

A Totalitarianism of Our Time: What Arendt Tells Us About Environmental Injustice

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CARLY A. KRAKOW, SEP 21 2021

Is environmental injustice so widespread, and are its impacts so damaging, that it can be understood as a *totalitarianism of our time*? When a child in Flint, Michigan becomes poisoned by lead and suffers lifelong neurological damage because of a governmental decision to alter the city's water source, how would policy responses be improved if lawmakers recognized that this devastation means the 'right to have rights' (Arendt [1951] 1968, 296–297) has been lost? When a resident of Detroit, Michigan is left stranded like a 'refugee in the city' (to quote Detroit activist Monica Lewis-Patrick) because of government water shut-offs, how severe and disenfranchising do the effects have to be for lawmakers to acknowledge environmental racism causes "'de facto" stateless[ness]' (Arendt [1951] 1968, 279)? In Louisiana's 'Cancer Alley,' health destruction is a widespread reality because corporations weaponize minority communities' perceived invisibility by placing toxic industrial sites dangerously close to their homes. Could law—local, national, and international—be deployed to challenge environmental injustice if we accepted that communities are effectively 'banish[ed]' (Arendt [1951] 1968, 444) from society when incapacitating health impacts negate community members' abilities to participate in public life?

The questions posed above illuminate how Hannah Arendt's work, particularly 1951's *The Origins of Totalitarianism*, offers a novel approach to understanding environmental injustice and the climate crisis. Arendt's work, long prominent in the human rights and political theory canons, became the subject of additional, intense public interest following former US President Donald Trump's 2016 win and ensuing authoritarian approaches to governance. (Sales of *Origins* surged, climbing to sixteen times higher than usual.) Although Arendt's work remains central in discourse about rights, there has not been sufficient attention paid to what she offers for an original understanding of environmental injustice. Arendt's work helps us to grapple with deficiencies regarding local and international policies on environmental injustice and environmental racism. Environmental injustice is, I argue, a *totalitarianism of our time*. Local environmental injustice and the global climate crisis will have totalitarian impacts on the same communities—and must be addressed as linked phenomena—in order to develop just, decolonial, and equitable environmental and climate policies. Arendt helps us to understand environmental injustice and the climate crisis—and what actions to take.

The 'Right to Have Rights' at Local and Global Scales

In *Origins*, Arendt discusses her concept of the 'right to have rights,' explaining that there is only one human right that matters: the right to belong to a political community in which we gain access to all other supposedly universal rights promised in international declarations. In essence: citizenship. Arendt explains how 'loss of home and political status become identical with expulsion from humanity altogether' ([1951] 1968, 296–297).

Governments and corporations practice environmental racism by withholding resources from and forcing toxic exposure on minority communities, stripping communities of the 'right to have rights' and exploiting cases where the 'right to have rights' is already absent. In *Origins*, Arendt writes about the horrific treatment of displaced survivors of World War II as a failed test case for the international human rights system. Writing in the mid-twentieth century, she was not, of course, commenting on the plights of climate refugees fleeing sea-level rise, residents of cities experiencing unprecedented rainfall and flooding, or people in California, Turkey, and Australia fleeing some of the

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worst wildfire seasons in history. Nor was she commenting on the water injustice that has plagued Flint and Detroit, or the large number of people worldwide whose forced exposure to toxins is so severe that it must be understood as what I call 'toxic saturation.' These situations demonstrate, however, the relevance of the 'right to have rights' to environmental injustice.

In cases where environmental injustice means 'powerlessness' (and, I argue, resistance to powerlessness) 'has become the major experience of [people's] lives' (Arendt [1951] 1968, vii), it is entirely possible to be in possession of one of the world's most 'powerful' citizenships, in a developed country such as the United States, while still being reduced to rightlessness and de facto statelessness. Due to space confines, this article focuses on the US context. In other writing I explore how Arendt's work helps us to understand environmental racism worldwide, including under occupation in Palestine and in post-apartheid South Africa.

