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Conference 2013  
Climate Change, Sustainability,  
and an Ethics of an Open Future

August 22–25, 2013,  
Soesterberg, The Netherlands

Editors

Göran Collste and Lars Reuter

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## Table of Contents

<b>Climate Change, Potential Catastrophes and the Rights of Present and Future Generations</b> <i>Michel Bourban</i> .....	1
<b>Climate Change and Responsibility to Future Generations: What Normative Questions Should We Address?</b> <i>Robert Heeger</i> .....	17
<b>Understanding Climate Change as an Existential Threat: Confronting Climate Denial as a Challenge to Climate Ethics</b> <i>Tim Christian Myers</i> .....	25
<b>From Knowledge to Action: Motivating Responses to Climate Change</b> <i>Jonathan Parker</i> .....	41
<b>Discounting for Epistemic Reasons</b> <i>Kian Minz Woo</i> .....	49
<b>Diversified Climate Action: The Top-Down Failure and the Rise of Emissions Trading</b> <i>Jo Dirix, Wouter Peeters and Sigrid Sterckx</i> .....	63
<b>Irreversible Social Change</b> <i>A.J.K. Pols and H.A. Romijn</i> .....	79
<b>Climate Migration and the State's Duty to Protect</b> <i>Norbert Campagna</i> .....	101
<b>About the Possibility of a Distant Future Ethics: The Motivation Problem</b> <i>Gérald Hess &amp; Hugues Poltier</i> .....	115
<b>Eat Right: Eating Local or Global?</b> <i>Joan McGregor</i> .....	123
<b>Authority, Power and Agency in the Work of Building Transnational Sustainable Communities within the European Union</b> <i>Denis Malherbe and David Joseph Wellman</i> .....	143
<b>The Effects of Rewards on Spillover in Environmental Behaviours: Monetary vs Praise Rewards</b> <i>Pietro Lanzini</i> .....	163
<b>An Ethics of Sustainability and Jewish Law?</b> <i>Jann Reinhardt</i> .....	179
<b>Transrational Interpretations of Peace and its Contribution to Alternative Worldviews for a Sustainable, Ethical and Aesthetical Present</b> <i>Egidio de Bustamante</i> .....	195
<b>Die Zukunft der Nachhaltigkeit</b> <i>Ralf Lüfter</i> .....	209
<b>50 Jahre Societas Ethica</b> <i>Karl-Wilhelm Dahm</i> .....	217
<b>Launching De Ethica: A Journal of Philosophical, Theological and Applied Ethics</b> <i>Brenda Almond</i> .....	233



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Climate change, dwindling resources, and growth of the global population have emerged as challenges for all areas of political action in modern societies. These challenges have been on the political agenda since the "Limits to Growth" report was released in 1972. While the challenges are well known, and there seems to be some form of consensus that sustainability is a goal worth striving for, little discussion is taking place of how the changes necessary to achieve this goal will affect our political institutions, our social relationships, our moral responsibilities, and our self-understanding in general.

The more far-reaching the necessary changes are, the more pressing the following questions will become: To what extent are political and economic institutions – national as well as global - capable of realizing sustainable politics and on which ethical grounds? Will personal liberties, such as freedom of movement, property rights, and reproductive autonomy, need to be limited in order to realize sustainable politics? How could we extend the current system of human rights to incorporate the rights of future generations? Can we expect human beings to take responsibility for the living conditions of future generations, and how do such responsibilities affect philosophical and eschatological theories? An ethics of an open future must develop criteria for moral action under conditions of uncertainty. A developed theory of the principle of precaution in ethics and law, however, is lacking. These questions propelled the common discussions and individual reflections of this conference, arriving at a great variety of stimulating contributions from our academic community. A peer-reviewed selection is presented in this anthology. Roughly speaking, they are grouped into three thematic circles addressing issues of Climate Change, Sustainability and Social Change on the level of ethical theory and practice.

Climate change

*Michel Bourban* uses his analysis of human rights as a tool in order to grasp the wider implications of Climate Change. He identifies institutional as well as other policy-based

approaches to solve the problems at hand. Investigating the findings of the Intergovernmental Report on Climate Change, he calls for arguments from various societal backgrounds in order to overcome political inactivity. *Robert Heeger* offers a probe into the normativity of the questions relating to future generations and the underlying issues of (human) rights. His reflection is clearly nourished by the concept of justice and its concomitant query of the range of human responsibility. His four questions demonstrate not only an interest in an open discourse freed from structures of power, but also a sincere concern for finding common answers across disciplines. *Tim Christian Myers* understands Climate Change as an interruption of our routine lives with all the anxiety it may spur. Drawing particularly on Heidegger and a broader phenomenological tradition, his *prolegomena* for truly existentialist Ethics includes more stable human relations to the socio-ecological world, combining ethical reflection with pragmatism as well as a sense of awe over against the unprecedented changes to our systems of life. *Jonathan Parker* refers to an interesting early response to ecological challenges demonstrated in the life of Aldo Leopold's activities in Wisconsin during the Depression. As a *pars pro toto*, it illustrates the advantages and disadvantages of top-down and bottom-up approaches, but more importantly, the need for ensuring action by instigating changes on the (very) local level. *Kian Minz Woo's* interest in economic modelling leads him to defending the concept of discounting on normative grounds. Comparing the knowledge of Early and Later Individuals, he concludes that certain forms of relativism are integrative parts of epistemic capabilities of different agents. The awareness of our status in this regard can, thus, frame our rational ethical choices. *Jo Dirix, Wouter Peeters and Sigrid Sterckx* discuss political measures to control emissions. They conclude that whether emissions trading is morally reprehensible depends on its design and that the EU Emissions Trading System fails to respect justice-based criteria.

## Social change

*Auke Pols and Henny Romijn* make an ethical evaluation of irreversible social change and propose an alternative decision rule, called "Safe Minimum Standard", for such social changes. They illustrate the decision rule with the case of land acquisition in Tanzania. From a perspective of political philosophy, *Norbert Campagna* discusses the implication of rising sea-levels for populations of countries likely to disappear. The nations with largest emissions have a collective responsibility to care for populations of disappearing countries, thus opining that the USA have a duty to care for the population of the disappearing island Kiribati. *Gerald Hess and Hugues Poltier* put the environmental crises in a social and political context and argues that it requires a holistic political philosophy and an inclusive, ecumenical community.

## Sustainability

Food choices have become moral choices. *Joan McGregor* focuses on our food choices from a sustainability and global justice perspective and she argues that our purchases are complex and impinge on multiple values. *Denis Malherbe and David Wellman* challenge a construction of the European Union based on financial and market-oriented regulations. They argue for the need of an alternative European vision, anchored in learning and caring communities emphasizing ecological requirements for survival. *Pietro Lanzini* investigates how different green behaviours connect to and influence each other. He reports a real-life experiment showing how the nature of incentives has a relevant direct impact on the behaviors being incentivized. *Jann Reinhardt* uses Jewish law and a brief comparison with the German constitution as a platform for examining the precise role of ethical responses to societal questions of sustainability. Distinguishing the intra-religious, inter-religious, and secular levels, a number of venues for further dialogue and particularly systematisation are

identified, resulting in proposing an intensified focus on education and narrative for fostering more sustainable approaches. *Egidio de Bustamente* is interested in narratives, too, but moving within a postmodern framework, his transrational approach incorporates different culturally developed rationalities and categories such as aesthetics in order to promote a holistic relationship with the whole eco-system. Finally, *Ralf Lüfter* offers a profound reflection on the concept of sustainability, and describes with Kant the clear limitation of using it beyond its function as economical principle serving the idea of quantifiable optimization. As long as we move within parameters of means, ends and measures, the true value of things and beings remain undiscovered, as do the immediate ends of our (in-)actions. His argument is, thus, Kantian in its hesitance to accept necessity as sufficient argumentative grounds when dealing with the open future and the concept of perfection.

## Concluding remarks

A conference on Climate Change, Sustainability, and an Ethics of an Open Future cannot reach a clear conclusion in the sense of defining final statements and lines of action. The contributions in this anthology demonstrate, however, a common trait in spite of their very different approaches, academic backgrounds, and argumentative punches: they share a common concern to find precise, well-founded answers to the Climate Change occurring. The very diversity indicates clearly how the need for adequate human responses to an encompassing ecological *crisis* (in the most traditional sense of the word) requires collaboration across disciplines, traditions, and faiths. Only by taking the full scope, and thus also the limitation, of human reasoning into account, truly sound arguments for required action and further reflection can be shaped. In full line with fifty years of research in ethics, this *Societas Ethica* conference has proven once more that plurality in ethics, while often seen as an indication of weakness or inadequacy, in fact is its very condition.

This conference was the 50<sup>th</sup> *Societas Ethica* Conference. The Conference Proceedings therefore also include an historical exposé of *Societas Ethica* presented by Professor *Karl Wilhelm Dahm*.

The conference marked the starting point for the new journal *De Ethica, A Journal of Philosophical, Theological Ethics*. The Editor-in-Chief Professor *Brenda Almond* gave a talk introducing the new journal which also is included in the Conference Proceedings.



# Climate Change, Potential Catastrophes and the Rights of Present and Future Generations

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## Abstract

Climate change is one of the most challenging environmental problems of our time. In this paper, I analyse some of the ethical issues raised by climate change, especially the human rights that are threatened by the impacts of global warming and the problem of partial compliance or non-compliance to moral duties. I also assess some ethical implications of potentially catastrophic phenomena driven by this ecological issue and recommend specific solutions by briefly developing institutional reforms to current climate policies. My point is to explain, by using a normative approach based on sound empirical findings, in what sense climate change can be seen as a philosophical problem that should worry ethicists and political theorists, and what can be done to avert the massive violation of the rights of present and future victims of climate change. I focus specifically on solutions in terms of mitigation (and therefore set aside adaptation and compensation) and try to explain why incentives can play an important role to reduce global greenhouse gas emissions.

**Keywords:** Climate change, human rights, realism, motivation, incentives.

In order to successfully tackle climate change, a balance between four main objectives must be found: justice, or fairness; environmental effectiveness, or maximizing the effects of climate policies; political realism, or institutional feasibility; and economic efficiency, or minimizing the costs of climate policies. Since these aims may (and often do) conflict with each other, reconciling them is a difficult task: an environmentally effective solution reducing quickly and drastically greenhouse gas emissions such as a very high carbon tax may conflict with social justice by harming the poor, for low-income people suffer the most from increases in the price of energy; likewise, an economically efficient and politically realistic solution such as institutional offsetting through the Clean Development Mechanism<sup>1</sup> can sacrifice environmental effectiveness and fairness in the name of cost effectiveness.

Here I wish to focus mainly on the relation between two objectives: fairness, by asking how to understand and reduce specific climate injustices; and realism, by developing institutional reforms that are possible to carry out in fact. If the first objective is the most important one, it is also crucial to make sure that fair solutions to climate change can be implemented in the non-ideal circumstances of the real world, especially in situations of partial compliance or non-compliance to moral duties.

I begin by explaining why an approach of climate justice based on universally accepted human rights is normatively convincing as well as politically realistic; then, I show how impacts of global warming threaten some human rights of members of present and future generations, even if we use conservative projections; I finally ask what kind of climate policy could prevent the violation of these human rights. To ensure that future generations will enjoy an open future rather than suffer from the catastrophic impacts of an abrupt climate change, I believe that an approach trying to combine fairness and realism represents an important contribution.

## I. Why Human Rights?

The ultimate objective of the United Nation Framework Convention on Climate Change (UNFCCC), the foundational international climate treaty that was written in 1992 and entered into force in 1994, is to achieve “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system”, its 194 Parties being “*determined* to protect the climate system for present and future generations.”<sup>2</sup> To know how to avoid a “dangerous anthropogenic interference with the climate system”, we need a normative as well as an empirical analysis. If the Intergovernmental Panel on Climate Change (IPCC) gathers every five to six years accurate empirical findings, human rights are a convincing moral approach.

In order to develop a realistic position, I will focus only on human rights that already exist in international law, rather than on new environmental human rights; I will also refer exclusively to negative rights, because they are philosophically and politically less controversial than positive rights. For instance, even minimalists such as David Miller acknowledge that negative human rights generate duties towards distant strangers<sup>3</sup>. Such rights can be described as “the internationally recognized minimal standard of our age”<sup>4</sup>: by showing how climate change threatens them, one can find an uncontroversial position. My aim is not to develop a theory of justice, but rather to present an approach of climate justice

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<sup>1</sup> To know more about offsetting, the following paper is a useful introduction: Keith Hyams and Tina Fawcett, “The ethics of carbon offsetting,” *WIREs Climate Change* 4:2 (2013), pp. 91-98.

<sup>2</sup> UN 1992, *United Nations Framework Convention on Climate Change*, online at: <http://unfccc.int/resource/docs/convkp/conveng.pdf> (accessed 2013-07-19).

<sup>3</sup> David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007).

<sup>4</sup> Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, second edition (Cambridge : Polity Press, 2008 (2002)), at p. 25.

based on human rights: the point is not to find pure principles of justice but only to prevent specific climate injustices<sup>5</sup>.

There are very different theories of human rights, such as legal, political and moral approaches. Like Simon Caney and Derek Bell, I use here a moral theory of human rights, where these rights are characterized by four main elements:

- They are based on our common humanity and are therefore independent of the country in which persons are born, the place where they live or the actions they have performed;
- They represent a moral threshold below which no one should not fall, the most basic moral standards to which persons are entitled;
- They generate obligations on all persons to respect these basic minimum standards: everyone has a duty not to violate or contribute to the violation of human rights;
- They take priority over other moral values, such as promoting happiness.

In short, “human rights specify minimum moral threshold to which all individuals are entitled, simply by virtue of their humanity, and which override all other moral values.”<sup>6</sup>

## II. How are Human Rights Threatened by Climate Change?

Policymakers, whether citizens or politicians, tend to worry about the short and (at best) middle term consequences of the policies they choose and design. This is not a hypothesis concerning human nature; it is a fact that represents one of the best explanations of the deplorable state of climate policies. Moral considerations matter; but to make sure that they matter enough, they must somehow be connected to people’s interests. This statement refers to the metaethical problem of motivation: there is a psychological gap between the acceptance of a rule and acting in accordance with it. Moral norms cannot by themselves compel conformity: all they do is prescribe a certain course of action. In order to make someone act accordingly, they often have to rely on further factors. As Dieter Birnbacher puts it, “having moral reasons for an action and being motivated to carry it out are distinct items, so that a psychological mechanism independent of the acceptance of the moral rule is needed to explain action in conformity with it.”<sup>7</sup> This is why we must not only refer to moral motives to combat climate change: we must also rely, as I will try to show below, on quasi-moral and non-moral factors. Otherwise, the problem of motivation remains unaddressed.

One good starting point to explain why human rights are jeopardized by climate change is the 2007-2008 Human Development Report, which reads: “climate change is already starting to affect some of the poorest and most vulnerable communities around the world.” According

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<sup>5</sup> *Ibid.*, at p. 25: “[h]uman rights thus furnish a necessary, not a sufficient, condition of social justice: that some institutional design realizes human rights insofar as is reasonably possible may not guarantee that it is just. Only the converse is asserted: an institutional design is unjust if it fails to realize human rights insofar as is reasonably possible.”

<sup>6</sup> Simon Caney, “Climate Change, Human Rights, and Moral Thresholds,” *Human Rights and Climate Change*, edited by Stephen Humphreys (Cambridge: Cambridge University Press, 2010), pp. 69-90, at p. 73. As Simon Caney emphasises a former paper on the topic, his approach is inspired by Pogge’s political philosophy: “[m]y strategy here is much influenced by the work of Thomas Pogge.” (Simon Caney, “Human Rights, Responsibilities and Climate Change,” *Global Basic Rights*, edited by Charles Beitz and Robert Goodin (Oxford: Oxford University Press, 2009), pp. 227-247, at p. 234). See also Derek Bell, “Does anthropogenic climate change violate human rights?,” *Critical Review of International Social and Political Philosophy* 14:2 (2011), pp. 99–124, and Derek Bell, “Climate change and human rights,” *WIREs Climate Change* 4:3 (2013), pp. 159-170.

<sup>7</sup> Dieter Birnbacher, “What Motivates Us to Care for the (Distant) Future?,” *Intergenerational Justice*, edited by Axel Gosseries and Lukas H. Meyer (Oxford: Oxford University Press, 2009), pp. 273-300, at pp. 273-274.

to the United Nations Development Program (UNDP), if global greenhouse gas emissions keep on increasing, “climate change will undermine international efforts to combat poverty”, for instance by “hampering efforts to deliver the MDGs [Millennium Development Goals] promise.” For this reason, our contribution to this environmental problem represents “a systematic violation of the human rights of the world’s poor and future generations and a step back from universal values”. In other words, “[t]he real choice facing political leaders and people today is between universal human values, on the one side, and participating in the widespread and systematic violation of human rights on the other.”<sup>8</sup>

The UNDP refers to a plurality of human rights. As Stephen Humphreys details, “climate change will undermine – indeed, is already undermining – the realization of a broad range of internationally protected human rights: rights to health and even life; rights to food, water, shelter and property; rights associated with livelihood and culture; with migration and resettlement; and with personal security in the event of a conflict.”<sup>9</sup> Three of these rights, that I will interpret as negative rights, are quite uncontroversial in political and philosophical debates: the rights to subsistence, to health and to life.

### *An “Optimistic” Scenario*

I will now analyse how climate change threatens these rights by using a conservative approach: the predictions of the 2007 IPCC Report<sup>10</sup>. This report is conservative for numerous reasons, the main one being that most of recent scientific publications on the future impacts of global warming are much more pessimistic. The reason for this is that the IPCC uses only a gradual model of the rising of global temperature, without developing a scenario assessing what would happen in the event of an abrupt warming. One additional reason to use this report is that it is the most authoritative scientific source for multidisciplinary debates on climate change, and thus represents a common starting point for policymakers and philosophers.

First, let us take the right to subsistence. It can be minimally defined as the right not to be deprived of one’s means of subsistence by other people’s actions. Two impacts of global warming that will hit agriculture badly are sea-level rise and extreme meteorological events. Because of such (and many other) effects, by 2020, in some African countries, agricultural production will be diminished up to 50%, thereby exacerbating poverty in the poorest regions of the world; by 2050, crop yields could decrease up to 30% in central and south Asia; and finally, by 2100, mean yields for some crops in northern India could be reduced by up to 70%.

One country in which a massive violation of this right will occur if political inertia remains is Bangladesh: some lands will be lost to the sea, some will be flooded when there are storms, and even lands that remains dry will be damaged. All of this will cripple agricultural output, increase hunger and starvation, and push the country further into poverty: rising sea will flood large tracts of land, interfering with existing infrastructure and food production, “possibly creating the largest humanitarian crisis the world has ever faced.”<sup>11</sup> But small island nations such as the Maldives face an even worse fate: they may entirely disappear beneath the

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<sup>8</sup> UNDP 2007, *Human Development Report 2007/2008: Fighting Climate Change: Human Solidarity in a Divided World* (New York: United Nations Development Programme Publications), online at: [http://hdr.undp.org/en/media/HDR\\_20072008\\_Summary\\_English.pdf](http://hdr.undp.org/en/media/HDR_20072008_Summary_English.pdf) (accessed 2013-07-19).

<sup>9</sup> Stephen Humphreys, “Introduction: human rights and climate change,” *Human Rights and Climate Change*, edited by Humphreys, pp. 1-33, at p. 1.

<sup>10</sup> IPCC 2007, “Summary for Policymakers,” *Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, edited by M. L. Parry et al. (Cambridge: Cambridge University Press), pp. 7-22.

<sup>11</sup> Andrew Guzman, *Overheated: The Human Cost of Climate Change* (Oxford: Oxford University Press, 2013), at p. 12.

waves, which will cause massive migration, with entire populations becoming not only climate migrants, but also climate exiles<sup>12</sup>.

The second negative internationally recognized human right threatened by climate change is the one to health. It can be defined as the right not to have one's health seriously threatened by other people's actions. Climate change will affect the health status of millions of people during the century by: increasing malnutrition and consequent disorders; increasing disease and injury due to heatwaves, floods, storms, fires and droughts; increasing frequency of cardio-respiratory diseases; and by altering the spatial distribution of some infectious diseases.

Let us take two existing diseases: malaria and dengue fever. If global temperatures increase by 2 to 3°C, malaria will present a risk to an additional 3 to 5% of the world's population, that is, around 200 million *additional* people. Concerning dengue fever, if the temperatures increase by 2.5°C, then 2.5 *billion* additional people will be at risk. Climate change will also increase the risk of a global health crisis by pushing always more people in cities and refugee camps with unsanitary spaces, precisely the conditions suitable to the outbreak and the spread of a global epidemic<sup>13</sup>. Therefore, climate change will reinforce and amplify current as well as future socio-economic disparities, leaving the disadvantaged with greater health burdens: it will greatly exacerbate global health inequities among current generations and establish profound intergenerational inequities<sup>14</sup>.

The last human right I would like to mention is the one to life. It can be defined as the right not to be arbitrarily deprived of one's life. Multiple effects of climate change threaten it. For example, because of an increasing frequency of severe weather events such as tornados, hurricanes, storm surges and floods, millions of people will lose their lives during the 21<sup>st</sup> century. About 40% of world population lives in coastal regions: many of these regions will become more and more dangerous to live in<sup>15</sup>. Another impact is the increasing frequency of droughts: by 2020, between 75 and 250 million people are projected to be exposed to increased water stress only in Africa; and by 2050, more than an additional billion of people will be concerned by this problem in Asian regions.

Billions of people rely on mountain glaciers to serve as massive water-storage facilities. These natural storage systems are melting, creating flooding during the rainy season and drought during the dry season. If climate change impacts are already observed in the Maldives and Bangladesh because of sea-level rise, we also see them in Bolivia because of melting glaciers. Half of humanity may be hit, mostly in Asia, with diminishing agricultural production and more people getting sick and starving to death<sup>16</sup>.

These different drivers of human rights violation do not operate in isolation: most of them are interrelated. For example, heat and droughts are often linked, along with fires and water shortages. Floods precipitate disease outbreaks such as cholera and other diarrheal disease, damage infrastructures and disrupt food and water security. Many regions will be exposed to multiple impacts and thus multiple human rights violations<sup>17</sup>. More generally, the impacts of climate change "will interact with wider social, economic and ecological processes that shape

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<sup>12</sup> Sujatha Byravan and Sudhir C. Rajan, "The Ethical Implications of Sea-Level Rise Due to Climate Change," *Ethics & Public Affairs* 24:3 (2010), pp. 239-260.

<sup>13</sup> Guzman, *Overheated: The Human Costs of Climate Change*, ch. 6: "Climate Change is Bad for your Health".

<sup>14</sup> Elizabeth G. Hanna, "Health hazards," *The Oxford Handbook of Climate Change and Society*, edited by John S. Dryzek *et al.* (Oxford: Oxford University Press, 2011), pp. 217-231.

<sup>15</sup> Neil Adger and Sophie Nicholson-Cole, "Ethical dimensions of adapting to climate change-imposed risks," *The Ethics of Global Climate Change*, edited by Denis G. Arnold (Cambridge: Cambridge University Press, 2011), pp. 255-271.

<sup>16</sup> Guzman, *Overheated*, pp. 104-118.

<sup>17</sup> Hanna, "Health hazards", at p. 225.

opportunities of human development.”<sup>18</sup> In other words, climate change will magnify existing risks by exacerbating world poverty, the most important cause of human rights violation.

### *In What Sense are Human Rights “violated” by Climate Change?*

Before going further, an important question of definition arises: in what sense can we say that specific human rights of the global poor and future generations are violated by the impacts of global warming? The problem here is that it is very hard to assess who is responsible for and who is suffering from the harms resulting from the effects of global warming. Indeed, it is very complex to know (1) who, between individuals, corporations, States and international organizations, is the main responsible for historic and current emissions; and (2) who is a victim of a harmful consequence of climate change rather than of another social or environmental problem. As Dale Jamieson puts it, “climate change is not a matter of a clearly identifiable individual acting intentionally so as to inflict an identifiable harm on another identifiable individual, closely related in time and space.”<sup>19</sup>

For this reason, nobody has an *individual* responsibility for climate change-induced human rights: in this case, there is no such thing as an individual action that wrongs persons, a specific, culpable action that hurts people. However, many have a *collective* responsibility for imposing to countless other people the harmful consequences of their actions: even if each isolated agent’s actions are not harmful, they are part of a causal chain that predictably causes climate change. Limiting our conception of human rights violations to discrete actions that in isolation inflict a severe harm on a specific victim would be a mistake. Following Elizabeth Ashford, we can say that “if the cumulative result of the behavior of a vast number of agents is the infliction of an extremely severe harm on a vast number of victims, and if the harm is foreseeable an unreasonably imposed, it may constitute a human rights violation even if no agent’s action, considered in isolation, inflicts a severe harm on anyone.”<sup>20</sup>

A useful distinction here is the one between standard and systematic human rights violations. If standard human rights violations represent discrete harmful actions or omissions perpetrated by specific agents against specific victims that take place over a specific period of time, systematic human rights violations result from the interaction of the activities of a vast number of agents via their membership of global and domestic social institutions. Such harms “can only be seen by looking at the ongoing effects that systematically result from the normal behavior of millions of agents via their participation in social institutions and more.”<sup>21</sup> Systematic human rights violations result from the everyday behavior of millions of agents and for this reason these agents can share liability for systematic human rights violations even if they are not blameworthy for specific victims’ harms<sup>22</sup>.

### *A Pessimistic (but not Less Realistic) Scenario*

So far I have focused on one sort of interest: the fundamental interests of present and future victims of climate change. Following the interest theory of rights, one can say that climate change threatens human rights because it jeopardizes people’s interests in subsistence,

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<sup>18</sup> UNDP, *Human Development Report 2007/2008*, pp. 18-19.

<sup>19</sup> Dale Jamieson, “The Nature of the Problem,” *The Oxford Handbook of Climate Change and Society*, edited by John S. Dryzek *et al.*, pp. 38-54, at p. 44.

<sup>20</sup> Elizabeth Ashford, “Severe Poverty as a Systematic Human Rights Violation,” *Cosmopolitanism Versus Non-Cosmopolitanism: Critiques, Defenses, Reconceptualizations*, edited by Gillian Brock (Oxford: Oxford University Press, 2013), pp. 129-155, at p. 136.

<sup>21</sup> *Ibid.*, at p. 140.

<sup>22</sup> It could also be shown that the global affluent are responsible for climate change-induced human rights violations because of their causal responsibility for global emissions, their ability to tackle the problem, and the fact that they benefit from historical emissions, but I leave this task aside here. I only wanted to show why it is correct to speak here of climate change-induced violations of human rights.

health and life. Those interests are weighty enough to impose obligations on others, which is the reason why they must be protected by rights. If this gives to policymakers a compelling moral reason to act, their own interests are not directly concerned: if the approach I have developed so far deals with the objective of justice, it is not yet realistic enough. To motivate the global affluent to act, we should ask not only why they have strong moral reasons based on global and intergenerational justice to tackle climate change, but also why it is in their own interest to do so.

We should therefore find factors that motivate people to comply with their moral duties. Especially in the case of intergenerational ethics, the acceptance of moral duties is insufficient to motivate action in conformity with these duties in cases where competing motivations exist. As Birnbacher emphasises, “[m]oral motives are usually too weak to effect appropriate action unless supported by quasi-moral and non-moral motives pointing in the same direction.”<sup>23</sup> If moral motives refer to acts performed from consciousness or simply in virtue of the fact that they are duties, quasi-moral motivations are altruistic motives such as love, compassion, solidarity or generosity, and non-moral motives refer to the desire for self-respect, social recognition and personal interest promotion. To make sure that the global affluent are sufficiently motivated to act, we must therefore show if, and in what sense, specific quasi-moral and non-moral motives point in the same direction than moral duties.

One way to achieve this objective is to assess the effects of an abrupt warming. If the 2007 IPCC uses a gradual model of climate change, more and more scientists emphasise the possibility of an abrupt increase in global temperatures due to positive feedbacks in the climate cycle. For instance, the terrestrial and the oceanic systems may be transformed from carbon sinks to sources of greenhouse gases<sup>24</sup>. Catastrophic scenarios are so influential in climate sciences that even the 2012 IPCC Special Report mentions them: “[l]ow-probability, high-impact changes associated with the crossing of poorly understood climate thresholds cannot be excluded, given the transient and complex nature of the climate system. Assigning ‘low confidence’ for projections of a specific extreme neither implies nor excludes the possibility of changes in this extreme.”<sup>25</sup>

If these catastrophic consequences would worsen the human rights violation of poor people and of distant future generations, they would also hit very badly affluent people and their children and grandchildren, wherever they live. Affluent people are directly concerned, because of their direct interests in economic growth, health security and political stability; even their own fundamental interests in subsistence and life may be jeopardized. In that sense, they have non-moral reasons, based on their personal interests, to fight global warming. But they also have quasi-moral reasons to do so, since their descendants may be forced to live in an even more dangerous world: as long as present people care for their children, they have a strong interest to tackle climate change.

Some catastrophic events will happen only in several centuries; but some may already happen before the beginning of the 22<sup>nd</sup> century. According to Andrew Guzman, “within my lifetime, or, if we are lucky, within the lifetime of my children, there will be acute water shortages affecting hundreds of millions, or perhaps billions, people.”<sup>26</sup> Likewise, according

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<sup>23</sup> Birnbacher, “What Motivates Us to Care for the (Distant) Future?”, at p. 282

<sup>24</sup> A good reference on this topic is: David Archer, *The Long Thaw: How Humans are Changing the next 100,000 Years of Earth’s Climate* (Princeton: Princeton University Press, 2009).

<sup>25</sup> IPCC 2012, “Summary for Policymakers,” *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation. A Special Report of Working Groups I and II of the Intergovernmental Panel on Climate Change*, edited by C. B. Field et al. (Cambridge & New York: Cambridge University Press, 2012), pp. 3-22, at pp. 11-12.

<sup>26</sup> Guzman, *Overheated*, p. 131

to James Hansen, “the best estimate I can make of when large sea level change will begin is during the lifetime of my grandchildren – or perhaps your children.”<sup>27</sup>

Much more can be said about catastrophic scenarios, but the point is that they represent a powerful driver of political action: they are scientifically based and deal with the non-moral and quasi-moral motivations of affluent citizens throughout the world. They are not less realistic than the gradual model if we keep on increasing global emissions; they are just, as the IPCC puts it, “poorly understood”, but it neither means that they are unlikely, nor that they will only happen in the distant future. As Henry Shue emphasises, “[t]hat something is uncertain in the technical sense, that is, has no calculable probability, in no way suggests that its objective probability, if known, would be small. There is a grand illusion here: if we cannot see what the probability is, it must be small. ... This inference is totally groundless. If all we know is that the probability cannot be calculated, then we do not know anything about what it is; if we do now know anything about what it is, then we do not know whether it is small or large.”<sup>28</sup> And even if we discover later that the probabilities of a catastrophic climate change are low, then strong action to mitigate climate change remains crucial. As John Broome explains, “what is most likely to happen is not necessarily the most important consideration in making a decision. An unlikely possibility may be more important if its results will be extremely bad.”<sup>29</sup>

### III: How to Protect Climate Change-Threatened Human Rights?

So far I have asked how we can understand specific climate injustices; now I ask how we can try to prevent most of them by institutional reforms. The question is not anymore: “how to justify the existence of duties towards present and future victims of climate change”, but: “how to ensure that these duties will be fulfilled before widespread human rights violations happen?” To make sure that political recommendations are realistic, or that institutional reforms are feasible, the urgent problem is less to deal with the non-identity argument or the notions of “responsibility” and “capacity” to combat climate change, like many philosophical debates on climate change do, than to address the different meanings of the notion of “interest”. Here again, the point is to make sure that the problem of motivation, crucial for political action, is not set aside.

#### *The Interests of the Global Affluent to Tackle Climate Change*

Climate change is a tragedy of the commons: the atmosphere is a carbon sink everybody can freely use, transmitting the costs of its overuse to others. The specificity of the climate tragedy is that it is global and intergenerational: not only affluent living people have a strong *individual* interest not to mitigate their emissions, since the environmental costs of their behaviour is payed by the global poor; they also have a *collective* interest not to tackle climate change, since its burdens will be also borne by subsequent generations<sup>30</sup>. This commonly used model is correct, but, I think, incomplete. It only deals with one very narrow kind of interest: the perceived interests of the global affluent. Rich consumers and producers indeed have a short-term interest to increase their emissions to minimize their costs or maximize their

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<sup>27</sup> James E. Hansen, *Storms of my Grandchildren: The Truth about the Coming Climate Catastrophe and our Last Chance to Save Humanity* (London: Bloomsbury, 2009), p. 256

<sup>28</sup> Henry Shue, “Deadly Delays, Saving Opportunities: Creating a More Dangerous World?,” *Climate Ethics: Essential Readings*, edited by Stephen M. Gardiner *et al.* (Oxford: Oxford University Press, 2010), pp. 163-177, at p. 148.

<sup>29</sup> John Broome, *Climate Matters: Ethics in a Warming World* (New York & London: W. W. Norton & Company, 2012), p.120.

<sup>30</sup> Stephen M. Gardiner, *A Perfect Moral Storm: The Ethical Tragedy of Climate Change* (Oxford: Oxford University Press, 2011), pp. 24-38, 108-123.

benefits: burning fossil fuels enables them to use cheap energy, food production and transportation systems, and so on.

But if we add to the picture the middle-term interests of wealthy people and their indirect interests in the well-being of their descendants, we get a more accurate idea of the behaviour it would be rational for them to adopt. If catastrophic impacts of climate change were to happen this century, these interests would be seriously threatened. But to motivate them to act, using pessimistic projections is not necessary: even in conservative scenarios, some of their interests such as their economic security are threatened, with diminished importations, exportations and international financial transactions as the economy of other countries collapse under the severe impacts of climate change. Likewise, their health security can be seriously jeopardized by the creation and the spread of a global epidemic. In a globalized world, no country is protected from the impacts of climate change<sup>31</sup>.

With this picture in mind, much can be done to make the global affluent change their habits. Since these habits are mostly shaped by institutions, we ought to begin by reforming them in order to change people's behaviours. As Ashford writes, "[t]he harms are produced by the operations of social institutions, which structure the behavior of millions of agents, and can only be ended by reform of those social institutions"<sup>32</sup>.

First, we can implement an educational system based on enlightened self-interest ethics to make people understand that it is in their own interest to tackle climate change. As consumers, they would choose less carbon-intensive products; as citizens, they would choose more environmentally friendly politicians and policies. As Guzman puts it, "I am convinced that the most important barrier to a sensible and determined response to climate change is a lack of public understanding about the ways in which our lives and the lives of children will be affected."<sup>33</sup> Or, as Hansen writes, "[c]itizens with a special interest – in their loved ones – need to become familiar with the science, exercise their democratic rights, and pay attention to politicians' decisions."<sup>34</sup>

This solution bets on the intelligence of citizens, rather than on their virtue or morality. Its advantage is that it is a liberal form of education, not based on perfectionism; its disadvantage is that it is too slow to deal with this urgent problem in time. Before it can have any effect, widespread human rights violation generated by climate change will happen.

To complement this first solution, a second one would be to "nudge" people to mitigate, instead of waiting for them to do so voluntarily. We can use market mechanisms such as carbon taxes and cap-and-trade systems to incentivize people to reduce their emissions, so that their short-term or perceived interests become identical to their middle-term and indirect interests. If people take too much time to understand that they have strong interests and compelling moral duties to mitigate, we can still reform existing institutions so that it becomes in their perceived interest to do so.

This solution is not paternalistic for two reasons. First, it does not force people: it only gives them price-incentives to mitigate. If they decide to keep on increasing their emissions, they are free to do it, but they will pay for their unsustainable behaviours. Second, this policy is not only based on affluent citizens' interests; it is also based on poor and future people's human rights, and therefore represents a realization of the no-harm principle.

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<sup>31</sup> Jody Freeman and Andrew Guzman, "Climate change and U.S. Interests," *Environmental Law Reporter* 41:8 (2011), pp. 10695-10711.

<sup>32</sup> Ashford, "Severe Poverty as a Systematic Human Rights Violation", at p. 142.

<sup>33</sup> Guzman, *Overheated*, p. 2.

<sup>34</sup> Hansen, *Storms of my Grandchildren*, p. xi

### *The Interest of Developed Countries' Representatives to Tackle Climate Change*

The problem with these policies is that they are not yet realistic enough: if they can motivate affluent citizens to combat global warming, we still need to know why politicians would decide to implement strong climate policies. In other words: how to motivate the motivators?

One solution here would be to strengthen cooperation between the countries at the international level. We should focus on the next global climate agreement and wonder how previous treaties must be reformed to enhance collaboration. One way to do so would be to make some concessions to US negotiators: we can leave behind the politically controversial<sup>35</sup> notions of climate debt and historical responsibility that will never get the majority at the Senate and show that even if we do so, developed Parties must still bear most of the climate burdens. For instance, Paul Baer has operationalized the polluter pays and the ability to pay principles and shown that, even if we take 1990 as the starting date to measure responsibility and capacity, the US must pay for 29.4% of climatic costs, whereas China must pay only for 5.1%, about six times less<sup>36</sup>. In total, without taking into account historical emissions, developed countries have to pay for more than 70% of climatic costs.

Lots of other ideas have been recently developed, such as adding new Parties to the Annex I countries<sup>37</sup> or changing multilateralism into some form of minilateralism<sup>38</sup>. The point is to try to change the strategy of developed Parties from “you go first” to “we go first and you follow”.

In any event, one unavoidable pragmatic constraint is that to be feasible, the next climate agreement will have to maintain a sufficient degree of compatibility with deeply embedded institutions of the climate regime: this is why a global cap-and-trade system is a promising solution. As currently implemented, this market mechanism is often environmentally inefficient, or unfair, or both: this is why we must wonder how best to reform systems such as the European Trading Scheme. We could make rich countries pay for their carbon permits, while poor countries would receive them for free; we could also use some of the money raised by the auctioning of permits to compensate the increase in energy prices for low-income households and finance the research, development and deployment of technologies creating energy by using renewable natural resources. The growing literature on this topic can be used to make the next climate treaty fairer and more efficient<sup>39</sup>.

### *The Interest of the Poor to Participate in Climate Negotiations*

If we want the next climate treaty to be fair, we need to take procedural or participative justice into account. Here the solution is to promote fairer political participation at the

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<sup>35</sup> Jonathan Pickering and Christian Barry, “On the concept of climate debt: its moral and political value,” *Critical Review of International Social and Political Philosophy*, 15:5 (2012), pp. 667-685.

<sup>36</sup> Paul Baer, “The greenhouse development right framework for global burden sharing: reflection on principles and prospects,” *WIREs Climate Change* 4:1 (2013), pp. 61-71.

<sup>37</sup> Jonathan Pickering *et al.*, “« If Equity's In, We're Out »: Scope for Fairness in the Next Global Climate Agreement,” *Ethics & International Affairs* 26:4 (2012), pp. 423-443.

<sup>38</sup> Robyn Eckersley, “Moving Forward in the Climate Negotiations: Multilateralism or Minilateralism?,” *Global Environmental Politics*, 12:2 (2012), pp. 24-42.

<sup>39</sup> Simon Caney and Edward Page have made important philosophical contributions to this topic: Simon Caney, “Markets, Morality and Climate Change: What, if Anything, is Wrong with Emissions Trading?,” *New Political Economy* 15:2 (2010), pp.197-224; Simon Caney and Cameron Hepburn, “Carbon Trading: Unethical, Unjust and Ineffective?,” *Royal Institute of Philosophy Supplement* 69 (October 2011), pp. 201-234; Edward A. Page, “Cosmopolitanism, climate change, and greenhouse emissions trading,” *International Theory* 3:1 (2011), pp. 37-69; Edward A. Page, “Cashing in on climate change: political theory and global emissions trading,” *Critical Review of International and Political Philosophy* 14:2 (2011), pp. 259-279; Edward A. Page, “The hidden costs of carbon commodification: Emissions trading, political legitimacy and procedural justice,” *Democratization* 19:5 (2012), pp. 932-950.

international level. We do not need to open a debate on global democracy; we only need to wonder how to make existing international climate negotiations more democratic. If a global climate change agreement is to be both fair and effective, it must strengthen its democratic commitments and resist to the antidemocratic trends that currently characterize international negotiations. As Paul Hunt and Rajat Khosla put it, “[e]ven though those living in poverty are disproportionately affected by the adverse effects of global warming, they are invariably excluded from relevant policy discussions. ... States have a human rights responsibility to take measures that facilitate, in all relevant policy-making, the active and informed participation of those affected by climate change, including those living in poverty.”<sup>40</sup>

One way to promote democratic climate negotiations would be to change the current regime from “one dollar, one vote” to “one person, one vote”, with the power of decision depending on the percentage of world population represented by delegates. US’s percentage of world population is 4.6%; China’s is 19.6%. If, as a nation, China is today the main emitter, Americans emit on average four times more than Chinese do. More generally, developing and developed countries are each responsible for about 50% of global emissions; but while the former represent 80% of world population, the latter represent only 20%. Since those who are the least responsible for the problem are the poorest and the most numerous, delegates of developed countries must have a stronger influence in climate negotiations than US’s special interests, which represent less than 0.1% of world population. If the EU, the AOSIS (Alliance of Small Island States) and the BASIC (Brazil, South Africa, India and China) had fair opportunities of participation in the designing of climate policies, if the 80% could have more influence than the 0.1% in climate negotiations, they would not any more be blocked by one country, or special interests in some developed countries.

Even if this institutional reform proposal is based on the interests of the poor, it is also compatible with the interests of the global affluent. If this reform would be bad for the superrich who are permanently lobbying US negotiators, it would be good for most of the world’s population. As Joseph Stiglitz has shown, fairer international negotiations are not only good for the global poor, but also for most of the global rich<sup>41</sup>.

## Conclusion

Climate change is not just a problem for the future: it is already affecting humanity and the environment. It is too late to hold back global warming, but the longer we wait to respond to it the more difficult it will be to limit its most adverse impacts, and the more costly it will be to adapt. While the IPCC projected that many of the adverse effects of global warming would occur much later in the century, recent science tells us that they will occur much sooner – and in many cases may be happening already – and will likely be substantially more severe than the IPCC anticipated. If we want to avoid the most dramatic impacts of climate change, then action is needed now<sup>42</sup>.

A human rights-based approach could guide this action. Identifying likely transgressions of human rights by the impacts of global warming could refocus attention on the human priorities that ought to drive policy: building human rights assessments into mitigation and adaptation scenarios would refine and improve policies, and provide criteria for their adoption or rejection<sup>43</sup>. Here I have only tried to explain in what sense specific human rights are

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<sup>40</sup> Paul Hunt and Rajat Khosla, “Climate change and the right to the highest attainable standard of health,” *Human Rights and Climate Change*, edited by Humphreys, pp. 238-256, at p. 251.

