]ow does environmental justice politics build solidarity with the majority of people who are fully engulfed within the commodity society, but not exposed to any *apparent* threat of toxic pollution?’ (21; emphasis in original) For him, the answer is clear: the common ‘logic of domination and othering’ that Pellow identifies (2018, 19) needs to be constructed in class terms, with a clear narrative that identifies environmental injustice as class oppression, and the capitalist class as the common enemy structurally responsible for that oppression (2019, 9). By doing so, the constituency for environmental justice is revealed to be much more extensive than just those at the ‘front-lines’, encompassing all people who must sell their labor to survive.

What would this look like in practice? In the United States, it could mean a Green New Deal that balances urgent environmental goals with policies that benefit the broad working-class at the expense of the wealthy (Kurtzleben 2019). Or one could look to the experience of the Latin American ‘Pink Tide’ profited by Monedero (2019), in which mass movements of indigenous peasants and urban workers won serious footholds of state power across South America between 1998 and 2015.<sup>13</sup> Whatever form it takes, this movement would have two basic characteristics. First, it would be oriented in some way towards the state, as in the ‘weak’ version of Pellow’s argument, and would seek to ‘crystallize’ more just and sustainable social institutions through this engagement. Second, it would need be rooted in the only social agent with the interest and capacity to actually overcome the state’s ‘strategic selectivities’ in a lasting way: the working-class. Historical experience and careful theorizing show that states are not unassailable, monolithic structures. But to change them, the social base of environmental justice will need to be reconceived.

## Conclusion: a path forwards for environmental justice

David Pellow's *Critical Environmental Justice* provides a needed critique of legalistic approaches to the state, as well as useful conceptual resources and case studies for thinking through environmental justice in a more inclusive and methodologically dynamic way. However, his anarchist analysis of the state does not offer clear strategic guidance to environmental justice movements. The rejection of movement struggles within the state would limit prospects for carrying out a truly 'multiscalar' movement capable of intervening at national and global scales. In response, I sketched an alternative, 'strategic-relational' state theory. Following Jessop (2016), I argued that the environmental justice movement needs to view the state as a contested field of power, which may structurally favor oppressive social relations but is not destined to do so. Reconceptualizing the state in this way makes structural change possible to envision, but also prompts new questions about the scale of the movement necessary to achieve it. With Huber (2019), I argue that environmental justice scholarship will need to expand its understanding of the constituency for environmental justice, moving beyond direct struggles over livelihood to encompass class-wide movements against the structural sources of injustice, environmental and otherwise.