The COVID-19 pandemic has disproportionately impacted Black, Latinx, and Indigenous communities in the United States. Air pollution is linked to higher COVID death rates. Systemic environmental racism means that the populations that have faced the highest COVID death tolls are the ones already living in fenceline communities near pollution-emitting sites, breathing in toxic air, being deprived of water, and coping with inequitably insufficient healthcare access. These living conditions make these communities some of the most vulnerable to the pandemic and the climate crisis. Most recently, as of August 2021, 'Cancer Alley' was devastated by Hurricane Ida. Residents of communities such as St. James parish, already battling toxic industry expansion, are now threatened by crude oil spills and chemical leaks in the wake of the storm.

Rebecca Solnit argues, regarding gender-based violence, that the failure to treat systemic violence as 'a crisis, or even a pattern' (2014, 21) fuels that violence—an argument that also applies to environmental injustice. The loss of the 'right to have rights' anywhere challenges the validity of the international human rights project everywhere. Ignoring a crisis—a glaring pattern—is pouring gasoline onto that crisis's flames. Environmental injustice has a global pattern, as reports of poisoned water pop up in numerous places worldwide beyond Flint, and as toxins such as lead, other heavy metals, and chemicals sicken and kill people from Philadelphia to Iraq to Nigeria. And yet, media reports often treat these incidents as isolated—rarely as systemic environmental racism fueled by industries responsible for injustice that is both short-term and long-term, and both local and global.

An Arendtian approach reveals that environmental injustice is a contemporary 'totalitarian' force—a force that strips people of their 'right to have rights' and leads to de facto statelessness whereby people maintain their citizenship, but are without rights in practice. Like the totalitarianism of Arendt's time, environmental injustice can only be combatted once local episodes are recognized not as isolated instances, but as interconnected, strategic cases of subjugation that are linked with the climate crisis and other struggles for justice. As Margaret R. Somers argues, writing about victims of Hurricane Katrina, 'stateless citizens' are 'socially and morally excluded—invisible, dispensable, and forgotten. Human beings treated in this way become surplus, not worthy of social or moral recognition by others' (2008, 114). Environmental injustice is distinct from the totalitarianism of Arendt's time, but she offers essential insights for understanding how environmental injustice functions in the contemporary era. Environmental injustice alters existing understandings of totalitarianism and citizenship.

Environmental Racism in the United States

In some cases, the link between local environmental racism and climate injustice is clear. 'Cancer Alley,' comprised of predominantly Black, low-income communities, suffers high cancer rates due to a large number of toxic industrial sites. Diamond, Louisiana, one affected community situated between a Shell/Motiva oil refinery and Shell chemical plant and the former 'epicenter' of a slave rebellion (Lerner 2005, 13), was simply, Steve Lerner writes, 'not a place where most people would choose to live'—a place where people have suffered illnesses including cancer, asthma, and skin disorders from toxins and, in the 1970s and 1980s, 'mourned neighbors and friends killed by explosions at these facilities' (2005, 9). The same industry fueling the climate crisis uses communities' perceived invisibility because of racism and economic discrimination to pollute with a low risk of attracting external concern, making residents' 'right to have rights' meaningless. Diamond residents demanded Shell buy their homes at fair prices to fund relocation. Ultimately, in 2002, Diamond's residents won—a 'bittersweet victory' because by moving to safety,

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they lost their physical community and left Diamond ‘another fenceline ghost town’ (Lerner 2005, 284). There are numerous communities in the US South suffering from shocking environmental racism. In Reserve, Louisiana, for example, the risk of cancer is fifty times the national average.

In other cases, the link between local environmental racism and climate injustice may be less immediately apparent but is just as critical. In 2014, the City of Detroit disconnected 33,000 households from water for inability to pay (and has disconnected tens of thousands more since 2014). The shut-offs were ultimately recognized by three UN special rapporteurs as a human rights violation, placing political pressure on the city to reduce shut-offs without legal authority to enforce an end to shut-offs (Krakow 2020). (For a brief discussion of Detroit and the ‘right to have rights,’ albeit not in the context of environmental justice, see 2018’s *The Right to Have Rights* (DeGooyer, Hunt, Maxwell, Moyn).) Catarina de Albuquerque, who at the time was the Special Rapporteur on the human right to water and sanitation, visited Detroit, noting, ‘I heard testimonies from poor, African American residents ... who were forced to make impossible choices—to pay the water bill or to pay their rent.’