<sup>41</sup> Joseph E. Stiglitz, *Making Globalization Work* (New York & London: W. W. Norton & Company, 2006).

<sup>42</sup> Paul G. Harris, *What’s Wrong with Climate Politics and how to Fix It* (Cambridge: Polity Press, 2013), pp. 3-16.

<sup>43</sup> Stephen Humphreys, “Conceiving justice: articulating common causes in distinct regimes,” *Human Rights and Climate Change*, edited by Humphreys, pp. 299-319, at p. 315.

violated by climate change, and how a few institutional reforms may reduce these climate injustices: but global warming causes many other forms of harms, and to combat it we should implement many other climate policies. I have therefore just begun to answer to two leading questions in climate ethics: “how to justify the existence of duties towards present and future victims of climate change”, and “how to ensure that these duties will be fulfilled before widespread and severe harms happen?”

To ensure that existing and future people won't live in a dangerous world where systematic violations of human rights by climate change become unavoidable, strong climate policies must be adopted in the coming decades. To do so, developing moral reasons for action is an important task; but we also need to develop quasi-moral and non-moral reasons to guarantee that policymakers of the developed world will be motivated to sign and respect a binding climate treaty. This is why justice and political feasibility are compatible: for the next climate treaty to be adopted by developing Parties, principles of distributive and procedural justice will have to play an important role; but to guarantee that developed Parties will be also be inclined to sign it, an approach of climate justice dealing with the problem of motivation is essential.

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# Climate Change and Responsibility to Future Generations: What Normative Questions Should we Address?

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## Abstract

This paper deals with the problem of moral responsibility in view of climate change. It assumes that we have a responsibility to future generations, and it inquires what this responsibility implies. The leading idea is that in order to determine what implications responsibility to future generations has, we need to consider what normative questions we should ask about climate change and about our response to it. Four normative questions are discussed. 1. How should we respond to uncertainty? Should we apply cost-benefit analysis in order to cope with uncertainty? 2. How should we evaluate the emission of greenhouse gases? Given that the effects of emissions will be bad, should we judge that we as emitters harm the receivers and by that do them an injustice? 3. How should we compare present costs and future benefits? Should we give little or much weight to the benefits and well-being of people in the further future? 4. How should we take heed of human rights? Should we try to avoid the adverse outcomes of a cost-benefit approach by adopting a human rights approach that specifies minimum thresholds to which all human beings are entitled?

**Keywords:** Uncertainty. Cost-benefit analysis. Duty of justice. Future benefits. Human rights approach

## I. The Problem

Our attitude to climate change is not one of indifference. Our motto is not "Nach uns die Sintflut!", meaning that it does not matter what happens after we have gone. One thing that militates against this indifference is the belief that we have a responsibility to future generations. Suppose we share this belief. Then we have to think out what responsibility to future generations implies in view of climate change. I want to deal with this problem. My central claim is that in order to determine what responsibility to future generations implies, we need to consider what normative questions we should ask about climate change and about our response to it. I will take up four normative questions.

## II. How Should we Respond to Uncertainty?

Let me start by sketching the problem of uncertainty. The theory of climate scientists describes the development of the Earth's climate as a progressive warming of the atmosphere, and it explains this warming as being caused by humanity's emissions of greenhouse gases, starting with the Industrial Revolution. The theory merits a high credence since no other theory provides a better explanation. The theory also allows certain predictions about the future climate. Its broad predictions can be taken as clear and safe, for instance that the world will continue to warm and that the sea level will continue to rise. But when it comes to more detailed predictions of the future impacts of greenhouse gases, we are faced with a great deal of uncertainty. There are two reasons for this. First, the climate system is so huge and complex that its behaviour can only be predicted by making many assumptions and approximations. Second, the future progress of climate change will be influenced by many external factors, for instance by how much the human population grows and how technology develops. Uncertainty with regard to more detailed predictions is a great problem when we think about how we should act in response to climate change. For we are unsure what the effects of climate change will be, and we are equally unsure what will be the effects of our action in response to climate change.

How should we cope with this uncertainty? One important theory states that we should use cost-benefit analysis with the aim of maximizing expected value. Let me briefly explain this recommendation.

What we should try to maximize is expected value, or our expectation of the goodness of the world. In a situation of uncertainty, we must calculate expected value. We can do this by applying cost-benefit analysis. In principle, the expected value of an action can be calculated in the following way. We first identify the different results the action might have. We judge the value and the probability of each of the possible results. For each result, we calculate the arithmetical product of its value and its probability. Then we add up all these products. This gives us the expected value of the action.

However, in practice, this reasoning confronts us with a problem. To calculate the expected value, we need to know both the value and probability of each of the possible results, but in practice, we do not have that knowledge. The question is what we should do, and the answer is that we must try to estimate values and probabilities as well as we can.<sup>1</sup> Let me take probabilities first. What probability we should assign to a possible result is a matter of rationality. We should ask how much credence we rationally should give to the possibility that the result will occur. The answer should depend on the evidence we have. The more evidence we can muster, the more tightly the evidence will determine the probability. When it

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<sup>1</sup> John Broome, *Climate Matters; Ethics in a Warming World* (New York/London: W.W. Norton, 2012), p. 187.

comes to estimating the value of each possible result, we have to weigh good features against bad ones, that is to say, we have to apply cost-benefit analysis to each of the possibilities separately. Each possibility will lead to the world's developing in some particular way. For instance, people's well-being will improve or diminish in a particular way. We have to set a value on this development.

What does this approach imply with regard to climate change? Its main implication is this. In order to calculate the expected value of our actions in response to climate change, we need to estimate their results. Our actions - including doing nothing - can have bad results, called "costs", or they can have good results, called "benefits". We have to weigh the costs against the benefits and we have to take account of costs and benefits both to the present generation and to future generations. In short, using cost-benefit analysis implies comparing the costs of an undiminished progress of climate change with the costs and benefits of combating climate change. Such weighing up is needed for making out which course of action would be best on balance.<sup>2</sup>

Should we adopt the cost-benefit approach? If we reflect on this question, we should take into account that there is disagreement about the application of cost-benefit analysis to the issue of climate change. On the one hand, cost-benefit analysis has been taken to offer a tenable response to uncertainty about how to cope with climate change. On the other hand, it has been criticized for being inappropriate for assessing the problem of climate change. Critics have argued as follows. Cost-benefit analysis is tied to a conventional economic framework and can within that framework be useful for evaluating competing projects by directly assessing their costs and benefits. But the problem of climate change has a long-term nature and goes beyond the conventional economic framework. Therefore, it is inappropriate to apply conventional cost-benefit analysis to the issue of climate change. This criticism can be illustrated by two instances. First, the critics bring to the fore that conventional cost-benefit analysis is overly simplistic in talking about costs and benefits accruing to people in the far future. It neglects the problem that projecting costs and benefits in the long-term future is a difficult, if not impossible task, because we do not know precisely what the global economy will look like in the further future, which technological and social changes will occur, and what the specific negative effects of climate change will be.<sup>3</sup> A second instance of criticism is that conventional cost-benefit analysis undervalues the costs and benefits accruing to future people. In conventional calculations, these costs and benefits are subject to a positive discount rate. This means that they count as less than current costs and benefits and that they over very long time periods disappear or become minimal. But such results seem absurd. To illustrate the absurdity of a substantial discount rate, critics give us an example: "At the standard 5% discount rate, the present value of the earth's aggregate output discounted 200 years from now is a few hundred thousand dollars."<sup>4</sup>

In the face of the disagreement about the application of cost-benefit analysis to the issue of climate change, the question of whether we should adopt the cost-benefit approach requires considerable thought. To mention one possible reflection, could we reach a tenable response to uncertainty by modifying the approach, for instance by focusing on the basic conditions of the life of future people?

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<sup>2</sup> Broome, *Climate Matters*, p. 101.

<sup>3</sup> Stephen M. Gardiner, *A Perfect Moral Storm: The Ethical Tragedy of Climate Change* (Oxford: Oxford University Press, 2011), p. 237.

<sup>4</sup> Gardiner, *A Perfect Moral Storm*, p. 268.

### III. How Should We Evaluate the Emission of Greenhouse Gases?

The broad predictions of climate science give rise to the value judgement that the effects of the emissions on human beings will be bad. For example, farming in the tropics will be damaged by a rise in temperature; drought will be severe, particularly in Africa; coastal areas will be subject to flooding and erosion as the sea level rises; many people's health will be damaged and many people will be killed. Should this evaluation of effects lead us to the further evaluation that the emitters of greenhouse gases harm the receivers and by that do them an injustice?

This question is about what we are doing when we emit greenhouse gases. It regards our morality as private persons. Its background is the moral claim that we have duties of justice, and it calls upon us to judge whether we by emitting greenhouse gases are breaching a duty of justice.

Let me start by sketching the background. That we have duties of justice is part of our common-sense morality and of many moral theories. Duties of justice are owed by one person to another particular person, or to other particular people. If we breach a duty of justice, we are doing an injustice, and there is always some particular person to whom it is an injustice.

In our context, one important example of a duty of justice is the duty not to harm other people.

Given this background, how should we judge our emissions of greenhouse gases? Are there sufficient reasons for stating that we by emitting greenhouse gases are harming other people and thus doing them an injustice? Let me mention some important reasons that have been presented in the literature.<sup>5</sup> 1. The harm caused by our emissions is a result of what we do, for instance heating flats, driving cars, rearing cattle. 2. The harm we do is not trivial but serious. 3. It is not accidental since it is often the predicted result of deliberate acts of ours. 4. We do not compensate the victims of our harm. These victims are huge numbers of people scattered all over the world. 5. We normally make our greenhouse gas emissions for our own benefit. We benefit, for example, from the comfort of our homes, the travelling we do, or the consumer goods we buy. 6. The harms done by the emissions of the rich are only to a small part reciprocated by the emissions of the poor. 7. We could easily reduce our emissions if we are not among the very poor who have to burn fuel to survive.

From these reasons it can be concluded that when we as rich people emit greenhouse gases without compensating the people who are harmed, we act unjustly. This conclusion leaves us with a problem. Each of us is under a duty of justice not to emit greenhouse gases without compensating the people who are harmed as a result. If it is impossible for us to make this restitution, then our carbon footprint ought to be zero. But how should we satisfy this requirement? Looking for a solution, we could consider the following proposal. Even if we take steps to reduce our emissions, we will still cause emissions. We should try to cancel or offset these emissions. We can do this by using preventive means, that is means that make sure that less greenhouse gas gets into the atmosphere. Plenty of organizations use our money to finance projects that diminish emissions somewhere in the world, create sources of renewable energy, or promote the efficient use of energy. If we offset all our emissions, we cause no greenhouse gas to be added to the atmosphere, and we do no harm to anyone through emissions.<sup>6</sup>

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<sup>5</sup> Broome, *Climate Matters*, pp. 55-9.

<sup>6</sup> Broome, *Climate Matters*, pp. 79 and 87.

## IV. How Should We Compare Present Costs and Future Benefits?

Let me first point to the very long timescale concerned. The changed climate will persist for a very long time. The emissions of greenhouse gas cause a progressive warming, and if that gas is carbon dioxide, the warming is spread across centuries, because some of the gas will stay in the air that long. The warming of the atmosphere harms many presently living people, but most of the bad effects will not be suffered for many decades from now, indeed for more than a century from now. They will be suffered mostly by people who are not yet living. Their lives will be much worse than they would have been if we had controlled our emissions. Likewise, efforts to control climate change will only slowly become effective. For example, the reduction of greenhouse gas emissions will result in benefits within a few decades, but most benefits will come only after a very long time.

Measures to reduce emissions of greenhouse gas are costly. The costs of such measures will be borne at present or in the near future. Therefore, the question arises how we should weigh up costs borne by present people against future people's benefits. The answer seems in the first place to depend on what value we should set on future people's benefits compared with our own.

In climate economics, this issue appears under the heading of "discount rate". Two prominent studies may illustrate this. The Stern Review<sup>7</sup> uses a low discount rate (1.4 percent per annum). It discounts future benefits to a low degree, which means that it gives much weight to the interests of future people and asks the present generation to make urgent sacrifices for the sake of future people. Nordhaus' study "A Question of Balance"<sup>8</sup> uses a high discount rate (5.5 percent per annum). It discounts future benefits to a high degree, which means that it gives little weight to the future. It concludes that only a modest response now is demanded and strong action can be delayed for decades. It is worth mentioning that the discount rates of Stern and Nordhaus make a sixty-fold difference to the value we assign to commodities a century from now.<sup>9</sup>

What value we should set on future people's benefits is not just an economic question but also a moral question, because it determines more than anything else what sacrifices the present generation should make for the sake of the future. How should we answer this question? Perhaps the following proposal is worth considering. Suppose we do not reject all discounting of future benefits. We may, for example, discount future commodities because of their diminishing marginal benefit. That is to say, we may share some of the economists' optimistic assumptions: The world's economic growth will continue, despite climate change and the present crisis; people in general will therefore be richer in the future than they are now; they will possess more commodities; since they already have a lot, extra commodities will bring them less well-being than extra commodities received by someone who has few. But discounting future commodities does not imply discounting future well-being, because well-being is not a commodity. "Well-being" stands for a person's life going well, her possessing whatever is good for her (pleasure, satisfaction of her preferences, knowledge, or something else).<sup>10</sup> What value we should set on the well-being of persons depends on our basic moral view. One important view we have been offered is that someone's well-being has the same value whenever it occurs, and whoever's well-being it is.<sup>11</sup> If we take this view, well-being should not be discounted. Commodities, that is the material goods people buy and the services they use, can be regarded as sources of well-being. They are benefits if they increase

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<sup>7</sup> Nicholas Stern, *The Economics of Climate Change* (Cambridge: Cambridge University Press, 2007).

<sup>8</sup> William Nordhaus, *A Question of Balance* (New Haven: Yale University Press, 2009).

<sup>9</sup> Broome, *Climate Matters*, p. 139.

<sup>10</sup> Broome, *Climate Matters*, pp. 113 and 129.

<sup>11</sup> Broome, *Climate Matters*, p. 146.

the well-being of persons. This implies that the discount rate for evaluating these benefits should be low.

## V. How Should We Take Heed of Human Rights?

A cost-benefit approach to climate change can be criticized for its aggregative nature. This criticism is as follows. A cost-benefit approach is concerned with the aggregate level of expected value, the total wealth of current and future generations, and it neglects the plight of the very seriously disadvantaged if their plight is outweighed by the benefit of others. A cost-benefit approach fails to protect the basic interests and entitlements of the most vulnerable, and this is an important omission.

How should we try to avoid this adverse outcome? Should we agree to an important proposal that has been presented not long ago? The proposal is that we should consider the impact of climate change on the fundamental human rights of people.<sup>12</sup> It argues that anthropogenic climate change jeopardizes three key human rights: first, the human right to life: all persons have a human right not to be arbitrarily deprived of their life; second, the human right to health: all persons have a human right that other people do not act so as to create serious threats to their health; third, the human right to subsistence: all persons have a human right that other people do not act so as to deprive them of the means of subsistence.<sup>13</sup>

In order to underline the status of these rights, four properties of human rights are being highlighted.<sup>14</sup> First, human rights refer to those rights that persons have qua human beings. Second, human rights represent moral thresholds below which people should not fall, the most basic moral standards to which persons are entitled. Third, human rights represent the entitlements of each and every individual to certain minimum standards of treatment, and they generate obligations on all persons to respect these basic minimum standards. Fourth, human rights generally take priority over moral values, such as increasing efficiency or promoting happiness. So, human rights specify minimum moral thresholds to which all individuals are entitled, simply by virtue of their humanity, and which override all other moral values.

This plea for human rights as thresholds is important in the debate over climate change. It may induce us to adopt a human rights approach to climate change. Suppose it does. Then we ought to consider how our approach can be brought to bear in public decision-making. One question to think about is whether taking heed of human rights can go together with some cost-benefit analysis, even though a human rights approach is an alternative to a cost-benefit approach.

An example may show that some cost-benefit analysis can be combined with taking heed of human rights. Consider the emissions control system known as "cap and trade". This system is drawn up in cost-benefit terms. It attaches a price to emissions. The "cap" is the maximum amount of greenhouse gas a country is allowed to emit. Each country divides its cap among its economic agents by allocating emission permits. The "trade" is the buying and selling of permits. It occurs among the economic agents in an emission market. The cap is reduced from one period (often several years) to the next, thereby reducing total emissions over time. When the cap is tight, the emissions price will be pushed up and economic agents will find it profitable to economize on their emissions rather than buying lots of permits. Two recent evaluations of this emissions control system appreciate its virtue. They judge it to be "almost the only deliberate climate-change policy to actually reduce emissions to any significant degree so far,"<sup>15</sup> and to be "an effective means" to cut back carbon emissions

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<sup>12</sup> Simon Caney, "Climate change, human rights and moral thresholds", *Human Rights and Climate Change*, edited by Stephen Humphreys (Cambridge: Cambridge University Press, 2010), pp. 69-90.

<sup>13</sup> Caney, "Climate change", pp. 75-82.

<sup>14</sup> Caney, "Climate change", pp. 71-3.

<sup>15</sup> Simon Caney and Cameron Hepburn, "Carbon Trading: Unethical, Unjust and Ineffective?" *Royal Institute*

sharply and aggressively "by placing a price on carbon emissions."<sup>16</sup> But they combine their appreciation of cap-and-trade with a human rights approach. They criticize the way the system treats the least advantaged. One evaluation criticizes the unequal distribution of wealth the system exacerbates: Controlling greenhouse gas emissions leads to an increase in the cost of emission. The impacts are worse for poorer households than richer households. To avoid these impacts, emissions allowances must be sold to firms with a portion of the revenues directed to provide compensation to poorer households.<sup>17</sup> The other evaluation focuses on the global poor. More than two billion human beings suffer from energy poverty. Their subsistence rights are not fulfilled. They need to be provided with access to energy, especially electricity. Cap-and-trade alone would simply make life worse for the poorest by driving up the price of fossil fuels. A plan must be implemented that directly tackles energy poverty by driving down the price of renewable energy to a level that the poorest can afford.<sup>18</sup> In these evaluations of the cap-and-trade system, cost-benefit thinking is combined with taking heed of human rights.

## VI. Conclusion

If we want to clarify what responsibility to future generations implies in view of climate change, we need to consider what normative questions we should address about climate change and about our response to it. I have discussed four such questions: How should we respond to uncertainty? How should we evaluate the emission of greenhouse gases? How should we compare present costs and future benefits? How should we take heed of human rights? There are more questions to be asked, for instance about human lives, the world's population, or the value of nature. But I hope the four questions I have discussed will be sufficient for a helpful elucidation.

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*of Philosophy Supplement*, 69 (2011), p. 227.

<sup>16</sup> Henry Shue, "Climate Hope: Implementing the Exit Strategy", *Chicago Journal of International Law* 13:2 (2013), p. 398.

<sup>17</sup> Caney and Hepburn, "Carbon Trading", p. 223.

<sup>18</sup> Shue, "Climate Hope", pp. 391, 396, 398.

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# Understanding Climate Change as an Existential Threat: Confronting Climate Denial as a Challenge to Climate Ethics

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## Abstract

Climate change cannot be managed by experts and politicians alone. Consequently, climate ethics must take up the challenge of inviting public responsibility on this issue. New sociological research on climate denial by Kari Norgaard, however, suggests that most citizens of industrialized countries are ill-prepared to cope with the ethical significance of climate change. I draw upon Martin Heidegger to offer a new reading of climate denial that suggests viable responses to this problem. I argue that the implications of climate change are largely received as an “existential threat” to the extent that they endanger the integrity of everyday existence. In other words, the implications of climate change for everyday life unsettle what phenomenologists call the “lifeworld.” Should basic lifeworld assumptions, which cultures rely on to make sense of the world and their purposes in it, come under serious question, anxieties surface that most people are profoundly motivated to avoid. Hence, the ethical obligations entailed by climate change are “denied” in the form of protecting lifeworld integrity for the sake of containing anxieties that would otherwise overwhelm people. Finally, I submit that existential approaches to climate denial can empower a confrontation with “climate anxiety” in ways that open up ethical reflection.

**Keywords:** climate ethics, climate denial, existentialism, phenomenology, anxiety.

## I. Introduction: Climate Ethics from the Bottom Up

In 1992, the year the United Nations introduced the Framework Convention on Climate Change that laid the groundwork for the Kyoto Protocol, Dale Jamieson made a seminal case for climate ethics.<sup>1</sup> He argued that scientific knowledge, although indispensable, doesn't translate into appropriate action. Moreover, climate change cannot be managed as a technical problem by experts and politicians. Instead, Jamieson argued, this issue confronts us with questions about how we relate to each other and to nature, as well as questions about who we are and how we ought to live. Hence, climate change is primarily an ethical issue.

In the past two decades, experts, politicians, and an increasingly professionalized environmental movement have taken on climate change only to prove Jamieson right. Despite over two decades of overwhelming scientific consensus regarding the enormity of climate change, and several ambitious international conventions attempting to address it, emissions have dramatically increased during this time, not decreased. Arguably, the Kyoto Protocol and market-based solutions like the European Union's venture into cap-and-trade have failed. Economist Nicolas Stern famously proclaimed climate change "the greatest market failure the world has ever seen,"<sup>2</sup> and some notables like James Gustave Speth are having serious doubts about capitalism's ability to address this problem at all.<sup>3</sup>

Faith in green technologies is also problematic. Energy-efficiency improvements have been met with higher emissions because lower utility costs have translated into warmer buildings and bigger refrigerators, while better fuel economy has been outpaced by more cars on the road, longer commuting distances, and a sports utility vehicle fad. In *Green Illusions*, Ozzie Zehner deconstructs the techno-optimism behind solar, wind, biofuels, and other hopefuls to conclude that we don't have an energy crisis: we have a consumption crisis.<sup>4</sup>

My point isn't simply that large-scale solutions are useless. Indeed, one could scarcely imagine mitigating global emissions without them. However, political realism demands that policies and basic institutional reforms commensurate with the magnitude of this issue be met with widespread public support and involvement. In fact, given the global track record of the past two decades, it's become clear that such changes have to be instigated and enforced by a politically organized populous willing to keep powerful interests in check. The totalizing nature of climate change necessitates empowered and clear-sighted democracies like never before, and this in turn requires the kind of moral force that underlies all mass movements later generations recognize as historical in scope. Unfortunately, ethical responses to climate change by the public have proven equally discouraging. Growing awareness over the past two decades has not translated into the widespread normative changes demanded by this issue.

What accounts for this? Climate ethicists offer a range of ideas that include conceptual clarity, political inertia, worldviews, character vices, and other barriers to action. It's important to note in this regard that the way one understands the major barrier(s) to normativity has a strong influence on one's theoretical approach to climate ethics. If the problem of normativity boils down to muddled concepts, clarity will bring home the ethical implications of climate change to compel appropriate action. If, instead, motivation to act is

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<sup>1</sup> Dale Jamieson, "Ethics, Public Policy, and Global Warming." *Climate Ethics: Essential Readings*, edited by Stephan M. Gardiner, Simon Caney, Dale Jamieson, and Henry Shue (New York: Oxford University Press, 2010), pp. 77-86.

<sup>2</sup> Nicholas Stern, "The Economics of Climate Change." *Climate Ethics: Essential Readings*, edited by Stephan M. Gardiner, Simon Caney, Dale Jamieson, and Henry Shue (New York: Oxford University Press, 2010), pp. 39-76, at p. 39.

<sup>3</sup> James Gustave Speth, *The Bridge at the Edge of the World: Capitalism, the Environment, and Crossing from Crisis to Sustainability* (New Haven: Yale University Press, 2008).

<sup>4</sup> Ozzie Zehner, *Green Illusions: The Dirty Secrets of Clean Energy and the Future of Environmentalism* (Lincoln & London: University of Nebraska Press, 2012).

inhibited by worldview perceptions blind to the moral urgency of climate change, a paradigm shift is needed. Or perhaps ethical responses are obstructed by bad habits or ill-adapted character traits. If so, new virtues are called for.

These and other approaches to the problem of normativity are found throughout the climate ethics literature. New ethnographic research on climate denial by sociologist Kari Norgaard, however, complicates these views. Her observations suggest that climate denial is a defensive reaction to emotional disturbances triggered by the unsettling implications of climate change. Moreover, denial of this sort is intersubjective, meaning that it has to be understood in terms of collective socio-cultural experience. Ultimately, she argues, what is often denied in climate change is not the reality or even the seriousness of this issue, but precisely its *normative* significance for everyday life. This makes her work centrally relevant to climate ethics. And as I argue in this paper, Norgaard's research lends itself to an existentialist way of understanding the normativity problem at the center of climate ethics, and in the process provides a new perspective from which to approach the field.

Even if Norgaard's ethnographic findings accurately capture the phenomenon of climate denial, however, it still leaves the ethicist wondering how to philosophically address this central barrier to normativity. My own approach draws on Martin Heidegger to thematize climate denial more comprehensively and in ways that suggest viable ethical avenues.

Specifically, I argue that climate change is received primarily as an existential threat that shuts down ethical reflection, and that the emotional disturbances observed by Norgaard are largely secondary to this more basic condition. By existential threat, I don't mean a physical danger. I mean a threat to the structures of meaning that constitute community or intersubjective identity.<sup>5</sup> By calling into question our most basic assumptions about how we ought to live, how we ought to relate to others and to nature going into the future, the *continuity of social existence* is threatened at a collective level. In other words, the ethical implications of climate change pose an existential threat insofar as they call into question the intersubjective structures of what phenomenologists call the lifeworld. The sign of such a threat is a creeping anxiety that compels us to engage in the forms of denial analyzed by Norgaard. Hence, a Heideggerian interpretation of this research would understand climate denial as an anxious attempt to work with others in order to keep the ethical significance of climate change at a safe remove.

If climate change is indeed received as an existential threat, those interested in empowering public responsibility might want to consider an existentialist approach to climate ethics. To this end, I conclude that *some* measure of anxiety is appropriate as a signal that basic existential changes are needed, as long as bottom-up ways of responding to anxiety are put forward that truly open people up to this daunting issue.

## II. The Existential Problem

In a recent interview, Bill McKibben remarked that addressing climate change is like building a movement against ourselves—as if the abolition movement depended on slave owners.<sup>6</sup> Although we can draw powerful examples of collective mobilization from history, as with World War II, what most of them have in common is a felt need to react against an external threat like fascism. Climate change, however, complicates this line between external and internal. Of course, McKibben doesn't believe that “external enemies” are absent. In a world marked by widening gaps of wealth and power, it's not the consumers that have been

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<sup>5</sup> By “community” or “intersubjective identity” I mean traditions (religious, political, professional, etc.) that connote common ways of thinking, speaking, feeling, perceiving, and being.

<sup>6</sup> Bill McKibben, “Global Warming's Terrifying New Math,” *Rolling Stones Magazine: July 19, 2012*, online at <http://www.rollingstone.com/politics/news/global-warmings-terrifying-new-math-20120719> (accessed 2013-11-11).

controlling the fate of climate policy over the past two decades. One must look instead to producers like Exxon Mobil. I think McKibben's point, however, is that most people in affluent societies tend to identify with the very industrial world order that Exxon Mobil represents. Identity, after all, is constituted by socio-cultural experience, and the latter has long been infused with the ethos and mores of industrialization, including its scientific, technological, and economic power. There's a sense in which we *see ourselves*—our past and future—in the very world responsible for climate change, and so cannot easily imagine carbon-healthy alternatives to it. I call this the existential problem.

For Herbert Marcuse, we see ourselves in a world that is nevertheless alien to us—just as medieval Christians saw themselves in a supernatural God beyond their experience and power to influence. For him, however, the “external world” most identify with today belongs, not to the supernatural, but rather to the material order that governs everyday existence. The result, for Marcuse, is a “one-dimensional” *internalization* of the industrial order itself to the extent that it has become self-evident and beyond question. With the introduction of mass communications (e.g. advertising), for instance, social experience has become standardized to such an extent that our ability to think, speak, feel, perceive, and behave *beyond* the industrial order of immediate existence has been severely compromised. “The concepts which comprehend the facts and thereby transcend the facts are losing their authentic linguistic representation. Without these mediations, language tends to express and promote the immediate identification of reason and fact, truth and established truth, essence and existence, the thing and its function.”<sup>7</sup>

If we add to this list the immediate identification of what ‘is’ (reality) and what ‘ought to be’ (possibility), mediating *ethical* concepts also seem unlikely to develop and take hold. Future possibilities are already encapsulated in present realities. Yet, for Marcuse, the function of a viable culture (or lifeworld) is to mediate existence by distinguishing real needs and problems from false ones in light of higher ideals. If the industrial order is received as self-evident, however, any basic problems intrinsic to it are concealed. Hence, the existential problem is born from the recognition that truly ethical responses to climate change require shifts in identity that are significantly distinct from the industrial order responsible for climate change.

Allen Thompson and Jeremy Bendik-Keymer come close to this problem in the climate ethics literature with their recent anthology *Ethical Adaptation to Climate Change*. Here, they attempt to broaden the focus from prescriptions to virtues in an effort to ground action in a new understanding of human excellence. A new vision of the good life is called for to facilitate new ways of being human in a world where adapting to climate change will become the prime directive. “*Who we are today*” they explain, “is not ready for this and *who we have been* got us into this mess.”<sup>8</sup> Thus, we are invited to transform ourselves in the context of “well-worked-out relationships between our lives, our institutions, and the extrahuman world.”<sup>9</sup>

What remains to be seen, however, is whether or not communities are open to accepting this invitation to self-transform in the first place. If we do in fact internalize a world of social forces largely beyond our grasp and influence, self-transformation in the name of climate ethics must seem like pure fantasy—a request to create something *ex nihilo*.

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<sup>7</sup> Herbert Marcuse, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society* (Boston Mass.: Beacon Press, 1964), p. 85.

<sup>8</sup> Allen Thompson and Jeremy Bendik-Keymer, “Introduction: Adapting Humanity,” *Ethical Adaptation to Climate Change: Human Virtues of the Future*, edited by Allen Thompson and Jeremy Bendik-Keymer (Cambridge, Mass. & London, England: The MIT Press, 2012), pp. 1-23, at p. 15.

<sup>9</sup> *Ibid.*, p. 2.

The existential problem, however, runs deeper still. Insofar as self-identity is fundamentally implicated in the same world order of production and consumption causing climate change, asking for fundamental ethical changes that *conflict* with that world must seem tantamount to a kind of identity crisis. Reforming one's identity risks endangering the collective sense of order, stability, and continuity in life required to live with integrity and confidence. It is in this sense, I argue, that the ethical implications of climate change are received largely as an existential threat. What would happen, for example, if we were to fully take in the fact that carbon levels now exceed 400ppm—a level the biosphere hasn't been adapted to for countless millennia? And what happens when we begin to realize that climate change is inextricably bound to a plethora of other global dangers like ocean acidification and the sixth mass extinction in Earth's history? All things considered, the ethical implications of climate change suggest that we humans need to adapt to the nonhuman world, rather than forcing nature to adapt to us. But this points to a profound and disturbing reversal in the Western psyche that contradicts centuries of socio-cultural momentum. And should one go further to examine the systemic relationship between the anthropocentric institutions driving climate change and the systemic social injustices organized by these same institutions, how does one cope with such a totalizing condition?

Drawing on Norgaard, I argue that the signature of the existential problem inhibiting ethical normativity in the face of climate change has to be understood as a kind of denial in the face of such disturbing questions. In an effort to more fully grasp the existential problem, therefore, we turn now to her theory of climate denial.

### III. Norgard's Theory of Climate Denial

As Norgaard explains, climate denial takes multiple forms.<sup>10</sup> The most well-known in the United States is the "literal denial" that dismisses the science of climate change. Even in the US, however, literal denial only accounts for a minority of the population. A more prevalent form is "interpretive denial," where climate change is accepted as factual, but the facts are interpreted in ways that dismiss it as a serious threat. For example, a faith in historical "progress" can bring comfortable interpretations of climate change as a problem that will eventually be solved by the experts.

The third form of denial, however, is the most subtle and perhaps most widespread. In what is called "implicatory denial," climate change is acknowledged as real and it's interpreted as a serious threat, but the moral implications of this issue are consistently minimized. As Norgaard puts it, implicatory denial reflects "a failure to integrate...knowledge [of climate change] into everyday life or transform it into social action."<sup>11</sup> Thus, this third form of denial has insidious consequences for climate ethics as a field of inquiry.

Norgaard's ethnographic research was conducted in Norway, a country she selected because of its largely educated and politically-involved citizenry with an impressive record of environmental action. Consequently, she believed, the more subtle aspects of climate denial could be investigated more clearly in this setting. In Norway, one can see that the dominant theories of climate denial (focusing on ignorance, ideology, apathy, or greed) miss the mark. Accounts of inaction that center on such phenomena tend to rely on problematic assumptions about human nature that stress either rational actor theories of behavior or see denial as a kind of passive impotence or indifference. The most widespread example of this is what's known

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<sup>10</sup> See Stanley Cohen, *States of Denial: Knowing About Atrocities and Suffering* (Malden, Mass.: Blackwell Publishers, 2001).

<sup>11</sup> Kari Marie Norgaard, *Living in Denial: Climate Change, Emotions, and Everyday Life* (Cambridge, Mass. & London, England: The MIT Press, 2011), p. 11.

as the “information deficit model,” where the so-called failure to respond to climate change is understood in terms of ignorance or misinformation—assuming, as it does, that if people only ‘knew’ the science, they would take climate change seriously and act differently. The hope here is that educating the public or countering political ideologies and media reporting that cast doubt on climate change will be enough to motivate collective action. Other approaches assume that overcoming greed, apathy, and other vices will be sufficient to generate a response. Again, however, these conditions aren’t especially salient in Norway.

Her observations suggest, on the contrary, that climate denial is more indirect than is commonly believed. For one thing, climate denial is “socially organized”—meaning that it is intersubjective before it’s subjective. In her own words, implicatory denial is “generated and maintained in response to social circumstances and carried out through a process of interaction.”<sup>12</sup> Unconsciously motivated by disturbing feelings prompted by the implications of climate change, such as fear, guilt, and powerlessness, denial occurs when people employ certain norms of conversation and other social behaviors as a way of keeping the troubling implications of this ominous problem from surfacing. This involves any number of intersubjective strategies, most of which aim to micro-manage perception and ways of thinking in order to manage these feelings.

To put it simply, we work with others to protect ourselves by keeping climate change out of the sphere of everyday reality. Examples of this include pressures to remain optimistic, keeping conversations light (and changing topics or using humor when this is violated), sticking to the technical facts of the matter as opposed to its deeper meaning, and focusing on the past or the present rather than the future, or on local problems rather than global ones. Norgaard also noticed denial at work in the form of an appropriation of various narratives, metaphors, and other cultural resources to help communities avoid taking in the troubling implications of this daunting issue. These collective strategies—at work as long as climate change disturbs and unsettles—may seem insignificant when considered in isolation. But if Norgaard is right, the intentional, if unconscious, product is a collective safeguarding that helps people live with something that would otherwise overwhelm them.

Questions about how people “create distance” from information on climate change and “hold information at arm’s length” seem absurd if we take the everyday world at face value. But collectively constructing a sense of time and place, a sense of what is and is not appropriate to pay attention to or feel, is an important social and political process. In such constructions, we see the intersection of private emotions and the macrolevel reproduction of ideology and power.”<sup>13</sup>

Again, implicatory climate denial is a collective accomplishment in response to concrete situations experienced in common, not just a psychological condition. We need to convince *each other*, not simply ourselves, that climate change doesn’t personally implicate us in any meaningful way. Given the epistemological authority of science in Western societies, and the wide availability of information about climate change today, covering up the deeper implications of this issue takes work. And apparently, the threat of climate change is enough to motivate this kind of work. Of course, to the extent that even outspoken believers in the science of climate change successfully convince each other that they aren’t *really* implicated in this issue, or that the experts will eventually solve it, the question of ethics never comes up.

#### IV. An Existential Phenomenology of Climate Denial

Ultimately, Norgaard’s work suggests that it is a mistake to understand climate denial as a lack of response. Denial is indeed a response—but of a certain kind. And until we get clear about how climate change is experienced as a public issue, grasping the full scope of climate

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<sup>12</sup> Ibid, p. 9.

<sup>13</sup> Ibid, p. 97.

denial will continue to elude us. Yet putting the matter in terms of “experience” is also misleading. Because what has to be understood about climate change is that it doesn’t speak to one’s concrete experience of the world, but rather to the background *against which* one experiences things—what I referred to earlier as the lifeworld. This is what makes climate denial amenable to phenomenological analysis. Norgaard’s ethnographic research, moreover, suggests that this issue is received as a disturbance to this background, and this is what recommends climate denial to the existentialist.

In an attempt to offer a phenomenology of the existential problem in light of Norgaard’s work, it would be helpful to clarify what we mean by the lifeworld. The term comes from Edmund Husserl, and it simply denotes the context we share with others to help us make sense of things. Ultimately, it is the shared medium informing a culture’s relationship to the world of its experience. It is because of the lifeworld that things appear self-evident or obvious, as opposed to the products of interpretation.

Lifeworlds make experience reliable by offering a coherence and continuity to our basic intuitions. Yet they are also heterogeneous and open to the material world beyond them, which allows them to constantly develop and change over time. As collective sensibilities develop in response to concrete problems, moreover, they both cohere and conflict with other ways of making sense of things at various levels of generality and specificity. *Specific* forms of meaning, for instance, enable a given culture to make sense of particular things of significance like chairs, magpies, edible plants, and Coke bottles, while the more *general* constellations of meaning embody answers to the existential questions in life that concern *all* cultures—those that articulate, for example, the basic relationship between self, society, and nature.

To the extent that specific and general forms of meaning cohere with one another as comprehensive *gestalts* and survive the test of time by enabling a society to successfully cope with life’s challenges, they become institutionalized or backgrounded. Hence, the experiential world they contextualize is largely beyond question. A linear conception of time—and hence historical intuitions of progress vs. decline—is probably a good example of a general lifeworld assumption in Western cultures that’s difficult to question.

Lifeworlds cannot be understood in the abstract as, for example, inherently conservative or radical. A given lifeworld might privilege cultural identity or security, while another privileges transformation and creativity. It all depends on the meaning structures inherited from the past and the concrete problems confronting the community as it works to realize its future. But like ecosystems, rapid systemic changes to a people’s lifeworld can make viable adjustments difficult, if not impossible. In enabling people to make sense of things in meaningful ways, their lifeworld affords them the identity and security necessary to live with purpose and confidence. Accordingly, we rely strongly on a shared background to give our lives continuity and integrity. For this reason, when the lifeworld we share with others is threatened at a general level, we are compelled to work with others to safely address this threat. This, I believe, is what Norgaard observed conducting her ethnographic research on climate denial.

Martin Heidegger’s synthesis of Husserl’s phenomenology and Søren Kierkegaard’s existentialism in *Being and Time* explains this more concretely by carefully distinguishing secure from insecure ways of being in the world.<sup>14</sup> First, notice that when life’s routines are running smoothly, people tend to take things for granted. Thanks to the skills, habits, and sensibilities integrated by the lifeworld, we know intuitively that what worked last time will probably work next time as well. Hence, there’s no need to constantly notice things we’re already familiar with and reflect on them. For this reason, unless we’re dissatisfied with

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<sup>14</sup> Martin Heidegger, *Being and Time*, translated by John MacQuarrie and Edward Robinson (New York, NY: Harper and Row Publishers, 1962), ch. 3.

something or think we can improve it, we're often not conscious of the *particularities* of experience so long as everything is happening as expected. To take Heidegger's famous example, when hammering, the hammer itself isn't experienced as a thing of wood and metal. Rather, we simply take up the hammer unreflectively and relate to it almost as if it were an extension of our own bodies. Similarly, it's revealing that when we experience a fender-bender, we usually say "I got hit"—not "my *car* got hit while I was in it." If the car or hammer is an integral part of the lifeworld that makes us feel at home in the world, we naturally experience it as *part of us*.

As long as things make sense and our expectations in life are largely met, we usually identify with the world we belong to. So what distinguishes secure from insecure ways of being in the world? This can be discerned, among other ways, by how people cope with the unexpected in life. Consider first, Heidegger says, that it's often not until some disruption occurs, as when the hammer breaks, that we become fully conscious of it. Usually, it's only when the flow of our projects get interrupted by something unexpected that we experience the hammer as indeed *separate* from us—as a thing of wood and metal, for instance, that needs repair. Yet, breakdowns occur at different levels in life and require different responses. And this is the point I want to drive home with regards to climate change. Just as we have to make a distinction between 'climate' as a background condition and 'weather' as a foreground expression of it, so too we need to make a distinction between the *general* structures of the lifeworld that order experience and the *particular* things that make sense to us against this larger background. For example, when particular things like hammers or cars break, I can simply fix them or get new ones. *Specific* problems at this foreground level can be *handled consciously by the individual*. But what happens when the hammer works fine, but using it to *add on to the house* becomes an issue because a larger house—requiring more energy to heat—will increase carbon emissions? This is a different problem, requiring a different kind of response. Or what happens when the car works but *the everyday act of driving* becomes an issue because it contributes to climate change? Connect enough dots and you'll discover that these more general problems *cannot* be handled by individuals alone because here it is the *lifeworld practices we share with others* that are questionable—not the *particular* things that stand out against this larger background.

Because the normative implications of climate change challenge our most basic background assumptions, we cannot simply treat this deeply systemic issue as a problem to be handled consciously and deliberately, if only people had sufficient knowledge and will-power. Unlike broken hammers and cars, we don't simply become conscious of existential problems affecting the lifeworld in order to fix them. Instead, as Heidegger explains, we become insecure and anxious—often without knowing why or even noticing.

As Norgaard's ethnographic findings suggest, this is why we have to work together to deal with the disturbing implications of a comprehensive issue like climate change. If these implications do indeed threaten the continuity of life by disrupting lifeworld integrity, the anxiety that signals this existential insecurity isn't something we can cope with by ourselves. Precisely because the lifeworld is intersubjective, problems that affect it cannot be addressed in direct, unmediated ways.

Climate change is an intersubjective issue to the extent that it uproots existential assumptions shared in common. Consequently, any viable ethical responses to it must likewise be intersubjective. Bottom-up community dialogue, rather than the top-down monologue issued by experts and politicians, is the appropriate response to a problem like this. Dialogue is not a substitute for action. It's the wisest path to it.

## V. Responding to Climate Anxiety

In comparison to other issues, the notion of climate change appears especially conducive to anxiety. What could be more all-encompassing, more God-like in nature, than the climate? Climate affects *the* most basic character of the places we live in, and the thought of an unstable climate seems to portend an uncanny or perhaps disorderly world that throws our future into doubt. Or perhaps climate change signifies for some a power of nature somehow *against* us with a mind of its own. In any case, what issue could make us feel smaller, more lost and more powerless? Mike Hulme makes this point quoting Lucian Boial.