## Notes

1. The 'Green New Deal' is a proposed climate policy framework involving ambitious public investment to rapidly decarbonize the U.S. economy and reduce inequality (Kurtzleben 2019). For recent Democratic Party climate proposals, see Irfan (2019). On organized labor and a 'just transition' to a decarbonized economy, see Isser (2020).
2. Scholarship documenting the disproportionate impact of toxics and pollutants has aided litigation to shut down some sources of pollution, and advocacy and research by scholars such as Robert Bullard, Bunyan Bryant, Charles Lee, and Beverly Wright eventually contributed to the establishment of both the EPA Office of Environmental Justice, and an executive order by President Bill Clinton in 1994 mandating federal agencies take into account the disparate environmental and health effects of government programs and policies on minority and low-income populations. For a review of this history, see Cole and Foster (2001).
3. Pulido's endorsement appears on the back cover of Pellow's book.
4. 'Eco-anarchism' is a broad and heterogeneous body of work, ranging from deep green/neo-primitivist arguments for radically simplified social and technological systems, to 'communalist' arguments that emphasize municipal-based politics. It is also possible to distinguish between work that attempts to define an ecologically sustainable, non-hierarchical future *society*, and arguments that focus on the present-day need for anarchist *strategy*. For communalism, see Bookchin (2007). For anarchist social ecology, see Kadalie (2019).
5. For a general review of the difficulties encountered by the environmental justice movement in attempting to use laws like Title VI of the Civil Rights Act, see Taylor (2014, 98–122). Taylor concludes that 'plaintiffs bringing EJ [environmental justice] cases in the courts have found little success and filing Title VI complaints has been an ineffective strategy for halting or reducing the exposure to environmental hazards.' (122)
6. The report notes that civil and administrative enforcement actions have similarly declined, and that state governments have been given 'veto power' over some EPA enforcement decisions. For a summary of anti-regulatory actions taken by the EPA from 2017–2019, see Popovich, Albeck-Ripka, and Pierre-Louis (2019).
7. Though beyond the scope of this critique, it is worth noting that Pellow's particular usage of intersectionality makes 'hybridist' ontological assumptions. It is 'impossible', Pellow writes, to delineate human and non-human aspects of built environments (20). Natural resources like water or oil should be treated as '*agents*... literally shaping our imagination, policy-making, and the material contours of nation states.' (118, emphasis in original) For a critique of this position, see Malm (2018).
8. Pellow is clear that his theory applies to all modern nation-states, not just the United States (2018, 58). This represents a significant extension of Pulido's critique of the state, which is in some ways similar but is applied only to the American state (2017, 525). Pellow also gestures towards a much more expansive theory of social inequalities as rooted in the 'current social order' and 'reinforced by' the state, but not reducible to it (2018, 22, 138). This broader analysis recurs occasionally throughout the book, but is never systematized. Pellow says early on that his argument will focus mostly on the state (22).
9. Pellow makes this statement in the context of a critique of more conventional movement approaches to the state (a rather broad list encompassing 'legislation, institutional reforms, and other policy concessions' [16–17]), but as we have seen, he extends the argument about reinforcing legitimacy to also justify turning away from more radical strategies like Cullors and Moore's divestment-reinvestment proposal.
10. Eco-separatist movements that do literally 'walk away' from the state have experienced some success in Global South countries – the Zapatistas are a well-known example. For other examples of autonomous indigenous struggles in Latin America, see Gómez-Barris (2017). However, separatism in these cases is based on localized control of land and communitarian property relations. These conditions are very rare in the United States, and would require direct, violent confrontation with an immensely powerful state to establish through a strategy of direct action. This does not mean, as is sometimes assumed, that there can be no role for 'prefiguration'. Yates (2020), synthesizing research in social movement studies, argues persuasively that movement cultures and, to an extent, forms of organization are always ideologically prefigurative, infusing present-day means with the ethos of hoped-for ends.
11. I believe that this view of the state is compatible with the claim, made by theorists of governance, that the configuration of power has changed in advanced capitalist societies, away from a preference for *government*,

centralized and bureaucratic, and towards a logic of *governance*, with social power and authority seemingly 'decentered', networked, and non-hierarchical (Brown 2015, 122–27). Markets are the key model and technology of this neoliberal form of administration (Lockie 2014), which favors 'partnerships' to mobilize non-state actors (Alstynne 2015) and involves a depoliticized fetish for 'problem-solving' and 'consensus' between 'stakeholders'. State agencies structured around a logic of governance struggle to integrate movement framings based around justice, or even agent-driven *politics* as such (Liévanos 2012). The effect is to produce a diffused modality of power quite distinct from the post-war system that preceded it. But the state, though its borders have clearly become more porous in the era of neoliberalism, has only been 'decentered' in an ideological sense: it remains in reality the central locus of social power. Strategically, social movements will need to remain aware of the diffused, networked character of power in neoliberal society. But rolling back oppressive forms of governance will, I contend, require movements to *first* focus on achieving and exercising government.

12. What I have called Pellow's 'weak' argument about strategy suggests exactly this kind of approach. He writes: '...by building and supporting strongly democratic practices, relationships, and institutions, movements for social change will become less dependent upon the state, while *any elements of the state they do work through may become more robustly democratic.*' (24, emphasis added) However, his 'strong' skepticism about the state, rooted in his functionalist theory, leads him to consistently emphasize the first part of this formulation (building 'practices, relationships, and institutions' outside the state) to the detriment of the second.
13. Of course, none of these movements to transform deep structures of economic and cultural oppression have been entirely successful. Each has also posed predictable contradictions for environmental protection and the rights of indigenous communities on the land, as Rivera (2017) demonstrates in a careful analysis of state-movement interaction in Ecuador.

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