Years of environmental racism in Detroit, a majority-Black city, set the stage for residents to be without sufficient water and at greater risk during the pandemic. Environmental racism has also made residents more vulnerable to the climate crisis because of inequities regarding water access, healthcare, and infrastructure.

On the shut-offs, Monica Lewis-Patrick, President and CEO of We the People of Detroit, commented, ‘For many people, it’s ... like you’re a refugee in the city because of the imminent threat.’ As ‘refugee[s] in the city’ of a developed, wealthy country with democratic governance, the experiences of Detroit residents demonstrate this article’s concept that local environmental injustice is powerful enough—*totalitarian* enough—to render citizens de facto stateless while they are still de jure citizens.

Flint, Michigan, a city of 100,000 people, was collateral damage in 2014 when governor-appointed ‘emergency managers’ usurped elected officials, leading the city to switch to a less expensive water source amid a financial crisis, exposing residents to toxic lead and causing an outbreak of Legionnaires’ disease that killed twelve and sickened at least ninety. The unrecognized number of ill is believed to be much higher. The Environmental Protection Agency (EPA) and state and city officials knew and withheld information. Arendt’s conception of totalitarianism as a force that dispossesses people of the ‘right to have rights’ reveals how, on local and international scales, totalitarian systems deem people dispensable, prioritizing economic gain for the elite. This cycle of prioritizing financial interests over civilian safety—particularly the safety of minority communities—follows the same template as governmental justifications for delaying meaningful action on climate change. This pattern of ‘sacrifice’ aligns with racism laid bare by the COVID-19 pandemic and calls to risk lives for the sake of the economy during the pandemic, an approach advocated for by Texas Lieutenant Governor Dan Patrick.

An Arendtian approach crystallizes why we must stop de-linking local disasters from global climate injustice. Both local environmental injustice and global climate injustice, at different scales and speeds, lead to a common result: depriving people—regardless of their de jure citizenship status—of the ‘right to have rights.’ In an era of environmental injustice, one need not be literally deprived of ‘home and political status’ to be ‘[expelled] from humanity’ (Arendt [1951] 1968, 297). A person can retain citizenship, but be so profoundly affected by environmental injustice that they are rendered, in most ways that matter, de facto stateless.

‘Banished’ by Environmental Injustice

On exclusion as a step en route to tyranny, Arendt writes, ‘Banishment banishes only from one part of the world to another part of the world, also inhabited by human beings; it does not exclude from the human world altogether’ ([1951] 1968, 444). Environmental injustice has devastating impacts on health to the extent that people are effectively ‘banished’ from the system of laws and protections that purport to ensure that vulnerable populations not only have basic rights, but live with dignity. This state of ‘banishment’ applies not only to people Arendt recognizes as lacking the ‘right to have rights,’ including refugees, but often manifests in its most insidious form in cases where rights are enshrined legally through citizenship, but are denied in practice—even if people are not *physically* forcibly relocated. People affected by environmental injustice can be made just as rightless as displaced people or victims of

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a totalitarian society. This is evident in Iraq, where years of forced toxic saturation caused by the US military have left civilians trapped and without the 'right to have rights.'

Giorgio Agamben describes the refugee as the 'unique figure' who enables us to 'perceive the forms and limits of a political community to come' (1995, 114). Environmental injustice reveals the *citizen* as a figure who stretches the bounds of de facto statelessness to include communities like those in Flint, Detroit, and 'Cancer Alley.' This figure—the citizen subjected to environmental injustice—enables us to 'perceive the forms and limits of a political community' *already in existence*, but severely *deformed* regarding basic rights protections. Like the stateless person Arendt or Agamben describe, environmental injustice leaves the citizen unable to turn to either the state or humanity to claim the 'right to have rights.'

'Legal identity does not guarantee a good life, but its absence is a serious impediment to it,' writes Jacqueline Bhabha (2011, 1). Those officially lacking 'legal identity'—stateless persons—are deprived of basic rights, such as access to safe air and water. People with legal citizenship who exist on the furthest margins of society—or are abruptly pushed beyond the margins, as in Flint and Detroit—are made de facto stateless by environmental injustice, although they maintain citizenship and are technically members of a powerful, sovereign state.