Indeed, throughout the human experience of realised climate and portended climates, there runs a thread of anxiety and fear. “The history of humanity is characterised by an endemic anxiety...it is as if something or someone is remorselessly trying to sabotage the world’s driving force—and particularly its climate.” The persistent use of visual icons of glaciers...as signifiers of climate danger reveals such anxiety.<sup>15</sup>

According to sociologist Anthony Giddens, moreover, anxiety is endemic today. The globalized, post-traditional institutions that constitute modern social existence, he explains, perpetually challenge our basic trust in the world we share with others, and this threatens “ontological security.” “To be ontologically secure is to possess...‘answers’ to fundamental existential questions which all human life in some way addresses...The prime existential question...concerns *existence itself*, the discovery of an ontological framework of ‘external reality.’”<sup>16</sup> To the extent that traditional answers to existential questions are repeatedly undermined by rapid social change, however, the continuity of our existence—and hence our very identity—is in constant danger of destabilizing.

Citing psychological experiments in which subjects react in “dramatic and immediate” fashion when deep social conventions are breached, Giddens explains how disturbances in our “emotive-cognitive orientation towards others, the object-world, and self-identity” produce anxieties that we’re profoundly motivated to avoid.<sup>17</sup> As psychologist Helen Lynd put it: “We experience anxiety in becoming aware that we cannot trust our answers to the questions, ‘Who am I?’ ‘Where do I belong?’...with every recurrent violation of trust we become again children unsure of ourselves in an alien world.”<sup>18</sup> Anxiety can paralyze our ability to comport ourselves with integrity, think creatively and consistently, and act with purpose in anticipation of future possibilities. For psychologists Immo Fritsche and Katrin Häfner, perceived existential threats implicated in issues like climate change often compel people to reinforce their cultural worldview and even deny that humans are part of nature. “This symbolically releases humans from the realm of mortal nature and may thus induce a sense of immortality and thereby buffer existential anxiety.”<sup>19</sup> Even in less extreme forms, anxiety seems a likely prompt for denial.

Despite all of this, however, some communities *do* seem empowered to address climate change ethically. The “transition towns” movement is a particularly salient example of empowered, bottom-up change in the face of climate change.<sup>20</sup> The city of Freiburg, where

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<sup>15</sup> Mike Hulme, *Why We Disagree About Climate Change: Understanding Controversy, Inaction, and Opportunity* (Cambridge, UK: Cambridge University Press, 2009), p. 13.

<sup>16</sup> Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Stanford, California: Stanford University Press, 1991), p. 47.

<sup>17</sup> *Ibid.*, p. 38.

<sup>18</sup> *Ibid.*, p. 66.

<sup>19</sup> Immo Fritsche and Katrin Häfner, “The Malicious Effects of Existential Threat on Motivation to Protect the Natural Environment and the Role of Environmental Identity as Moderator.” *Environment and Behavior* 44:4 (2012), pp. 570-590, at p. 572.

<sup>20</sup> See Isis Brook, “Turning Up the Heat on Climate Change: Are Transition Towns an Answer?” *Environmental Values* 18:2 (2009), pp. 125-128.

Heidegger taught, is a prominent example, but there are hundreds of others emerging worldwide. Apparently, some communities have indeed learned to work through the disturbing implications of climate change. Understanding how, I suggest, points the way towards an existentialist climate ethics.

Here we return to the question of what distinguishes existential security from insecurity. For Heidegger, there are two ways of dealing with anxiety. The first can be described as *reactive*, the second as *responsive*. The reactive approach shows itself as a willful clinging to the social norms that brought lifeworld (ontological) security in the past. This defensive reaction is defined by its attempt to keep one's world intact by any means. This takes place in various ways depending on the community—including traditions that place all faith in some external power like God, the government, the free market, or Gaia to work out our biggest problems. Social privilege is also relevant. Psychologists Irina Feygina et. al. draw on “system-justification theory” to explain climate denial as a defensive reaction against perceived threats to “the very foundations of our socioeconomic system,” which privileged groups tend to identify with as beneficiaries of the status quo.<sup>21</sup> As seen in Norgaard's analysis, all such tendencies offload ethical responsibility by abstracting problems like climate change in order to dissociate them from the moral fabric of everyday life.

But what do we do with our anxiety if we don't have an external source to cling to? For example, what happens to someone who identifies with a community that accepts the science of climate change, and yet is distrustful of big corporations and big government to solve this problem? Or how might a community cope if they're already suspicious of the mechanistic logic and technological optimism defining mainstream climate discourses? In communities that hold to these lifeworld assumptions, the fundamentalisms that enable others to keep anxiety at bay may not be compelling options.

In any case, should we find ourselves without recourse to the easy comfort of traditional lifeworld norms and sensibilities, we have the opportunity to prepare for the *second* way of dealing with anxiety—what Heidegger calls the “authentic” response. Once intuition tells us that the background assumptions we counted on in the past fail to serve us going into the future, the search for a new identity begins with the hope that more secure ways of being in the world can be developed.

Although authenticity as an ethical concept has rightly come under fire, it is nevertheless instructive in this context. For Heidegger, authenticity requires one to step back from the comforting world of social norms in order to see them for what they are—as expressing just one way of life amongst possible others. Once communities develop the ability to learn from their anxiety and ultimately *accept* it—rather than engage in strategies of denial to contain it—people can experience an empowering liberation from fear that allows them to, once again, take a stand in life. This time, however, they address a world that they have, in a sense, owned up to and earned with the insight that meaning is created rather than simply given. As previously invisible background assumptions become foregrounded, communities can begin to recognize general lifeworld structures for what they are—historical guidelines and nothing more. Although it takes vigilance, confronting anxiety by accepting it (i.e. working through it with others) allows one to resist the gravitational pull of falling into the traditional security of mainstream everydayness.

A good example of this is found in the climate activism of Tim DeChristopher. He was sentenced to two years in prison after disrupting an oil and gas lease auction by falsely bidding on 116 parcels of public land. But what's significant here is the existential crisis that brought DeChristopher to this decisive moment of action in the first place. In an interview

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<sup>21</sup> Irina Feygina, John T. Jost, and Rachel E. Goldsmith, “System Justification, the Denial of Global Warming, and the Possibility of ‘System-Sanctioned Change’.” *Personality and Social Psychology Bulletin* 36:3 (2010), pp. 326-338, at p. 327.

with Terry Tempest Williams, he speaks of an anxious mourning-for-the-future period after talking at length with one of the lead authors of the fourth report of the Intergovernmental Panel on Climate Change. It's worth quoting at length.

**TIM:** I said [to the scientist]: “So, what am I missing? It seems like you guys are saying there’s no way we can make it.” And she said, “You’re not missing anything. There are things we could have done in the ’80s, there are some things we could have done in the ’90s—but it’s probably too late to avoid any of the worst-case scenarios that we’re talking about.” And she literally put her hand on my shoulder and said, “I’m sorry my generation failed yours.” That was shattering to me.

**TERRY:** When was this?

**TIM:** This was in March of 2008. And I said, “You just gave a speech to four hundred people and you didn’t say anything like that. Why aren’t you telling people this?” And she said, “Oh, I don’t want to scare people into paralysis. I feel like if I told people the truth, people would just give up.”...But with me, it did the exact opposite. Once I realized that there was no hope in any sort of normal future, there’s no hope for me to have anything my parents or grandparents would have considered a normal future—of a career and a retirement and all that stuff—I realized that I have absolutely nothing to lose by fighting back. Because it was all going to be lost anyway.

**TERRY:** So, in other words, at that moment, it was like, “I have no expectations.”

**TIM:** Yeah. And it did push me into this deep period of despair.

**TERRY:** And what did you do with it?

**TIM:** Nothing. I was rather paralyzed, and it really felt like a period of mourning. I really felt like I was grieving my own future, and grieving the futures of everyone I care about.

**TERRY:** Did you talk to your friends about this?

**TIM:** Yeah, I had friends who were coming to similar conclusions. And I was able to kind of work through it, and get to a point of action. But I think it’s that period of grieving that’s missing from the climate movement.

**TERRY:** I would say the environmental movement.

**TIM:** Yeah. That denies the severity of the situation, because that grieving process is really hard. I struggle with pushing people into that period of grieving. I mean, I find myself pulling back. I see people who still have that kind of buoyancy and hopefulness. And I don’t want to shatter that, you know?

**TERRY:** But I think that what no one tells you is, if you go into that dark place, you do come out the other side, you know? If you can go into that darkest place, you can emerge with a sense of empathy and empowerment.<sup>22</sup>

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<sup>22</sup> Terry Tempest Williams, “What Love Looks Like.” *Orion Magazine: January/February 2012 issue*, online at [www.orionmagazine.org/index.php/articles/article/6598](http://www.orionmagazine.org/index.php/articles/article/6598) (accessed 2013-11-11).

As DeChristopher's story suggests, the difference between reacting to ontological insecurity and authentically responding to it is the difference between covering up anxiety via denial and accepting it as a signal that we need to seriously re-evaluate things. Just as pain teaches us what is physically harmful in the world, anxiety should teach us what is existentially harmful about our relationship to it. Should a community find itself with some meaningful purchase on the normative implications of climate change, it probably has a better chance of truly responding to anxiety than a community whose lifeworld is under-prepared to make sense of this problem for what it is.

We should be clear that the authentic response doesn't involve the "authentic" freedom of Jean-Paul Sartre's egocentric brand of existentialism. Cultivating an authentic stance requires collective projects of meaning-making just as much as the forms of denial analyzed by Norgaard. On Hubert Dreyfus's reading, the moment of transformation from the anxious cover-up of denial to the resolve of authenticity does not involve a willful choice, but happens to one rather as if by a gestalt switch. Suddenly, new possibilities open up as structures of meaning instituted in the past (for the sake of realizing a certain future) lose their invisible grip.

[One] must arrive at a way of dealing with things and people that incorporates the insights gained in anxiety that no possibilities [for us] have *intrinsic* meaning...yet makes that insight the basis for an active life. Precisely because [one] is clear that [one] can have no final meaning or settled identity, [one] is clear-sighted about what is actually possible.<sup>23</sup>

The existential clarity articulated here appears to parallel DeChristopher's emergence from shattered expectations. Learning to be at home in a world we have owned up to and earned, we become secure and hence receptive in the face of possibility, rather than willful in the face of alienation. If this reading of Heidegger is sound, the authentic response to anxiety should enable us to openly respond to the unique situation for what it is—as in the historically unique situation we call climate change.

## VI. Conclusion: Prologomena to An Existential Climate Ethics

Does an existential rendering of Norgaard's research suggest new approaches to climate ethics? If anxious denial keeps us from recognizing the ways in which our everyday lives are implicated in climate change, we need ethical approaches that address this background condition for what it is.

Moreover, if the existential problem signaled by climate denial is indeed a fundamental barrier to action, we cannot simply reason our way to normativity. In this respect, perhaps we should take pains to avoid overly abstracting climate change if this means ignoring how it actually affects the public. For example, a de-historicized focus on ethical clarity in the form of universal principles risks leaving lifeworld conditions unquestioned and unattended to. Likewise, hopes of individual responsibility might fall flat if ethical reflections concerning climate change occur against the background of intersubjective sensibilities.

In contrast to rationalistic ethical traditions like consequentialism where normativity takes the form of calculating moral results in the external world, or those like deontology where normativity expresses the autonomous will within, the existential problem recommends that we tend to the intersubjective *relationship* people have to the world of their experience. In this respect, it has a common orientation with care ethics and the practical wisdom (*phronesis*) basic to virtue ethics, but fortified with phenomenological and existential insights. In these traditions, ethical decisions are driven by the contingent—and sometimes ambiguous—*situation* given past experience and goals worthy of realization. What existential

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<sup>23</sup> Hubert L. Dreyfus, *Being-in-the-World: A Commentary on Heidegger's Being and Time, Division I* (Cambridge, Mass.: The MIT Press, 1991), p. 320.

phenomenology adds to this focus on relationality (and here Simone de Beauvoir and Maurice Merleau-Ponty are more edifying than Heidegger) is an ability to mediate micro-level situations involving individual agents and macro-level structures. The latter include historical sensibilities and tendencies, as well as institutional forms of power. Hence, “the situation” calling for decisive ethical action can be interpersonal or it can be socio-cultural and historical in scope. Either way, the lifeworld structures constituting the background of experience play a significant role in the collective decision-making process. In this way, I submit, an existentialist approach can help us grasp the “collective action” problem confounding climate ethicists. Ultimately, creative forms of collective meaning-making are needed in the context of the lifestyles and power structures perpetuating climate change and obstructing progress—forms of meaning that promise new answers to old existential questions in an effort to open communities up to an uncertain world.

An existential ethics of this kind, however, requires a receptivity to change that is in short supply today. Two opposing strategies seem available to address this, both of which have merit but remain problematic. The first seeks to motivate public responsibility by presenting the grave implications of climate change as “hard medicine” that needs to be injected directly into the veins of a society that otherwise refuses to swallow it. Perhaps the case of Tim DeChristopher lends credibility to this approach. If one is ill-prepared to receive this news, however, this strategy risks threatening ontological security—thus inviting forms of denial bent on containing the anxiety that results. Those sensitive to this problem, therefore, typically opt for a “positive vision” message to motivate action. Perhaps rhetorical frames, narratives, and symbols that make ethical change more palatable should be encouraged instead. Giddens, for example, agrees with Michael Shellenberger and Ted Nordhaus who remind gloom-and-doom environmentalists that Martin Luther King Jr. inspired the American civil rights movement with an “I have a dream” speech, not an “I have a nightmare” speech.<sup>24</sup>

A full defense of the positive vision approach is found in climate scientist Mike Hulme. He argues that we need to find ways of mediating the *idea* of climate change to empower new ways forward. For one thing, we cannot successfully address climate change if we continue to approach it scientifically as a physical problem in need of policy solutions. Technical thinking that jumps from problems to solutions, he says, limits our imaginations by effectively hollowing out cultural forms of meaning that could help us confront this condition more comprehensively. At the same time, however, he also believes that using cultural symbols—the “dominant trope [of which] has been one of climate change as a threat”—to motivate individuals by fear is equally unproductive.<sup>25</sup>

Common to both approaches, Hulme explains, is a dualism that ignores socio-cultural experience as the middle ground of ethical reflection. Hence, instead of relying on reason or fear as the lynchpins of social change by presenting this issue as an ominous threat to be averted, he suggests that we creatively mobilize the idea of climate change to redefine the human project itself by asking what climate change “can do for us.” Such a reversal in logic, he maintains, would treat climate change as “a stimulus *for* societal adaptation, a stimulus that—rather than threatening a civilization—can accelerate the development of new complex civil and social structures.”<sup>26</sup>

Despite important insights, Hulme’s positive vision approach remains problematic from an existentialist perspective. By turning the implications of climate change around so that this issue “works for us,” the anxiety stage risks being comfortably bypassed. To the extent that climate change is indeed a crisis that our culture is *not* prepared for, a certain measure of

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<sup>24</sup> Michael Shellenberger and Ted Nordhaus, *Break Through: From the Death of Environmentalism to the Politics of Possibility* (New York, NY: Houghton Mifflin Company, 2007), p. 2.

<sup>25</sup> Hulme, *Why We Disagree About Climate Change*, p. 33.

<sup>26</sup> *Ibid.*, p. 31.

anxiety is appropriate as a sign that we are indeed in a bad situation that calls for courageous change. We need this signal. So in contrast to those who encourage us to present climate change in a positive light, we might agree with Speth's hard medicine rejoinder to Shellenberger and Norhaus that sometimes we need to be "reminded of the nightmare ahead." As Speth remarks, African Americans during the civil rights movement were already living in a nightmare—they needed the dream to pull them forward. Many of us comfortable in denial, by contrast, are simply living a dream.

My own view is that adequate ethical reform for an issue like climate change requires a lifeworld shift in values and perception that will compel us to own up to the various mitigation and adaptation efforts demanded by this issue in authentic ways. If positive visions for the future end up softening the implications of climate change too much, they could undermine the need to reform lifeworld sensibilities and norms in more responsible directions. And yet it's also true that clear and compelling visions are needed to collectivize action towards lifeworld futures worthy of realization. The historic challenge of climate change, as inextricably bound to innumerable other pressing social and ecological issues today, calls for new narratives. This tension between the hard medicine and positive future approaches, it's worth adding, is precisely the kind of problem that demands practical wisdom and care over uniform prescriptions.

Ultimately, ethical discourses have to walk a tightrope in which background assumptions that preserve lifestyles inimical to a healthy climate are squarely challenged, yet without triggering an avalanche of anxiety impossible to cope with. Hence, the challenge of an existential climate ethics is to approach the "the nightmare ahead," but without getting *stuck* in it as a paralyzing situation with no meaningful alternatives.<sup>27</sup> If done well, perhaps ethical discourses can invite communities to confront, work through, and ultimately accept the anxiety appropriate to the situation they find themselves in. What this largely comes down to is collectively cultivating the lifeworld wisdom needed to confidently *respond* to anxiety in ways that lead to consistently good decisions.

An ethical approach to climate change that took the existential problem seriously would commit itself to working through anxious reactions that shut us down in denial, while cultivating responsive relationships to anxiety that open us up to ethical horizons of possibility. The difference between the reactions we call denial and the responses we call responsibility is an existential one. If the big questions in life conjured up by the implications of climate change are answered defensively, ethical considerations will never surface. However, if meaningful relationships to the socio-ecological world are actively cultivated and earned by communities themselves, perhaps the ethical implications of an issue as totalizing as climate change can be taken up and responded to with purpose.

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<sup>27</sup> Speth, *The Bridge at the Edge of the World*, p. 234.

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# From Knowledge to Action: Motivating Responses to Climate Change

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## Abstract

There is abundant literature detailing the decline in biodiversity, the loss of wild places and habitats, and a changing climate with all the attending affects to the health and sustainability of the planet and human populations worldwide. While continued monitoring of the health of our planet is necessary, along with literature conveying the scope of the problem, there is a greater need now for solutions that motivate individuals and communities to respond willfully and optimistically to confronting the staggering challenges raised by global climate change. All too often the response to dire predictions of endangered natural resources, climatic disruption, and ecosystem collapse is a kind of shock-induced paralysis. The problem we face is not that people are unaware of, or unconcerned about the threats posed by climate change (although certainly there are such people), but rather that it is difficult to make the lifestyle changes that are needed to ensure a healthy and secure planet for future generations. This paper brings interdisciplinary literature on the problem of moral motivation to bear on the issue of motivating people to make the transition from simply knowing about climate change to consciously adopting habits and making choices that can facilitate more sustainable lifestyles.

**Keywords:** moral motivation, moral responsibility, akrasia

## I

Climate change is still a relatively recent issue. In his history of the climate change debate, Donald Brown cites scientific studies documenting changes to our planet's atmosphere that go back as far as 200 years (2013, 21). It is only within the last 35 years however, that climate change has been subject to serious and global debate (Brown 2013, 20). While Brown downplays and in fact questions the sincerity of much of the current skepticism over climate change, it remains a controversial and contested issue.

In the past couple of decades, there has been a tremendous growth in the amount of academic, scientific, and popular literature on climate change, along with films and policy pieces. This literature details a variety of concerns affiliated with the larger issue of climate change, such as the decline of biodiversity, shrinking glaciers, rising and warming seas, more frequent and more intense storms, and others. The message has had an impact on people across the globe. A 2007 analysis by World Public Opinion of 11 international polls found that a majority of respondents considered climate change (or global warming) a "very serious" problem, and "large majorities" believed that human activity is a major cause of the problem (World Public Opinion 2007). Furthermore, the surveys demonstrated a majority of respondents in 15 of the 21 countries surveyed were in support of "'major steps, starting very soon' to address climate change" (World Public Opinion 2007).

The above mentioned study was conducted in advance of the 13<sup>th</sup> Conference of the Parties under the United Nations Framework Convention on Climate Change (or COP 13) in Bali. Steven Kull, the director of World Public Opinion, the organization that conducted the 2007 analysis, stated at the time, "Leaders in Bali do not need to worry that they will face a difficult job of selling their general publics on the need for action. Rather, publics around the world are signaling that they are ready to do more than their own governments have been asking them" (World Public Opinion 2007).

These 2007 polls were prior to the 2008 financial crisis that triggered the recent "Great Recession." Public support for climate change waned in the face of concerns over the financial markets. Lyle Scruggs and Salil Benegal analyzed this trend in a 2012 article and forecasted a rebound in support for climate change when the labor and financial markets regain their footing (Scruggs and Benegal 2012). A recent Pew Research survey showed that while in the United States global climate change is perceived as less of a threat—with only 40% considering it a major threat to the nation—on average climate change was perceived as the greatest threat to nations worldwide, just edging out Intentional financial instability, which was a close second (Pew 2013).

These surveys suggest that the general public is not ignorant about climate change. At this point in time, it does not seem that what is called for is more information about the threats posed by global climate changes. People appear to have gotten that message. The question then is how can we explain our slow and halting response to climate change? How can we effectively transition from knowledge about climate the dangers of climate change to effective actions to combat it?

## II

Many attempts to change behavior appear to have been driven by the assumption that there is a link between knowledge and action. Conservation Psychologists Susan Clayton and Gene Myers claim, "The main principle of environmental education, as well as of many persuasive attempts, is that *knowledge* matters: people are more likely to act in environmentally sustaining ways if they understand the threats faced by the environment and the implications of their behavioral choices" (2009, 151). They refer to the work of Jody M. Hines et al, whose research found a connection between environmental knowledge and pro-

environmental behavior (1987). However, Clayton and Myers note that this connection is especially strong when there was previously low levels of awareness, but appears to taper off and perhaps reach a limit even where increased knowledge has no further impact on action (2009, 151). Concluding on this point they claim, “In the absence of clear information about the consequences of different behaviors, an intention to protect the environment will not be translated into effective action” (2009, 151).

The link between knowledge and action has been a topic under philosophical investigation since at least the time of Plato and his treatment of *akrasia* in the *Protagoras*. In that dialogue, Socrates rejects the idea that someone can have knowledge of the right course of action, and fail to do it. Socrates would take issue then with the person who says, “I know I should recycle” or “I know I should walk rather than drive to work,” but fails to do these things. For no one would willingly follow the worse course of action when it is possible to follow the better course in Socrates’ opinion.<sup>1</sup>

If a majority of the world’s population is aware of the threats posed by climate change and believes that action should be taken to confront the challenge, if Plato and environmental education experts are right, we should see more action to combat climate change. However, it seems that people do not always act on this information. Either Plato and environmental education experts have it wrong, or there is some other problem that needs to be accounted for.

Perhaps the problem is that the message on climate change has been framed as a scientific and technological problem, or an issue to be dealt with at the state level rather than the individual level. Recent work by some philosophers has sought to emphasize the moral dimensions of climate change to supplement the predominant focus on the economic, scientific, and technological dimensions of climate change. Donald Brown’s recent book does a fine job of highlighting the various types of arguments and considerations made regarding climate change, but laments that ethical arguments are often absent in climate debates (2013). Kathleen Dean Moore and Michael P. Nelson’s *Moral Ground: Ethical Action for a Planet in Peril* shares a similar goal (2010). Here the editors note that while scientists around the globe have reached a *scientific* consensus on climate change, it has not been clear that there is a *moral* consensus on climate change. Their book brings together moral leaders from a variety of backgrounds to try to demonstrate that there is such a moral consensus.

Underlying the goal of Moore and Nelson’s text is the belief that knowledge alone is often insufficient to motivate behavior. In their introduction they claim, “No amount of factual information will tell us what we ought to do. For that, we need moral convictions—ideas about what it is to act rightly in the world, what it is to be good or just, and the determination to do what is right. Facts and moral convictions together can help us understand what we ought to do—something neither alone can do” (2010, xvii).

Moore and Nelson appear to be roughly in line with Plato’s rejection of *akrasia*. People will act if they understand the proper moral arguments. The assumption is scientific information is insufficient, but solid moral arguments are sufficient to motivate individual action. Critics of Plato’s position vis-à-vis moral motivation may take issue with this underlying assumption, which then questions the ability of this fine text to achieve its desired outcome.<sup>2</sup>

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<sup>1</sup> See the following passages from *Protagoras*: “I am pretty sure that none of the wise men thinks that any human being willingly makes a mistake or willingly does anything wrong or bad. They know very well that anyone who does so voluntarily” 345e. “No one who knows or believes there is something else better than what he is doing, something possible, will go on doing what he had been doing when he could be doing what is better.

<sup>2</sup> William Grove-Fanning engages these authors on this point in his PhD dissertation, *Biodiversity Loss, the*

Philosophers that work to highlight the moral dimensions of climate change have been doing good work. It is true climate change has not always been framed as a moral issue, and moral arguments can have an impact on individuals to inspire them into action. It is one thing to be told that our water supply is contaminated with certain toxins, it is another to be told that we ought not to over-fertilize our lawns because doing so ultimately harms other humans and nonhumans. A good moral argument can have a greater impact on motivating action than scientific data alone. However, it seems equally true that moral arguments are not always sufficient to motivate action. David Hume is famous for his position on this issue.

Hume rejects the idea that knowledge alone is sufficient for action and claims that in addition to knowledge, an individual must also possess a desire to act. Connie Rosati claims that it “would be fair to say that Humeanism continues to be the dominant view” (2008). This is interesting, if true, given that environmental education and environmental campaigns often appear to operate under the Platonic position that knowledge is sufficient for action.

There are a number of desires that could be coupled with knowledge that could serve to motivate pro-environmental actions in the Humean conception of moral motivation—the desire to be a responsible environmental citizen, the desire to provide a healthy environment to one’s children and grandchildren are just some examples. Reporter Alan Weisman provides a startling example when he suggests that people are easily and readily motivated by the desire to advance their self-interests, so we should simply encourage individuals to follow their natural impulse to be self-interested and demonstrate how pro-environmental behavior is in fact in our collective self-interest (Moore and Nelson 2010, 32-37).

The goal of this paper is not to attempt to resolve the conflict between the positions on moral motivation as represented by figures like Plato and Hume. In fact, assuming there to be elements of truth in both positions yields practical benefits to motivating action on climate change.

### III

Echoing United States President Barack Obama’s “All of the Above” energy plan that calls for action on a variety of fronts instead of targeting efforts at one specific issue, I think we need a similar all of the above plan to motivate individual citizens to confront the challenges raised by climate change. The President’s June 2013 Climate Action Plan is notable for acknowledging a “moral responsibility” to future generations and an obligation to leave them “a planet that is not polluted and damaged” (2013).

As is perhaps fitting, this plan focuses on what actions the state can take to confront climate change, the word “individual” does not appear once in the document. When scholars like Donald Brown focus on the climate change debate over the past thirty years, the focus of attention is often international meetings among state actors. While there is reason to be pessimistic about the results of those meetings, certainly negotiations at the state level are and will remain a necessary focus of strategies for confronting climate change. That would remain part of an “all of the above” strategy, what warrants greater attention however is motivating effective action among global citizens at the individual level.

The reason for the focus on individuals is that individuals, as we saw in the surveys mentioned earlier, generally are readily willing to say that climate change is a serious problem and demands a serious response. Allowing the debate to focus on government commitments to emissions reductions has the unhelpful result of taking some of the responsibility off of the hands of private individuals. We certainly ought not to abandon climate efforts at the state and international level—there are certainly things out of the hands of individuals that can be accomplished by governmental bodies, however there clearly is potential in the effects that

individuals can have on more sustainable futures if two things can happen: 1) A clear message can be crafted that tells people how they can act in ways to confront climate change and cultivate a sustainable future; and 2) Creative ways to inspire and motivate people to act on that knowledge.

We can see a change from efforts invested into top-down government and legislative action to a more bottom-up individual response to environmental problems in the life story of Aldo Leopold. In the mid to late 1920s, soon after Leopold made the move from New Mexico to Wisconsin, he became involved in the conservation politics of Wisconsin. In 1926, he was acting as a state director and serving on important committees for the Izaak Walton League (Meine 1988, 250). Working in tandem with other members of the league, Leopold worked on a bill that would appoint a “six-member unpaid conservation commission, who in turn would choose a trained director to run a new Wisconsin Conservation Department” (Meine 1988, 251). The newly elected governor, who supported the bill during his campaign, did approve the bill, which had undergone a number of revisions in the meantime (Meine 1988, 251). However, much to Leopold and other members’ disappointment, the governor turned on those who fought for the bill and used the appointments to “pay off political debts” (Meine 1988, 252). Writing to his wife, Leopold said at the time, “Apparently, we are entirely sold out and worse off than before we started. I feel pretty sick about it—especially about egging on my friends to do such a terrible lot of work for nothing” (Quoted in Meine 1988, 252). There was an initial hope that Leopold would be selected to serve as director of the newly formed Wisconsin Conservation Department, however an assistant to the newly elected governor, inexperienced with conservation matters, was chosen for the position (Meine 1988, 253). Leopold’s biographer, Curt Meine, writes that this was not only personally disappointing to Leopold, this event served to disillusion Leopold with politics (1988, 253).

One way of interpreting Leopold’s story is a rejection of top-down governmental action on conservation in favor of the development of an ethic of individual responsibility towards the health of the land. In one summative statement in his famous *Land Ethic*, Leopold claims, “A land ethic, then, reflects the existence of an ecological conscience, and this in turn reflects a conviction of individual responsibility for the health of the land” (1949, 221).

He had witnessed the ineffectiveness of government conservation programs in the 1930s that provided resources to farmers to implement conservation practices, only to see farmers abandon those practices once the resources vanished (Leopold 1949, 208). Without the internal change of heart required on the part of the farmers themselves, even the best government policies and programs were doomed to be ineffective. The solution to this problem, according to Leopold, lies partly in education—“education must precede rules”—but largely in cultivating a sense of ethical obligation towards the land on the part of the landowner (Leopold 1949, 209).

Leopold himself was highly knowledgeable about his environment and how it functioned. This was probably also true of many of the farmers he was directing his efforts towards. What they needed more than education was an ethic. The situation may be somewhat reversed for many citizens of developed countries today who apparently have a sense of obligation towards the environment and seem motivated to take action, but perhaps lack the understanding of ecology and how their actions and choices are related to climate change.

## IV

To effectively confront the challenge of climate change we need an all of the above plan that includes continued efforts to coordinate responses at the state level, however we also need action at the level of the individual. To generate more sustainable action on behalf of

individuals, we need continued efforts that are in line with both the Platonic and Humeian approaches to moral motivation.

On the Platonic front, we need more knowledge on how to live sustainably. Moore and Nelson's *Common Ground* attempts to generate a sort of moral consensus on climate change that parallels that scientific consensus on climate change. What is lacking, in my opinion, is a consensus on what actions individuals in different locations can take to be responsible and ethical environmental citizens. We need more information on this front that could impact and be put into practice by those that are already willing to admit that climate change is a moral issue and are prepared to act on that belief.

We also need to continue to find creative ways to inspire individuals to act on their knowledge and convictions. To accomplish this goal, there are fruitful pathways to be explored by philosophers and conservation psychologists working in tandem. Too much information pertaining to climate change in the past has been close to apocalyptic, which does not appear to be the most effective way to motivate action, and in fact may have the adverse effect of resigning individuals to inaction. We need to bring climate change, which is a problem of such great magnitude, down to a smaller scale and target activities with which individuals can engage, finding ways to motivate individuals to take actions at the local and daily routine level to make meaningful changes to their lifestyle. Of course, by itself, these small changes may not constitute a sufficient response to the problem of climate change, however as a component of an all of the above plan that includes continued negotiations at the state level, it represents one way to capitalize on the apparent desire and will of individuals around the world to take action to confront global climate change.

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# Discounting for Epistemic Reasons

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## Abstract

Utility discount rates in intergenerational economic modelling have been viewed as problematic, both for descriptive and normative reasons. However, positive discount rates can be defended normatively; in particular, it is rational for future generational utility to be discounted to take uncertainty about radical societal re- construction into account. Social discount rates are defended against objections from Parfit (1986) and Broome (2005, 2012).

**Keywords:** Climate change, intergenerational justice, discount rate, rational decision-making, applied ethics *Word Count:* 7000.

# 1 Introduction

A moral commonplace in everyday life is that one is not morally responsible for *all* the consequences of one's actions. If cashed out in terms of reactive attitudes, we might say that one is not blameworthy for indefinitely many effects one's actions lead to.<sup>1</sup> It is true that one is responsible for the immediate and predictable consequences, but as one's knowledge of the effects lessen, it is less and less reasonable to hold one responsible. This is a vague intuition, but it is widely shared. When I call in sick to work, I am responsible for the probable and expected consequences—my colleagues having a larger workload, my boss having to reschedule a meeting, etc. The unexpected effects of these effects I am less responsible for: that my harder working colleague has to miss a date; that my boss ends up having to stay overtime as a result. The effects of these effects I am even less responsible for. And so, when I am deciding whether to call in sick, I do not have to include these further knock-on effects in my calculation, both because (a) it would be irrational and impossible for me to consider them all; and because (b) I have no or diminished responsibility for these effects.

What is the import of this observation? I argue that it can be used to defend an important aspect of intergenerational justice—the utility discount rate<sup>2</sup> (or just “discount rate”)— $\delta$ , which indicates the level of discounting for future generational utility.<sup>3</sup> The discount rate is an important aspect in modelling the value of policies on future generations, and is a consequential topic for climate policy. The level of discounting may influence the urgency of actions both to mitigate and to adapt to climate change (cf. Dasgupta 2012; Dietz et al. 2007; Godard 2009; Wahba and Hope 2006). With high rates of discounting, future generations' harms have less weight in decision-making, whereas low rates of discounting raise the valuation of future utility. However, discounting has been objected to on grounds both descriptive (Frederick et al. 2002; Nordhaus 2007) and normative (Broome 2005; Cowen and Parfit 1992; Parfit 1986; Ramsey 1928). Roughly, the descriptive objections are rooted in market and psychological data, whereas the normative arise from principles and intuitions about moral value (Arrow et al. 1996).

In this essay, I argue that, on normative grounds, a (non-zero) discount rate is defensible for the purposes of decision-making, which is how it is used in economics. In economics, discounting does not imply that some items are objectively worth less: it is used to evaluate or weigh some objects more highly. For instance, when *offered* two goods of  $\pounds x$ —one now and one in a year—it is not true that one is worth more than the other.<sup>4</sup> They are by hypothesis worth the same, i.e.  $\pounds x$ . But we discount to show that they are not equally valuable *to me* in my temporal position, since I can use the intervening time to take advantage of possession of the good and the productive nature of capital. Discounting does not change the objective value of either good, it is used to guide decision-making.

Similarly, I argue that discount rates are temporally and agentially relative. In particular, an agent's limited epistemic access is a primary salient factor. The appropriate discount

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<sup>1</sup> Moral responsibility is thus not the same as responsibility simpliciter. Moral responsibility is the extent of praiseworthiness or blameworthiness. Responsibility may correspond roughly to being in the causal chain of an *effect*. So it may be that something *issued* from my actions (i.e. I am *responsible* for it), but it is unreasonable to praise me for this *effect* (i.e. I am not *morally responsible* for it). For instance, this might happen if the *effect* was unintended or unexpected.

<sup>2</sup> This is sometimes called the “social rate of time preference” or “pure time preference” but these locutions suggest a single agent with preferences over times. I avoid such phrases since my argument paints a very different picture:  $\delta$  acts as a heuristic for evaluating policies and is not a function of *preferences* at all.

<sup>3</sup> I do not address the complex issue of how generations are meant to be delineated; the arguments in this paper do not depend on any particular specification. A helpful discussion of the range of possibilities can be found in (Gardiner 2011, esp. Ch. 5).

<sup>4</sup> Abstracting away from phenomena like inflation and deflation, &ct.

depends on the actions or policies being evaluated as well as the epistemic reasons at play; it is not a measure of objective value. Ultimately, this analysis will not justify high discount rates, but it will justify limited *positive* discount rates.

In §2, I lay the moral groundwork for my argument. I argue that our status as agents with bounded epistemology limits our moral responsibility. In §3, I discuss the discount rate, its relation to temporal discounting, and several attempts which have been made to defend it. In §4, I argue that, given epistemic limitations, it is both normatively and rationally defensible to discount intergenerationally due to our uncertainty with respect to future radical societal reconstruction. I then apply this as a defence of  $\delta \neq 0$ . In §5, I consider objections from Parfit and Broome. Parfit's objection is that it is immoral to discount the utility of other individuals simply in virtue of the fact that they are temporally distant. Broome's objection is that discounting introduces objectionable time-relativity into judgments of goodness. I also briefly suggest a method for determining utility discount rates in accordance with the limited epistemic status that we have.

## 2 Examining the Intuition

In order to determine what is motivating this intuition, it is necessary to examine moral responsibility. Moral responsibility is a complex concept, and is clearly a function of several factors. My intention is not to provide an analysis, but merely to defend one particular claim about it, viz. epistemic uncertainty limits responsibility, so epistemic uncertainty should be factored into moral deliberation.

To motivate my claim—which I suggest is generally held and intuitive—I want to go out of my way to consider an everyday case, which is less likely to generate confused or distorted intuitions. If it works in every day cases like the following, I submit that the intuition is more robust than an intuition generated by an esoteric or science-fiction example.

*Sick*: I am considering whether to call in sick to work, and eventually decide to. This leads to an increased workload for my colleague. Furthermore, I miss a meeting that was scheduled with my boss Margaret, where I was supposed to give her some report. However, unbeknownst to me, as Margaret needed this report in order to ship a product urgently, she is forced to stay overtime. But, due to this overtime, she is unable to have her scheduled date with her partner Rosa. Rosa gets angry with Margaret, and they have a fight.<sup>5</sup>

In *Sick*, I clearly have moral responsibility for some of the consequences of failing to show up for work: I am morally responsible for the workload of my colleague (and blameworthy with respect to this *effect*). I am morally responsible for missing my meeting and failing to hand in the report, both of which were foreseeable consequences of not showing up for work. It is less intuitive that I am morally responsible for Margaret's overtime stress, and even less intuitive that I am morally responsible for Rosa's anger with Margaret, even though these effects are caused by my calling in sick.

Why might this be? I suggest that there is a natural criterion which *affects* my responsibility with reference to *different effects* of calling in sick: how foreseeable those *effects* are for me. It is easy for me to recognize that my colleague will have to do my work, and that I won't be attending the meeting I planned with my boss. However, as I stipulated that I am not aware that the report I am scheduled to give to Margaret is so important (I do not think that this importance is *impossible*, but I think it extremely unlikely). It's even less

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<sup>5</sup> I wish to emphasize that (perhaps apart from me) no one need have acted wrongly in this instance. It might have been that Margaret could not have told me how important the report was because the product details were supposed to be kept secret from me. And while it was a breach of arrangement to miss the date, Margaret was clearly reasonable in staying in to work if the product launch and months of preparation were in jeopardy. As well, it's reasonable for Rosa to be disappointed and to get angry, even if Margaret had good work-related reasons to miss the date.

foreseeable that my calling in sick would lead to Rosa being angry with Margaret, under the assumption that I do not know that Rosa and Margaret have a date (or even that Rosa exists).

We can test this criterion by holding most details of the case constant, except that, in a modified case, I am aware of the import of my report for this product. In this case, I am now clearly morally responsible for Margaret's overtime stress, but still not morally responsible for Rosa's response. Finally, we can consider the case where I am deciding whether to call in sick and I know all of these consequences that will result from my calling in sick. I know that Margaret needs the report to ship the (urgent) product and that she has a date with Rosa for the evening. Then I am morally responsible for Rosa's disappointment and for Margaret's overtime stress. If so, the key *difference* is how predictable these outcomes are for me.

We can codify these intuitions into a principle about moral responsibility:

**Principle 2.1** Moral responsibility for the effects of one's actions is diminished by low subjective epistemic probability in the likelihood of those effects obtaining.

This principle does not imply that I have *no* moral responsibility for those outcomes for which I have low certainty; it implies that I have *less*. But as the likelihood of certain outcomes falls lower and lower, at some point I have—practically speaking—no responsibility even if—theoretically speaking—I may have infinitesimal levels of moral responsibility. In what follows, I sometimes use “not responsible” as a shorthand for “practically speaking not responsible” for simplicity.

Note also that this principle does not require that one explicitly performs a prediction when deliberating; the issue is the probability that the agent would assign to an outcome as a function of their current information state. As finite agents of the type we are, we do not have access to enough causal information to determine precisely what our actions will lead to. But we must take something to guide our actions and what we have are subjective probabilities.<sup>6</sup>

This leads to my second claim, about moral deliberation. I think that consideration of *Sick* leads us to another principle of deliberation. Suppose I am planning whether to call in sick for the day (and that I think that the consequences of my action are morally relevant to the decision). I could try to enumerate *every* contingency, assign them probabilities (while trying to avoid continuum problems), and then calculate expected value. But this is going to make living pretty *difficult*—by which I mean impossible.

If we think that ought implies can, then it cannot be that we *ought* to include every contingency in our deliberation over actions. This follows if it is impossible for beings like us to do such calculations. I want to say something stronger, which is that it would be irrational for us to try to do such calculations, given that we are beings with limited cognitive capacities.<sup>7</sup> But this leads to the need to remove some of the complexity of our deliberation process.

Here is a suggestion: it is rational to limit deliberation to that which one is morally responsible for.<sup>8</sup>

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<sup>6</sup> Lenman (2000) discusses the problem of indefinite (and radically unforeseeable) consequences. He takes it to be fatal to the consequentialist. One can view Principle 2.1 as an olive branch to the consequentialist in light of Lenman's objections. If the consequentialist accepts a principle of this sort, then they are able to address Lenman's worry about consequentialist inaction in the face of indefinite and indeterminate consequences.

<sup>7</sup> If we were beings with unlimited cognitive capacities, or with *sufficient* capacities to execute such calculations, then I would not think it would be irrational. In such scenarios, it might even be required.

<sup>8</sup> It may be that in a *sufficiently* complex situation, all the morally salient *effects* are overwhelming for deliberation purposes. Then further restrictions may be necessary. Furthermore, I hold that individual and group decision-making should be parallel in this respect since they share the relevant characteristics: both are finite, bounded decision-makers that can in appropriate circumstances be morally responsible.

**Principle 2.2** When morally deliberating (either as individuals or groups), it is rational to limit consideration to the effects which one is morally responsible for.

Why is this? I think this principle gives us the right result in *Sick*. Since I am aware that I am inconveniencing my colleagues and that I will miss the meeting with my boss Margaret, I am morally responsible for these *effects*. By this principle, I should weigh and consider these when I am choosing whether to call in sick. In contrast, I am not aware (or almost unaware) that this action will lead to Margaret's agenda filling up, or that it will lead to Rosa's anger with Margaret. So it is reasonable for me to ignore these possible *effects* when deciding to call in sick.

One might *offer* an objection: maybe we should not limit our consideration to the *effects* which we are responsible for—i.e. that we give *sufficient* subjective probability to—because our subjective probabilities may be mistaken.<sup>9</sup> This objection is built on the idea that what really matters are *objective* probabilities, not subjective. For example, consider a doctor who thinks that a medicine lacks harmful side-*effects*, but is not completely sure. In such a case, they assign low probability to this harmful outcome, but we are readily likely to assign blame to them if there are side-*effects* despite this low probability.

There are at least two styles of response that could be *offered*; I am agnostic between them. The first response to this objection is that one is epistemically responsible for assigning the right subjective probabilities, but this is distinct from moral responsibility from acting upon these probabilities. So we can epistemically criticize the agent for having the wrong probabilities, but—as the first principle states—the moral responsibility is a function of the subjective probabilities the agent assigns.

Another response would be to distinguish between *who* is responsible and the *extent* of their responsibility. We are interested in the latter, but this objection might conflate the two. When someone has a low credence in a bad outcome from their action, we still want to hold *them* responsible, but this is distinct from holding them fully or largely *morally* responsible. It may be that their epistemic status mitigates their moral culpability.

Regardless, it very well may be that one may be obligated to act to improve one's epistemic position. There are certainly situations where one should act to improve one's epistemic position. But failing to check medical details is not *always* blameworthy; we do not always need to be improving our epistemic position. In particular, we are responsible for failing to do so when we have a high subjective epistemic probability that doing so would *affect* our levels of moral responsibility. We do not blame doctors for failing to check things that they are (almost) certain of, and this is what my principle predicts.

### 3 Introducing $\delta$

In this section, I begin by defining and discussing discounting. I then discuss a couple normative methods of determining the value from the literature in order to contrast my own suggestion.

I take discounting to be a very thin concept: a discount rate (e.g.  $\delta$ ) is a time-indexed mathematical factor which is used to weight temporally disparate consequences. The justification for a certain value of  $\delta$  is not *itself* a discount rate. So to say that I take a positive discount rate does not tell you anything about *why* or *what justifies* that discount rate. There are also *different* kinds of discount rates, meaning discount rates for *different* streams, but primarily discount rates are used for consumption (measured in currency units) or utility (often measured in utils or QALYs).

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<sup>9</sup> I thank Alison Hills for suggesting this objection.

So I might have a consumptive discount rate that I justify using psychological data about impatience, or I might have a consumptive discount rate that I justify by appeal to empirical market prices (i.e. productive nature of capital), or I might have a utility discount rate that I justify using a politically democratic rationale, or I might have a utility discount rate that I justify by appealing to uncertainty.

The point is that there is the value of the variable  $\delta$  in the cost-benefit analysis and then there is the defence of that value, and that conflating them is a problem. Unfortunately, this problem occurs in both philosophy and in economics. For instance, Damon et al. (2013, p. 47) write that “Discounting builds on the simple fact that money earns interest” which neglects alternative reasons one might discount consumption. In response to the arguments of Dasgupta and Heal (1979), Broome (1992, p. 102) simply asserts that “Uncertainty is to be accounted for separately. It cannot *affect* the value of [the utility discount rate]  $r$ ”. Both of these writers take discounting to be intrinsically tied to some justifications and not capable of a variety of defences.

With this in mind, it is necessary to consider what value of  $\delta$  to take, but also what the justification for that value is. The value is important, but the justification is of more philosophical import. The primary concern with this essay is with the justification for a discount rate for utility, but first it is worth surveying some previous arguments about justifications in order to contrast my view.

Why let  $\delta > 0$ ? Here are two significant normative arguments that have been *offered* in the literature: we might think that future generations are less valuable or less valuable to *us* (Beckerman and Hepburn 2007), or that future generations might not exist (Stern 2007). Let us consider these considerations in reverse order.<sup>10</sup>

The second consideration is that we should discount because this implies odds about the survival of humanity. Stern (2007) famously argued that this is the *only* legitimate reason to have a discount rate, generating a comparatively small value for  $\delta$  (i.e.  $\delta = 0.1$ ).<sup>11</sup> There is uncertainty about the existence of future human beings, and this uncertainty is time-dependent. If future generations will not exist, then certainly their utility should not be counted.

In fact, I endorse a similar reason to have a positive value for  $\delta$ , although my argument *differs* importantly from Stern’s. Stern takes us to be decision-making under risk, whereas I take us to be decision-making under uncertainty over the long term. This uncertainty has roots including the possibility of existential risk (i.e. population collapse), but I take the sources of uncertainty to be considerably larger. Part of the impetus for my argument comes from the variety of pertinent outcomes: extinction is just the beginning. The variety of outcomes makes the type of risk analysis that Stern endorses to be far more complex than he allows for; I suggest that our limited epistemic status prevents us from being able to explicitly assess these outcomes. This will be my response to Broome and Parfit in §5.

The other defence of a positive  $\delta$  is due to Beckerman and Hepburn (2007), who argue that one possibility is that we should only care (or care more) for those with whom we have privileged relationships.<sup>12</sup> Traditional economics has a tacit utilitarian and impartial underpinning, but this need not be. If we consider a sentiment-based ethics (à la Adam Smith or David Hume), then it is natural to discount because we justifiably care for those with whom we have closer bonds.

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<sup>10</sup> I am not including the account of Rawls (2001) since it bypasses arguments for  $\delta$ , arguing instead about values of the social discount rate  $\delta + \eta g$ .

<sup>11</sup> This echoes an argument by Dasgupta and Heal (1979), which held that external existential risk of population collapse can be appealed to in defence of a discount rate.

<sup>12</sup> Dasgupta et al. (1999) survey the *different* economic models that take this approach.

It is certainly true that many accept that it is permissible (or even obligatory) to treat one's family members in a preferential manner, even if that means slightly more appropriate candidates receive less goods as a result. But this should not be applied to the case at hand. For one thing, such preferential treatment is allowed—if it is so allowed—only in the *private* sphere.<sup>13</sup> So the fact that we will know (and care about) the coming generation or two, but will not know succeeding generations is not of moral import from a public perspective. This important disanalogy between the two cases shows that treating close generations closer as a matter of public policy is ethically problematic.

## 4 Defending $\delta$ by Appeal to Normative Responsibility

So can a positive value for  $\delta$  be morally defended? I suggest it can. If we accept Principles 2.1 and 2.2, then it is rational to discount when considering those actions for which we have uncertainty. Intergenerational *effects* have decreasing levels of certainty, and increasing levels of uncertainty. In the context of climate change, we should discount future utility since the policies we select may have *different* or trivial *effects* on future utility in the face of radical societal reconstruction, leaving us with uncertainty about how those *effects* will obtain. Since this uncertainty limits our moral responsibility for those *effects*, it is rational for us to discount to the extent that we are uncertain. That uncertainty increases with respect to time. These remarks justify a positive discount rate for future well-being.

Uncertainty with respect to climate change is often mentioned in concert with climate denialism. Many denialist doctrines rely upon discrepancies between various modelling forecasts for climate change impacts (often while highlighting those forecasts which are least troubling). While it is true that there are significant uncertainties about the probabilities we should assign to *different* scenarios, that does not mean we should deny that climate change will have significant and almost certainly negative *effects*. What it does mean is that we should be aware that we have epistemic attitudes *about* our credences: sometimes we are highly certain of the value of assigned probabilities and sometimes we are almost fishing in the dark. In the near term, there is more convergence, but in the long term, we should accept our epistemic limitations and try to report them more explicitly (cf. Sluijs 2012, reprinted in this volume).

But I will make a stronger claim, which helps to emphasize the implications in a climate policy context. Even if we were deciding under scientific *certainty* about the *effects* that climate change would lead to, we would still have significant sources of uncertainty which are often overlooked. I argue that this would hold even if we knew *precisely* the increased probability of sea level rises, extreme weather events, biodiversity loss, and other consequences. In short, if we had certainty about our risk.

That is because the shape of society that these *effects* impact may *differ* considerably from our own today; society might be radically reconstructed. One might think that no matter what shape society takes, we can predict that the consequences of climate change policy will have strongly negative consequences on future peoples regardless of how their society looks.

But this is false. As Stern (2007) notes, it impacts our calculations if there are no future human beings extant at some point. From that point, we would not adduce any value from human beings. So this is the first radical societal reconstruction: extinction (or a similarly catastrophic population outcome).

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<sup>13</sup> Although it may be permissible for governments to favour their own citizenry, this is because the governments are usually meant to represent their citizens. If they were meant to represent more than one nation, they should also treat the larger group impartially. Since climate change is an issue where policies are determined internationally, we should not be preferential. This comment is not conclusive, but addressing this issue in full would take me beyond the scope of this essay.

One might think that it is so unlikely as to be negligible that humanity goes extinct. A naïve argument might make an inductive appeal to our lack of extinction thus far, but just as my existence up until this moment gives me no reason to generalize that I will always exist, neither does our species' survival amidst the background of species extinction.

But we can adduce positive reasons to think that our risk of extinction is significant. As Bostrom (2013, p. 15) notes, “Estimates of 10–20 per cent total existential risk in this century are fairly typical among those who have examined the issue”. These are obviously dependent on assumptions and subjective assessments, but we have reasons to suppose that this is a non-trivial risk. Rees (2003) concurs that, in light of our increasing ability to harness technological, biological, and chemical science, the risk of catastrophic use is growing. Ultimately, Rees thinks that the odds are no better than even that society will survive this century. Finally, Quammen (2013) argues that zoonoses—microbes which break the species barrier—are increasingly dangerous as humanity disrupts and expands into new habitats, thus coming into contact with new zoonotic agents while being increasingly globally interconnected. These types of risks are relatively new, making our past survival less predictive.

It might seem that if we do not go extinct, then we *do* know how climate change *effects* will *affect* future humans. But this is not true, either. When considering long-time scales, and assuming a surviving *homo sapiens*, it becomes plausible that humanity relocates partially (or significantly) to other planets. This is our second family of radical societal reconstructions, since climate change policies will be *ineffectual* if humanity is not located on the planet Earth.<sup>14</sup>

Finally, it might appear that if we survive and stay on Earth that we would be certain of the *effects* of climate change policies. But once again, there are scenarios of radical societal reconstruction. This scenario is that we will be able to generate self-replicating machines, or that we will be able to augment ourselves in significant ways, uploading our “software” into supercomputers. This could lead to intentional evolution, and possible transhuman states (Kurzweil 2005). If this occurred, the environmental conditions of Earth might have very little *effect* on the beings we would become since our current biological needs could be lessened or eliminated. Future technological advances could change us in ways we are unable to imagine at present (Ord et al. 2010). Such possibilities are highly speculative, but they are instances of radical societal reconstruction which would become more probable as technological ability increases (almost by definition).

This list is not meant to be exhaustive, nor is it meant to present likely scenarios. It is meant to demonstrate that—even if we removed all scientific uncertainty—there are important sources of uncertainty about how our policies will *affect* others. This is because we do not know for certain what future generations will look like, and that uncertainty grows with respect to time. Furthermore, radical societal reconstruction may not exhaust the outcomes that a *complete* climate change accounting of expected utility would have to include.

If radical societal reconstruction occurs, then we would be *indifferent* between climate policies at the point which it occurred. These scenarios have a non-negligible chance of occurring, but quantifying the probabilities is hard to impossible. We lack the epistemic status to be able to give informed probabilities of these outcomes. Since we are more and more uncertain of the consequences of our climate policies further into the future, by Principle 2.1, we are less morally responsible for those *effects*. As Principle 2.2 states, it is rational to decide on policies while ignoring the *effects* for which we have less responsibility. This justifies

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<sup>14</sup> Here, I am operating under the assumption that climate change *effects* are relegated to this planet.

counting those policies less with respect to time, to the extent that we are uncertain about their impact; hence, a positive  $\delta$ .

Does this argument support a particular value of  $\delta$ ? No, it is just supposed to justify a non-zero  $\delta$  on normative grounds. The argument indexes  $\delta$  to our current epistemic state with regard to outcomes like radical societal reconstruction. Given that we think that we are quite certain about our *effects* in the short to medium term (roughly, less than fifty years), it supports a relatively small value of  $\delta$ . Note, however, that this argument suggests that  $\delta$  should be strictly larger than the value of  $\delta$  chosen in (Stern 2007), since Stern considers only a subset of the scenarios in radical societal reconstruction. A consequence of my claim is that, if our knowledge about the future increases, our valuation of future generations would rise or fall accordingly; for instance, because we might have a better idea of whether there *will be* future generations.<sup>15</sup> The indexing means that it is possible that  $\delta$  fluctuates over time; for instance we should increase  $\delta$  if some rogue individual manages to control weapons of mass destruction or engineer a deadly fast-spreading virus.

As noted before, this is *different* from previous defences, such as those of (Dasgupta and Heal 1979) or (Stern 2007). That is because they claim that discounting is reasonable since we are decision-making under risk with the risk of existential threats. My claim is that we are decision-making under uncertainty and that the range of pertinent outcomes is far wider than death. With this range of outcomes, I suggest that it is rational to count those outcomes less in our reasoning for which we have limited epistemic status. This is because we have reduced moral responsibility and accounting for that reduced responsibility justifies a discount rate.

Is it reasonable to model these vague epistemic uncertainties with an annual percentage discount rate? Parfit (1986) phrases the objection in this manner: if the point of  $\delta$  is to reflect uncertainty, why not just introduce a value that *is* uncertainty? Uncertainty and an annual discount rate may sometimes, even often, coincide, but there is no necessary connection.

But this makes the mistake about discount rates that I mentioned before: the value of a discount rate (positive) and its justification (uncertainty) are distinguishable. There is not some overriding justification for a value of  $\delta$ . Since I defend  $\delta$  with a justification of uncertainty, the question is whether my justification is reasonable, not whether discounting can be for uncertainty. It is worth noting that the discounting does not depend on whether the uncertainty comes from sources that generate positive or negative utility, compared with our envisioned outcome. Insofar as scenarios reduce our certainty, they reduce our moral responsibility, regardless of the valence of changes.

On the more technical question of whether a discount rate is the appropriate tool for modelling what I want to express—growing uncertainty with respect to time, I suggest that it is an excellent fit. Of course,  $\delta$  is at best an approximation. Uncertainty does not necessarily generate smooth curves. But there are certain properties uncertainty will have relative to time: it will have a positive first derivative, since uncertainty increases with (future) temporal distance.<sup>16</sup> Second, it is likely to have an asymptote, because it seems implausible to assign absolute uncertainty about even the distant future. We cannot have more than 100% uncertainty, and it would be arbitrary to imply that there is a particular date beyond which we know nothing. Beyond this arbitrariness, it appears empirically false. Society knows *some* things about even the distant future, e.g. functions of nomological facts like that gravity won't repel and thermodynamics will hold. With these criteria, an exponential or hyperbolic function is a natural fit, since they have asymptotes and are increasing.

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<sup>15</sup> Under the assumption that Stern generates the right probabilities for the scenarios he considers.

<sup>16</sup> At least for beings like us who tend to experience time in a linear fashion and can more easily predict the near term than the far term.

## 5 Objections

Many objections can, and have been, raised against arguments of the preceding type. In this section, I address three.

The first objection is raised by Parfit (1986). He claims that it is morally abhorrent to discount future people (or their utility) *simply* in virtue of the fact that they are temporally distant. Would it be morally permissible to discount people who are *spatially* distant? Modulo the details of what occurs in a life, it is worth as much as any other no matter when or where it occurs.

Of course this last point is right. But the conclusion (that we should not have a social discount rate) does not follow from the premise (that future people's utility are worth the same as present people). Discounting is a technique used for modelling and for assessing policy or decision choices. It is not, nor is it meant to be, an objective picture of the moral status of people. Discounting for uncertainty is compatible with the claim that people in *different* time periods have the same objective value. I am defending the claim that, despite (possibly) equal objective value, evaluating with temporal *differences* is defensible. The discounting I defend is for the sake of decision-making; it is not a moral judgment.

This is directly analogous with the economic case. As I wrote in § 1, when given the choice between two equally priced goods at *different* times, we do not discount to indicate that the goods are *different*. They have equal prices, and that is *unaffected* by when they are given. However, we discount to indicate that we should evaluate those good *differentially*.

This leads to a second objection. Broome (2012); Cowen and Parfit (1992) argue that the modelling of uncertainty should be in terms of *different* scenarios which have *different* probabilities attached to them, i.e. using traditional expected utility. Once we take the *different* options, we can evaluate options by the weighted sum of the outcomes that may result. In private correspondence, Broome reiterates this point, writing that if we are not discounting purely for time, that should be made clearer.

The reasons that I favour using  $\delta > 0$  are mentioned in §4. It may be a simplification to use exponential curves, but the alternative—expected utility—demands more than our epistemic or cognitive conditions can bear when dealing with an issue like climate change.

This requires some defence. Let us begin with the observation that in order to include outcomes in a formula of expected utility, it is necessary to be able to enumerate those outcomes. This first step is already extremely hard: most of the outcomes that I considered under the rubric of radical societal reconstruction have been overlooked, and I have no confidence that I am aware of all of the outcomes which would change our calculations for climate policies. This is already under the implausible assumption that we have removed any uncertainty or confusion with *climate* impacts which, as we know, are subject to tipping points and perturbations that are already unforeseeable.

But the problem has another order of complexity to add: once we have enumerated these outcomes, it is necessary to provide them with credences or probability values (or ranges). Here, I wish to emphasize once again that we are creatures with very limited epistemic status: we have *difficulty* determining what will happen in our world in the coming months, let alone years. When it comes to centuries, any credences *offered* for outcomes like the possibility of a technology Singularity should be ridiculed. It is tempting to bring to mind how likely the shape of our society today would have looked to those a century ago or even fifty years ago. Just because we might be able to generate some credences (e.g. by finding the mean or mode of some “expert” opinions) should not give us any credence *in* those credences. As Dasgupta (2008, p. 164) warns, “We shouldn’t believe any model that explicitly models risk when the time horizon extends 100–200 years into the future. We simply don’t know what the probabilities are”.

But this isn't the end of the complexity for the expected utility model. Let us say that we are able to identify the types of scenarios that would impact our accounting of climate policies *and* are able to give some credences for those outcomes. Then we have to repeat this process for each *different* temporal unit: the calculation that presumes we go to Mars in 2100 is a *very different* calculation from one which presumes we go to Mars in 2150 which is also *different* from going to Mars in 2125, and so forth. This process should be repeated for all of the relevant outcomes (with appropriately varying credences).

In short, it is implausible that such outcome enumerations and probability-ascriptions are tractable, either epistemically or cognitively. Assigning an exponentially increasing discount rate is far more mathematically tractable.

That's the negative work. But the more positive (and fundamental) response is that we *are and should be* discounting for time. This is because, the further into the future we model, the less we know. The less we know, the less we can be held responsible. This follows from the decision-making principles from §2.

A closely related objection is that I am not making calculations more tractable, because the discount rate is just a summary parameter of all of the probabilities of various radical societal reconstructions. The final formulation *looks* simpler, but that is because all the work is done behind the scenes to generate a value of  $\delta$ .<sup>17</sup>

I was not intending to have  $\delta$  be a summary of these probabilities, as I doubt that we have access to such probabilities at long timescales. But the obvious question this raises is how to determine  $\delta$  in light of our epistemic limitations. Here is a suggestion. I do think that on shorter timescales (e.g. less than a century), we can assign probabilities of societal reconstruction. If so, the way to set a value for  $\delta$  is by giving explicit probabilities for various societal reconstruction outcomes at shorter timescales, adding these probabilities at *different* time points, and then fitting an exponential discount curve through these points. Since discount rates are such blunt tools, once one fits the curve to data points close to the present, there is no need to find data points beyond a century out, which is good because I deny that explicit risk values are reliable so far in the future.

The final objection also comes from Broome (2005, 2012). His objection to temporal discounting is that it introduces temporal relativity, and that such relativity is absurd. Since discounting is only with respect to future persons, he claims that a model that includes discounts can (correctly) value a future person less than an individual who lived after that person would (correctly) value that person. Broome's example is people who die in war. Individuals prior to Caesar's wars (call them Early Individuals) would judge the utility lost in the World Wars as less bad than Caesar's wars since the discount rate would lead to heavily discounting the harms from the World Wars due to their large temporal distance. But to us (Later Individuals), this seems absurd. Surely the World Wars are many times more harmful than Caesar's wars. So the relativism of discounting is problematic.

But the *difficulties* compound, Broome continues. The Early Individuals could be *aware* that the World Wars would be so much larger and that they (were they in our shoes) would view the Early Individuals' judgment as absurd. So the relativism is genuine; there is no factual information that *differs*—just temporal placement.

But how do we explain our Later Individual judgments about the World Wars' (much) greater disutility when compared to Caesar's wars? Well, recall that we discount *for epistemic reasons*. Being the type of creatures that we are, we do not have uncertainty about the past. So it is irrational for us to discount the utility of events we are certain of. If we were beings that knew only the future, and did not remember any of the past, this would be reversed. Thus, a being with supreme knowledge—i.e. one for whom nothing was

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<sup>17</sup> Thanks to Teru Thomas for suggesting this.

uncertain—any discounting would be irrational, since everything would be an *effect* of their action and they would know all of their *effects*.

When Broome claims there is no factual *difference* between the Early Individuals and the Later Individuals, he is begging the question. For the Later Individuals, the past *is* a fact, whereas for Early Individuals the future is only conjecture, which they can assign probabilities to as best they can. So the relativism is not surprising or problematic at all: it is united in the epistemic capabilities of the *different* agents. The Later Individuals count past lives equally, since these past lives are *unaffected* by the policies of Later Individuals; the Early Individuals discount in line with their uncertainty over how and whether their actions will *affect* those yet to come. Just like the simple case of deciding whether to call in sick, if we forget our bounded epistemic status, we are bound to make irrational choices.

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# Diversified Climate Action: The Top-Down Failure and the Rise of Emissions Trading

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## Abstract

This paper focuses on the diversified climate action the international community is currently witnessing. Besides examining possible reasons for the failure of the top-down approach to effectively halt rising emission levels, the development of bottom-up initiatives is discussed. In addition, this paper evaluates the European Union's emissions trading system (EU ETS) according to two criteria of justice, with a special focus on two characteristics of the EU ETS: grandfathering and offsetting. The final section of this paper addresses the rise of emissions trading systems and considers the claims made by prominent commentators who believe emissions trading to be inherently unethical. The paper concludes, first, that whether emissions trading is morally reprehensible depends on its design and, second, that the EU ETS fails to respect justice-based criteria and points to the unwillingness of EU leaders to mend a flawed climate policy tool.

**Keywords:** climate governance, top-down failure, bottom-up emergence, emissions trading ethics, EU ETS, grandfathering and offsetting

# 1. Introduction

In 2012, global greenhouse gas (GHG) emissions exceeded a 30% increase relative to 1990 levels<sup>1</sup> and on May 9th 2013 the Mauna Loa Observatory in Hawaii recorded a daily mean concentration of carbon dioxide in the atmosphere surpassing the climate milestone of 400 parts per million (ppm).<sup>2</sup> 350 to 450 ppm are deemed to be critical thresholds that can possibly trigger *runaway* climate change.<sup>3</sup>

The Conference of Parties of The United Nations Framework Convention on Climate Change (UNFCCC) have pledged to decrease global emissions ‘so as to hold the increase in global temperature below 2°C’ above pre-industrial levels, in order to prevent ‘dangerous anthropogenic interference with the climate system’.<sup>4</sup> The Intergovernmental Panel on Climate Change (IPCC) has estimated that, to prevent a 2°C rise, emissions would have to be reduced by 50–85%, relative to 1990 levels, by 2050.<sup>5</sup> The prevention of a 2°C rise is also mentioned in the EU’s climate policy. The EU has pledged to increase the share of renewable energy by 20% by 2020, to reduce emissions levels by 20% by 2020, and by 50% by 2050, relative to 1990 levels.<sup>6</sup> It has also considered moving from the 20% emissions reduction target to a 30% target, provided that other industrialized countries commit themselves to comparable emissions reductions and that the more advanced developing countries contribute adequately according to their responsibilities and respective capabilities.<sup>7</sup>

The IPCC’s Fourth Assessment Report (AR4) assessed six scenarios of future GHG emissions that do not take into account any specific policies to reduce emissions. Currently GHG emissions remain on track to meet the IPCC’s most fossil fuel intensive GHG emissions scenario, which would constitute a 4°C temperature rise by 2100.<sup>8</sup>

While global leaders have delayed negotiations on the successor of the Kyoto Protocol (KP) to 2015, with it to come into effect no sooner than 2020 (UNFCCC 2011), research indicates that, in order to have a reasonable chance of limiting global warming to 2°C, global emissions would have to peak and decline before the end of the present decade.<sup>9</sup> Although a temporary successor, entitled the Kyoto Protocol Second Commitment Period (KPII), was installed, it is argued that the effort is futile in view of the 2015 negotiations. Because the KPII omits the US and Canada and demands no binding reduction pledges from the emerging

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<sup>1</sup> UNEP, “The Emissions Gap Report 2012,” p. 10.

<sup>2</sup> Tans and Keeling, “Trends in Atmospheric Carbon Dioxide,” (2013).

<sup>3</sup> Hansen, *The Storms of My Grandchildren* (London: Bloomsbury Publishing, 2009); Rockström et al., “A safe operating space for humanity,” (2009); Helm, “The Kyoto approach has failed,” (2012).

<sup>4</sup> UNFCCC, “Report of the Conference of the Parties on its fifteenth session, held in Copenhagen from 7 to 19 December 2009, Addendum, Part Two: Action taken by the Conference of the Parties at its fifteenth session,” (2009), p. 5.

<sup>5</sup> Gupta et al., “Policies, Instruments and Co-operative Arrangements,” *Climate Change 2007: Mitigation of Climate Change, Contribution of Working Group III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, edited by B. Metz et al. (UK and US: Cambridge University Press, 2007), pp. 746-807, at p. 775.

<sup>6</sup> European Commission, “Combating climate change: The EU leads the way,” (Brussels, 2007); European Commission, “Analysis of options beyond 20% GHG emission reductions: Member State results,” (Brussels, 2012b).

<sup>7</sup> *Ibid.*, p. 4.

<sup>8</sup> Betts et al., “When could global warming reach 4°C?” (2011), p. 82; Le Quéré et al., “Trends in the sources and sinks of carbon dioxide,” (2009), p. 831; Peters et al., “The challenge to keep global warming below 2°C,” (2013), p. 5.

<sup>9</sup> Arnell et al., “A global assessment of the effects of climate policy on the impacts of climate change,” (2013), p. 2; den Elzen et al., “Reduction targets and abatement costs of developing countries resulting from global and developed countries’ reduction targets in 2050,” (2013), p. 496; Rogelj et al., “2020 emissions levels required to limit warming to below 2°C,” (2012), p. 7.

economies such as China, Brazil and India, the countries under the KPII now account for less than 15% of global emissions.<sup>10</sup> Even more worrisome is that at the latest meeting of the Major Economies Forum on Energy and Climate (MEF), the Chair's summary stated that 'some considered it would not be feasible to complete the process by 2015'.<sup>11</sup> Postponing new efforts to curb GHGs will result in lower short-term costs but higher overall costs and steeper reduction pathways will be required to limit warming to below 2°C.<sup>12</sup> Rogelj and colleagues<sup>13</sup> observe that, despite all the uncertainty regarding the geophysical, social and technological aspects of the climate problem, the dominant factor affecting the likelihood and costs of achieving the 2°C objective is related to politics.

Whereas the politics that have to be agreed upon assume collective action, humanity is utterly divided in terms of wealth, health, living standards, education, and well-being.<sup>14</sup> Of particular relevance in this regard is the inequity inherent to climate change: although the poorest of the world are only responsible for a small part of the emissions that contribute to climate change, they will suffer most of the consequences.<sup>15</sup>

In this paper we address the failure of the top-down approach to effectively halt rising emission levels and discuss the emergence of bottom-up initiatives. Furthermore, in light of the development of emissions trading (ET) systems that are being deployed around the world we focus on the largest ET system currently in place, the EU ETS, and evaluate it according to two criteria of justice, namely effectiveness and fairness on the distribution of mitigation burdens.<sup>16</sup> In the penultimate section we scrutinize the claims made by prominent commentators who deem ET to be inherently unethical.

## 2. Climate Policy: the top-down failure and bottom-up emergence

According to various commentators, it is clear that the top-down approach (i.e. a supranational institution mandating action by individual countries) has failed.<sup>17</sup> Without attempting to be exhaustive, let us consider three reasons for the failure. First, in promoting a consensus-driven path, the pledges made under the KP have respected the stance of the least-ambitious parties, while discussions have focused on 'binding-or-nothing' targets.<sup>18</sup> It is argued that the KP 'tried to do too much', by introducing global markets from the top down, 'especially in the absence of binding legal frameworks to enforce contracts among parties who are not bound by other ties'.<sup>19</sup> By doing so, the KP closed the path to the alternative approaches that were being pursued before it came into place.<sup>20</sup>

Second, climate change is a multilevel governance problem. National leaders have ignored this insight for too long and now find themselves exposed to a growing number of cross-border interests and coalitions,<sup>21</sup> and fragmented and blurred roles of state and non-state actors.<sup>22</sup> Under the KP, the developing countries with emerging economies (Brazil, India, China, South-Africa) are listed in the non-Annex B list. As such, they have made no binding pledges to reduce emission levels. Although most of the industrialized world is unwilling to

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<sup>10</sup> Grubb, "Doha's Dawn?" (2013), p. 282.

<sup>11</sup> King, "UN climate change deal 'may not be feasible' by 2015," (2013).

<sup>12</sup> UNEP, "The Emissions Gap Report 2012," p. 28.

<sup>13</sup> Rogelj et al., "Probabilistic cost estimates for climate change mitigation," (2013), p. 80.

<sup>14</sup> Biermann, "Planetary boundaries and earth system governance - Exploring the links," (2012), p. 6.

<sup>15</sup> Costello et al., "Managing the health effects of climate change," (2009), p. 1694.

<sup>16</sup> Caney, "Markets, morality and climate change" (2010a).

<sup>17</sup> Prins and Rayner, "Time to ditch Kyoto," (2007); Victor, "Plan B for Copenhagen," (2009); Diringer, "Letting go of Kyoto," (2011).

<sup>18</sup> Ibid. p. 291; Prins and Rayner, "Time to ditch Kyoto," (2007), pp. 974-975.

<sup>19</sup> Ibid., p. 974

<sup>20</sup> Ibid.

<sup>21</sup> Andonova et al., "Transnational climate governance," (2009).

<sup>22</sup> Bulkeley and Newell, *Governing climate change* (London: Routledge, 2010).

one-sidedly assume binding targets, developing countries insist on precisely that.<sup>23</sup> Nevertheless, the emission levels from the emerging economies together with the rest of the non-OECD countries will top those of the industrialized countries in the third decade of this century.<sup>24</sup> Third, the poor results achieved by the top-down approach are a consequence of the fact that existing multinational institutions are simply not designed for, and did not evolve in response to, global environmental problems. These environmental problems transcend both the lifespans of many generations and the conventional international reciprocal ties that countries know today.<sup>25</sup>

In contrast to the top-down failure, the development of bottom-up initiatives is beginning to take shape. Cross-national projects are emerging which focus on subnational, regional or urban mitigation and adaptation initiatives. For example, the Covenant of Mayors joins together over 4000 signatories and aims to exceed the EU's 20% reduction target, with targets ranging from 20 to 45%.<sup>26</sup> Another example is the C40 group, which involves major cities around the world sharing experience in areas such as waste management, water supply, food and urban agriculture, climate adaptation, and so on.<sup>27</sup> We deem these initiatives to be crucial, since they promote learning-by-doing, build 'coalitions of the willing', break up complex problems into more manageable elements, disseminate knowledge, showcase best practices, and contribute to policy learning. We think that these initiatives are essential to help build domestic support for climate policies, as the lack of such domestic support will fatally undermine future action and international commitments.

Besides these initiatives a number of countries<sup>28</sup> are voluntarily deploying ET systems.<sup>29</sup> Although these initiatives differ from one another in reduction targets and the sectors they cover, they have looked to the largest ET system in effect, the European Union Emissions Trading System (EU ETS), as a model for their own ET systems. Nevertheless, ET is heavily contested and is considered to be morally reprehensible. We argue that whether ET is morally defensible depends not only on (1) the variant of ET being implemented, but also on (2) the extent to which a particular ET system is an effective climate policy tool and (3) the extent to which it respects justice-based criteria. The two latter conditions correspond to two criteria of justice put forward by Caney.<sup>30</sup> The second condition relates to the question whether the policy actually lowers emissions. Formulated as such, it might be regarded as merely a matter of effectiveness, not one of justice. However, anthropogenic climate change threatens several key human rights.<sup>31</sup> Any policy that does not sufficiently lower emission levels will not manage to avoid harm caused by the devastating consequences of climate change. Hence, while such a policy may be ineffective it will also, to this extent, be unjust from the perspective of entitlement-bearer justice.<sup>32</sup> The third condition relates to the fair burden distribution of burdens or mitigation costs (i.e. duty-bearer justice). In the following section, we shall introduce the EU ETS and evaluate it according to these criteria of justice. We will return to the first condition – the variant of the ET being implemented – in the fourth section.

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<sup>23</sup> Diringer, "Letting go of Kyoto," (2011), p. 291.

<sup>24</sup> van Vuuren et al., "Comparison of different climate regimes" (2009).

<sup>25</sup> Jamieson, "Ethics, public policy, and global warming," *Climate ethics, essential readings*, edited by S.M. Gardiner et al. (New York: Oxford University Press, 2010), pp. 77-86.

<sup>26</sup> CoM, *Covenant of Mayors*, (Brussels 2008).

<sup>27</sup> C40, *Climate action in Major Cities: C40 cities baseline and opportunities*, (2011).

<sup>28</sup> Emissions trading systems are being, or have been deployed in the EU, Australia, California, RGGI (nine US states and two Canadian provinces), New Zealand, Quebec, Alberta, Mexico, China, Brazil, South Korea, Kazakhstan, UK, Norway, Switzerland, Tokyo, Japan, and India.

<sup>29</sup> EDF, "Emissions Trading System Comparison Table," (2013).

<sup>30</sup> Caney, "Markets, morality and climate change," (2010a).

<sup>31</sup> see for example Caney, "Climate change, human rights, and moral thresholds," *Climate ethics, essential readings*, edited by S.M. Gardiner et al. (New York: Oxford University Press, 2010b), pp. 163-173.

<sup>32</sup> Caney, "Markets, morality and climate change," (2010a)

### 3. The EU ETS

The European Union Emissions Trading System (EU ETS) is the centrepiece of the EU's climate policy. Established in 2003, put into operation in 2005, and to be implemented over 15 years in three phases, the EU ETS aims to reduce emissions, relative to 1990 levels, by 80% by 2050 by an annual reduction of 1.74%.<sup>33</sup> Through the ETS, the EU aims to reduce its emissions by 20% by 2020.<sup>34</sup>

The EU ETS is a cap-and-trade market-based mechanism, which implies that the EU places a cap on emissions, creates emissions allowances in correspondence with the cap, and distributes those allowances to the users mandated to comply with the cap.<sup>35</sup> Through the imposition of a carbon price the EU ETS aims to incentivize emission reductions as well as the development and acquisition of renewable energy sources. To avoid competitiveness loss, or 'carbon leakage', on the international market or relocation of companies to regions outside its borders, the EU grandfathered, or handed out cost free, allowances equivalent to the emissions of the corporations in the sectors covered. Corporations in need of further allowances are allowed to buy from other companies that have not used theirs, or they can offset their surplus by obtaining additional emission credits via investment in abatement and adaptation initiatives in other countries through the KP's Clean Development Mechanism (CDM).<sup>36</sup>

In 2009, the EU pledged to auction emission allowances as of 2013, thus creating revenues that could be spent on tackling climate change or on developing and supporting adaptation initiatives in the EU and developing countries.<sup>37</sup> In the (current) third phase, at least 50% of the allowances are to be sold by auction instead of being grandfathered, a phase out of grandfathering should result in 30% cost-free allocation by 2020, and by 2027 a full auctioning of all allowances should be put in place.<sup>38</sup> From 2013 onwards, the EU ETS is supposed to cover around half of the GHG emissions in the EU.<sup>39</sup>

#### 3.1 Grandfathering

As mentioned, industries covered by the EU ETS received emission allowances free of charge at the start of the system, and a significant number of companies are still eligible for free allocation. However, during the initial phase of the EU ETS emissions data showed that the sum of emissions allowances was likely to exceed actual emissions.<sup>40</sup> Because of the initial overallocation of allowances, the possibility of banking allowances, the large amount of international (CDM) credits entering the market, and the reduced demand due to the economic crisis, a large number of surplus allowances remain on the carbon market, to such an extent that yearly caps are rendered futile. As a consequence, low allowance prices have prevailed and it is estimated that the effects of the flooded market will be felt throughout the third phase and possibly afterwards.<sup>41</sup>

Moreover, grandfathering emission allowances is an unjust allocation method. Grandfathering is based on a benchmark year, or baseline, which is historically arbitrary since it takes no account of who has been responsible for the emissions, the conditionality of the

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<sup>33</sup> European Parliament and the Council of the EU, "Directive 2003/87/EC," (2003).

<sup>34</sup> European Commission, "EU action against climate change. The EU Emissions Trading Scheme," (2009).

<sup>35</sup> McAllister, "The overallocation problem in cap-and-trade: moving toward stringency," (2009).

<sup>36</sup> European Commission, "EU action against climate change" (2009).

<sup>37</sup> European Parliament and the Council of the EU, "Directive 2009/29/EC," p. 71.

<sup>38</sup> European Commission "EU action against climate change" (2009); European Commission "The State of the carbon Market in 2012," (2012a).

<sup>39</sup> Ibid.

<sup>40</sup> McAllister, "The overallocation problem in cap-and-trade: moving toward stringency," (2009).

<sup>41</sup> Ibid.; Morris, "Drifting Towards Disaster?" (2013).

emissions, or the mitigation efforts made by first-movers.<sup>42</sup> In addition, as Vanderheiden argues, grandfathering violates the ideals of equity and responsibility that are expressed within the KP.<sup>43</sup> Grandfathering thus ignores both the ‘polluter pays’ principle and the ‘ability-to-pay’ principle.<sup>44</sup>

From these critiques, it should be clear that the grandfathering principle violates the second – fair burden distribution – of Caney’s criteria of justice. Moreover, because of the overallocation and the possibility of banking allowances, the EU ETS might delay mitigation action and therefore may violate the first – effectiveness – criterion of justice as well. Although the EU ETS did manage to reduce emissions in its pilot phase<sup>45</sup> and in consecutive years, it is argued that the system might actually have driven *negative abatement*. Indeed, because of the reduced demand due to the economic crises and the flooding of the carbon market due to inexpensive CDM allowances, the EU ETS now risks cancelling out 700 million tonnes of emission reduction delivered by other policies within the EU climate package.<sup>46</sup>

### 3.2 Offsetting

At least six objections have been made against offsetting (i.e. the emission reduction investments in developing countries for which the investors receive emission credits that can be used or traded as allowances). First, the credits that result from offsetting are only estimated – the developer of a project in a low-emitting country compares the estimated hypothetical baseline of existing emissions with the predicted emissions from the completed project. That is, carbon accountants calculate what the emission rates would have been if no investment had taken place. This process of determining the so-called ‘additionality’ of a project is highly questionable.<sup>47</sup> Furthermore, it is argued that the majority of international credits entering the EU ETS are environmentally questionable, with only 7% having no additionality concerns.<sup>48</sup> Second, offsets can account for, *inter alia*, planting trees, setting up wind farms, burning methane from landfills to generate electricity, and even investment in ‘new coal’ plants.<sup>49</sup> However, it is far from certain that these offsets are actually the ‘climatic equivalent’ of the surplus emissions of investors.<sup>50</sup>

Third, offsetting can create the wrong kind of incentive for beneficiaries of the scheme: in order to receive investment from the North, third-world countries could benefit from emitting vast amounts of GHGs because the more they emit the more emissions are eligible for mitigation project investment.<sup>51</sup> Fourth, when participation in mitigation efforts is broadened so as to include non-OECD countries, the future generations of these countries will find themselves trying to buy back, at a much higher price, the allowances that they have, inexpensively, sold only ‘yesterday’ to Annex B countries or corporations under the EU ETS.<sup>52</sup> Fifth, one of the two core objectives of the CDM states that the flexibility mechanism

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<sup>42</sup> Caney, “Justice and the distribution of greenhouse gas emission,” (2009).

<sup>43</sup> Vanderheiden, *Atmospheric Justice* (New York: Oxford University Press, 2008), p. 238.

<sup>44</sup> Bührs, “Sharing the atmosphere,” (2010).

<sup>45</sup> Anderson and Di Maria, “Abatement and allocation in the pilot phase of the EU ETS,” (2011).

<sup>46</sup> Morris, “Drifting Towards Disaster?” (2013), p. 11.

<sup>47</sup> Haya, “Measuring emissions against an alternative future: Fundamental flaws in the structure of the Kyoto Protocol’s Clean Development Mechanism,” (2009); Schneider, “Is the CDM fulfilling its environmental and sustainable development objectives? An evaluation of the CDM and options for improvement,” (2007).

<sup>48</sup> Morris, “Drifting Towards Disaster?” (2013), p. 11.

<sup>49</sup> Lazarus and Chandler, “Coal power in the CDM: Issues and options, Executive Summary,” (2011).

<sup>50</sup> Hansen, *The Storms of My Grandchildren*, p. 206.

<sup>51</sup> Hansen, *The Storms of My Grandchildren*, p. 183; Caney, “Markets, morality and climate change,” (2010a).

<sup>52</sup> Agarwal, “A southern perspective on curbing global climate change,” *Climate change policy: A survey*, edited by S. Schneider et al. (Washington, DC: Island Press, 2002), pp. 373-391.

is to help the developing countries reach sustainable development. Although the literature concerning sustainable development deems its social dimension to include poverty alleviation,<sup>53</sup> research shows that CDM projects are rarely found amongst the poorest (with less than 2% in sub-Saharan Africa) and 71% of the credits obtained through the CDM are not found in the poorest countries, but are instead found in the rising economic powers.<sup>54</sup> The CDM's contribution to poverty reduction thus appears to be limited.<sup>55</sup>

Sixth, because of the amount of offsets being surrendered by a number of EU Member States to comply with mitigation targets, these international credits may well be the largest contributor to some Member States' reductions. This would constitute a clear breach of the Kyoto Protocol's supplementarity rule, which states that international offsetting credits are supposed to be 'supplemental to domestic actions'.<sup>56</sup> From these critiques it should be clear that offsetting could severely postpone emission reduction efforts. Hence, it violates the first – effectiveness – criterion of justice. Furthermore, with CDM projects rarely found amongst the poorest states, and with EU Member states violating the KP supplementarity rule, offsetting breaches the second – fair burden distribution – criterion of justice as well.

In sum, the EU ETS does not meet the criteria of entitlement-bearer or duty-bearer justice. Consequently, we cannot but conclude that the market mechanism, in its current state, is an unjust climate policy tool. In the following section, we will return to the first issue mentioned above: whether ET is morally reprehensible is dependent on the variant of ET being implemented. Summarizing the key arguments of the debate, we will critically reflect upon the ethics involved in ET.