Robert D. Bullard, leading environmental justice scholar and advocate, defines environmental justice as the principle that 'all people and communities are entitled to equal protection of environmental and public health laws and regulations' (1996, 493). This article demonstrates that environmental injustice is so severe as to require that de facto statelessness be recognized as a too commonplace or inevitable consequence of environmental injustice. De facto statelessness caused or worsened by environmental injustice is 'not the exception but the rule,' to quote Walter Benjamin ([1968] 2007, 257).

Members and Strangers

On twentieth-century genocide, Arendt writes, 'When no witnesses are left, there can be no testimony' ([1951] 1968, 451). Systemic racism has made it possible for governments and corporations to enact environmental injustice while counting on communities' subjugated positions as assurance that there will be no 'witnesses' to provide 'testimony.' Community organization and activism reject these unequivocally false, racist assumptions. Community actions against environmental injustice in the US and worldwide have proven these racist tactics ultimately ineffective in countless cases including in Flint, Detroit, Diamond, St. James, and in the cases of Indigenous resistance to the Keystone XL and Dakota Access pipelines.

Even when community members bear 'witness' and speak out to give 'testimony' about environmental injustice, governments and the private sector often turn this visibility against them, positioning them as 'witnesses' who are not sufficiently credible to provide valid 'testimony' of their experiences. In Flint, residents began speaking out months before city officials acknowledged the crisis, but their complaints were ignored. Now Michigan's former governor Rick Snyder finally faces prosecution, years after contaminated water first began flowing into Flint homes.

Seyla Benhabib notes, 'Democracies should be judged not only by how they treat their members but by how they treat their strangers' (1998, 109). Environmental injustice necessitates a reconsideration of how we define the bounds between 'member' and 'stranger.' Environmental injustice requires that we evaluate international systems and states by how they protect, or fail to protect, 'strangers.' Estranged citizens of states unable or unwilling to defend citizens' rights must be recognized as part of this 'strangers' category. As Arendt writes,

The conception of human rights ... broke down at the very moment when those who professed to believe in it were for the first time confronted with people who ... lost all other qualities and specific relationships—except that they were still human. The world found nothing sacred in the abstract nakedness of being human ([1951] 1968, 299).

Arendt makes clear that totalitarian forces 'banish' people from the realm of rights protections. As the examples discussed show, environmental injustice possesses this same dangerous power. No matter how systematic, however, environmental injustice does not necessarily emanate from a single authoritarian or totalitarian movement

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or figure.

In *On Violence*, Arendt writes, 'Bureaucracy is the form of government in which everybody is deprived of political freedom, of the power to act; for the rule by Nobody is not no-rule, and where all are equally powerless we have a tyranny without a tyrant' (1970, 81). The idea of 'tyranny without a tyrant,' when applied to environmental injustice, reveals a system of injustice and racism so ingrained that it does not require a single catalyst. The culprit might be the government at the city and state levels (Flint and Detroit) or the federal level (Keystone XL and Dakota Access pipelines), or a corporation (Shell in Diamond), or a combination of all these forces. The commonality is that when the 'right to have rights' is violated locally, the repercussions are inevitably global. This is because 1) a loss of rights locally undermines the validity of international human rights protections; and 2) a loss of rights locally due to environmental injustice makes that same local community profoundly vulnerable to the global climate crisis, and other global challenges—most recently the COVID-19 pandemic.

It is essential to note the rich body of literature complicating and critiquing Arendt's work. Kathryn T. Gines (2014) provides a key analysis of racism in Arendt's work, and Ayça Çubukçu (2020) addresses Arendt's approach to race and civil disobedience. Çubukçu importantly notes Arendt was not 'immune from the racism of her time' (2020, 48) and was 'profoundly limited' by the notion that the United States 'is an exceptional land of freedom and democracy' (2020, 33). A discussion of these critiques in their own right is necessary, but beyond the scope of this article. Here, however, it is worth noting not only how Arendt's work changes how we understand environmental injustice, but how the analysis of environmental injustice reveals insights—as well as gaps and flaws—in Arendt's writing. Acknowledging this enables Arendt's theories to be applied in new ways, at times transcending the limits of the time in which she was writing.