## 4. Emissions trading and ethics

In this section we shall address some of the fundamental objections to ET that have been put forward in the debate. The criticisms of ET can be divided into two groups: commodity-centred objections; and person-centred objections.<sup>57</sup>

### 4.1 *A priori objections to emissions trading: commodity-centred objections*

The commodity-centred objections share a rejection of private ownership of the atmosphere (which the buying of allowances would allegedly result in), but a differentiation can be made between the non-ownership argument and the price/dignity argument. First, the non-ownership argument argues that since the absorptive capacity of the atmosphere is a common good, it cannot be owned by a single agent. ET thus creates false commodities, since an emission allowance does not possess all the properties of a legitimate commodity.<sup>58</sup> Hence, trading emission allowances is an illegitimate practice in which we are selling/owning that what is not ours to sell/own.<sup>59</sup> Should we choose to damage the property we buy, we would be despoiling a good upon which the interests of future generations depend. Furthermore, as stewards of the natural world, we have clear responsibilities towards nature or towards future generations and their interests in the natural environment. Therefore, by selling environmental

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<sup>53</sup> Olsen, "The clean development mechanism's contribution to sustainable development: a review of the literature," (2007).

<sup>54</sup> Bulkeley and Newell, *Governing climate change*, p. 44.

<sup>55</sup> See for example Crowe, "The potential of the CDM to deliver pro-poor benefits," (2013).

<sup>56</sup> UN, "Kyoto Protocol to the United Nations framework convention on climate change," (1998), p. 15; Morris, "Drifting Towards Disaster?" (2013), p. 12.

<sup>57</sup> Caney, "Markets, morality and climate change," (2010a), p. 203.

<sup>58</sup> Page, "Cosmopolitanism, climate change, and greenhouse emissions trading," (2011), pp. 58-9.

<sup>59</sup> Goodin, "Selling Environmental Indulgences," *Climate ethics, essential readings*, edited by S. M. Gardiner et al. (New York: Oxford University Press; 2010), pp. 232-246, at pp. 234-5.

‘indulgences’, stewards would be permitting the destruction of the good they have a duty to protect.<sup>60</sup> Since being allowed to emit a certain level of GHGs is literally of vital importance, the objection to ET here is not that the impermissible is permitted, but rather that the unsellable is sold.<sup>61</sup>

However, it has been observed that the non-ownership argument overlooks the difference between ‘property rights’ and ‘user rights’.<sup>62</sup> Rather than *owning* the asset, an allowance buyer only has a right to *use* it. The temporary nature of both the allowance and the good covered by the allowance, and the fact that not the use but the overuse of the common resource is priced, imply that no acquisition of property is involved.<sup>63</sup> By definition, a user right implies the use of the good and hence a user does not have the right to destroy the good in question.<sup>64</sup> The only good that the buyer of allowances can destroy is the allowance itself, yet doing so would decrease the supply of allowances and accelerate the protection of the underlying asset.<sup>65</sup> Since allowance holders are not private owners, and thus have no right to destroy the asset underlying the allowance, those who advocate stewardship responsibility can perfectly endorse ET as a means to protect the natural world in the interest of future generations since ET simultaneously enables and limits the use of a common resource.<sup>66</sup> That is precisely what ET seeks to achieve through the imposition of a cap and where alternatives to cap-and-trade fail to meet the requirements that intergenerational justice demands.<sup>67</sup>

Second, the price/dignity-argument states that ET employs a price mechanism to determine what has value. However, since nature has intrinsic value it cannot be captured by monetary estimates. Treating it as if it is equivalent to other goods disrespects its intrinsic value and would result in valuing nature instrumentally.<sup>68</sup> However, as Caney argues, from a policy perspective, the market is merely an instrument to protect what has value and it does not entail a statement about why the natural world has value.<sup>69</sup> As noted by Page, agents can act in response to financial incentives to preserve the atmosphere while also valuing nature intrinsically.<sup>70</sup> The price mechanism then becomes a vehicle of an agent’s expression of her intrinsic regard for a good and not its denunciation.<sup>71</sup> In other words, to put a price on the right to use the atmosphere is not the same as putting a price on the preservation of the climate system.<sup>72</sup>

#### 4.2 *A priori objections to emissions trading: person-centred objections*

The person-centred objections can be divided into three: the crowding-out argument, the fine/fee argument, and the civic-responsibility argument. Concerning the crowding-out argument, it is argued that ET unintentionally dictates a hierarchy between two non-additive motivations; extrinsic motivations (e.g. the possibility of offsetting pollution) will crowd out

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<sup>60</sup> Ibid., p. 234.

<sup>61</sup> Ibid., p. 235.

<sup>62</sup> Caney, “Markets, morality and climate change,” (2010a), p. 204.

<sup>63</sup> Ott and Sachs, “Ethical Aspects of Emissions Trading,” (2000), p. 14.

<sup>64</sup> Ibid., p. 14.

<sup>65</sup> Page, “Cosmopolitanism, climate change, and greenhouse emissions trading,” (2011), p. 62.

<sup>66</sup> Caney, “Markets, morality and climate change,” (2010a), p. 204; Caney and Hepburn, “Carbon trading: unethical, unjust and ineffective?” (2011), p. 212.

<sup>67</sup> Page, “Cosmopolitanism, climate change, and greenhouse emissions trading,” (2011), p. 55.

<sup>68</sup> Goodin, “Selling Environmental Indulgences,” p. 236; O’Neill, *Markets, Deliberation and Environment* (London: Routledge, 2007), pp. 5-7; Sandel, *What Money Can’t Buy, the Moral Limits of Markets* (United Kingdom: Allen Lane, 2012), p. 75.

<sup>69</sup> Caney, “Markets, morality and climate change” (2010a), p. 206; Caney and Hepburn, “Carbon trading: unethical, unjust and ineffective?” (2011), p. 220.

<sup>70</sup> Page, “Cosmopolitanism, climate change, and greenhouse emissions trading,” (2011), p. 62.

<sup>71</sup> Walsh, “Are market norms and intrinsic valuation mutually exclusive,” (2001), p. 532.

<sup>72</sup> Caney and Hepburn, “Carbon trading: unethical, unjust and ineffective?” (2011), p. 221.

intrinsic motivations (e.g. reducing one's carbon footprint).<sup>73</sup> In other words, financial motivations will predictably weaken the moral stigma of emitting greenhouse gases.<sup>74</sup> This crowding-out process, so it is argued, will give rise to a lower overall level of environmental protection and will corrupt public morals.<sup>75</sup> More specifically, Sandel warns that ET allows people to treat the fine to be paid as a fee to enable them to continue environmental destruction.<sup>76</sup> The economic theory behind ET holds that environmentally damaging behaviour can be made socially optimal as long as the correct price is paid. However, as Goodin claims, there is no independent justification of the particular price charged.<sup>77</sup> If ET does not result in the halting of environmental destruction, its proponents can insulate themselves by claiming that the price generated by the market was too low, or that the standards imposed were too meagre.

The proponents of ET refute the crowding-out argument. First, the claim that ET will crowd-out intrinsic motivation to protect the environment remains to be empirically supported. Furthermore, there is no guarantee that other mitigation incentives will not crowd out intrinsic motivations as well. The real question to be asked is: '*how much*, not *if*, a particular policy is vulnerable to the crowding-out effect'.<sup>78</sup> Moreover, many individuals, governments and businesses show little or no environmental concern, thus the question of the crowding-out effect might not be relevant since that which is not present can hardly be crowded out.<sup>79</sup> Viewed from this perspective, ET might instigate a crowding-in effect, since those who are mandated to comply with the emissions cap might not have mitigated their emissions without the policy tool. With regard to Sandel's fee/fine argument, Caney has argued that this argument holds sway when it involves the harm done by one individual. However, in the case of climate change harm results from a large number of individual actions. Whenever a particular person emits too many GHGs there is no wrong done if, as a result of the functioning of the ET system, another person emits less than the imposed quota.<sup>80</sup>

According to a third person-centred objection, the civic responsibility argument, ET undermines the 'spirit of a shared sacrifice' that fighting climate change requires.<sup>81</sup> Each agent, so it is argued, should bear a non-delegatable civic responsibility and partake in the collective sacrifice by personally lowering her own emissions, and should not pass the duty on to others as doing so would constitute immoral behaviour.<sup>82</sup>

Whereas Sandel has stated that it is immoral to buy extra emission credits,<sup>83</sup> Caney<sup>84</sup> forcefully replies that claims about the alleged immorality of an action are claims about the ethical propriety of engaging in such an action; such claims do not show that ET is unjust.<sup>85</sup> Hence, although the civic responsibility argument represents a significant contribution to the discussion as to how people should behave, it does not contribute to a discussion regarding

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<sup>73</sup> Frey, *Inspiring Economics* (United Kingdom: Edward Elgar, 2001), pp. 55-70; Goodin, "Selling Environmental Indulgences", p. 236.

<sup>74</sup> Page, "Cosmopolitanism, climate change, and greenhouse emissions trading," (2011), p. 50.

<sup>75</sup> Goodin, "Selling Environmental Indulgences," p. 236; Sandel, *What Money Can't Buy*, p. 78.

<sup>76</sup> *Ibid.*, p. 76.

<sup>77</sup> Goodin, "Selling Environmental Indulgences", p. 241.

<sup>78</sup> Page, "Cosmopolitanism, climate change, and greenhouse emissions trading," (2011), p. 52, emphasis in original.

<sup>79</sup> *Ibid.*

<sup>80</sup> Caney, "Markets, morality and climate change," (2010a), p. 209; Caney and Hepburn, "Carbon trading: unethical, unjust and ineffective?" (2011), p. 222.

<sup>81</sup> Sandel, *What Money Can't Buy*, p. 75.

<sup>82</sup> *Ibid.*; Sandel, "It's Immoral to Buy the Right to Pollute" (1997).

<sup>83</sup> *Ibid.*

<sup>84</sup> Caney, "Markets, morality and climate change," (2010a), p. 207.

<sup>85</sup> Claims about the ethical proprieties of ET are considerations on the type of activities that ET governs, while justice claims focus on the definition of the right holder and the distributive principle(s) ET should reflect.

the rights that people possess.<sup>86</sup> Furthermore, Sandel claims that ET violates the solidarity-based scheme in which we all lower our personal emissions rather than paying others to perform our duty in place. When an ET system involves citizens as allowance traders, it would enable them to act in a self-interested way when they should be acting in a public-spirited way in accordance with the background solidarity scheme.<sup>87</sup> However, this critique does not apply to the ‘upstream accounting’ variant of ET, which is only addressed at firms and businesses. Unlike individuals or citizens, firms and business are not bound by a background solidarity scheme.<sup>88</sup> Under the ‘upstream accounting’ approach, polluters – firms and businesses in sectors covered by the ET system – pay for auctioned permits to cover their emissions under a progressively tightening emissions cap.<sup>89</sup> The revenues from such auctioned permits could fund and incentivize the development and use of clean technology, compensate climate victims, support adaptation initiatives, etc.<sup>90</sup> However, it is noted that the market-based mechanism should also be complemented by regulatory measures so as to avoid market failure.<sup>91</sup> Although Sandel’s argument is forceful with regard to some variants of ET, it cannot be said that, under the ‘upstream accounting’ variant of ET, individuals ‘can exempt themselves from a public service that others are bound by’<sup>92</sup> nor do they violate the background solidarity scheme or disregard their duty of contributing to the shared sacrifice.

Hence, we can conclude that the critiques of the ET opponents are adequately addressed, and that the upstream accounting variant of ET in which emission allowances are auctioned is acceptable from a justice-based perspective.

## 5. Conclusion

In February 2013, a group of approximately 90 NGOs launched a joint declaration entitled ‘It is Time to Scrap the EU ETS’.<sup>93</sup> The NGOs claim that the EU ETS closes the door to other, genuinely effective climate policies.<sup>94</sup> However, this NGO consortium has neglected to propose an efficient and effective alternative that has sufficient political feasibility. Furthermore, stating that carbon markets are inherently flawed carries a risk, since the abandonment of carbon markets might well mean that no serious international abatement efforts whatsoever are undertaken.<sup>95</sup> Bearing in mind that, in order to limit global warming by 2°C, emissions would have to peak and decline before the end of the present decade,<sup>96</sup> and that global leaders have postponed binding treaties to 2020,<sup>97</sup> it seems highly unlikely that, should the EU ETS be abolished, a new climate policy tool would be put in place in time to avoid runaway climate change.

Although the European Commission had proposed six options for structural long-term reforms of the EU ETS, the European Parliament has accepted only a short term, temporary intervention of changed auctioning timetables, termed ‘backloading’, which was fiercely opposed.<sup>98</sup> Hence, it can be argued that because of the refusal by policymakers to structurally

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<sup>86</sup> Ibid.

<sup>87</sup> Ibid., p. 208.

<sup>88</sup> Tickell, *Kyoto2: How to manage the global greenhouse* (London: Zed Books, 2008), pp. 90-2.

<sup>89</sup> Ibid.

<sup>90</sup> Caney, “Markets, morality and climate change,” (2010a), p. 209; see also Tickell, *Kyoto2*.

<sup>91</sup> Ibid.; Caney, “Markets, morality and climate change,” (2010a).

<sup>92</sup> Ibid., p. 208.

<sup>93</sup> Scrap the EU ETS, “It is time the EU scraps its carbon Emissions Trading System,” (2013a).

<sup>94</sup> Scrap the EU ETS, “Time to scrap the EU ETS-Declaration,” (2013b).

<sup>95</sup> MacKenzie, “Making things the same: Gases, emission rights and the politics of carbon markets,” (2009), p. 451.

<sup>96</sup> Rogelj et al., “2020 emissions levels required to limit warming to below 2°C,” (2012).

<sup>97</sup> UNFCCC, “Report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its seventh session, held in Durban from 28 November to 11 December 2011, Addendum, Part Two: Action taken by the Conference of Parties at its seventeenth session,” (2011), p. 2.

<sup>98</sup> European Commission, 2013 “Climate Action Commissioner Connie Hedegaard welcomes the European Parliament’s positive vote on the carbon market “backloading” proposal,” (2013); Lewis and Chestney, “Parliament hesitates in

mend a flawed EU ETS, they have ensured the ineffectiveness of the system, and have allowed it to become an unjust climate policy. When policymakers are delegated the authority to set up a policy that will reduce emissions, avoid human rights violations related to climate change and thus reduce harm to future generations and the worst-off, but fail to do so, it can be argued that, *ceteris paribus*, those policymakers have acted unjustly.

In this paper, we have addressed the failure of the top-down approach and have situated the emergence of bottom-up initiatives. Subsequently, we argued that whether ET is morally defensible depends on (1) the variant of the ET being implemented, (2) the extent to which a particular ET system is an effective climate policy tool, and (3) the extent to which ET respects justice-based criteria. When evaluating the largest ET system currently in effect we conclude that the EU ETS fails to respect both the effectiveness criterion as well as the fair burden distribution criterion of justice. Of particular concern are the EU ETS's characteristics of grandfathering and offsetting. We have argued that EU ETS's most pressing problem is the unwillingness of EU leaders to restore the centrepiece of the otherwise commendable climate policy. This, in our view, means that those leaders are acting in a morally reprehensible manner. Furthermore, we focussed on the development of ET mechanisms and scrutinized claims about the alleged inherent unethicalness of these trading systems. After evaluating the arguments of both sides of the debate, we conclude that the upstream accounting variant of ET, in which emissions allowances are auctioned to firms and business, and revenues fund mitigation and adaptation initiatives, can be satisfactory from a justice perspective.

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# Irreversible Social Change

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## Abstract

In this paper we evaluate how irreversible social change should be evaluated from an ethical perspective. First, we analyse the notion of irreversibility in general terms. We define a general notion of what makes a change irreversible, drawing on discussions in ecology and economics. This notion is relational in the sense, that it claims that a change can only be irreversible for a certain party. Second, we examine ways to evaluate irreversible changes, drawing on discussions from both ethics, particularly the Capability Approach, and economics, particularly Cost-Benefit Analysis and the Safe Minimum Standard. Insights from the field of development studies are also woven into the discussion. Third, we investigate why (adverse) social changes tend to be systematically undervalued in decision making by private actors and policy makers, and argue for applying the Safe Minimum Standard as a decision rule for dealing with irreversible social changes. Finally, we show how our framework can be applied by evaluating the land acquisition process of biofuel producers in Tanzania.

**Keywords:** irreversibility; socio-economic systems; Safe Minimum Standard; Habermas; biofuels

# 1. Introduction

In discussions on the environment and global climate change, a special place is often reserved for changes that are considered to be *irreversible*, such as species extinction or the melting of the Greenland ice sheet. Such changes are considered to be ethically problematic if those changes lead to harm because of their structural nature. Though conceptions of irreversibility differ, they generally require that a change has a long duration, is impossible (or extremely costly) to revoke, and destroys or impairs something that cannot be substituted (Verbruggen 2013). Any harm caused by an irreversible change can thus be considered to be permanent. This has led to incorporation of the notion of irreversibility in some versions of the Precautionary Principle, for example, the explication in the 1992 UN Rio Declaration:

‘In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.’ (Principle 15)

It is noteworthy that, while the 1992 UN Rio conference was on the topic of environment and development, the irreversible damage alluded to in this principle is only applied to environmental degradation resulting from human action. Indeed, the concept has mostly (and successfully) been applied with regard to changes in the *environment* (Adger et al. 2009), yet there seems to be no good reason for not applying it to changes that could damage or hamper *development* as well, e.g. social changes such as degradation or destruction of social or cultural institutions. It could be even argued that society and environment are intertwined to such a degree, as suggested by the literature on socio-ecological systems (Berkes et al., 2001) that this distinction is artificial and should be abandoned.

However, even if we maintain the distinction, there are at least two good reasons for applying the concept of irreversibility to social changes. First, irreversible environmental damages are considered problematic or harmful at least partly because they can threaten the availability of ecosystem services that are needed for human well-being. Irrespective of whether we regard social and environmental systems as distinct or not, they tend to be tightly coupled (Marten, 2001), especially in the case of the rural poor who are strongly dependent on local ecosystem services for their livelihoods (Barbier, 2005, 2012; Aggarwal, 2006).

Irreversible environmental damages do not necessarily induce irreversible social damages, e.g. depending on whether adaptation is possible (Walker et al., 2006). However, adaptation always requires effort and energy. In some situations the requirements may exceed the capacities and resources that local populations can harness. An account of what constitutes irreversible social damages and when they are likely to occur could thus help in the ethical evaluation of irreversible environmental damages, at least from an anthropocentric perspective.<sup>1</sup>

Second, many cultural and social institutions are valuable for, if not constitutive of, individual and group identity and self-realization. In addition, their structural degradation can in turn lead to further adverse impacts on the environment, for instance when mounting pressure on vital local livelihood resources causes the breakdown of cooperative local arrangements for resource maintenance that prevent structural overexploitation of the commons (e.g., Ostrom 2000). In this way, interactive ripple effects between the human and ecological parts of systems can greatly amplify the initial impact from, say, the introduction

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<sup>1</sup> This is in addition to, rather than in the place of, any ethical reasons connected to the intrinsic value of natural entities or processes that could be lost or degraded in the change (McShane 2007; 2012).

of a new technology or a human intervention, giving rise to vicious cycles that can induce the systems to transgress their ability to cope (Barbier 2012).

At the same time, even structural damages to those social institutions cannot be quantified easily and thus are often not taken into account when performing risk assessments or cost-benefit analyses of policy measures (Adger et al., 2009). Attempts by economists to assign prices to so-called non-market values of (socio-)environmental systems (e.g., Costanza et al 1998) capture this problem only imperfectly, since ‘not everything that is of value can be valued’ (Bergius 2012). This applies especially to so-called ‘non-use values’ associated with the functioning of an organism, such as protection against natural hazards, beautiful views, the sound of flowing water, or spiritual or religious associations with (aspects of) the natural environment (van der Horst and Vermeulen 2011).

This is where ethical reasoning can make a contribution. A first step towards remedying the situation would be to investigate the notion of irreversibility and what it means for a change in social institutions to constitute an irreversible harm. This can help explicating these changes and increase awareness about their importance, allowing for a more inclusive evaluation. Our research question in this paper is thus: *How should we evaluate irreversible social changes from an ethical perspective?*

We address this question in the following way. In section two, we examine what an irreversible change *is*, as conceived of in the literature on ecology and ecological economics. Building on these conceptions, we define a *relational* notion of irreversibility in social changes, which assumes that a change is always (ir)reversible *for an actor* (which may include an institution or natural system). In section three, we examine proposals on *how to value* irreversible changes from ethics, such as the Precautionary Principle, and from (evolutionary) economics, such as the Safe Minimum Standard. We spell out the various ways in which irreversible changes may be ethically relevant, and to which degree this necessitates going beyond traditional consequentialist analyses in ethics and cost-benefit analyses in economics. In section four we develop our theoretical framework on what irreversible changes are, and how they should be valued, in the social world. We use Habermas’s account of ‘colonisation of the lifeworld’ to both explain why social changes are systematically undervalued in policy-making and suggest possible remedies, also drawing on complementary insights from the field of development studies. In section five, finally, we test our framework on a case study of biofuel developments in Tanzania. Following the publication of the EU’s 2009 Renewable Energy Directive (EU RED; EC 2009) and its ambitious renewable energy target for the transport sector, various projects based on different business models were set up in many tropical countries, including Tanzania, in order to produce biofuels for export to Europe. Although their adverse social risks and impacts have been subject to review (e.g., van der Horst and Vermeulen 2011; Hodbod and Tomei 2013), the issue of irreversibility has remained implicit. We examine how these activities have impacted a.o. land ownership and smallholder farming practices; whether there are (potential) irreversible social impacts from these changes; whether these have been adequately considered by the initiators of the change; and try to give recommendations based on our framework.

## 2. What is an irreversible change?

Irreversibility can be defined in a number of potentially valid ways, though irreversible changes are generally acknowledged to give rise to *long-lasting effects*; are *difficult to undo* / have *high revoking costs*; and lead to the loss of substances or processes that are *difficult to substitute*. Rather than tackling the concept(s) head-on, we will start by listing four conditions that our definition should adhere to in order to achieve the purposes of this paper.

*First, the definition should be meaningful.* That is, it should not yield a situation in which all changes are irreversible, e.g. because each change takes time, and the flow of time can

never be reversed (at least, not in our experience). Nor should our definition yield a situation in which no change is irreversible, e.g. because the effects of each change can in principle be undone, given enough time, energy and resources (cf. Humphrey 2001). Similarly, it should be able to deal with the fact that making a certain choice necessarily precludes making other choices at that moment, some of which would likely have beneficial effects. In economic terms, we could say that each act of choosing involves making opportunity costs, the costs incurred by losing the opportunity to do something else. For example, sending my children to school will likely (irreversibly) benefit them, but at the same time, deny them other benefits, such as those they would have gained by playing or sports during school hours.

*Second, the definition should be relevant for informing policy.* The notion of irreversibility in environmental changes has been useful in informing UN policy through the Precautionary Principle. Similarly, the notion of irreversibility in social changes should at least be able to apply to practical cases and have the potential to play a role in policy-making.

*Third, the definition should apply to those cases where the change is a clear departure from the status quo.* The notion of irreversibility is often applied to (eco)systems that have a relatively stable mode of functioning, that can be disrupted by some outside influence (Verbruggen 2013). This stable status quo is a prerequisite for an irreversible change to be morally relevant due to its irreversibility. For example, if the last tigers are about to kill the last antelopes, and killing the tigers would be your only way to save the antelopes, then irreversible changes will occur whether you act or not, and irreversibility thus cannot give you a reason to prefer one course of action over the other.

*Fourth, the definition should acknowledge that people value different things in different ways.* There are many ways of valuing things, such as intrinsically, for the sake of itself, and instrumentally, as a means to achieve some valuable end (McShane 2012). Definitions of irreversibility that focus solely on system functions, such as Verbruggen's (2013) are in danger of overlooking changes to entities that are valued intrinsically, and where authenticity is very important, such as holy places, particular species or areas of cultural or historic value, etc. While we should avoid a definition that acknowledges each entity as unique and its demise as irreversible (and thus, one that will be meaningless in practice), the destruction of, say, the Eiffel Tower or the demise of the Javan rhinoceros could be considered irreversible because of the particular nature of those entities. Even if the Eiffel Tower were rebuilt or another great herbivore were to fill in the gap in the Javan ecosystem, unique artefacts or species can still be valued in themselves, and thus considered 'unsubstitutable'.

Taking these conditions into account, we propose a notion of irreversible change that is fundamentally *relational*. That is, whether a change is reversible or not depends fundamentally on the capacities, values and resources of those affected. This has the advantage of anchoring notions such as 'last long' and 'difficult to undo' to a concrete perspective. For example, a change such as a new law coming into effect can be considered irreversible from an individual point of view, but not from the point of view of the government. Also, it allows us to make a distinction between the party that *initiates* the change and the one that *is affected by* the change, and thus, whether considerations of justice or paternalism come into play. Note that for irreversible changes in general, both the initiating and the affected parties can be natural events or processes as well as humans. While we aim to give a general definition of irreversible changes, however, our paper focuses on irreversible social changes, where both the initiating and the affected parties are human.

We propose the following definition:

"A change is *irreversible* for a party *X* if and only if the effects of the change can be expected to last for *X*'s lifetime or longer; if *X* does not have and is unable to acquire the capacities and resources to undo the effects of the change; and if the effects include the destruction or termination of something that *X* has reason to consider to be non-

substitutable; or the creation of something that  $X$  has reason to consider to have no functional equivalent.”

We briefly elaborate on this definition. First, the party  $X$  can range from a single individual to the whole of humanity. Indeed, the latter seems to be the party implicitly assumed in literature on irreversible ecological changes: while the extinction of a species or the melting of the Greenland ice sheet can be considered perfectly reversible processes, given unlimited time and resources, they are irreversible from humanity’s point of view. We can distinguish here between changes that are *universally* and *locally* irreversible: we consider a change to be *universally* irreversible if  $X$  can include all of humanity, that is, the change cannot be reversed meaningfully even if all of humanity were to attempt it. Examples include the melting of the Greenland ice sheet, or a language dying out when its last speaker passes away. We consider a change to be locally irreversible if it is irreversible for some subset of humanity (say, a local tribe or community) but not for all of humanity. Examples include local or regional environmental disturbances such as large-scale deforestation, or the drying up of large water resources due to structural drawdown for cultivation of crops requiring too much irrigation. These changes cannot be resolved locally but could be addressed by a coordinated international effort. Other examples include most legal changes, e.g. anti-gay laws that change the situation of a nation’s LGBT community for the worse, but that this community cannot itself repeal. Though such laws might be repealed by the government at some later time, as long as they do not have an explicit expiration date, policy-makers should evaluate them as they would other permanent changes: a locally irreversible change is still irreversible, *all other things remaining equal*.

Second, the choice of  $X$ ’s lifetime for the duration reflects the importance of perspective: the handing out of 99-year land lease contracts by the government of Tanzania to foreign investors (Sulle and Nelson, 2009) - see section 5 -, may not constitute an irreversible change for the country, but it can certainly be considered irreversible for the affected smallholder farmers.

Third, whether something is substitutable depends on two factors. The first is how the entity is valued: if it is valued intrinsically, as itself, it can be considered to be unique or to have a strict identity (e.g. the Eiffel Tower). In that case, the entity is considered non-substitutable. If it is valued instrumentally, as means to an end, its substitutability depends on the availability of alternative means to reach the end. Note that substitutability does not equal compensatability: Humphrey (2001) gives the example of a bread that may compensate me for the loss of a glass of water, yet is not a substitute.

Fourth, while irreversible changes are usually considered in the context of *destruction* (species, entire ecosystems, the Greenland ice sheet), they can also take the form of *creation*. For example, the creation of nuclear waste or the coming into effect of a law that promotes injustice can be considered a change that introduces an irreversible harm.

An irreversible change does not have to constitute a harm. Indeed, an irreversible change may well be a structural improvement, such as education, or it may be a ‘mixed bag’, where it has both beneficial and harmful effects, or the effects are valued differently by different affected parties - the effects of a 99-year land lease may be valued quite differently by the investor and the smallholder farmers using the land; or by those who get hired to work on a new plantation and those who merely get evicted from their ancestral homes without being offered a job. We define an irreversible harm as follows:

“An irreversible change is also an irreversible *harm* for a party  $X$  if and only if that party has reason to consider one or more effects of the change harmful.”

This definition is quite broad, in the sense that even a ‘mixed bag’-change is considered harmful under this definition. However, note that unlike the Precautionary Principle, this

definition does not yet forbid irreversible harms. It is set up rather broadly so as to ‘flag’ those changes that need further ethical attention. How to evaluate irreversible changes and harms is a question in itself which we address in the next section.

### 3. How should we value irreversible changes?

An irreversible harm has one obvious aspect in common with a reversible harm; that it is a harm. The primary ethical difference is that an irreversible harm permanently closes off *options for action* for a party, thereby limiting the ways in which a party can flourish - or survive.<sup>2</sup> This can occur because of an external change, such as loss of resources, land or unique entities, or the introduction of an innovation into a natural environment where it can go out of control, such as a genetically modified organism (van Merkerk and van Lente, 2005); or it can occur because of internal changes, such as reduction of capacities or capabilities, or death. This is not a strict distinction, nor does it need to be so: especially the more complex socio-ecological systems are, the fuzzier the boundary becomes between system and environment. In addition, many changes affect both. For example, education on sustainable soil management can improve both the capacity of a community to care for its soil and thereby, the variety and quality of their agricultural options. Generally, however, both ethical and economic methods of valuation have focused on either of one side.

While ethics tends to evaluate *actions* rather than *sets of options for action*, some work has been done in this area. The normative side of the capability approach has elaborated on the capabilities that allow people to do and be what they have reason to value (e.g. Sen 1992; Nussbaum 2006; Robeyns 2011). In the philosophy of technology, Illies and Meijers (2009) have called sets of possible actions ‘action schemes’, and argue that we have both the responsibility to perform morally right actions and bring morally right action schemes into existence. Illies and Meijers offer no criteria, though, for judging whether a given action scheme is morally better or worse than another. Intuitively, one could think that having more options for action available is always better, but this does not have to be true (Peterson and Spahn 2011). An example of this can be found in the debate on human enhancement, where it has been argued that cognitive enhancement (increasing our cognitive capacities) without corresponding moral enhancement could worsen rather than relieve current societal problems (Persson and Savulescu 2008; Pols and Houkes 2011). Similarly, in the philosophy of technology Jonas (1984) has argued that technology has enabled us to make drastic and far-reaching changes, the consequences of which we cannot adequately foresee, let alone control. According to Jonas, this has given us an unprecedented responsibility to develop our capacities to anticipate and evaluate the possible (negative) effects of those changes. Also, the extension of an action scheme may be morally better for some affected parties and worse for others. For example, expensive moral enhancements may make those who undergo them ‘better’ persons, while at the same time promoting inequality and disadvantaging the poor who cannot afford them.

An important ethical consequence of irreversible harms is that they often leave people and communities worse off in their capacity to resist, adapt to, or mitigate the effects of further irreversible changes due to loss of *resilience*: the human capacity to reverse harms and recover from them. If some harm irreversibly damages this capacity for resilience, the affected party will be less able to reverse or recover from further harms on their own, increasing the likelihood of further losses of resilience, and so on. This notion carries special significance at the level of social groups. Norton (2005, ch. 3) explicitly argues that our goal

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<sup>2</sup> Though our paper is human-centered, this definition of irreversible harm is not necessarily anthropocentric: as long as one can define survival and flourishing for an animal, a species or an ecosystem, and can argue that it has intrinsic value (or should be valued intrinsically), one can argue that it can suffer irreversible harm.

should not be the long-term survival of *humans*, but rather that of *cultural communities*. According to Norton, cultural and social institutions are vital for maintaining and updating knowledge about how to live within the limits of the land, and how to adapt to changing circumstances. Thus, a structural degradation of the resilience of a cultural community may not only be problematic in itself, but also for the long-term survival of humans as a species.

In cases where the initiator of the change is another party than those most harmed by the irreversible change, this can lead to situations of *structural injustice* (Young 2004; 2006). Young defines this in the following way: ‘Structural injustice exists when social processes put large categories of persons under a systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time as these processes enable others to dominate or have a wide range of opportunities for developing and exercising their capacities’ (2006, p. 114). Structural injustices are particularly hard to rectify, as those parties who have most to gain by changing the system have no capacities to do so, while those who do have these capacities have the strongest incentives to maintain the system.

This concern is echoed strongly in literature from the domain of development studies, where researchers have made widespread observations that the production and reproduction of poverty over long periods of time is closely connected to processes of adverse incorporation and/or social marginalisation. Some writers go so far as to say that there are causal relations running from the latter to the former, and claim that the existence of this causality is key to understanding how certain groups or individuals are kept poor even in contexts characterised by economic growth and accumulation (Smith, 2007; Hickey and du Toit, 2007). Yet, no explicit notion of irreversibility has been used in this discourse, so it has also not been singled out for reflection. The same can be said about a currently popular discourse in the field of disaster management that emphasizes the need to address risk of loss of resilience of people and communities after experiencing major shocks. In an attempt to make sense of that field, Manyena (2006) lists twelve distinct definitions, which reveal disagreement even over whether the notion of resilience refers to processes or outcomes.

Perhaps most relevant for the purpose of this paper is the interpretation of resilience as the ability of communities to maintain their core values or assets through addressing non-core elements of their existence. Manyena gives an example of the substitution of drought-resistant crops for more rain-dependent crops such as maize. In this interpretation, resilience thus refers to a system’s ability to alter non-essential attributes—to adapt in order to keep functioning (Manyena, 2006). This shows a resemblance to the earlier-mentioned human capabilities approach developed by Sen, Nussbaum and others.<sup>3</sup>

Valuation of irreversible changes has received more explicit attention in economics, especially for treating them inadequately. Cost-Benefit Analysis (CBA), the often-used consequentialist way of valuing interventions, has been criticised for not being able to deal adequately with complexity and uncertainty (Verbruggen 2013). One especially problematic assumption is that every value can be converted to monetary value; that, while not everything may be substitutable, everything is compensatable. However, a significant section of the public is unwilling to put a price tag on e.g. parts of the natural environment (Spash 1997; Conant 2012). One prominent disagreement over values and valuation relates to the practice of discounting project costs and benefits expected in the future. This becomes highly problematic when the welfare of future generations needs to be weighed in, for example, when climate change impacts or biodiversity loss are at stake. However, some economists still argue that choosing a zero discount rate would result in too much early investment in low-

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<sup>3</sup> The application of the notion of resilience to disaster management is itself an interesting example of drawing inspiration from other disciplines, a.o. ecology (see also the discussion about the Safe Minimum Standard further below).

return climate measures, as compared to when one would employ a positive market interest rate (for a review of the controversy, see NOU 2012).

Another valuation problem arises when there is a very small probability of a disaster scenario. In the standard CBA technique, this would have a negligible effect on a project's net present value estimation, since this is derived as the average of the various possible scenario outcomes weighed by their probabilities. Given the huge impact of the destruction, if it does occur, one could argue instead in favour of a decision strategy where the loss of the worst case scenario is minimised. This is especially important in cases when the party at risk is different from the party that will receive the intervention's benefits (cf. Hansson 2003).

The concept of Safe Minimum Standard of Conservation ("SMS") was introduced into CBA to address this issue. Resembling the maximin strategy in decision theory, the SMS is a rule to value changes in 'flow resources with a critical zone' (Ciriacy-Wantrup 1968): resources that are renewable unless depleted beyond a certain threshold, after which degradation or destruction becomes irreversible. Bishop (1978) gives the example of animal species that can survive unless their population drops below a certain number of individuals, after which extinction is inevitable. A similar example could be a deteriorating ecosystem that gradually loses resilience until a certain threshold is passed, after which it suddenly and drastically shifts into a new equilibrium (Scheffer et al. 2001). This, in turn, can lead to an irreversible reduction in the amount and quality of services the ecosystem can provide. Though Bishop focuses on natural resources, there seems to be no reason why the SMS could not be extended to social and cultural resources, provided they can also be classified as flow resources with a critical zone. One can think of socio-environmental systems that would be just as susceptible to equilibrium changes as the ecosystems they depend on, or cultural or knowledge institutions that can only function with a steady input of effort and/or resources.

The simplest formulation of Bishop's (1978) SMS states that a proposed project should not be implemented if the cost to society is so high that the estimated costs of preservation (labelled B) would exceed the expected economic benefits from the project, exclusive of its environmental effects (denoted A); in other words his minimum requirement is that  $A - B > 0$ . A careful valuation of A and B is of course important.

Bishop then goes one step further by arguing that the decision rule should also consider potential irreversible loss of environmental capital that is not yet considered valuable at the time of assessment, but that could become valuable at some point in the future (C), and taking account of the probability of this loss occurring (y). For example, a plant might turn out to be a source of medicine, or a bug might turn out to be valuable as a sustainable means for pest control. This leads to  $A - B > yC$ . However, since y is unknown, yC cannot be estimated. Therefore Bishop proposed that public decision makers may set a threshold value (X) to represent yC. This X is thus taken to represent what society considers an acceptable cost of preserving those environmental goods that are irreversibly threatened by a project, which is dependent on ethical as well as economic values. Consequently, the decision-making rule becomes that a project should not be implemented unless  $A - B > X$ .

However, "...safe minimum standards will not in itself tell us what is an optimal or appropriate level of ambition, and these approaches therefore necessitate specific trade-offs in each individual case ." (NOU 2012: 119). Incidentally, this observation equally refers to the UN's Precautionary Principle mentioned earlier. NOU (2012) puts considerable emphasis on the need to engage in thorough investigations of y, in order to try to reduce the uncertainties regarding the probability of diastereous outcomes, and on clearly defining the crucial knowledge gaps in approaching the value of y. Moreover, since knowledge gaps can sometimes be reduced through more fact finding, economists tell us that there is in such situations a positive value attached to the postponement of go/no-go decisions concerning

investment projects. This is known as a(n) (quasi-) option value in economics (Claude 1974; Arrow and Fischer 1974; Fischer and Krutilla 1974).

Alternatively, Van der Sluijs and Turkenburg (2006) argue that in dealing with extremely complex systems, such as the climate system, uncertainty reduction might only work to a limited degree. They rather argue that we should increase the resilience of ecosystems, reducing the likelihood of irreversible degradation. This is in line with Manyena's (2006) emphasis on promoting resilience in disaster management, and the focus in the Capability Approach on enhancing human capabilities as being of prime moral importance. Van der Sluijs and Turkenburg argue that ecosystems' resilience can be increased by implementing robust measures – measures that are expected to be beneficial over a wide range of possible outcomes, thus limiting the need for uncertainty reduction.

## 4. Irreversible social change in theory

### 4.1 Colonisation of the lifeworld

In this section we go into why there is a need to value irreversible social changes and how this valuing can be done. Reaching back to our earlier definition, we propose a procedure for dealing with irreversible changes that should be followed as soon as certain criteria are met. In section five we use this procedure to evaluate a concrete case study regarding land acquisition for biofuel plantations in Tanzania.

In section three we have established why irreversible changes are ethically relevant. In practice, however, cultural and social changes and the experienced world in general are 'systematically undervalued' (Adger et al. 2009, p. 349) by current policy evaluation mechanisms; qualitative changes are difficult to capture using quantitative methods. This observation has also been made by the German sociologist and philosopher Habermas (1987), who offers the following general explanation of this systematic undervaluation. According to Habermas, the everyday social world or *lifeworld* is characterised by *communicative* action, where agents cooperate on the basis of shared understanding, communicating about common goals and values / reasons to achieve those goals. *Systems*, in contrast, are characterised by *strategic* action, where participants try to achieve their individual goals by using the system. Prime examples are free markets (that facilitate individual maximisation of profits) or bureaucracies (that facilitate maximisation of institutional power). Systems in themselves are not problematic: indeed, they can be very good at fulfilling their intended function. However, they can become pathological if they 'colonise the lifeworld', that is, if they incorporate more and more parts of the lifeworld and evaluate it according to its own standards, e.g. when they require small social organisations to be profitable or to be formally institutionalised. Another example of this could be the EU requirement that imported biofuels should be certified as being sustainable since Dec 2010, as laid down in its Directive 2009/28/EC, articles 17, 18 and 19<sup>4</sup>. In practice this has favoured the generally less sustainable plantations over decentralised or smallholder production. This is rather ironic, given that smallholders are de facto operating according to the asked-for sustainability principles, but lack the financial and organisational capacity to prove it (Romijn et al. 2013; Van Eijk et al. in press).

This colonisation of the lifeworld entails a switch from communicative action to strategic action, where communication about goals, values and reasons is either adapted into the system, e.g. by various methods to convert non-monetary values to monetary values, or marginalised. Though Habermas does not explicitly connect this colonisation of the lifeworld to globalisation, the (physical) distance and power inequalities involved in globalisation can easily worsen the effects of this colonisation (cf. Mol 2007). For example, it has been shown

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<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0028:EN:NOT>

that essential features of systems that are designed within the context of one region tend to get transplanted to other areas without due regard for, and awareness of differences in local conditions, giving rise to misfits between system and local reality. The phenomenon has been identified as a major cause of failure in North-South technology transfer projects (e.g., Stewart, 1977). Physical distance makes it more difficult to communicate effectively and monitor and control the effects of one's actions, while power inequalities remove incentives to go for communicative rather than strategic actions. Cultural and social institutions are especially at risk here because they tend to be less tangible and changes to them are less easy to measure quantitatively than e.g. physical or ecological changes (Adger et al. 2009).

As a way to counter this colonisation of the lifeworld, Habermas proposes strengthening democratic institutions and practices where citizens can actively deliberate - and thus, engage in communicative action - about public issues, including systems, their boundaries and their place in society. This does not imply that Habermas believes democratic practice could take full control of a complex and globalised society, but he does claim that it can influence and (de)legitimise policies and particular social processes (Habermas 1996, Ch. 8; Bohman and Rehg 2011).

Highly similar ideas find expression in the literature about industrialisation and development, agricultural innovation, and organisational/managerial capacity building in the South. Here, researchers and practitioners alike have widely advocated policies and strategies that are reminiscent of the capability approach discussed earlier: namely, to foster the strengthening of local human skills and knowledge for selecting, operating, maintaining and adapting innovations designed outside their local domain, in order to reduce the risks of misfit and to ensure that local people gain or maintain some degree of local control over the nature and direction of externally-driven change processes that affect them. Iterative social interaction is seen to be a particularly fruitful mechanism of such learning, with an especially important role envisaged for (potential) local innovation users (e.g., UNDP 2000; Lall 1992; Hall et al. 2012; Bond and Hulme 1999). In this way of thinking one can also see that democratisation and iterative social interaction may be regarded, among other things, as means to increase social resilience; the capacity of human systems to adapt to (major) change while being able to safeguard the functioning of their core functionalities.

#### *4.2 Extending the Safe Minimum Standard*

In the last sections we have encountered two strategies that could be used to deal with irreversible social harms. The first was derived from Habermas' work and various development-studies approaches, all of whom focus on social changes and colonisation of the lifeworld in general and propose strengthening democratic (innovation) practices and capacities for constituting and implementing such practices as a remedy. While this would certainly be a welcome development, there are at least two reasons to build in extra protection for vulnerable parties. The first is the severity of the harm arising from its possible irreversibility; the second is the more practical problem that the processes of stakeholder selection for and involvement in policy discussions often are hardly just or fair. This holds especially in developing countries and/or where the initiator is a foreign investor, and the facilitator is a powerful government some of whose bureaucrats and politicians pursue private interests.

The second strategy to deal with irreversible social harms was the Safe Minimum Standard, developed to deal with irreversible ecological changes, particularly, species extinction (Bishop 1978). The Safe Minimum Standard said that we should avoid irreversible harms unless the social costs are unacceptably large. Given the fact that social institutions can be valuable as instruments and as themselves, and given the fact that they are systematically undervalued by the classical tools of policy analysis (Adger et al. 2009), we argue that the

Safe Minimum Standard can - and should - be applied to social changes as well. This standard could be formulated as a decision-rule for policy-makers who consider whether to implement policies with irreversible effects:

Safe Minimum Standard for Social Change (SMS-SC): “If a party *X* proposes a policy that is anticipated to lead to irreversible social harms for one or more stakeholders, then that policy should not be implemented unless the costs to society to which those stakeholders belong is deemed to be unacceptably large by that society.”

The remainder of this section will elaborate on and support the SMS-SC. The word ‘anticipate’ is used here to indicate that this principle only applies in cases of relative certainty with regard to the harms; in cases of fundamental uncertainty rather than situations of risk, other principles, such as the Precautionary Principle, may apply.

Theoretically, a straight-out prohibition is not so different from the decision process that would result in Habermas’ ideal speech situation. Presumably, if stakeholders were to deliberate in a rational process with no power differences, they would also reject any policy that would inflict irreversible social harms on them, unless this were the only case in which an even worse harm could be avoided. In practice, though, ‘merely’ having a process for stakeholder involvement might not always lead to a just or even an acceptable outcome for those stakeholders, as the Sun biofuels case illustrates (cf. Greenwood 2007). The SMS-SC is therefore meant as the strongest possible protection for those stakeholders who have legitimate and urgent claims, but not the power to adequately back them up during the decision-making process (Van Buren 2001).<sup>5</sup>

The wary reader will no doubt have noted that this protection still depends on the willingness and ability of the policy-maker to implement the SMS-SC and make sure it is upheld. However, given the ethical severity of irreversible harms, the SMS-SC would often be supported by such high-level policy instruments as the Universal Declaration of Human Rights, the UN Millennium Development Goals, and more specifically by the UN Final draft of the guiding principles on extreme poverty and human rights, which states that ‘No policy, in any area, should exacerbate poverty or have a disproportionate negative impact on persons living in poverty.’<sup>6</sup> In other words, in practice the SMS-SC is more a specification of already accepted high-level policy principles than a fundamentally new proposal.

A question one might have at this point is: how can we determine objectively whether a socio-cultural change, irreversible or not, actually constitutes a harm? The short answer is that we can’t. This is because the notion of what constitutes a ‘harm’ may itself differ between stakeholders (cf. Boons and Mendoza 2010). Defining an ‘objective’ notion of harm runs the risk of propagating the system’s colonisation of the lifeworld again, where the lifeworld has to adhere to the demands of the system in proving harm or be marginalised, for example with respect to land acquisition in the global biofuel trade (Silva-Castañeda 2012). As Norton (2005) argues, policy discussions should not only be about goals, but also about values and indicators. Stakeholders should be able to bring their own notions of harm into the discussion, though these notions can and should be open to discussion as well.

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<sup>5</sup> Van Buren’s claim that the most vulnerable stakeholders should be the focus of discussion resembles the ‘*primum non nocere* / first, do no harm’ principle in medical ethics, that demands the strongest possible protection for the most vulnerable stakeholder, the patient. Rawls (1971) similarly argues that, if people were to reason from the original position, where they would be ignorant of their place in society, they would naturally maximise the situation of the most vulnerable stakeholder by adopting the maximin rule in the distribution of primary goods.

<sup>6</sup> Foundational principle A 17.

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-39\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-39_en.pdf). Accessed 14 November 2013.

One possible criticism of the SMS-SC is that it, in its current form, offers little action guidance. It tells us what policy-makers may *not* do, but not what they should do instead. We offer two suggestions here. Our first suggestion would be to focus on strategies that prevent the SMS-SC from being applicable. That is, whenever a policy would lead to irreversible social harms, that policy should be amended in order to not bring about harm, or, if that is impossible, to make the harm reversible. In practice, this would often mean addressing one of irreversibility's three components: long duration, high revoking costs or substitutability. Our second suggestion would be to explicitly take the (quasi-)option value of waiting and reducing uncertainty into account, both with regard to whether a change will be irreversible, as well as with regard to whether a change will constitute a harm. While there can be value in 'being the first' and loss in 'missing the boat', threats of possible irreversible harms should lead to an implementation of the Precautionary Principle, which in this case may well entail a combination of uncertainty reduction, implementing robust precautions and a wait-and-see approach to determine whether a new development has the potential to truly contribute to sustainable development or will be a short-lived hype. Anticipation and responsiveness might be hallmarks of responsible innovation (Stilgoe et al. 2013), but sometimes postponing innovation might actually be the more responsible option.

## 5. Irreversible social change in practice

This section hones in on an important recent phenomenon, the establishment of large biofuels projects by foreign actors in poor developing countries, with the objective to grow biomass for western energy markets. Through many of these investments, local rural populations have been (at risk of being) dispossessed from their land and resources on which they depend for their livelihoods. Although biofuel-induced 'land grabbing' lately has been subject to intense scrutiny (e.g. Matondi et al. 2011; Cotula et al. 2009), the question to what extent its consequences constitute irreversible impacts in the social domain have not been addressed explicitly as such. Our first objective is, then, to identify those social changes that could be considered socially irreversible for the concerned actors in this context, and to answer the question to what extent our framework is capable of identifying their ethically problematic aspects. We focus on Tanzania, a country in sub-Saharan Africa where several such projects were initiated in the early years of the 21<sup>st</sup> century. We will round off by raising suggestions for possible recommendations for action based on our ethics-based framework.

Modern-day land grabbing is being facilitated by a constellation of factors which can be analysed well with Habermas' conception of the colonisation of the life world. In particular, a continued persistence of the neo-liberal economic paradigm in world economic affairs has contributed to a widespread belief in the benefits of a development model for poor countries premised on western private-sector driven investments for the purpose of building exports to western markets. In this climate there is also a big role for the world's powerful international institutions, notably the World Bank and the World Trade Organisation, who try to promote unimpeded transnational investment and trade through ensuring that host governments observe "good governance" principles. In practice, "good governance" is not an ideologically neutral concept. Under its banner, frugal governmental involvement with the affairs of the private business sector has been widely pushed, among other things through making the continued reception of international aid and debt relief conditional upon host governments' cooperation with respect to the adherence to these principles (Cotula et al. 2009).

In this climate, investments in biofuels in poor countries began to be promoted in the early years of the 21<sup>st</sup> century as a 'package solution to energy security, environmental protection and rural development' (Widengård, 2011, p. 51); in other words as "win-wins", in which both the investing company, and the host country *with its people* would reap benefits

(Bergius 2012, emphasis added). Another, older strong development paradigm can also still be seen to influence important actors on the world biofuel scene: that of development-as-modernisation. In this paradigm, development is conceived as a top-down process initiated by elites, with its benefits gradually spreading downwards and outwards until the entire society has been enfolded into it.

It should therefore hardly be considered surprising that risks of social harms from biofuel projects initially remained substantially out of focus: It was essentially defined away as a non-existent scenario in the minds of leading development and business actors. Initially, the weight of regulation was on private sector facilitation through creating transparent frameworks and minimizing bureaucratic obstacles in order to maximise the possibilities for “win-win” outcomes (Bergius, 2012). Some actors undoubtedly did possess relevant awareness but preferred to pursue their own short-term corporate interests by seeking out the room for manoeuvre afforded by the prevailing economic environment, until such time when actual evidence of social harms began to accumulate before the public eye.

The investors that came to Tanzania entered a country with approximately 4 million peasant families, among whom poverty and malnutrition are high. Farming and nomadic herding are the principal economic activities (WWF, 2009; van Eijck et al. in press). Most rural households tend to diversify their livelihood sources in order to decrease their vulnerability in case of crop failure or irregular weather conditions. Products from common property resources are highly important in this scheme of things. A World Bank report estimates that between 25% and 50% of local people’s ‘income’ comes from such non-marketed resources (World Bank 2008).

In Kisarawe district, which was targeted by Sun Biofuels UK, marginal agriculture on poor-quality land was the main livelihood source for about 80% of the population consisting of approximately 3000 households. Much of this area was already in a degraded state because of the proximity of Tanzania’s huge port city, Dar es Salaam, which generates an enormous demand for cooking charcoal – the major source of forest clearance. Local communities had great difficulties trying to manage their local natural resources (WWF, 2009). Sun Biofuels negotiated a land lease for cultivation of close to 2000 ha *Jatropha*, an oilseed shrub.

Subsequent research among local villagers has noted many harms from this development that cannot be reversed: Worst of all, Sun destroyed a local swamp that was a crucial water source for local people during dry months. After the establishment of the plantation they now have to walk up to 10 km (previously a 15-30 minutes’ distance) for their basic water needs, which has adversely affected their agricultural productivity and their quality of life more generally (Bergius, 2012). Wages earned from plantation work proved so low that the money is insufficient to buy the provisions that were previously self-produced through subsistence activities. It proved impossible to combine a full-time wage job on the plantation with own-account farming (Kitabu, 2012), but people could not revert back to the old situation due to the loss of the land and water resources.

Monetary compensation paid by Sun was grossly deficient. Valuation practices were aimed at minimising compensation values, and illiterate villagers also had insufficient knowledge about their land rights and could not negotiate adequately. There was also considerable pressure put by a local MP, while Sun misrepresented prospective benefits and played down risks, to the point where strategic “divide and rule” tactics involving the populations from different villages in the area were used to coerce villages into agreeing to the proposals (Bergius, 2012).

Compensation was also promised (verbally) in the form of improved public infrastructure such as a better equipped maternity clinic. While in themselves beneficial, the services provided by these human capital assets are obviously no direct substitutes for ecosystem services derived from land-based activities that are crucial for maintaining food security of

local people, like beekeeping, charcoal making, hunting, and medicinal and food plants gathering (World Bank 2008; Msuya et al. 2010). Moreover, the promises never materialised.

Sun also included an ancient ancestral graveyard site into its plantation, and subsequently forbade public access to it. According to ethnographic local research by Bergius (2012), graveyards are always placed in the common village land, and related practices are deeply embedded in traditional culture and beliefs. The site in question was often frequented by local people. Some years later the access constraint was eased, but only with considerable effort from locally-operating NGOs and helped by wide public journalistic exposure of the problem.

The second investor in focus is Bioshape from the Netherlands. In contrast to Sun, this investor targeted a remote coastal area (Kilwa) with plenty of so-called “unused” land. It planned to establish a jatropha plantation of 81,000 ha. In the first instance it convinced local villagers to give up approximately 34,500 ha of their village land. According to both the villagers and the company, the land was not in current use by the local population, and thus left them with sufficient resources for their day-to-day farming needs. However, some time after the land lease took effect, problems began to be reported (WWF, 2009; Sulle and Nelson, 2009; Chachage and Baha 2010; Valentino 2011), drawing attention to loss of hunting grounds due to clear felling of forest. The Bioshape business plan leaked out, which was found to include an estimate of 200,000 and 800,000 cubic metres of valuable hardwood harvesting potential on its concession, worth 50-150 million dollars (Valentino, 2011.). Those grounds were reported to be used by the local people for firewood gathering, charcoal making, medicinal plant gathering, etc., all of which were important for people’s caloric intake or their broader livelihood. Poverty in the region is high; 30% of people are reported to be either chronically food insecure, or highly vulnerable to food insecurity (van Eijck et al. in press).

Bioshape did not engage in direct arm twisting of the local people, but it somehow managed to get its compulsory Environmental Impact Assessment officially approved by putting the name of a reputable scientist on its cover, without this individual’s involvement in the study (Valentino, 2011). Also, its permissions to start clear-felling were issued by a Minister who did not have the jurisdiction to do so (he was later removed from office, after the discovery of a raft of other scandals).<sup>7</sup> Community members did not receive adequate compensation for the reduction in commons access, thus, they could not compensate for the loss of those resources in other ways (Chachage and Baha 2010; van Eijck et al. in press.).

The compensation paid by Bioshape was a mere US\$ 12 per ha for a 99-year lease period. Moreover, the arrangement entailed the permanent loss of all land rights for the villagers, since the land would revert to the central government after that. When they were negotiating, the villagers were not aware of that fact (Valentino, 2011). To make matters worse, the local District government later creamed off 60% of the compensation amount (which however, they had no legal right to do). This could happen because the money was being transferred from the company to the villagers through their offices (Ibid 2011). Some village communities both in Kisarawe and in Kilwa say that none of the agreed-upon compensation money ever reached them. Others did not even know what to do with their claim forms, and never received any money because they did not file any claims (Bergius, 2012). And just like in the case of Sun, there were also verbal promises of upgraded public infrastructure, which did not materialise.

Villagers also pointed out that, to the extent the plantations had brought “mixed bags of goods and harms”, the benefits were short term in nature whereas the bads are enduring (Kitabu, 2012). As it turned out, the benefits proved highly vulnerable to the vagaries of the global economic system that suffered a big implosion in 2008. In that same year both

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<sup>7</sup> Personal information obtained by Romijn during field trip in Tanzania, 2012.

plantation firms withdrew due to bankruptcy induced by disappointing harvests, crashing world oil prices, and inability to attract fresh finance from risk-averse banks. This left the villagers high and dry, without their new wage jobs, without their former land resources, and without the maternity clinic, school, improved road, or water well they had been promised (Carrington, 2011; Eijck et al. in press). In both cases, the transfer of land rights has been permanent; no legal procedure exists for a reversal. So far, strenuous efforts by Tanzanian lands rights NGOs to address this problem have been to no avail, so we see good reason to speak of irreversibility here.

The loss of vital land resources is bound to affect the livelihood opportunities of future generations even worse than the current one. Tanzania's population is growing fast, while climate change effects and structural over-utilisation are steadily reducing land productivity. These trends are not confined to Tanzania either. Land pressures are steadily increasing as a result of these factors throughout much of Sub-saharan Africa (von Braun et al. 2013). When projects like those of Bioshape and Sun are allowed to add to this already heavily stressed environment, crucial tipping points could be reached, inducing structural loss of social resilience: we should expect the uprooting of local communities in search of survival, aggravating rural-urban migration and destitution in urban slums, and to the break up of traditional ways of family and community life.

When we compare Kilwa to Kisarawe, the latter case shows the least resilience: The starting point was a community already under severe stress due to a degraded ecological system. Its chances of recovering from the Sun experience and its ability to adapt to the new situation in a way in which their core social and spiritual values are preserved are dim. But also in the case of Kilwa, the consequences should not be underestimated due to the very large land area involved, and the severe poverty of the local people.

In both cases, the lessons from Bishop's Safe Minimum Standard and the theory of option values have relevance because of the scale of the envisaged projects and the fragility of the socio-economic systems in which they were introduced: First, there would have been value in the government giving out substantially shorter lease periods (a measure that Tanzania in fact implemented in 2012); legally requiring the companies' to draw up an exit strategy detailing compensation in case of financial trouble, thus mitigating potential harms (van Eijck et al. in press); and requiring them to correct unforeseen negative effects from the lease such as re-allowing villagers to access those parts of the leased land considered non-substitutable, such as neighbourhood water points and ancestral grave sites. Even better, the government could have insisted on arrangements in which local people retain their land rights and share in the benefits from the plantation as co-owners; and mandating that maintenance of adequate food supply and water access for local communities become essential parts of such investment deals (van Eijck et al. in press). A strict land zoning strategy and upper ceilings on the size of the leased land could also help to some extent (these two measures are in fact currently being implemented in Tanzania). All these strategies could remove or mitigate potential irreversible harms and thus, could prevent the SMS-SC from coming into effect.

Following option value theory, there also would have been value in postponing full-scale implementation. Instead, one could have opted for a more cautious, gradual and flexible approach, which could have generated lessons and thus afforded space for course-corrections along the way. Such a gradual approach should be grounded in more deliberative, democratic project organisation and management principles, so that collective learning by all concerned stakeholders can be allowed to happen through iterative social interactions in the spirit of Habermas and development studies researchers such as Hall et al. and Bond and Hulme. At the same time, we should not be naive in advocating more communicative over strategic action without caution. As observed by Borrás Jr & Franco (2010, p. 31), a decentralized negotiation process may even aggravate problems for the rural poor, because it is in the rural

communities that the political and economic power of the dominant classes and groups are most entrenched. Communities are not homogeneous groups. Indeed, the strengthening of ‘democratic’ practices in this context is as vulnerable to being colonised by the system as any other social practice, and needs to be given flesh or risk being hollowed out as well.

## 6. Conclusions

In this paper we have investigated the notion of an irreversible change and its ethical significance. We have argued that irreversible harms can be ethically problematic for several reasons, most importantly that they reduce the options for action open to a party, which may include foreclosure of opportunities for flourishing and survival as well as for responding and adapting to further detrimental changes (i.e. a loss of resilience). We have investigated economic methods for evaluating irreversible changes, most notably Cost-Benefit Analysis and the Safe Minimum Standard, and used Habermas’s theory on colonisation of the lifeworld to explain why social harms are systematically undervalued. Finally, we have extended the Safe Minimum Standard to be able to evaluate irreversible social harm and formulated recommendations for policy-makers on how to deal with threats of irreversible harm. The application to the case of Tanzanian biofuel projects brings out that our framework is indeed useful for pointing up problematic social irreversibilities, as well as the key forces that produce them, and can also suggest a range of ways of countering them.

As suggestion for further research and action, we suggest that the most pressing issue identified in this paper is that social harms are systematically undervalued, especially at the time when investments are being considered or just starting off. This was also clearly illustrated in the Tanzanian biofuel story – the vantage point of the government and the investors who are supposed to weigh these effects is too dramatically different from the perspective of the local people. As one Tanzanian journalist put it, “It is hard for most people in the industrialised world to imagine the level of desperation that many Tanzanians experience” (Mutch, 2010). In such complex situations, coupled with a dominant neo-liberal mindset and institutional set-up, there are plenty of opportunities for Young’s *structural injustice* to develop and become deeply entrenched. The consequences thereof became clearly manifest in the unequal negotiation positions and the ability of powerful players to twist the system to its benefit.

One possible way in which the undervaluation issue can be tackled is to further develop the notion of socio-ecological systems. If this notion were to replace or accompany the classical notion of ecosystems in e.g. environmental sciences, the methodological toolkit of this field might be adapted and applied to measuring and valuing social changes as well, especially those caused by environmental changes and vice versa. This could also inspire further relevant development in Cost-Benefit Analysis, by for instance increasing the realism of ex-ante project impact assessments through improved valuation.

There is however, also a limit on what such economic approaches can achieve. Their focus on monetary valuation and compensation reflects the tendency of the increasing commodification of natural resources within a neoliberal framework. This tendency, and the underlying value system that promote it, should be viewed with a healthy dose of caution. As the Tanzanian case study shows, not only are people in rural areas vulnerable because they are constrained in how they can make use of this (little) money in a relatively undeveloped rural economy reliant on subsistence land use, but economic approaches also fail to recognize the social, spiritual and political significance of the land that they depend on, and that sustains them in so many ways (Sulle & Nelson, 2009).

Another way in which social harms could be made more salient is by further investigation into the ethical relevance of maintaining sufficient options for action available, and how this could be achieved through ‘robust policies’. While the Capability Approach currently is

particularly good in pointing up salient issues, it could benefit from connecting further with human ecology literature and the incorporation of notions such as resilience and irreversibility. Especially now that the UN has the Millennium Development Goals high on its agenda, identifying and valuing those changes that could constitute irreversible social harms, and thus work directly and structurally against sustainable development, is part of a much-needed political and scientific discussion.

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# Climate Migration and the State's Duty to Protect

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## Abstract

Climate change will have as a consequence a more or less important rise of global sea-levels. For some countries, this is likely to mean their total disappearance, if no measures are taken. Some of these measures might be too costly for the country to finance and its population will have no other choice but to migrate to another country. This contribution considers this kind of problem from the point of view of political philosophy. My arguments will rest on two fundamental assumptions: the State's duty to protect and the individual's right not to have to migrate.

**Keywords:** duty to protect, right not to have to emigrate, global rising of sea levels, principle of self-protection

# 1. Introduction

When climate change is being discussed, whether in the academic world or in the society at large, one often tends to focus on what should be done in order to prevent the risk of an all too massive climate change<sup>1</sup> in the decennia to come. So-called climate skeptics either deny the very existence of a permanent climate change or, if they admit its existence, tend to think that it is not provoked by human activities or their consequences, but that it should be seen as a purely natural phenomenon. Against this position, the great majority of scientists working in the field of climatology or of related disciplines maintains that the global rise of temperatures we are experiencing since at least the beginning of the 20<sup>th</sup> century is due to the presence of so-called greenhouse gases in our atmosphere and that the massive presence of such gases is a direct outflow of human activities. If the industrial revolution had not happened or if its pace had been much slower than it has been, we would not be faced with the risk of a massive climate change. For these scientists, these activities should be globally reduced<sup>2</sup>, so as to reduce the emission of greenhouse gases, thus preventing a further rise of global temperatures with probably dramatic consequences in a not too distant future. With what has already been emitted, the future is not bright, but it is still time to prevent its becoming totally obscure.

While these discussions go on and while politicians, scientists, philosophers, theologians, etc. insist on the necessity to do something in favor of a sustainable future, i.e. of a future in which human activities do not risk to make the planet earth a place where living will no more be worthwhile, at least for many people, millions of people have to leave their usual places of residence because of the consequences of climate change. Between 2008 and 2012, about 144 million people became climate migrants, i.e. they had to migrate because climatic phenomena made the place where they used to live inhospitable. Some were the victims of hurricanes and massive rainfalls which destroyed their houses and villages, others were the victims of draughts, and still others were confronted with the global rising of sea-levels due, among other things, to the melting of ice in the Arctic. 144 million people is roughly equivalent to 2,5 % of the world population or to the sum of the populations of Germany and France.

Thus, while discussions concerning the impact of climate change on future generations go on, a relatively important number of people belonging to the present generation are already confronted with the problem. They are not the virtual victims of alternative scenarios for the future, but many of them are the actual victims of actions done in the past or they will be such victims in the years or decennia to come<sup>3</sup>. Their fate foreshadows what is going to happen to a still more important number of people if no concrete and energetic measures are taken in the years to come. Had the problem of climate change due to human activities already been put on the agenda a hundred years ago and had the necessary measures been taken at that time, the number of climate migrants would probably have been much smaller.

If there is no denying the fact that we should discuss the question of what to do to reduce the global rising of temperatures in the decennia to come in order to provide a sustainable future for our great-grandchildren, this discussion should not prevent us from confronting the

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<sup>1</sup> There has been some debate concerning the question of how to call the phenomenon (see Gardiner 2010a: 4). I will generally use the term “climate change”, as it leaves open the possibility of a global cooling, induced by phenomena which first were provoked by a global warming. As many scientists point out, the climate is dependent on many factors.

<sup>2</sup> A global reduction does not necessarily mean that everybody should reduce his or her emissions. Some argue that developed countries should reduce their emissions massively, so as to allow developing nations to augment their emissions, this augmentation being seen as necessary to allow development in those nations. On this question, see for example Shue 2010c.

<sup>3</sup> The so-called identity-problem (see Parfit 1985) is irrelevant in their case. If Kiribati, Vanuatu or the Maledives are to be submerged by 2050, we already know the persons who will have to migrate by 2050.

problem of those people who are already the victims of climatic phenomena or who are very likely to become such victims in a near future. Climate migration is a fact, and any society pretending to be a decent or even only an ethically responsible society must ask itself how it must respond to the situation of climate migrants. Can something be done to prevent migration though the sea-levels will rise to a point where, if nothing is done, migration will be the only option left? And if nothing can be done, which country should accept the migrants on its territory?

If we consider the geographical origin of climate migrants, we can see that most of them – 98% in fact – are from underdeveloped or developing countries, whereas only 2% live in developed countries. Developing countries thus pay the highest toll. As long as climatic events are simply seen as natural events, i.e. as events which happen without any human intervention, we may feel sorry for the victims, maybe even think that we, who have the means to help at no excessive cost to ourselves, stand under a duty of beneficence to help them in some way, but we will probably not admit that we stand under a duty of strict justice to help them. Things are a bit more complicated if we suppose that though nobody is responsible for bringing about the climatic events, these events could nevertheless have been prevented or can still be prevented, for example by geoengineering<sup>4</sup>. Helping climate migrants as climate migrants is not the same as helping people not to become climate migrants. We must thus distinguish between at least the following cases:

- (1) Climate migration due to purely natural phenomena nobody could prevent
- (2) Climate migration due to purely natural phenomena which could have been prevented
- (3) Climate migration due to human-induced natural phenomena

In this contribution, I want to concentrate on people who have become or will become climate migrants because of the consequences of climatic events provoked by human activities, and I will concentrate on those populations who are the victims of the impact of climate change on the rising of waters, and even more especially on the rising of global sea levels<sup>5</sup>.

Climate migration may be temporary or permanent, and if temporary, it can be recurrent or non recurrent. If the global sea-level were to rise by 2 meters, not a few islands in the Pacific as well as many coastal regions all over the world would become permanently inhabitable<sup>6</sup>. And if in some regions extraordinary climatic events – say hurricanes – were to become ordinary, bringing about massive inundations every two years<sup>7</sup>, these regions would also become practically inhabitable, or the cost of continuing to live there would be such that, if a rational person had the choice to go and live somewhere else, he or she would do so. You may accept the risk of having to rebuild your house every 50 years or so, but not of having to do so every 2 years.

My arguments rest on the presupposition that at least some of the climatic events which place people before the option – not to say: the necessity – of having to migrate are human-induced events. I will also presuppose that the activities responsible for these climatic events

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<sup>4</sup> For a skeptical approach to geoengineering, see Gardiner 2010c.

<sup>5</sup> According to a recent study, global sea levels didn't change between the lifetime of Jesus Christ and 1900 but since the beginning of the 20<sup>th</sup> century, it is "rising at an increased rate" and "it is projected to rise at an even greater rate in this century" (Bindoff, Willebrand, Artale e.a. 2007: 409).

<sup>6</sup> To quote Shue: "Some island nations in the South Pacific are already well into the process of being submerged by rising sea levels" (Shue 2010b: 147). In the case of these nations, the most pressing question is not so much: "What should be done to reverse the process?" – though this question remains of course important –, but "What should be done to help those who are going to be the victims of the process?"

<sup>7</sup> According to a recent estimation, 1,2 % of the world population will be exposed to yearly inundations by 2100 against only 0,1 % today (*Science et Vie* 1152: 35).

have been and are still going on in a limited number of countries, first and foremost the United States of America<sup>8</sup>, China, most EU countries, Japan or Russia – the list is of course not complete. As it is virtually impossible to say which activities produce exactly which climatic events and, hence, which activities are responsible for which consequences, I will work with the presupposition that the group of countries most contributing to the emission of gases provoking climatic changes should be held collectively responsible. As I will not make a case for criminal responsibility but only for what might be called civil liability, the presupposition of collective responsibility should not provoke too many horrified reactions<sup>9</sup>. I will also only focus on the *negative* consequences of climate change. According to some scenarios, global climate change could lead to a displacement of rainfalls due to monsoon and through this displacement many tracts of desert land could become fertile and thus allow people to live there permanently. If this were the case, many migrant populations of the desert would have the possibility to settle down, so that in their case climate change would contribute to the reduction of migration. If new territories were thus to become inhabitable, they should be reserved for climate migrants, even for climate migrants from other countries.

## 2. Climate migrants and other migrants

Though the problem discussed in this contribution falls under the general topic of migration<sup>10</sup>, climate migration must be distinguished from other types of migration, as for example political or economical migration, to name only the two most frequent types<sup>11</sup>.

A political migrant, in a broad sense of the word<sup>12</sup>, is a person who has to leave her country because the government oppresses her on account either of her political or religious ideas, or because of her ethnic origin or sexual orientation – to name only the most important factors –, or because the government does nothing and maybe even does not want to do anything to protect the person against social oppression exercised on account of one of these factors.

An economical migrant is a person who leaves his or her country because of the hope to find better economic conditions – a job, higher wages, etc. – in a foreign country. Economic migration may sometimes be favored by a country which needs workers of a certain type<sup>13</sup>. If economic conditions in a country or region deteriorate because of climatic consequences, economic and climate migration may coincide.

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<sup>8</sup> The US contribute approximately one quarter of all greenhouse gas emissions (see Gardiner 2010a: 21). At the risk of being cynical: When future generations will learn that Barack Obama intended to bomb Syria for its use of chemical weapons against its civil population, they will probably think that they would have had a very good reason to bomb the United States of Barack Obama for its emission of greenhouse gases. Without downplaying the deaths which occurred and still occur in Syria, we must be honest enough to acknowledge that the consequences of our economic activities cause and will many more deaths.

<sup>9</sup> On this point, see Shue (2010a: 104)

<sup>10</sup> “Migration” is here used as a general term to cover emigration as well as immigration. Basically, every emigration is also an immigration: you leave one place to enter another place. In common parlance, the notions of emigration and immigration are usually reserved for international migration. Thus, if I were to leave Northern France to settle down in Southern France, I would hardly be called an emigrant or an immigrant.

<sup>11</sup> One could also mention nuclear migration, i.e. migration due to massive accidents in nuclear plants. Czernobyl and Fukushima are two examples for this type of migration. Fiscal migration can be seen as a form of economic migration, with the only difference that traditional economic migration mainly concerns the poor, whereas fiscal migration mainly concerns the rich.

<sup>12</sup> I don't want to quarrel with those who think that the term “political migrant” should only be used for people who have to leave their place of origin because they are threatened in life and limb on account of their strictly political opinions. As I use the term here, it simply denotes oppression by government or by society.

<sup>13</sup> In the 1960s and 1970s for example, Luxembourg induced thousands of Portuguese to immigrate into the Grand-Duchy, as they were needed in the building sector.

As this last case shows, there is no radical or essential difference between these types of migration. Nevertheless, some lesser and morally relevant differences must be pointed out. One such difference is that political and economical migration are generally only due to internal factors. Usually, the political regime of a country is not imposed by an outside State, and the economic orientation of a country is not dictated by an outside State. I want to stress “usually”, as it is undeniable that a political regime, though not imposed by an outside State, may nevertheless be supported by an outside State. The weapons used for oppressing the population may have been sold to the government by an outside State or with its authorization. In such a case, one may wonder whether that State is not also responsible for the migration. And in the economic case, decisions by the International Monetary Fund may contribute to massive waves of emigration from countries which have to structure their economy along the lines imposed by the IMF.

But even if we suppose that external factors can also play a substantial role in the cases of political and economic migration, there still exists a difference with regard to the bearer of responsibilities. In the case of political oppression by government A, we can relatively easily identify the country or countries which sold weapons to that government. And in the case of externally-induced economical migration, we can also generally determine responsibilities in a fairly easy way. Thus, if the economy of Ghana declines because the country cannot sell its cocoa anymore, this is generally due to the fact that countries needing cocoa to produce chocolate have at their disposal an artificial *ersatz* which is much cheaper. The direct link between the causes and effects can usually be more clearly established than in the case of climate change.

But there is still a more fundamental difference. When a chocolate-producing nation uses artificial cocoa, it creates economical problems in a cocoa-producing nation, yet it does so without destroying the cocoa-plants or the country in which they grow. In the case of climate change, it is different. Suppose that the production of artificial cocoa resulted in the massive emission of greenhouse gases and suppose that due to this emissions, climate in Ghana were to change to such a degree that cultivation of cocoa would become impossible in that country. As a result, the economy of Ghana would break down. Though the ultimate consequence is the same, what brought about this consequence is very different. Outdoing a competitor without destroying his instrument of production is not the same as outdoing a competitor and destroying his instrument of production, even where this destruction is not positively willed but only accepted as a consequence.

One could still mention a further difference. The causes of political and economical migration may generally be more easily changed than the causes of climate migration. Though it may be difficult to get rid of a tyrant and though it may be difficult to change economic conditions, the difficulty is in both cases utterly different from that linked to changing the climate. And the same holds true for reverting to previous conditions. Once a coastal region is under water because of the rise of sea levels, it is very difficult, if not nearly impossible, to get rid of the water again. Or imagine a South Pacific island: You can reestablish a democratic government after having gotten rid of the tyrant; you can rebuild an economy which has collapsed; but can you “desubmerge” it again after it lies under four or five meters of water?

### 3. A State’s duty to protect

I take as a starting point of my argumentation the political notion of a State’s duty to protect. Whatever else a State may be there for, it has a general duty to protect its citizens, this protection being the minimal condition that has to be fulfilled for citizens having a duty to obey. There is thus an exchange: obedience in exchange for protection. This vision of the State has its roots in the social contract theory as it was elaborated in the 17<sup>th</sup> century, notably

by Thomas Hobbes in the *Leviathan*. The State's duty to protect is primarily a duty to protect its own citizens against each other. However much civic friendship may be extolled as a virtue, real human beings living in political communities will be prone to acts of violence and they will thus need protection from that violence. These acts of violence may result from purely criminal motives, but they may also result from ideological motives, and the absolute State, as it was defined by Jean Bodin in France and Thomas Hobbes in England, had to protect its citizens against civil war.

But besides protecting its citizens against each other, the State has also the duty to protect them against foreign aggression. There is first of all the State's duty to protect its citizens against a foreign invasion, especially if the invader is likely to impose another religion or another political system. But there is also the State's duty to protect those of its citizens who happen to be in foreign States, for example because they do commerce with foreign merchants. If you are a citizen of a State, the State has the duty to protect and to help you wherever you are – provided you haven't committed some action depriving you of that protection, as for example a crime<sup>14</sup>.

Has a State also a duty to protect citizens of another State? This seems to be so in the case of ambassadors or legates. These persons act in an official capacity as intermediaries between States. As such, the State which accepts them on its territory for a transaction has also a special duty to protect them. If the government of State A knows that the legates of State B are likely to be lynched by an angry mob if they come for peace transactions, it has to protect them against that mob if it wants peace transactions to take place.

So State A has to protect the citizens of State A against the citizens of State B, and State B has to protect the citizens of State B against the citizens of State A if State B has to transact with citizens of State A. But has State A a duty to protect citizens of State B against the government of State B or against citizens of State B?

In the 16<sup>th</sup> century, Spanish theologians, first among them the Dominican friar Francisco de Vitoria, founder of the School of Salamanca, maintained that though the world was split into nations, nationhood did not cancel or destroy the common tie existing between all human beings<sup>15</sup>. And in virtue of this common human tie, human beings had not only the right, but also the duty to help each other, irrespective of national borders. The paradigm case involved citizens who were persecuted by their own government or whose government did nothing to protect them against persecution. If the persecutions were massive and threatened the very life of the victims<sup>16</sup>, then any nation could intervene to put an end to these persecutions, if necessary by military force. Any State had a duty to protect any large group of human beings against massive persecution. When a State stopped protecting its own citizens or even persecuted them massively, it so to say lost the rights linked to sovereignty. Sovereignty was not the object of an absolute and unconditional right, as it became after the Peace of Westphalia, but it was only conditional – as it is again today<sup>17</sup>.

In contemporary political theory, a State failing to fulfill adequately its duty to protect is called a “failed State”. The public institutions may still exist, but they are inefficient and the real power lies in the hands of political groups fighting against each other for gaining political power – not in order to reestablish protection, but so that the leaders of these groups may enrich themselves.

If the duty to protect has traditionally been understood as the duty to protect against overt acts of violence, one may legitimately ask whether it should be restricted to protection against

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<sup>14</sup> But even then, your State of origin has the duty to look to it that you will receive a fair trial. This kind of duty is usually fulfilled through diplomatic channels.

<sup>15</sup> See Vitoria 1967 and 1981. For a recent discussion of Vitoria, see Campagna 2010.

<sup>16</sup> The paradigm case in the 16<sup>th</sup> century debates were human sacrifices.

<sup>17</sup> On the question of sovereignty, see Shue 1997.

such acts. If my neighbour can kill me by voluntarily shooting at me, he can also kill me by negligently emitting toxic gases, without any intention do to me any harm and in pursuance of some activity which will bring him some kind of economic benefit. Should the State only protect me against his shooting me or should it also intervene to prevent my being a victim of his polluting activities? As a matter of fact, many States protect their citizens against at least extreme forms of pollution by imposing the use of filters or even by prohibiting the polluting activities. And many States also protect their citizens against some of the consequences of a free-market economy by providing them with financial help in case of unemployment. Imposing an obligatory health insurance can also be seen as a kind of protection. In some of these cases, the duty to protect can also be seen as a duty to help. Thus, though the State cannot guarantee me a new job if I lose my old one, it nevertheless helps me while I have no job.

Given these developments of the duty to protect, we may wonder whether a State has also a duty to protect against some of the consequences of climate change, and more especially against the rise of sea-levels. And if it is no more possible to protect a population against the rise of sea-levels so that the population will have to migrate, what are the duties of a State with regard to climate migrants? Has State A the duty to protect its own citizens against climate migration, and if it has no possibility to protect them against climate changes as such, does it have a duty to help them face the consequences of having to migrate? Has State A the duty to make sure that no activity going on within the borders of its territory contributes to climate changes very likely to provoke migration of citizens living within the borders of State B? And if it is already too late to prevent the phenomena causing migration, as for example the rising of sea-levels, has State A the duty to help citizens of State B who have no other choice left but to migrate? And if so, how?

#### 4. A right not to have to migrate

According to Simon Caney, the human rights discourse, though it should not be the only kind of discourse deployed in the context of a global strategy against climate change and its consequences, should nevertheless occupy a central place in such a strategy. Whatever else climate change may do, it also leads to the violation of some basic human rights. Caney insists on three such rights: the right to life, the right to health and the right to subsistence. In order to make his case as universally acceptable as possible, Caney proposes a very weak reading of these three rights and conceives them only as negative rights.

Though he concentrates on these three rights, Caney nevertheless suggests that other rights might also have a role to play. One of these is a right to be protected against forced migration: “Furthermore, one might argue that there is a human right not to be forcibly evicted (HR 5) and that climate change violates this because people from coastal settlements and small island states will be forced to leave”<sup>18</sup>.

In the traditional sense, forced eviction happens when the government displaces people. We will here concentrate on forced eviction of great numbers of people. This may happen for example when the State intends to construct a barrage where people used to live. In such cases, thousands of people are asked to leave their houses and to settle somewhere else. But forced eviction may also happen when a certain population – for example an ethnic minority – is declared *populatio non grata* on a given national territory. The crucial difference between the two cases is that in the first case, the evicted population is allowed to resettle somewhere else within the national territory, whereas in the second case, the evicted population has to find a State which accepts it on its national territory.

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<sup>18</sup> Caney (2010a: 169)

In modern liberal democracies, forced evictions, especially of large numbers of persons, is very rare. It may happen with individuals who have no valid authorization to stay on the national territory. It sometimes happens that such people are forcibly evicted from the national territory by being put on a plane and flown back to their country of origin. It also sometimes happens that some persons are evicted from their houses because a motorway or a railway line will pass exactly where they happen to live. In a case like that, the persons concerned will be financially compensated for their loss and they will also generally be helped by government.

In the case evoked by Caney and which is also the topic of this contribution, the eviction is forced not because the government forces people to leave their place of residence *manu militari*, but because the people have apparently no other choice left but to leave their place of residence. When your house stands completely under water, you won't wait until military forces come and chase you from there. You just leave by yourself because it is so to say physically impossible for you to continue living where you used to live. Though migration is in a certain sense voluntary – you are moved by a decision of your own will and not by soldiers or the police carrying you away –, it is nevertheless not voluntary in the sense of free, as freedom, if it means anything, means at least that you can choose between several options.

At this stage, someone might wonder why forced eviction is a bad thing which one must be protected against. Or to put it in more neutral terms<sup>19</sup>: Why is it bad to have to go and live somewhere else? After all, many people all over the world freely and voluntarily leave their usual places of residence to live somewhere else. Or to put it still differently: What values does the right not be forcibly evicted protect?

In the case of forcible eviction *manu militari*, the answer is rather simple, as such an eviction violates the right not be subjected to violence. The answer is more complicated when we turn to the case of the persons who will have to leave coastal regions submerged by rising sea-levels. They are not subjected to any kind of physical violence. So what is wrong with their having to go and live somewhere else?

Many people, so it can be argued, are sentimentally attached to their place of residence, especially if they have lived there for a long time. Having to leave a place where your parents and grandparents already lived, where you spent most of your life and where you “feel good” is not always an easy matter. They also have adapted to that place and they have also adapted that place to their needs and interests, at least insofar as such adaptations are possible. By having to leave their usual place of residence, they will have to readapt to a new place, which will take time and energy. Then, even if we assume that it may be easy to leave a place of residence, it may not be so easy to find a new place of residence which has more or less the same advantages as the old one. Thus, having to leave a very fertile coastal region with a moderate climate, to resettle in a sterile mountain region with severe winters is not really attractive. Another point to be mentioned is the risk that one will not be accepted by the population of the new place of residence, especially if that population suffers economic distress or if there are important cultural differences between the migrants and the autochthones. This may create social tensions or even conflicts.

Besides all these problems, there is the more fundamental problem of finding a place to go to. In the case where internal migration is an option, this problem is not too acute, as there is at present no country that is so densely populated that it would be physically impossible to resettle the population of its coastal regions. The problem becomes acute, however, once we envisage the disappearance of a whole State, as it will be the case with some island States in the Pacific Ocean. Once sea-levels will have risen above a certain threshold, their inhabitants will have no other choice left but to migrate to another country if they want to survive. If it

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<sup>19</sup> “Forced eviction” contains already an implicit moral condemnation.

would be possible to prevent these islands being submerged by stopping greenhouse gases at once, then we would at least have a *prima facie* duty to do so. Yet it is to be expected that even if we stopped all such emissions *hic et nunc*, the sea level would still rise to such a height that at least some of these islands would be completely submerged. So the question is: Which countries have a duty to help the populations of countries very likely to exist no more in a not too distant future?