Injustice That is 'Global in its Political Aspiration': Can International Law Ameliorate Environmental Injustice?

Can environmental injustice be viewed, like totalitarianism, as a force that is 'global in its political aspiration' (Arendt [1951] 1968, 389) because of the extent to which the contemporary capitalist context promotes the exploitation of natural resources at the expense of some humans? And, if the loss of the 'right to have rights' in countless local contexts demonstrates the ineffectiveness of international law, what is international law's future role in the fight against environmental injustice? Although international agreements are a fundamental component for coping with the climate crisis, examples discussed here demonstrate why accountability on a local scale, and policies driven by local communities, are essential for genuine environmental justice and protection of the 'right to have rights.' On this point, there is a poem by the nineteenth-century writer Stephen Crane (1899) that offers a fitting sentiment:

A man said to the universe:

"Sir, I exist!"

"However," replied the universe,

"The fact has not created in me

A sense of obligation."

Crane's provocation can be interestingly applied to thinking about international law. Environmental injustice might suggest that international law is an indifferent universe refusing to truly recognize the existence of its suffering human subjects. Alternatively, is international law the lone figure that Crane describes, begging to be recognized, in a 'universe' of politics and international relations that does not feel obliged to respond to international law's demands for protection of humans and the environment?

B.S. Chimni argues, 'international law is the principal language in which domination is coming to be expressed in the era of globalization' (2003, 47). Antony Anghie poses the questions, 'What does it mean to say that "international law governs sovereign states" when certain societies were denied sovereign status?' and 'What continuing effects follow from this exclusion?' ([2004] 2007, 7). Anghie also writes, 'sovereignty was improvised out of the colonial encounter' ([2004] 2007, 6). As I have written regarding denial of the human right to water, contemporary manifestations of environmental injustice are, in many cases, examples of the 'continuing effects' of excluding certain groups from

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sovereign status—excluding them from citizenship, and by extension, from international law. Environmental injustice's dominance in marginalized communities is connected to historical patterns. A community need not be legally denied sovereign status, at present, in order to suffer from the harms Anghie describes. 'Legacies of colonialism, slavery, and apartheid persist, even if communities formerly subject to illegality have since been granted legal status' (Krakow 2020).

Arendt writes that propaganda is central to totalitarianism but 'always makes its appeal to an external sphere—be it the nontotalitarian strata of the population at home or the nontotalitarian countries abroad' ([1951] 1968, 342). Can strategic efforts to ignore or mask environmental injustice locally, such as the government and EPA concealing dangerous lead levels despite residents' documentation in Flint, be understood as propaganda in an Arendtian sense? The fossil fuel industry's propagandistic efforts to deny and under-report its impacts on climate helped stall action on climate change. These forms of propaganda contribute to environmental injustice *asa totalitarianism of our time*. Can international law itself be seen as 'propaganda'? When there is a proliferation of non-enforceable treaties, do these developments propagandistically produce an appearance of international legal action to mask a reality of inaction?

Arendt was interested not only in the process by which totalitarians come to power, but also in the aftermath of totalitarian devastation. The biggest climate threats loom ahead as environmental disasters including unprecedented flooding, wildfires, and droughts are rapidly becoming more severe and frequent. What can reading Arendt tell us about not only how all-encompassing environmental and climate injustice have emerged and dominate our lives, but about how we can combat these injustices and imagine living through climate emergency?

Arendt's conceptions of the 'right to have rights' and totalitarianism show us that in order to live through the climate crisis while centering environmental justice, we must recognize that environmental injustice experienced locally is never divorced from global climate injustice. International law, and international human rights, only have meaning when justice is achieved locally. Community experiences and voices must be centered to drive policies on environmental injustice. This is the way forward for addressing rightlessness and de facto statelessness caused by environmental injustice, and the way forward for combatting environmental injustice as *a totalitarianism of our time*.

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