## 5. The duty to protect against forced migration

As a principle of international public law, the first addressee of the duty to protect citizens of State A is the government of State A<sup>20</sup>. Let us suppose that State A is Kiribati, a conglomerate of South Pacific islands covering about 900 square kilometers. In a few decennia, these islands are likely to be submerged, so that about one hundred thousand persons – its actual population – will have to find a new State of residence. If a massive reduction of greenhouse gas emissions could still prevent the submersion of Kiribati, the government of Kiribati would have the duty to make itself heard on the international scene in order to convince other governments to take the necessary measures for such a reduction. Kiribati would certainly find allies as it is not the only State to risk partial or even total submersion. Yet it is doubtful whether even with these allies, Kiribati would be able, just with arguments<sup>21</sup>, to bring about a reduction of greenhouse gas emissions.

One of the major characteristics of a State is its national territory, and whatever else a State must do, it must protect the integrity of its national territory, as this territory is the place where its citizens can live. This protection means, on the one hand, that the government may not cede a part of the national territory and, on the other hand, that it must protect its territory against other States wanting to annex a portion of it. But it should also mean that the government must take the necessary steps to prevent the territory to disappear. Preventing this disappearance is preventing the disappearance of a State.

If Kiribati is submerged, it will cease to exist as a State. But Kiribati has, like any other State, a right to exist. And all States have the duty to respect Kiribati's existence, which means among other things that no State should tolerate on its territory activities likely to have the disappearance of Kiribati as a consequence. Or we they tolerate such activities, they have duties of compensation.

Is there a possibility for Kiribati to continue to exist despite rising sea levels? Suppose that we know that whatever we do, sea levels will rise to a level that will place Kiribati below sea level. Is it possible to have Kiribati continuing in existence below sea level?

Let us imagine that dams with a height of about ten meters are placed all around the islands composing Kiribati and let us suppose that these dams are efficient to protect the islands. If this is the only possibility for Kiribati to continue to exist as an independent State, the government<sup>22</sup> of Kiribati has a *prima facie* duty to have such dams built. To take another example: If a much frequented road is threatened by falling stones, public authorities must protect the users of the road against these falling stones, for example by putting nets or whatever else prevents the stones from killing automobile drivers.

It is important to note that it is only a *prima facie* duty. For it might well be that the inhabitants of Kiribati would prefer to go and live somewhere else rather than live in what might be seen as a kind of prison-island. If in a referendum a majority of the inhabitants of Kiribati reject the project of building dams, the government does no more have the duty to build dams.

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<sup>20</sup> It is the so-called principle of subsidiarity.

<sup>21</sup> And States like Kiribati generally have nothing else but arguments to offer.

<sup>22</sup> Such dams exist in the Netherlands. Shue imagines a "Great Sea Wall of China" (Shue 2010c: 205).

But suppose that the inhabitants want dams to be built. Who is to bear the probably astronomical costs? It is very unlikely that the budget of Kiribati will suffice. In that case, it might be just to turn towards those nations which have until now most benefited from greenhouse gas emissions. As was said before, their contribution is not to be seen as a punishment, but as a measure of compensation. Some countries have hugely benefited from greenhouse gas emissions, whereas other countries will have to bear the negative consequences of these emissions, consequences which, for some countries, amount to their disappearance as independent nations. Fairness requires that the latter countries should at least be helped in preventing the worst consequences and that they be helped by those countries which, because they allowed the massive emission of greenhouse gases on their territory were able to get wealthy. In order to finance a project of dam building, the countries hosting the entities mainly responsible for greenhouse gas emissions could tax those emissions more heavily than they do today.

In this context one could also mention a fundamental duty of the community of States to protect the independence of one of their members. This duty should not be restricted to the protection of independence when a country has been invaded – like Kuwait by Iraq –, but it should also at least be extended to cases where the very existence of a State is in danger because of human activities.

But suppose that for technical reasons the dams cannot be built<sup>23</sup>. In that case, there is no other option but to emigrate. If there were still habitable territories belonging to nobody, the population could go to these places and colonize them. But such territories don't exist anymore – at least not on our planet. Hence if the population of Kiribati has to emigrate, at least one State must accept that population on its territory. Is any State more obliged than another to accept the emigrants on its territory?

Here again it seems as if fairness is required to look first to those countries which are responsible for the climate change. If we are in a situation where population of country A must emigrate and where it can emigrate either to country B – which doesn't bear any causal responsibility with regard to the necessity to emigrate – or to country C – which bears a causal responsibility –, *tertium non datur* and *ceteris paribus*, there is one morally relevant reason more for saying that C should accept the migrants on its territory.

But what if the country mainly responsible cannot bear the burden of massive immigration? Or what if the cultural differences between the migrants and the autochthones is so important that an integration seems impossible or at least extremely difficult, creating the risk of social tensions and conflicts? In such a case, a third country<sup>24</sup> might decide, or might even be morally obliged, to accept the migrants on its territory, but it would be justified in asking financial support from the country responsible for the consequences which led to migration.

If we assume that any nation has a right to exist as an independent nation, we might even come to the conclusion that the fact of having contributed, even unknowingly, to the disappearance of the national territory of a nation involves the duty of giving that nation a part of one's own territory so as to allow it to continue to exist as an independent nation. In our concrete example this would mean that the United States should part with some 900 square kilometers of their national territory so as to allow the inhabitants of Kiribati to live there as

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<sup>23</sup> One could also assume that the inhabitants of Kiribati do not want to live imprisoned by high dams. Though in that case they would have an alternative option to migration and the question would be whether this alternative option to migration is so bad, that it couldn't just be imposed on Kiribatians.

<sup>24</sup> Or a few countries. Yet here there is a further problem. Should the Kiribatians be grouped together or should we accept that they be separated so as to form a diaspora? Grouping them together may allow them to perpetuate their traditions, whereas spreading them may lead to a disappearance of these traditions. At the very least, the Kiribatians should have their word to say.

an independent nation once their own national territory has been submerged. And these 900 square kilometers should be such as to allow at least a minimally decent life.

## 6. The strength of nations

Suppose that on one of the many islands of Kiribati a very huge industrial plant emits greenhouse gases in massive quantities. And suppose further that American scientists analyzing the effects of these emissions come to the conclusion that if nothing is done to stop them, the whole West Coast of the United States will be submerged, provoking the migration of millions of people and economic damages likely to amount to thousands of billions of dollars. What would the United States do?

They would probably begin by using the diplomatic way and ask the government of Kiribati to close the plant. If it would refuse, the government would probably be promised billions of dollars to compensate the financial losses from a closing. If it were to refuse this many as well, maybe because it does not want to be “bought”, the United States government would exercise economic pressure upon Kiribati. But suppose that Kiribati remains insensitive to all promises and pressures. And suppose also that the UN Security Council cannot agree on any resolution, Russia blocking any initiative by using its veto-right. It is to be expected that in such a situation the US will launch several missiles and destroy the plant on Kiribati, with Kiribatians having nothing else but their eyes to weep.

Now reverse the scenario. Due to the pollution of industrial plants in the US, Kiribati is threatened in its territorial existence. What means of pressure does Kiribati have? Whereas the American government can protect its citizens by using military means, this is not the case for the government of Kiribati. And what holds true for military means also holds true for economic threats and promises. The government of Kiribati just has no efficient means to act on the US government. Kiribatians may appeal to public opinion in the US and worldwide, but it is hardly to be expected that this will change the politics of the US government *vis-à-vis* its national industry.

From the standpoint of international law, at least as I interpret it, a military intervention by Kiribati against the United States would have a higher degree of justification than an intervention of the United States against Kiribati – in the hypothetical case of the massively polluting plant on an island of Kiribati. Whereas the United States will only be deprived of a part of their territory by submersion, so as to allow the victims to move to other places within the United States, this is not the case for the inhabitants of Kiribati<sup>25</sup>. There is a huge and morally relevant difference between a mere violation of territorial integrity and a violation of a State’s territorial existence. And as long as there will be a huge difference between the power of nuisance of Kiribati and the United States, there is hardly any hope that Kiribati will survive.

## Conclusion

In this contribution, I have tried to show that climate change already produces and will continue to produce – even if we immediately stopped greenhouse gas emission – climate migrants. Some of these climate migrants will have the opportunity to resettle within their own countries, whereas others will have no other choice but to migrate to another country.

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<sup>25</sup> It is not only, as Singer notes (Singer 2010: 183) richer nations which can more easily remove people from flooded areas. One must also consider the dimension and the topography. Luxembourg is a rich nation, but if 2586 square kilometers of its national territory were to be submerged, there would be no place left to resettle the country’s population. But if 2586 square kilometers of Nigeria were to be submerged, the victims could be removed to some other place within Nigeria.

I showed that we have good reasons to accept the idea of a human right not to have to migrate. If this is the case, then this right should be protected. At the very least, every country has a *prima facie* duty of not allowing on its territory activities which, through their consequences, will force people to migrate another country. If such activities have already taken place in the past and if the consequences cannot be stopped, then the countries which authorized the activities have a duty to help those populations who are placed in front of the option of migration. Wherever possible, these populations should be presented with a set of measures that will allow them to remain where they used to live, and these measures should be financed by the countries which have most benefited from the aforementioned activities.

Where internal migration is possible, the government of the country should be financially and logistically helped to make a decent internal migration possible. The financial help should again come from the nations which bear the causal responsibility for the migration. If internal migration is not possible and where protective measures are not possible either, external migration is the next option. And here again, the countries bearing causal responsibility should provide help, either by providing land and all the necessary infrastructures for the migrants or by helping another country to do so if migration to that country is better for the migrants.

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# About the Possibility of a Distant Future Ethics: The Motivation Problem

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## Abstract

Our paper bears on the issue of the possibility conditions for another relationship towards nature which seems to be required if one wants to ensure a future to mankind on earth. In other words we both share the alarmists' views concerning the future of earth through climate change and other issues. We assume them as correct without discussing here.

Poltier's part is negative, claiming that liberalism is, from the point of view of this issue, a dead end; Hess' part will inquire the resources for designing another ethics through a critical discussion of Jonas' and Norton's contributions.

## A. Liberalism, the ethics and politics of self-ownership – H. Poltier

### 1. Some quotes from the net

Let me begin by some quotes, gathered here and there on the net

1. by Deneen Borelli (<http://www.nationalcenter.org/P21NVBorelliClimate90108.html>)

“Life, liberty and the pursuit of happiness - "unalienable rights" cited by our Founding Fathers in the Declaration of Independence - are now at risk as left-wing activists seek to curtail our liberties and personal choices to save the planet from supposedly man-made global warming. “

2. By Alex B. Berezow <http://www.ff.org/climate-change-isnt-worlds-biggest-problem/>

“Just a cursory glance around the world reveals that, given the enormous problems facing our planet, it would be surprising if climate change cracked a list of the top 10 immediate concerns. [...] As I discussed in my book *Science Left Behind*, the single biggest threat facing humanity is poverty.”

3. <http://www.cato.org/blog/best-government-action-climate-change-no-government-action-climate-change>

The Best Government Action on Climate Change Is No Government Action on Climate Change :  
“[...] Obama’s] best response would be to get the federal government out of the energy market and allow it to flourish as it may. The inconvenient truth is that the U.S. influence on global climate is rapidly diminishing as greenhouse gas emissions from the rest of the world rapidly expand. As a consequence, whether or not the United States reduces its emissions at all is immaterial to the path of future climate change and its impacts.”

4. The GOP programme: <http://www.gop.com/2012-republican-platform> **America/**

“We are the party of sustainable jobs and economic growth – through American energy, agriculture, and environmental policy. We are also the party of America’s growers and producers, farmers, ranchers, foresters, miners, and all those who bring from the earth the minerals and energy that are the lifeblood of our nation’s historically strong economy.

The Republican Party is committed to domestic energy independence. [...] A strong and stable energy sector is a job generator and a catalyst of economic growth, not only in the labor-intensive energy industry but also in its secondary markets. [...]”

Since 2009, the EPA has moved forward with expansive regulations that will impose tens of billions of dollars in new costs on American businesses and consumers. Many of these new rules are creating regulatory uncertainty, preventing new projects from going forward, discouraging new investment, and stifling job creation.

We demand an end to the EPA’s participation in “sue and settle” lawsuits, sweetheart litigation brought by environmental groups to expand the Agency’s regulatory activities against the wishes of Congress and the public. We will require full transparency in litigation under the nation’s environmental laws, including advance notice to all State and local governments, tribes, businesses, landowners, and the public who could be adversely affected. We likewise support pending legislation to ensure cumulative analysis of EPA regulations, and to require full transparency in all EPA decisions, so that the public will know in advance their full impact on jobs and the economy. We oppose the EPA’s unwarranted revocation of existing permits. We also call on Congress to take quick action to prohibit the EPA from moving forward with new greenhouse gas regulations that will harm the nation’s economy and threaten millions of jobs over the next quarter century. The most powerful environmental policy is liberty, the central organizing principle of the American Republic and its people. Liberty alone fosters scientific inquiry, technological innovation, entrepreneurship, and information exchange. Liberty must remain the core energy behind America’s environmental improvement. [...]”

*A comment to these quotes* is hardly necessary. But let me point just this: they show how powerful is the connexion made by our contemporaries between the right to pursue happiness

and the ongoing seizure of natural resources; the link is so strong that any constraint on the use of nature is characterized as liberticide. In this view, a discourse assigning responsibility to human activity on the natural system, let alone on the possibility of human life in a close future is mocked as fancied catastrophism.

In what follows, I show that all the above-quoted claims emanate in straight line from the core of liberalism, suggesting therefore that providing we admit the urgency of the looming environmental disaster, we, the human collective, should, on that ground alone, renounce liberalism as the guiding norm in our relationship to nature. In what follows I briefly develop five claims on what constitutes the core of liberal ethics and politics which are relevant to the way we as a species relate to nature.

## 2. Five claims

*Claim 1* : in its most effective core<sup>1</sup>, liberalism is the ethics and politics of self-ownership as the basis of all rights and duties. Self-ownership is the liberty to dispose of oneself, one's body, ones' talents, one's property, etc. so as to promote one's goal, whose realisation, presumably, is one's happiness. This liberty has only one limit : others' symmetric liberty which one has an absolute duty neither to encroach nor to invade.

Whatever your goals, you have to be free to pursue them, as long as they are not, in and of themselves, encroachments to others' liberty, and provided your ways respect this constraint.

The implication of this core assertion is that what has in itself value is only the free self-disposition of the free agents who choose whatever means to pursue their goals within the mentioned constraint. It follows immediately that all that is not this freedom as such has, at best, instrumental value for the only core value recognised by liberalism, i.e. free disposition of oneself. Which implies that environment, nature, natural beings, wilderness, ecosystems, etc. as such can have no value in and of themselves, but only as far as they are instrumentally valued by free agents.

*Claim 2* : historically, in its effectiveness, liberalism – following Locke's inheritance through prominent figures like F.A. Hayek and M. Thatcher – has tended to merge with the notion of the free disposition of one's property. To be free means to enjoy the right to do whatever one deems appropriate in the pursuit of one's happiness with the whole bunch of property one has gained through whatever ways (inheritance, successful business, lottery, etc.). Again, the only limit is others symmetric liberty.

So that, inherently, liberalism means the free disposition of nature defined as the global stock of all the resources that are susceptible for men to appropriate and transform in the pursuit of their goals. Coupling this observation with the competitive character of the capitalist market economy, the result is an ongoing competition between the capital owners in the appropriation of these natural resources. The reason of this necessity is simple: not to enter the race means to take the risk to get overrun by competitors. So that, inherently again, liberalism ends up in a race for power, i.e. in a race for more and more natural resources removed from the environment.

*Claim 3* : Liberalism as free self-ownership is tantamount to capitalism. Since capital exists only as divided in a plurality of capital owners, liberalism is, in effect, the ongoing race taking place between them – and now, in our globalized era, at a global level. And the more

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<sup>1</sup> This qualification explains why, in this characterization of liberalism I do not consider what I consider as « idealized » versions of liberalism, such as Galston's (W.A Galston, *Liberal purposes*, C.U.P, 1991) for example. Besides, should the idealized versions of liberalism be implemented, they would imply so severe restrictions to free disposition of one's property that most liberal – today they call themselves *libertarians* so as to avoid any confusion with liberals such as R. Dworkin, Rawls' heirs and others – would denigrate such a regime as crypto-socialism.

protagonists there are, the harder the race. In other words, the more predatory of natural resources get the competitors.

In this competition, nature as a whole appears only as the global stock feeding « the economy ». The knowledge of its limitation, though clear to everybody, takes place only in the awareness that the control of the resource will be the property of the first to put his hand on it, according to the « first come, first serve » principle.

*Claim 4* : Liberalism as the free for all gets its attraction through its promise of success to all *and* through the message that the only way to success is free market, i.e. competitive economy. In a crippled economy, with high unemployment, severe poverty, high crime, poor access to basic needs such as lodging, health care, education, energy, and so on, the liberal message is for setting aside all the legal obstacles impeding job creation – whatever the cost on nature (see the GOP platform, very clear on this). Having control on most resources, capital exerts a sort of blackmail on all of us : if, they say, you want to have a chance to succeed, allow us to invest in all possible natural resources so that you might have an opportunity to get a job. In other words : either you go with us or you will remain in poverty. It is a sort of sad irony to hear the HNWI (high networth individuals), concentrating in their hands the largest capital ever in history, tell us that we should allow them to concentrate still more capital so that we can access to crumbs of it.

*Claim 5* : Liberalism as capitalism is inherently a limitless process of growing. For capital, to stop to grow is to die. And since liberty has merged with economic freedom – see M. Thatcher : to hate free enterprise is to have no patience with individual freedom<sup>2</sup>– liberalism has merged with the free right of capital to seek for all possible paths to ensure its growth. And again, since capital exists only as divided in plural capital holders, this compulsion to grow is necessarily linked with an ongoing pressure on natural resources that have to be put in the process of the valuing of value – which is the only inherent value in capitalist economy.

*One could object to me* that liberalism, as a constitutive dimension of democracy, can put limits on the degradation of nature in the name of the common good. Based on a clear and shared knowledge that the limitless exploitation of nature can only drive us to catastrophe which will cause innumerable sufferings and losses for mankind, we, democratically, could decide to stop this whole process, or rather to slow it down drastically.

My reply to that, shortly, is as follows :

1. In the globalized contemporary economy, the strength of liberalism is far above the one of democracy in the sense of « power of the people, by the people, for the people » ; this for the very simple reason that the ones who provide the jobs are the enterprises and not the State. From which follows that our breadwinning depends on the one that ask us to set aside the hurdles limiting free search of future source of profit and of jobs. And between immediate deprivation and the distant future threat, we will tend to act according to the former.
2. Which means that, to give democracy as a self-caring process like described by Joan Tronto in her *Caring Democracy* (NYUP, 2013) a chance implies to end with liberalism, i.e. free market economy, i.e. capitalism
3. Conclusion : because capitalism is in and of itself a process whose very end is the valuing of value, it cannot but treat everything else – nature, environment, animals, seas, mineral resources, other humans as well, etc. – as instrumental to this end : adding an incremental value to today's value ; and this infinitely. Which means that the possibility condition of another relationship towards nature recognizing its intrinsic (or moral) value is to part with liberalism and develop another

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<sup>2</sup> (<http://www.margarethatcher.org/document/102728>)

ethics reshaping our relationship to nature as well as to ourselves and our fellow beings.

In what follows, we give a short tentative version of what this other relationship to nature could look like.

## II. Environmental ethics, preservation of human life : what value for nature ? and the possibility of its effectiveness – G. Hess

Both Hans Jonas and Bryan Norton consider that the aim of environmental ethics lies in the preservation of mankind for a long time. But each of them wants to reach this goal through new forms of ethics. Though Jonas elaborates an ethics of the future, Norton thinks about an ethics of “strong sustainability”<sup>3</sup>. The issue we want to address is how the purpose of the preservation of the future of humankind can be fulfilled.

The objections we will formulate are first, against, Jonas, that it is not necessary to step out of the present to feel a responsibility for the future. And secondly, against Norton, we will support the idea that the long-term, in other words the ecological and geomorphological values of nature, can count only if those values are not instrumental.

To be responsible now for a distant future – a future that commits to an ecological and geomorphological period of time – supposes what we call an “ecumenical community” in which the moral agents experiment the ability to live beyond the closure of the ego.

### 1. How do we preserve the existence of humankind during an indefinite amount of time?

#### 1.1 Jonas

Jonas addresses this issue with the concept of responsibility. Like the relationship between the parents and their child, the human being is responsible not only for actions in the past, but for what still has to be done. This kind of responsibility introduces a new perspective, that of what is and of what can exist in the future. For Jonas the responsibility concerns the other human, but not only; it concerns natural non-human beings too: animals, plants and other organisms, landscapes, water, air and so on<sup>4</sup>.

From such a responsibility one can deduce a moral duty, that is an obligation towards humans and an obligation towards all parts of nature, the “earthly native land” of humanity, as Jonas calls it. The author expresses it in a categorical imperative: “Act so that the effects of your action are compatible with the permanence of genuine human life” (p. 11). Such an obligation can only be followed in an adapted political institution. For Jonas, the political structure of such an obligation is “a well-intentioned, well-informed tyranny possessed of the right insights” (p. 147).

To materialize such an obligation towards human life and towards the ecological conditions for its survival in the future, one needs more. The responsibility of Jonas is not only a kind of responsibility for the future; it takes the viewpoint of the future and appeals to the present. The perspective is the one of a long-term future which is able to push humans who presently are alive to commit to the future. Such an anticipation relies on the force of

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<sup>3</sup> See the classification in Norton Brian G., 2005, *Sustainability. A Philosophy of Adaptive Ecosystem Management*, Chicago/London, The University of Chicago Press, p. 314.

<sup>4</sup> See Jonas Hans, 1985, *The Imperative of Responsibility. In Search of an Ethics for Technological Age*, Chicago/London, The University of Chicago Press, chapter 3, section 4.

imagination. Jonas speaks of a “heuristic of fear” of which the goal is not to paralyze freezing action. On the contrary, it aims to avoid the realisation of a disaster<sup>5</sup>.

## 1.2 Norton

Norton does not believe one can care about the preservation of humankind in the future by means of responsibility. He sees the ability to consider the long-term in an ethics which concerns common natural goods, especially ecological and geomorphological ones. Such goods are those which a community wishes to pass on to the future generations<sup>6</sup>. They are not concerned with individuals but with the community itself. Therefore a community has the obligation to maintain a flow of resources for a indefinite time.

This obligation is similar to the obligation of Jonas towards humans. Norton speaks of “generalized obligations” and he thinks they can be realized in environmental policies by communicative action and discourse<sup>7</sup>. A pluralism of values animates contemporary democratic societies. Members of a community will stand up for divergent values in looking for consensus<sup>8</sup>.

Diverging from Jonas who defends a kind of strong hierarchical ecocentrism, Norton believes that only humans bear moral value. Mankind must be understood through the very long history of life and the progressive complexity of organisms. But nevertheless today this history constitutes the human environment. Humanity is a good thing. “A universe containing human consciousness, he says, is preferable to one without it.” (1984, p. 143). Thus the perpetuation of human life in the future becomes a moral aim and it can be fulfilled if human communities recognize ecological and geomorphological values.

This “weak anthropocentrism” (1984, p. 134), as Norton calls it, must be understood in the context of a methodology of environmental management. This methodology must not focus on the short-term of experience but on the ecological long-term of the human community and on the geomorphological long-term of the species.

## 2. Some difficulties to consider long-term future

We have seen that Jonas endorses the role of a prophet. The question is: can such prophesied future of humanity have a real impact on the sensitivity of humans who presently are alive so that they commit to the long-term? Responsibility is a feeling and we do not think that humans can be afflicted by beings whose virtual existence relies on the imagination of a possible disaster. Imagination is actually the only basis for long-term responsibility. It is doubtful that it could trigger a responsibility for such virtual beings, because it is felt in the present. What exists now can awaken my responsibility, but not what does not exist yet.

We have seen that Norton thinks of a moral commitment to future human generations not from the viewpoint of the future, but from the present of the human community. Present communities, here and now, allocate values to nature, such as ecological and geomorphological ones which they want to pass on to their descendants. The problem now lies in the present itself. The difficulty is of giving preference to those values by reaching a consensus on them.

Norton believes that such values are instrumental values though non-use values<sup>9</sup>. They are like short-term economic values. But if ecological and geomorphological values are of the same kind than economic values, why would they outweigh the latter? In a discussion the

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<sup>5</sup> See *ibid.*, chapter 2, section 1.

<sup>6</sup> See Norton, 2005, *op. cit.*, p. 234, 240, 388.

<sup>7</sup> Norton, 1984, “Environmental Ethics and Weak Anthropocentrism”, *Environmental Ethics*, 6, p. 144.

<sup>8</sup> See Norton 2005, *op. cit.*, p. 278.

<sup>9</sup> See *ibid.*, p. 176-179.

short-term economic point of view is seen as rational and there will always be good reasons to give them primacy: economic recession, unemployment, poverty, precariousness, social injustice, and so on. So we think it is wishful thinking that ecological and geomorphological values can prevail if they are understood as instrumental values.

We can observe such situations in cases where the soil of natural reserves with rich biodiversity, like the park Yasuni in the Amazon part of Ecuador for instance, are abundant with fossil energy. Why should the community protect such areas in the long-term future using ecological values when the income of their economic exploitation would contribute to eradicate the poverty of local populations?

If ecological and geomorphological values are effectively implemented in environmental policies it is because the natural environment of human communities has a *value for itself* for their members, clearly different from an instrumental value. The value of nature for itself can only prevail if there *first* was a debate on this value, before any discussion about solutions to environmental issues has happened. And it will prevail, *because* one does not consider it as an instrumental value. Norton himself seems to confess in his book *Sustainability* that nature always has a *constitutive* value for the human communities, a value which constitutes the identity of the communities.

The existence in nature of a constitutive value or of a value for itself means eventually that the community cannot be superimposed with a community of communication. It cannot, in other words, be exclusively human.

### 3. The ecumenical community

Norton's position is that discourse ethics to which the human community refers aims at the consensus through a debate which confronts a plurality of values and interests. Such values and interests are exclusively human, since only mankind can participate to the community of communication.

But a community, which presently feels responsible for the future of humanity, cannot be simply a human community. It must be an ecumenical community. This concept refers to an entity, that is a totality composed of members – human, animal, perhaps vegetal too – distributed among various living environments, depending in the species they belong to and the type of natural environment they live in<sup>10</sup>. All members of the community and all living environments have a moral value for the human members of it. But if the ecumenical community actually exists, we cannot perceive it. Its limit is found in being itself. We could give the ecumenical community a moral value only from the outside of the community, which is not possible.

This shift towards a holistic viewpoint seems to be a necessary precondition for a debate – that means a discussion between humans – which takes the survival of mankind in the long-term future seriously. Without such a kind of holism – say an anthropological one – to care about future generations means nothing, because that cannot be a real motivation in the discussion and eventually has no effect in political decisions.

Moreover ethics of the ecumenical community is essentially ethics based on the experience of alterity or otherness – the other human and the other of nature – which goes beyond the closure of the ego.

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<sup>10</sup> See the book of Berque Augustin, 2000, *Écoumène. Introduction à l'étude des milieux humains*, Paris, Belin, for the idea of "ecoumen" which is here used in an extended and some different way.



# Eat Right: Eating Local or Global?

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## Abstract

Our food choices have been characterized as significant moral choices in recent years. No longer is what you eat seen as a morally neutral private affair without moral ramifications. We are encouraged to eat organic, local, sustainable foods. Further we are confronted with choices about fair trade, humanely raised, absent antibiotics, hormones, and GMOs. These choices can be confusing if only seen as ones relevant to our prudential interests, but the stakes are raised when we are chided that we will be immoral if we consume the “wrong” products. Many of these considerations are promoted as necessary for achieving sustainability goals: eat and shop locally for the good of the planet and the future. Others such as humanely raised animals, support other considerations—concern for animals’ welfare—but are also tied back into the goals of sustainability since factory farming of animals leads, to among other problems, massive quantities of manure that contaminates the surrounding areas including critical waterways, killing off fish and other wildlife. In this paper, I will consider what we should eat if we are concerned about sustainability. Sustainability is a notoriously tricky notion to pin down a specific meaning. For this paper, I will understand it as an expansive notion that includes preserving ecological integrity for current and future generations, but also includes cultural sustainability which embodies values, like justice and care for current and future generations as well as non-human animals. I will explore the widely accepted views about buying local and whether there are cogent moral arguments based on sustainability for those choices. In considering those reasons for buying local, I will investigate Peter Singer’s arguments against buying local supported by our duty to aid those suffering immediate harm. Singer’s arguments force us to examine what are our duties to aid those in developing nations versus supporting local economies. I will argue that our duties in regard to food purchases are complex and impinge on multiple values, including supporting local communities, ecological integrity, and concern for fair global food practices.

**Keywords:** Sustainability, Food ethics, Climate justice, Local foods, Global duties

Our food choices have been characterized as significant moral choices in recent years. We are preached at by nutritionists, chastised by animal welfare supporters, proselytized by small farm advocates, foodies and “localavores,” and castigated by sustainable development activists to eat only some kinds of foods from only certain places produced by only certain types of people. Going hand in hand with these encouragements are the abundance of popular books, among them are *Fast Food Nation*, *The Omnivore’s Dilemma*, *Food Politics*, *Stuffed and Starved*, *Tomatoland*, and *The Ethics of What we Eat*, exposing the moral, political, environmental and nutritious problems of our complex modern food system.

Why single out food for special moral attention in our consumer choices? What are the ethical issues that arise in our food choices and the food system in general? First there are a variety of questions pertaining to the environment that are raised about ecological integrity resulting from the industrialization of food production. These include the loss of biodiversity, depletion of topsoil, increased CO<sub>2</sub> levels in the atmosphere from production and transportation, and pollution of waterways. Environmental problems such as climate change will further transform where and what we can produce, and in some cases, populations will have to flee their agricultural lands entirely due to flooding and other results of climate change. The transportation of food across vast distances and borders raises questions about the environmental impact of that transportation, the security of national food sources and whether such practices contribute to or detract from more equitable and sustainable national economies.

From the perspective of human health, contemporary food ways have led to an “obesity epidemic” in developed nations, particularly among the poor and minority populations. Many of these people are undernourished since the foods they eat have little or no nutritional value. Soaring rates of cancer, heart disease, and other lifestyle diseases are also products of our current food practices. The major killers in the world are not infectious diseases; rather they are heart disease, cancers, lung disease and diabetes. These diseases killed more than 36 million people in 2008 according a report by the World Health Organization. Industrial bioengineered plants and animals, and animals raised in concentrated feeding operations, have produced more food, but at what cost to human health, animal welfare, and the welfare of the planet? At the same time, malnourishment and starvation remain rampant in less developed nations where wholesale loss of cultural food practices have occurred due to increases in agricultural trade and resulting crop choices.

Whether animals should be part of our diet has gained attention first with the exposure of the horrors of factory farming and now with exposure of the negative impact of meat production on the environment. Peter Singer raised the issues of the plight of farm animals in his classic book from 1975 *Animal Liberation*. Since then the suffering endemic to the system of animal food production has been difficult to ignore. Whether animals have rights as some philosophers have argued or are part of the moral community due to their ability to suffer, or (even more modestly) if we have a duty to avoid unnecessary cruelty or suffering to animals, the contemporary production of meat is morally problematic.

And lastly, although not the least of the moral complexity of food, are the social justice issues presented by food. Food is an important lens to view global poverty and sustainable development. The United Nations Declaration on Human Rights recognizes a right to be free from poverty and a right to food. The global market in food raises serious ethical questions since, for instance, people are growing food for export but are food insecure themselves. The UN reported that even though in 2009 there were record amounts of food produced, the number of hungry people went up. Internationally, 870 million people are food insecure, including ironically in the U.S.A. where we export tons of food. “Hunger, in most cases, is

caused by lack of *money* rather than a shortage of food production.” (my italics)<sup>1</sup> How it is that modern agriculture has increased production, the Green Revolution was supposed to end hunger, but “food deserts” make it difficult to eat nutritious food in some American cities, and malnutrition continues in Africa and Asia? These paradoxes in our global food system raise issues of food security on a national and community level that underscore the difficulty of the challenges confronting us. As climate changes occur, new types of injustices emerge; developed nations dump their wastes of overconsumption into the common atmosphere, where the vulnerable in developed nations will be most disadvantaged. In many cases, climate change will exacerbate the food crisis situation of those peoples. Other questions of social justice have to do with the conditions of farm laborers and others in the food supply chain in the United States and globally. Guest worker programs have increased growers’ access to farm labor but have they not alleviated and perhaps, they have aggravated the historic problem of depressed wages and itinerancy among farm workers. Farm workers are unnecessarily exposed to pesticides and other dangers in a system pursuing cheap food where workers’ have little say in the conditions under which they work.

All these issues compel us to think about the role our food choices play in this morally complex system that has effects on so many around the world and into the future. No longer is what you eat seen as a morally neutral private affair without moral ramifications. We are encouraged to eat organic, local, sustainable foods. Further we are confronted with choices about fair trade, humanely raised, absent antibiotics, hormones, and GMOs. These choices can be confusing if only seen as ones relevant to our prudential interests, but the stakes are raised when we are chided that we will be immoral if we consume the “wrong” products. Many of these considerations are promoted as necessary for achieving sustainability goals: eat and shop locally for the good of the planet and the future. Others such as humanely raised animals, support other considerations—concern for animals’ welfare—but are also tied back into the goals of sustainability since factory farming of animals leads to among other problems, massive quantities of manure that contaminates the surrounding areas including critical waterways, killing off fish and other wildlife and greenhouse gases. In this paper, I will consider what we should eat if we are concerned about sustainability. Sustainability is a notoriously tricky notion to pin down a specific meaning. For this paper, I will understand it as an expansive notion that includes preserving ecological integrity for current and future generations, but also includes cultural sustainability which embodies values, like justice and care for current and future generations as well as non-human animals.

I will explore the widely accepted views about buying local and whether there are cogent moral arguments based on sustainability for those choices. In considering those reasons for buying local, I will investigate Peter Singer’s arguments against buying local supported by our duty to aid those suffering immediate harm. Singer’s arguments force us to examine what are our duties to aid those in developing nations versus supporting local economies. I will argue that our duties in regard to food purchases are complex and impinge on multiple values, including supporting local communities, ecological integrity, and concern for fair global food practices.

## Buying local—always the right ethical choice?

Many popular writers have been arguing that “buying local” is the single change that one can make to ensure that one is making the right eating choices. Buying local foods has become shorthand for morally good food. One of the leaders of this movement is Michael Pollen, among the virtues of buying local food he advances these as his top three, the food is

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<sup>1</sup> <http://www.wfp.org/hunger/causes>

generally fresher, local food generally leaves a much lighter environmental footprint, buying local is an act of conservation.<sup>2</sup>

Outside of taste and nutrition, the effects on the environment of buying local are forefront in this movement. Gary Nabham, often called the pioneer of the local food movement, argues in *Coming Home to Eat: The Pleasures and Politics of Local Foods*<sup>3</sup> that our global eating habits are destroying the environment.<sup>4</sup> Other writers such as Anna Lappe in *Diet for a Hot Planet*<sup>5</sup> argue for purchasing local as a way to mitigate climate change.

The idea of investigating where our food comes from, and in particular how far it travels to get to our plate, has gained tremendous traction in the last few years. A researcher in Iowa in 2005 found that the milk, sugar, and strawberries that go into strawberry yogurt collectively traveled 2,211 miles (3,558 kilometers) to the processing plant. Environmental groups such as Natural Resources Defense Council claim:

How your food is grown, stored, transported, processed and cooked can all influence how it impacts climate change and the environment. Transportation-related impacts are particularly important for imported foods. NRDC calculated the transportation impacts of importing fresh produce and wine widely consumed in California, directly comparing the climate and air quality emissions from importing these foods instead of growing and consuming them in California. We did not attempt a full lifecycle assessment of all climate and air impacts. The results of our analysis show that—all else being equal—locally grown foods are a better choice.<sup>6</sup>

The local-food movement has grown up and the concept of "food miles," meaning the distance food travels from farm to plate, has come into its own. The United Kingdom's Tesco, it's largest supermarket chain, instituted a carbon labeling on all its products.<sup>7</sup> This and other policies have been supported by environmental groups who encourage local food sourcing as the moral choice for the planet.

Before granting a wholehearted endorsement of local food to solve our environmental crisis, what 'local' means has itself been a source of controversy. For Gary Nabham in *Coming Home to Eat* in northern Arizona he settled on a radius of 250 miles. Whereas Alisa Smith and J.B. MacKinnon, authors of *The 100-Mile Diet*, explain the boundary of their diet as "a 100-mile radius is large enough to reach beyond a big city and small enough to feel truly local. And it rolls off the tongue more easily than the '160-kilometer diet.'" The term "locavore" was coined by Sage Van Wing from Marin County, California, where there is an agricultural abundance limited her diet to food from within 100 miles. Rich Pirog from the Leopold Institute conducted a survey of consumers throughout the United States found that two-thirds considered "local food" to mean food grown within 100 miles. Yet, sometimes 'local' gets associated with a state or province identification. In Arizona the produce is often marketed "Arizona Grown" the implication that it is local even though for many people in the state produce grown in Mexico would be more "local" than other parts of the state—less than 100 miles. Some countries market their own food as "local" and encourage a kind of nationalism or patriotism about purchasing those foods, supporting their farms and resisting the globalization of food—the converse is xenophobia about purchasing the foods of *others*. Some have asked if the zeal for local food is a kind of "culinary racism."

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<sup>2</sup> Michael Pollen, "Eat Your View" *New York Times* May 17, 2006,

<sup>3</sup> Gary Nabham, *Coming Home to Eat: The Pleasures and Politics of Local Foods* (New York: Norton, 2001).

<sup>4</sup> Gary Nabham, *Coming Home to Eat: The Pleasures and Politics of Local Foods*

<sup>5</sup> Anna Lappe *Diet for a Hot Planet* (New York: Bloomsbury, 2010).

<sup>6</sup> <http://www.nrdc.org/policy> November 2007

<sup>7</sup> <http://www.carbontrustcertification.com/page?pageid=a042000000FjjEv>

## Why is local thought to be morally better?

Looking at Pollen's arguments, his first claim is that local food is fresher and more nutritious. To this point, Peter Singer's responds that buying local food that is "fresher and tastes better" aren't ethical reasons for purchases. That's not entirely accurate, purchasing food that is better for you and your family are moral considerations (on the assumption that morality requires you to consider your family's and your own welfare), but local food, as any food may or may not be fresh depending on how it is handled. I will leave aside the nutritious claim at this point.

Local food is thought to be the most ecologically sustainable based on the concept of "lower food miles." Focusing on Rich Pirog's study of produce in Iowa, for instance, the average produce in the U.S. traveled 1500 miles to the store versus the 47 of local produce.<sup>8</sup> That difference does seem to imply that buying local would make a big difference in one's carbon footprint. Nevertheless, the caveat that Pirog introduces to this simplistic analysis is that it is not only important to consider the food miles but by what form of transport is used. Shipped foods, and train transported foods are significantly more efficient than trucked foods. For instance, trains are 10 times more efficient than trucks. Rice grown and shipped from Asia may have less environmental impact than rice grown and trucked in the United States. Food miles just focus on transportations cost and neglect the other environmental impacts of growing food in particular regions and the packaging of food. Hot house grown tomatoes in northern climates may be local, but the amount of energy consumed to grow them in a hothouse, cancels out any saving in transportation. Regions like Florida with lots of sunshine and water are better choices from the perspective of greenhouse gases. In the Southwest we have an agricultural industry that has grown up on borrowed water resources and overusing ground water. So even though the food is locally produced some of that produce is rapidly depleting our water supplies and water in the Southwest involves a tremendous amount of energy since it needs to be pumped.<sup>9</sup> As global climate change occurs or technologies advance (for example greenhouses might efficiently be heated with renewable energy), what can be grown environmentally efficiently will change as well. The calculations for environment impact of particular food products in particular regions will change over time. Nevertheless, the shorthand of "food miles" doesn't capture the entire environmental impact of any food, and hence doesn't provide a useful shortcut for the most sustainable food choice.<sup>10</sup>

In considering the environmental effect of food choices, certain foods, in particular meat and dairy products, create significantly greater amounts greenhouse emissions than other food products. Raising animals for food requires producing food in the form of grains and corn, and feeding it to the animals. It requires as much as 10 times the number of calories from grain to produce the same calories in meat.<sup>11</sup> From the perspective of greenhouse gases, that is not efficient production of food. All the carbon costs of the grain production and transportation including the fertilizers and pesticides are included in the meat and dairy emissions. Additionally, animals like cows and sheep emit gases, methane and nitrous oxide, which are 23, in the case of methane and 296 in the case of nitrous oxide, times more

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<sup>8</sup> Rich Pirog, "Food, Fuel, and Freeways: An Iowa perspective on how far food travels, fuel usage, and greenhouse gas emissions" <http://www.leopold.iastate.edu/>

<sup>9</sup> William Debus *A Great Aridness* (Oxford: Oxford University Press, 2011).

<sup>10</sup> See Christopher Weber and H. Scott Matthews' "Food-Miles and the Relative Climate Impacts of Food Choices in the United States" in *Environ. Sci. Technol.*, 2008, 42 (10) analysis where they determined that the transportation, the final delivery of food, only represented 4% of the total greenhouse gases for food. They found that 83% of the emissions for agricultural products occur before the food leaves the farm.

<sup>11</sup> "Rethinking the Meat Guzzler" By Mark Bittman *New York Times*, January 27, 2008.

destructive than carbon dioxide.<sup>12</sup> Overall, whether local or not, there are heavy environmental costs from industrial animal production. Other environmental impacts include problems of disposal of the wastes produced by concentrated animal feeding operations (or CAFOs), often called “manure lagoons”. A study of the United Kingdom’s food systems showed that meat and dairy amounted to half of all the emissions in the U.K. food supply. The researcher concluded that “probably the single most helpful behavioral shift one can make” to reduce the greenhouse gases from food products is “eating fewer meat and dairy products and consuming more plant foods in their place.”<sup>13</sup> This conclusion has been taken up with the “Meatless Mondays” movement which tries to get people not to consume meat one day a week based on the health and environmental benefits.<sup>14</sup>

Food miles are not the only way in which local food is thought to be more environmentally sustainable. Local food proponents are also advocates of eating seasonally. Bringing food halfway around the world so that consumers can continue to eat grapes in the winter is not generally a very greenhouse gas efficient approach to eating. Eating seasonally from your local area would have some benefits. Nevertheless, eating locally wouldn’t be feasible everywhere given the particular environments. The prescription of eating local doesn’t have to be understood as absolute—“never eat anything that isn’t locally produced”—but rather, other things being equal, purchase food that is produced locally. How easy or difficult eating locally is, how successful one might be in achieving it will vary on one’s location. Another part of the “eat locally” movement is to eat less processed foods. Processed food almost always use more energy in producing and packaging them; even just the transport costs of moving the ingredients to the point of production adds an additional level to the transportation costs. Furthermore, processed foods tend to have more packaging which has environmental cost (producing the packaging), and the packaging usually ends up in landfills which itself is an environmental problem.

Finally, local food advocates argue for organically produced foods. Not all “local” producers are organic. Nevertheless, organic food is the largest growth area in the food business, in 2011 the organic industry was worth 31.5 billion.<sup>15</sup> Organically produced food does not use synthetically produced fertilizers and pesticides and does not use growth hormones and antibiotics. Creating synthetic fertilizers and pesticides produces greenhouse gases and applying them on the crops results in nitrous oxide. Additionally, the fertilizers pollute waterways, kill wild fish and other marine wildlife, and bees; they contribute to soil erosion which in turn creates carbon dioxide, further exacerbating the climate problems. Generally, organically produced foods have a significantly better effect on the environment even when produced at a large scale. A 2012 study by Stanford University researchers argued that organically grown foods aren’t more nutritious than nonorganic food. However, it did show that organic foods lead to fewer toxins in the body.<sup>16</sup> Since the impact on the ecological environment is substantially better than non-organically produced foods, and since they don’t expose farm laborers to pesticides which are hazardous to their health, there are good moral reasons for choosing organically produced foods.

It is important to mention, something that Pollen is conspicuously silent about, that buying local and even organic doesn’t guarantee fair treatment of farmworkers who helped bring the local and/or organic food to market. In one instance of farm worker exploitation in the United

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<sup>12</sup> <http://www.dpi.nsw.gov.au/research/topics/climate-change/response>

<sup>13</sup> Garrett T. Sources for the chart showing total UK food consumption GHG emissions as percentage of total UK consumption related GHGs. Work in progress, 13 March 2007, Food Climate Research Network, <http://www.fcrrn.org.uk/>

<sup>14</sup> <http://www.meatlessmonday.com/why-meatless/>

<sup>15</sup> <http://www.businessnewsdaily.com/2404-organic-industry-healthy-growth.html>

<sup>16</sup> Crystal Smith-Spangler, et.al., “Are Organic Foods Safer or Healthier Than Conventional Alternatives?: A Systematic Review” *Annals of Medicine* 4 September 2012, Vol 157, No. 5

States, Eric Holt-Gimenez in “The Coalition of Immokalee Workers: Fighting Modern Day Slavery in the Industrial Food System” exposed slave like conditions for farm workers in Florida. Living in Florida and purchasing these tomatoes would be purchasing locally, but in so doing, would be supporting conditions of abuse and exploitation. There are not guarantees that local, even small scale farmers, are not engaged in unfair labor practices. Unfortunately, there are structural problems in determining whether farm workers in the United States are treated fairly. In the 1930s, the National Labor Relations Act (guaranteeing the right to form unions) and the Fair Labor Standards Act, didn’t include farm workers in their provisions. Consequently, in the US, farm workers are not automatically subject to the same protection as other workers, including minimum wage and OSHA protections.

The final argument Pollen presents for local is that it is “an act of conservation — of the land, of agriculture and of the local economy, all of which are threatened by the globalization of food. Anyone who prizes agricultural landscapes, and worries about sprawl destroying them, should buy local whenever possible. . . . Otherwise the landscape will revert to second-growth forest or housing developments.” In Europe they have a saying “Eat your view” which has gained momentum in this country including in 2008 with White House’s garden. Buying local will preserve agricultural landscapes. But the types of landscapes Pollen and others have in mind are the smaller agricultural operations and not the large-scale industrial agribusinesses. What we are trying to conserve are particular types of landscapes, with varied crops and animals, practicing good land stewardship. Pollen is correct to point out that conservation of land should not be seen as exclusively wilderness preservation as has been the focus of many major environmental groups in the latter half of the 20<sup>th</sup> century. Aldo Leopold was well aware of the virtues of conservation of farm land and wrote extensively about farmers as conservationists. His famous commentary on our current relationship with the land was: “We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect.”<sup>17</sup> But not all farms are small and Arcadian, practicing the type of land stewardship that will conserve the environment. Again just supporting local is not sufficient, more has to be said about the types of practices the farm and farmer are engaged in.

Peter Singer is more sanguine about the argument of supporting the “endangered family farm” than are the other arguments advanced for buying local. He notes the precipitous decline in family farms from nearly 40 percent of the population living on farms in the 1900s to less than 2 percent today. Much of this decline is a result of widespread industrial agriculture taking over family farms. Small farms have difficulty competing with the large-scale agribusiness and the consolidation of the food business which have driven down the wholesale costs. Singer points out that not all rural depopulation is a bad thing, rural communities can be “stultifying narrow and intolerant of diversity”<sup>18</sup> and limit opportunities of residents to farming. Farming can involve difficult labor, and in an era where the systemic supports are for large operations, it is easy to understand the reason for the decline in small farms. Nevertheless, Singer does say that some rural values are:

undeniably worth preserving. When people see themselves as custodian of a heritage they have received from their parent and will pass on to their children, they are more likely to cherish the land and farm it sustainably. If those people are replaced by large, corporate-owned farms with a focus on recouping the investment and making profits for a generation at most, we will all be worse off in the long run.<sup>19</sup>

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<sup>17</sup> Aldo Leopold *Sand County Almanac* (Oxford: Oxford University Press: 1949), 203-204

<sup>18</sup> Peter Singer and Jim Mason, *The Ethics of what We Eat*, (Rodale, 2006) 143.

<sup>19</sup> Singer 143.

Supporting local farmers, small family operations, not multinational agribusinesses, with roots in a community, strengthens the local economy by keeping the money spent within the local economy. Those purchases from local farmers make it possible for farmers to be economically viable. This movement has been embraced by many local retailers as well in the digital age where individuals purchase items over the internet and the local businesses can't survive, creating unemployment, and without local businesses communities don't receive taxes for schools and other public services. This is a compelling argument since the tax base of a community is what provides the services that make people's lives better and sustain communities-- schools, libraries, parks, police and fire protection all significantly contribute to the welfare of residents of a community. If farmers can bring their products more directly to community consumers, without intermediaries, they will reap more of the profits, hence making the practice of farming sustainable for families. The mantra "buy local" has led to the revitalization of farmer's markets and community supported agriculture (CSA) where people commit to purchase produce and meat directly from a particular farmer each week. Supporting one's community represents important values for one's self-interest--of providing a more livable community-- and for the sake of others who are members of your community. Community means that we are in an interdependent relationship with the members of the community, and being in a community entails relationships of reciprocity with others in the community. Communities can't survive without those reciprocal relationships among the members. Already in the digital age more and more commerce and services are going outside the local community. It stands to reason that at some point, the geographically situated community can't survive without the support of its members. Globalization of all food production and manufacture risks essential relationships needed to keep alive particular communities. Singer notes that "keep your dollars circulating in your own community" is not an ethical principle and embodies a kind of "community selfishness." That claim overreaches as well. We do have responsibilities to our communities, to promote the welfare of the citizens as well as our own. Individuals and groups such as civic organizations take seriously those responsibilities and provide important services to communities. Pragmatically, it makes sense to locate moral responsibilities to others primarily to one's community since one is in a better position to know the pressing needs and concerns and share basic values with those in one's community. Indeed the dangers of paternalism and cultural hegemony when individuals try to "help" communities to which they don't belong, boosts the claim that our primary moral concerns should be our own community. Supporting the economic vitality of one's community by purchasing local as well as the conservation of agricultural landscapes and encouraging values of connection with the farmers and nutritional and aesthetic value of food are important to the cultural sustainability of communities. So while the contribution to ecological sustainability is mixed for purchasing local foods, sometimes buying local and organic (although organic is better whether local or not) is better for the environment, sometimes it is not, there are other important reasons to purchase local foods.

### Singer's challenges buying local:

Singer's most serious challenge to the enthusiastic movement to purchase local food is that in so doing we will be responsible for harm to farmers in the developing world. Whatever good is achieved by buying local food (and Singer doesn't think there is much good in doing so) we wouldn't be purchasing from farmers in the developing world where people are much poorer and in need of basic assistance. When Tesco in the UK introduced carbon labeling on its foods, it was interpreted by some as a dangerous move to destroy farmers in developing nations. For Singer, we should ask about the effects of our choice to become a locavore. He says:

When we think ethically, we should put ourselves in the position of all those affected by our actions, no matter where they live. If farmers near San Francisco need extra income to send their children to good colleges, and farmers in developing nations need extra income in order to be able to afford basic health care or a few years of elementary school for their children, we will, other things being equal, do better to support the farmers in developing countries.<sup>20</sup>

More than being selfish, Singer thinks that we do wrong by preferring local farmers over developing nations' farmers. He argues that we ought to act in a way that prevents the most harm and bring about the most good, and since buying local would deprive farmers in developing nations our business and since they are worse off relative to American farmers, our purchasing from developing nations would be the best ethical choice. Many in the international development community have argued for this approach to open and fair trade encouraging the richer global north countries to purchase from the global south nations. As Singer points out, developing nations are not in a technological position to compete in that arena, but they can on the agricultural level.

Undoubtedly, we have responsibilities to alleviate suffering and poverty in the world. Singer and many in the international sustainable development world argue that one of the easiest ways to satisfy that responsibility is to purchase food from developing nations. Such food purchases bring cash into the economies of developing nations and help lift individuals out of poverty. From a sustainable development perspective this kind of global trade is the best way to improve the economies of those countries and alleviate poverty. What this means is that by buying local foods, we are thereby forsaking purchasing from farmers in impoverished nations and providing more benefit to them than our local farmers.

What exactly is our responsibility to the poor of the world? Many people think that our responsibility to relieve the poverty and suffering of distant strangers in the world are positive obligations to aid and not obligations to avoid causing harm to others. Since we are not causally responsible for the harmful circumstances of those farmers in developing nations, the argument continues, we cannot be obligated to prevent the harm or to aid them. Our individual food purchases from developing nations' farmers might be good to do but not obligatory upon us. Since there are various ways to satisfy our responsibilities to aid the poor and relieve suffering (sending money to Oxfam or purchasing garments produced in Bangladesh) we are not obligated to purchase their food. Just as no given person or NGO providing services to the poor can demand aid from us, choosing to buy local food over globally produced food doesn't violate the moral duty to cause harm.

Philosophers have distinguished between "positive duties," duties of beneficence or to aid, and "negative duties" not to harm others, generally associated with refraining from positive actions; for instance, not killing, stealing, or assaulting others. Negative duties are often thought to be more stringent duties than positive duties.<sup>21</sup> Failure to act upon them is to engage in morally wrongful behavior. Typically the sorts of cases we have in mind for negative duties are local and specific instances of harm to particular people. In killing someone or stealing that person's property, one has direct contact with an identifiable victim. The nature of the harms to others is direct, specific, and assignable to the person doing the harming. Positive duties can also be assignable to persons, helping a neighbor with her yard, taking meals to senior citizens' homes, or helping out at the food bank. But many cases are less specific, giving money to Oxfam or the Red Cross after a disaster. In giving money to disaster relief, one doesn't know any identifiable person who is aided by the charity.<sup>22</sup>

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<sup>20</sup> Singer 141.

<sup>21</sup> For a fuller discussion of the issues surrounding the notion of 'stringency' see Heidi Malm's *Between the Horns of the Dilemma: Philosophical Studies* Vol. 61, No. 3, Mar., 1991.

<sup>22</sup> See Joel Feinberg, "The Moral and Legal Responsibility of the Bad Samaritan" *Criminal Justice Ethics*

There are notorious problems with this distinction between positive and negative duties and the acts and omissions associated with them. Not all violations of negative duties are actions, for example, failure to put on the brakes for the pedestrian in the cross walk, violates a negative duty. And conversely, some violations of positive duties are omissions. Bad Samaritans fail to do easy rescues. Other cases are controversial as well: The physician giving a patient a lethal dose of medicine without the patient's consent violates a negative duty not to kill, but does the physician failing to treat a patient violate a positive or negative duty? When coming upon a drowning swimmer in an isolated lake, is the failure to do an unconditional rescue violate a positive or negative duty? And there are many other instances where it is not clear whether it is a case of a negative duty or positive one. In general, negative duties are duties not to cause harm and positive duties are duties to prevent harm. The fulfillment of either and the violation of either can involve a range of acts and omissions.<sup>23</sup>

Singer famously doesn't accept the distinction between positive and negative obligations with the greater stringency to the former than the latter. Using the example of what your responsibility would be upon finding an infant face down in a puddle, he argues that it is clear that you ought to turn the baby over to save it from drowning even if doing so involves some inconvenience to you, such as muddying your shoes. You didn't create the situation that the baby finds itself in, that is, you didn't create the harmful situation, nevertheless, there is significant agreement that you should save the baby from drowning and that failure to do so is to do wrong. Since it is foreseeable that the baby will die and you can save it without much effort, you are responsible for its death if you fail to save it. Singer is arguing that since we can prevent harm (and do much more good) by purchasing food from poor farmers in the developing world, with little or no inconvenience to ourselves (we miss out on the fun of going to the local farmers market), then we ought to do so. Failure to prevent the harm of poverty in the developing world by buying local food means we are responsible for the misery of those farmers.

Singer's collapsing the distinction between positive and negative duties is too implausible. Most of us, most of the time could behave in another way that would increase the relative impact of our conduct. By not buying lunch or going to a movie, I could send money to the poor, by riding a bike and not driving a car, I could reduce my carbon footprint, by not going on vacation I could spend the time helping children in an orphanage. All these alternative actions would increase the general welfare of the world. Duties to aid could quickly swallow up our lives with fulfilling those requirements, undermining our own autonomy and life plans. The distinction between positive and negative duties, and the greater stringency in negative duties, avoids this slippery slope of requiring individuals to change their plans and provide assistance to those in need all the time. Without the distinction, morality is too demanding and our lives would be untenable. With the distinction, negative duties are generally easier to fulfill by just avoiding certain activities—don't kill, steal, or rape. Violations of negative duties are more difficult to justify than violations of positive duties. Though there are difficult cases of distinguishing between positive and negative duties and acts and omissions, it doesn't mean that there aren't clear cases where there is widespread agreement. What we identify as harms to others that we are obligated to avoid doing, generally are specific acts where we cause harm to identifiable victims. Positive duties are moral requirements to do certain things for the benefit of others, but there is more leeway in discharging those obligations and it is easier to justify violations. This is not to say that we ought not to provide aid to strangers and contribute to eradicating the sufferings of the world, but those obligations are not ones that should interfere with our life plans at every moment. And it is our decision when and where to act upon them. Given this discussion, it would

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1984 vol.3 1.

<sup>23</sup> Conversations with Heidi Malm helped to clarify these points about positive and negative obligations.

seem, contrary to Singer, that our obligations to alleviate poverty is a positive duty, consequently, we are not obligated to purchase food from improvised developing nations' farmers.

## New harms of globalization

The globalized world provides us with immediate information about the effects of our choices on the vulnerable of the world. Our purchase of cheap clothing supports exploitation and risky conditions for garment workers as we saw in the recent tragedy in Bangladesh. Our addiction to drugs fuels drug wars in Mexico, our desire for diamonds mined in Africa finances war lords that terrorize people in those regions. Consuming an abundance of energy by driving fuel inefficient cars and lavishly wasting energy in our home and offices dumps carbon into the common atmosphere of the globe contributing to global climate change. Climate change will have devastating consequences on the most vulnerable of the world. Our choices and actions, in concert with others, are creating conditions in developing nations that do or will harm those people. These are “new harms” that challenge the rigid line between not harming and aiding those in need.<sup>24</sup> The ordinary things we do, viz., driving our cars, purchasing food and clothes, what kind of light bulbs and grocery bags we use, can have tremendous effects on others around the world and into the future.

Many of the new harms are a result of the cumulative activities of many people. My driving an inefficient car, or eating foods that are flown from the other side of the globe, or otherwise consuming more than my share of energy that contributes to the carbon in the atmosphere, are part of the cumulative activities that will in concert with others cause harm to others. Climate injustice results when those creating climate change are getting the benefits of doing so (wanton consumption of energy and economic growth, for example) and imposing the harm on others who didn't contribute to the problem.<sup>25</sup> The “polluter pays principle” strikes many people as a fair principle —namely those who generate the pollution should have to pay for its effects (including compensating those who have to suffer its effects). In the current case, those who are going to pay for the effects of pollution to the atmosphere are not the polluters since many of the devastating effects of climate change will occur to the developed nations. Even the effects of climate change that do occur in the industrial West will be better tolerated since we are able to adapt to the changes, unlike the poor who don't have the resources to support adaption strategies.

Knowledge of the effects of large-scale agribusiness, the transportation of food (carbon miles), the conditions of agricultural workers in the food system, and the conditions of poor farmers in developing nations has changed the context in which we make food choices. Many of the practices will lead to global climate change. Global climate change will result in flooding and the destruction of many low-lying areas of the world, displacing millions in those countries, these effects are the results of the lifestyles of millions of other people, mainly in the western industrial nations. The most vulnerable of the world will be even worse off than they are already. It is difficult to remain oblivious to the effects of our lifestyle choices that result in harm to others even if they are in far off lands. These harms are not the discrete and local harms that we have considered in the previous section of negative duties, but are they happen to people far away, geographically and in time, and they are the consequences of many people acting in particular way. Since the food system is responsible for roughly a third of the greenhouse gases, food choices are significant contributors to these

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<sup>24</sup> Judith Lichtenberg, “Negative Duties, and the “New Harms” *Ethics* vol. 120 no. 3 (April 2010).

<sup>25</sup> Stephen Gardiner, “Climate Justice”. In John Dryzek, David Schlosberg and Richard Norgaard, eds. *Oxford Handbook of Climate Change and Society*. Oxford University Press. (2011)

kinds of environmental harms. But as we have seen, the fact of the impact on the environment of food doesn't tell us whether in any given case to purchase local or global.

What are our responsibilities to avoid or alleviate these "new harms"? Are these new harms represented by negative obligations such that we will do wrong if we don't avoid them? They are different from the old harms since we don't cause them on our own. Judith Lichtenberg's discussion of the new harms usefully distinguishes them into two types of harms. The first type of harm occurs when an aggregate of people act in certain ways. In and of themselves these activities, for example, burning fossil fuels are not harmful, but it is the aggregate of many people burning fossil fuels that leads to the harm of global climate change. Examples of these types of harms include eating foods that have a larger than necessary carbon footprint (out of season fruits flown across the world or energy intensive products grown locally). The second type of harm is represented by, for example, buying products made in factories where the workers are exploited or animals are treated cruelly. These harms "involve actions that are wrong in themselves, irrespective of what others do."<sup>26</sup> In the second kind of cases our reason for not wanting to purchase those goods that involve those types of harms is that we don't want to participate or be complicit in those harms. Our own actions may not affect whether the harms occur but we still don't want to "participate" in those harms—"I don't want to support the use of child labor." The first type of cases, the aggregative harms appeal to considerations of fairness. Here a person's reasoning might employ the categorical imperative: "Since allowing everyone to consume energy at the rate consumed by the average American leads to disaster, it is unfair for her to consume at that rate."<sup>27</sup> In both of these cases there is a question whether one's actions will have any effect on the state of the world, that is, whether her action will change anything to reduce the harms caused by that type of action. Often, they will not have the effect of stopping the harms.

## Are failures to purchase food, harms?

The above examples are cases of harms to others and we have been considering our role in creating, contributing or perpetuating those harms. Even though they are aggregate harms, we still need to be responsible for our contribution or complicity. What about the cases of not buying from impoverished farmers in developing nations? Are those instances of harms, even of the new harms version? Those cases have the aggregative quality as well, namely, my purchasing tomatoes from a Guatemalan farmer wouldn't alone lift him out of poverty, but it might do so in concert with others purchasing his product. The cases we discussed above, the contribution to climate injustices or intrinsically wrong actions, e.g., exploiting child labor, are cases of negative duties since they involve avoiding harm to others. Are the instances of not purchasing from impoverished farmers instances of harms to others? Are we harming those farmers by not purchasing their produce as Singer implies? Harms are judged as making people "worse off" than they would be otherwise. Assessments of the baseline from which we make the judgment of worse off or better off are not without controversy. Those questions include: How widely or narrowly should we construe the baseline, how much description should be included in the baseline, and should that description include normative assessments? On the face of it, the purchases from farmers in developing nations appear to be instances of benefitting them and not harming them since they are better off with our purchases than they would be otherwise. If that's true, then these cases are ones of aiding others in need, or positive obligations, and not negative duties. (It is not clear that we should categorize these purchases as "duties to aid" since we are being advantaged by the purchases unlike the case of unconditional aid to the poor.) These aren't then instances of "new harms".

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<sup>26</sup> Lichtenberg, 568.

<sup>27</sup> Lichtenberg, 568.

One complicating factor is if we are complicit in the paucity of the background conditions of those in need that makes their situation so terrible. Here I have in mind the result of colonialism or even the exploitation US companies that engineered conditions in those countries supported by the US government that leave the impoverished of the developing world in miserable conditions. These factors would change the baseline from which we judge better off or worse off. We will discuss these larger background factors in the next section.

The fact that they aren't harms doesn't mean that we shouldn't purchase from farmers in the developing world other things being equal (e.g., carbon footprint) thereby helping them out of their poverty. If we can aid the suffering of others we should do so. Though our more stringent obligations are to avoid harm, we still have duties to aid. There are cases where failing to aid others in suffering does seem particularly callous and indifferent to the suffering of others. Singer's baby in the puddle is an example where failure to render aid makes the person morally monstrous. Positive duties *are* duties, and if we can do something as simple as purchasing from a particular farmer then, other things being equal, we ought to do so. Though they are positive duties, they too can contribute to integrity; how I think I should live, what kind of life plan I have, include my views about caring for the suffering of others and making a better world. Consequently drawing a sharp line between positive and negative duties may not be necessary in these cases. As Lichtenberg suggests, we can avoid the slippery slope when not drawing a sharp line between positive and negative duties by suggesting that each of us should do our "fair share" of aiding the suffering of others.

## Other problems with the duty to purchase from developing nations

Singer argument that we should when possible choose to support the least well off in the world economy by purchasing their food and not favoring those in our community as locavores advocate for us to do has some other problems. There is, for example, a *knowledge problem* with Singer's claim that we should prefer the global poor farmers over local farmers. There are so many factors about the conditions under which food is produced, whether the laborers are paid a fair wage, who gets the profit, who are the various conglomerates that no consumer can know with confidence what the effect of their purchase will be on people in a poor nation. Thomas Pogge points out: "This is unknowable because as they [our consumer choices] reverberate around the globe, the effects of my economic decision intermingle with the effects of billions of decisions made by others, and it is impossible to try to disentangle, even *ex post*, the impact of *my* decision from this vast traffic by trying to figure out how things would have gone had I acted differently."<sup>28</sup> Consequently buying food from poor countries is not analogous to preventing the harm of the death of the baby in the puddle. In the baby's case it is very immediate and specific what the outcome of your action or omission will be. Since the outcome of your conduct is not foreseeable or knowable in a specific sense, you can't be held responsible for the state of poverty of developing nations' farmers. On the other hand, in buying from a particular farmer at a farmers market, one can have direct knowledge of the outcome of that purchase. Isn't this an argument against the "new harms" where I can't know who is affect by my actions? It isn't, since we weren't relying on specific individuals being harmed by our collective action rather it is the knowledge that it will affect classes of people, for example, people living in low-lying countries.

Beyond the knowledge problem, there has been a tremendous amount of discussion about whether humanitarian aid and development assistance are effective.<sup>29</sup> If there are doubts about

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<sup>28</sup> Thomas Pogge, editor *Freedom from Poverty as a Human Right: Who owes what to the Very Poor?* (Oxford: Oxford University Press, 2007). 17

<sup>29</sup> See for example Thomas W. Dichter, *Despite Good Intentions: Why Development Assistance to the Third World has Failed* (Amherst: University of Massachusetts Press, 2003) and Dale Jamison, "Duties to the

the effectiveness of providing assistance to those in need, then one can't have an obligation to engage in futile practices. One of the problems with aid is, for example, who exactly is benefitted by the aid. In the case of the United States Agency for International Development (USAID) the US government's largest agency for aid and assistance, most of the contracts and grants go to American firms. For example, food aid, agricultural products, must be purchased from US farmers; food cannot be purchased from other countries even if those purchases would aid the country that we are trying to help. President Obama has recently tried to change this policy but has been unsuccessful in getting it approved by Congress. Much international aid ends up in the hands of corrupt leaders who siphon the funds into their own accounts rather than providing for their nation's poor. Consider the billions of dollars in assistance that went into Haiti after the 2010 earthquake. Even though Haiti was the largest recipient of aid in the world in 2010, the country is still listed as a fragile state with a high vulnerable index.<sup>30</sup> The country remains in crisis. There is much discussion of whether aid is effective at all or whether it actually is disadvantaging those that the aid is trying to help. Consequently, the requirement that we provide aid to distant strangers is not as straightforward as it might seem, or as Singer's baby in the puddle example suggests.

The argument we have been considering is that we ought to buy from farmers in developing nations in order to lift them out of poverty. This assumes uncritically that the system is advantageous to those farmers. Are they, however, being advantaged by the global food system? In the modern food system, though there are many farmers and many consumers, there are only a few corporate buyers and transporters of food, and they have driven down the price of food from farmers.<sup>31</sup> By the time Ugandan coffee is sold in the US it is 200 times the amount that the farmer got for his product. The profits for the product are mostly received by corporate interests as opposed to the farmer.<sup>32</sup> Consider the banana plantations in Central America which have been controlled by United Fruit Company (now called Chiquita Brands) since 1899. Those countries are notorious for their poverty and the brutality of their governments (many of which were supported by United Fruit). Far from supporting the people's interests, the global food business is as Raj Patel describes it a "story of colonialism, control over channels of production, distribution, marketing and finance, mobilization of national interests, and a racialized repainting of the Third World."<sup>33</sup> With space limitations, I can't consider all the intricacies of the global food system. Suffice to say, we shouldn't assume that developing nation farmers are advantaged by this schema as opposed to another system say where they were encouraged to supply for their own community's needs.

## Human right to avoid severe poverty

Another approach to the presumed duty to purchase food from farmers of the developing world rather than local farmers is that doing so is necessary to avoid violating the human rights of developing nations' farmers. The UN Declaration of Human Rights recognizes a right to avoid severe poverty and a right to food. Could our failure to purchase food which would alleviate the economic distress of poor developing nation's farmers be a violation of their human rights? We need to ask is what is the construction of the right to avoid severe poverty? Normally we conceive of rights as correlated with duties. In this cases, who has the duty with which the right to avoid poverty is correlated? If we thought that the right to food

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Distant: Aid, Assistance, and Intervention in the Developing World" *The Journal of Ethics* (2005) 9.

<sup>30</sup> <http://www.globalhumanitarianassistance.org/countryprofile/haiti>

<sup>31</sup> Raj Patel, *Stuff and Starved*, (Brooklyn: Melville, 2007) 19-22.

<sup>32</sup> Patel, 18.

<sup>33</sup> Patel, 110.

was a right that imposes on all of us a correlative duty to feed those in poverty, then it seems implausible for the reasons we developed in collapsing the negative/positive duties. We need to determine the signification of the human right to avoid severe poverty. It is plausible to suppose that the right to food and the right to be free from severe poverty means that nations should have policies that make it possible for individuals to either produce or have access to food at reasonable prices which means that states avoid policies that “foreseeably and avoidably produce life-threatening poverty.”<sup>34</sup> When nations sell off farmland to foreign investors, for example, in countries such as Mozambique, Mali, and the Philippines, pushing local farmers off the land, they cut “access to food...livelihoods are shattered and communities are uprooted.”<sup>35</sup> Nation states that permit the sale of farmland to outside investors (in many cases encourage them for the profit) have policies that violate the human rights of their citizens.

Earlier I argued that individuals can’t know the outcomes of individual purchases around the world, and consequently they can’t be held responsible for global poverty when they don’t purchase food from developing nations’ farmers. Does this mean that individuals in affluent countries have no obligations to those who are impoverished of the world? Is it only the responsibility of the nations where those individuals live to protect their human rights to be free from poverty and have other basic necessities like food? Pogge develops an argument that we have a negative duty “not to participate in the imposition of social institutions under which some avoidably lack secure access to the objects of their economic human rights.”<sup>36</sup> The most important factors relevant to severe poverty in the world are institutional factors, the national and international background rules and policies within which economic transactions occur. At the international level, Pogge points out “[e]ven small changes in the rules governing international trade, lending, investment, resource use, or intellectual property can have a huge impact on the global incidence of life-threatening poverty.”<sup>37</sup> For instance, NAFTA was supposed to open up markets to trade in Mexico, the U.S., in Canada. This agreement seemed like it would advantage poor farmers in Mexico who could sell their products to the US and Canada. The agreement ended up driving 1.2 million small farmers in Mexico out of business (forcing them into the cities and driving wages down 10% in Mexico) since the agreement permitted the US to continue subsidies of their farmers making their corn cheaper than the Mexican produced corn.<sup>38</sup> Mexico became an importer of corn after the agreement. NAFTA illustrates how the structural arrangements within which economic activities occur have significant effects on individuals’ economic status. Many of the international economic agreements, such as those of the WTO, advantage the well-off nations and disadvantage the developing nations. National and international structural reforms which are fair would go a long way to eradicating severe global poverty. Since it is foreseeable that international agreements such as NAFTA, where unfair advantage is given to US farmers usually the industrial agribusinesses with tariffs and subsidies, will result in human rights violations to those Mexican farmers who can’t compete, there is a duty to support institutional changes that ensure fair and open international trade rules. Poverty is often a product of international background conditions including international ones that aren’t fair and give unfair advantage to the better off and disadvantage those least well off. Those unfair disadvantages extend to small farmers in this country. Those institutional arrangements violate individuals’ human rights to avoid severe poverty. Rather than a duty to purchase

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<sup>34</sup> Thomas Pogge, editor *Freedom from Poverty as a Human Right: Who owes what to the Very Poor?* (Oxford: Oxford University Press, 2007).

<sup>35</sup> Michael Kugelman, “The Global Farmland Rush” *The New York Times* February 5, 2013

<sup>36</sup> Pogge, 25.

<sup>37</sup> Pogge 26

<sup>38</sup> Patel, 61.

individual products to help alleviate poverty, we in democratic countries have duties to support institutional change and ensure international agreements and market conditions which are fair that will enable individuals to have economic opportunities.

Our responsibility to alleviate poverty is appropriately understood at an institutional level, our nation's failure to have fair trade arrangements with developing nations, for instance, harms the poor of those nations-- threatening them with dire economic conditions. Our responsibility as individuals in democratic countries is to pressure our leaders into international agreements or other systemic changes that ensure equitable terms of exchange in the global market. The failure of the Doha agreement to have fair markets in agricultural products, for example, when it permits wealthy nations to continue to subsidize their own farmers putting them at an unfair advantage in the global market. Our duty in regards to the human right to avoid severe poverty is addressed at the institutional level of demanding that our country and other wealthy countries have fair trade agreements and ensuring that a few global corporate interests are not advantaged. If our nation engages in or supports the torture of human beings anywhere in the world we have a duty to pressure our leaders to stop engaging in torture or stop supporting policies that endorse torture. It is plausible to suppose that the specification of the human right to be free from torture would impose on individuals in other democratic countries the negative duty to demand policies that don't lead to torture. The human right to be free life-threatening poverty requires that we support international agreements that don't foreseeably and avoidably lead to severe poverty.

## Multiple-values and food choices

Food choices implicate multiple values. The local food movement have directed our focused on sustainability goals in justifying their emphasis on buying local. Acknowledging that we do have duties to avoid harm to others, now and into the future, impels us to reduce the amount of greenhouse gases created by the product we purchase. Everyone, particularly those of us in affluent countries, ought to do our "fair share" to reduce the carbon that goes into the atmosphere and failure to do so is to be partially responsible for climate change and resulting harms from it. It turns out that the modern food system is a major generator of greenhouse gas. In this paper, I argue that "local food" may or may not support the sustainability goals of reducing carbon, concern about water usage, the detrimental effects of pesticides and fertilizers, packaging, refrigeration, and so on. Food choices depend on many factors which are not adequately capture by "food miles." A more accurate assessment of the impact of food is based on what scientists are now calling "life cycle assessment" which is a tool that looks at "cradle to grave" of the life of food.<sup>39</sup> It calculates what it take to grow the food, process it, package it, transport it, cook it, and dispose of it. Life cycle assessments are a much more accurate accounting of the environmental effects of food product than food miles (although not as easy to figure out).

We rejected the argument that buying locally produced food rather than food produced by impoverished farmers in the developing world harm the developing world farmers. Like a plethora of choices we make to purchase from one person rather than another, the choices entail that someone else is not benefitted by our purchasing from them. Eating at one restaurant rather than other, even if the avoided restaurant owner is impoverished, is not a case of harm to the latter. Every choice we make benefits some agent but not at the expense of her competitor. Conceptualizing not purchasing from impoverished farmer as harming them, clutters the world with too many harms and destroys our own agency in creating and

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<sup>39</sup> Poritosh Ro, "A review of life cycle assessment (LCA) on some food products" *Journal of Food Engineering* Vol. 90, Issue 1, January 2009.

maintaining our own life plan. That view destroys agency since we are bandied about by outside forces that undermine our acting on our own purposes.

Nevertheless, since we in affluent nations are using more than our “fair share” of the energy and consequently, we contribute a disproportionate amount of carbon to the atmosphere, we are contributing to the cumulative harm of greenhouse gases in the atmosphere. What level of use is appropriate is contentious since we have already used more than we should and advantaged our economies as a result, and the notion of “fair share” of some resource like the atmosphere it is difficult to assess. A starting place is to look at the level at which everyone in the world should be consuming to stop the advance of global climate change, and to use that as a baseline to judge our own consumption. We are not required to completely stop contributing to greenhouse gases, but there is some level one is responsible for not going over. Since food accounts for a huge amount of the greenhouse gases that are going into the atmosphere, our food choices are relevant to our decreasing our carbon footprint.

Because we don't directly harm developing nations' farmers by buying locally produced foods, it doesn't mean that we shouldn't purchase from them. As Singer notes, it takes 15 or 25 times as much energy to grow rice in California as opposed to the low-energy methods of farming rice in Bangladesh.<sup>40</sup> That gives us a strong reason to purchase from the Bangladesh farmer. Much produce grown in Africa have a smaller carbon footprint than British hothouse vegetables. Beyond those considerations of ecological sustainability, we should understand the effects of poverty on the sustainability of the earth. In the Brundtland commission report, *Our Common Future*, that put sustainability on the world agenda, “sustainability development” meant alleviating poverty. We have significant duties to aid those in need and when the needs of the poor are so apparent as they now are, we have even more demand upon us for relief. Our duties to strangers include those strangers across the world but also those strangers in the future who will be impacted by our current practices. I did argue that the human right to be free from severe poverty does implicate us through our government's policies. We have a duty to ensure intuitional arrangements, intellectual property rules, resource uses, lending, trade rules, and the rules governing economic interactions that are fair so as to avoid the poverty that has resulted from the current globalization.

Purchasing local food can often be “all things considered” the best choice since there are multiple values that come into play. We discussed earlier that some of the considerations for buying local are for supporting local economies and small farmers. Responsibility to sustain one's community including the cultural traditions is part of the normative framework of sustainability. The connection with the food one eats or often now the “reconnection” with food which the local food movement encourages is important to one's health and well-being and maintain the culture of a region. Purchasing from individual farmers builds trust when one engages with that person on a regular basis. Additionally, purchases from local farms sustain farmlands and ensures some level of food security for your region. If all or most food is imported or the crops that are grown in an area are for export then in crisis when importation is not possible there is no local ability to feed the community.

Sustainability is not merely about sustaining natural resources for future generations but sustaining culture.<sup>41</sup> We are responsible to preserve things such as wilderness areas, national parks, and “land health,” treasures of art, democratic institutions, and so on. We rely upon past generations for current bequests, including natural and human-made ones (great works of literature, music and art, as well as cultural traditions we believe are worth preserving), and the future relies upon us for the same. Cultural traditions are tied up with food traditions and can have very specific regional forms that are important to the people of those communities.

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<sup>40</sup> Singer 148.

<sup>41</sup> Brian Norton, *Sustainability* (Chicago: University of Chicago Press, 2005).

In sustaining food infrastructure we are passing on to the future those cultural traditions around food.

That said, our food choices should be a mix on considerations especially when thinking about the environment. Often the slogan “think globally, act locally”, is apt for food purchases—local is better. But not always, for instance, buying organic foods, whether local or not has the effect, as the Rodale Institute reports, of sequestering 40% of the world carbon emissions. Organically grown food improves the soil’s health and generally is better for the environment. Sustaining natural resources and sustaining communities, local and global, for the welfare of today and the future, will require a blend of cosmopolitan considerations and local ones.

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# Authority, Power and Agency in the Work of Building Transnational Sustainable Communities within the European Union

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## Abstract

The long-term ecological, financial and social sustainability of the European Union is dependent upon deepening the level of integration among not only the governments of its member states, but also among the people and the diverse communities which inhabit these states – which include their citizens, associations, local and regional representatives, educational institutions, businesses and cooperatives and the ecosystems which support them. Sustainable integration among the nation-states of the EU requires an increasing level of cooperation and connectivity on multiple levels. Such integration includes not only the monetary dimension of relations, but also the manner through which member states are linked by shared ecological, social, cultural and ethical practices. To this end, the project of this paper is an attempt to explore how the work of transnational community building within the EU is fortified and diminished by competing definitions of *authority*, *power* and *agency*. Its thesis is guided by the contention that the EU's current efforts to promote integration are diminished when the principal focus of relations among member states is defined through financial instruments, institutional structures which support them, and market-oriented regulations. This paper will argue that while the financial dimension of relations among EU member states is foundational to the long-term viability of the EU, its long term sustainability is equally dependent on the development of learning and caring communities, shared technologies, and the acknowledgement of common ecological realities.

Section one of this paper offers some fundamental criticisms of the current state of relations between EU member states, with particular attention paid to developments and trends of the last two decades, and will rely on an analysis from the perspective of the fields of sociology of institutions and organizations, and political science. This approach will place an emphasis on examining what we view as some of the weaknesses of the prevailing “vision” guiding the way relations are defined and maintained among EU member states, which privileges market efficiency and the language of financial instruments in the practice of diplomacy among EU actors.

The second part of this paper proposes an alternative vision of what we believe the EU has the potential to become – a body of nation-states whose connectivities and sense of fiduciary responsibilities are grounded in the promotion and fortification of transnational sustainable communities, which have the capacity to meaningfully cross individual nation-

state boundaries and build bridges which constructively link populations divided by language, cultural identity and perception. We propose that the language of diplomacy that could guide the EU in this direction is found within the transnational ecological crisis that all member states commonly face – one in which the power of human differences and competing narratives are diminished by the acknowledgement of the common requirements for survival: potable water, arable land and clean air. It is through this reality that member states are being invited to see in a clearer sense the limitations of an economic realpolitik view of relations among nation-states, and in its place to embrace the guiding principles of *ecological realism*.

**Keywords:** agency, authority, climate change, ecosphere, ecological realism, financial instruments, monetary. nation-state, power, realpolitik, resilience, sustainability, technology

Last year, a Greek student declared on his blog: “The developing European economic crisis has sparked much debate over the economic future of many European countries and has cast doubt on the survival of the European Union itself. Initiating in Greece and propagating its way through Portugal and Spain,(...) these financial calamities have created an overdependence on International Monetary Fund bailout packages (...) compounded by an incompatibly high euro(..) This puts many European countries in economic and political peril.”<sup>1</sup> Significantly the student named his message Ethos Logos Pathos, clearly a reference to the Old Greek trilogy used as a philosophical understanding of human life, and also as the basic structure in classic rhetoric.

Since 2008, we have been living amidst the unfolding consequences of the financial crisis, which is a crisis of technology (techno-logos). When markets, firms and states adopt that *techno-logos* as the only way to resolve all the problems, global and local, they do so through imposing ostensibly rational rules on people - individuals, families, communities, and nations. Moreover, a majority of officials, politicians and experts are convinced that beyond this imperative *logos*, the “others,” people must also accept a new *ethos*, a new habitus, whose rulings are essentially a matter of technical standards and legality. But do these same officials understand or care about the *pathos* among the lives of humans reduced to becoming producers, consumers, or debtors?

The long-term ecological, financial and social sustainability of the European Union is dependent upon deepening the level of integration among not only the governments of its member states, but also among the people and the diverse communities which inhabit these states – which include their citizens, associations, local and regional representatives, educational institutions, businesses and cooperatives and the ecosystems which support them. Sustainable integration among the nation-states of the European Union requires an increasing level of cooperation and connectivity on multiple levels. Such integration includes not only the monetary dimension of relations, but also the manner through which member states are linked by shared ecological, social, cultural and ethical practices. To this end, the project of this paper is an attempt to explore how the work of transnational community building within the EU is fortified and diminished by competing definitions of “authority,” “power” and “agency”. Its thesis is guided by the contention that the EU’s current efforts to promote integration are diminished when the principal focus of relations among member states is defined through financial instruments, institutional structures which support them, and market-oriented regulations. This paper will argue that while the financial dimension of relations among EU member states is foundational to the long-term viability of the EU, its long term sustainability is equally dependent on the development of learning and caring communities, shared technologies, and the acknowledgement of common ecological realities. To this end, this paper is divided into two sections.

Section one of this paper offers some fundamental criticisms of the current state of relations between EU member states, with particular attention paid to developments and trends of the last two decades. In order to avoid an overly descriptive analysis focusing on a long list of events, or an exhaustive examination of the institutional structures and processes of EU governance, our intent here is to propose some conceptual frameworks which can serve to provide a basis for engaging some of the key limitations facing the EU in its current form. This portion of our paper will rely on an analysis from the perspective of the fields of sociology of institutions and organizations, and political science. This approach will place an emphasis on examining what we view as some of the weaknesses of the prevailing “vision” guiding the way relations are defined and maintained among EU member states, which

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<sup>1</sup> <http://logospathosethos.com/articles/2011/8/10/the-future-of-the-european-union.html>.

privileges market efficiency and the language of financial instruments in the practice of diplomacy among EU actors.

The second part of this paper proposes an alternative vision of what we believe the EU has the potential to become – a body of nation-states whose connectivities and sense of fiduciary responsibilities are grounded in the promotion and fortification of transnational sustainable communities, which have the capacity to meaningfully cross individual nation-state boundaries and build bridges which constructively link populations divided by language, cultural identity and perception. We propose that the language of diplomacy that could guide the EU in this direction is found within the transnational ecological crisis that all member states commonly face – one in which the power of human differences and competing narratives are diminished by the acknowledgement of the common requirements for survival: potable water, arable land and clean air. It is through this reality that member states are being invited to see in a clearer sense the limitations of an economic realpolitik view of relations among nation-states, and in its place to embrace the guiding principles of Ecological Realism.

## The EU As It Is: Beyond Decades of Technocratic Drift, A Deep Need a New Sensibility

In 1949, four years after the end of WWII, Robert Schuman declared that the European project could not be considered independently from its humanistic roots. He mentioned particularly the contributions of great European thinkers who have compellingly engaged the themes of peace, democracy and transnational cooperation. These include the Italian Dante Allighieri, the Dutch thinker Erasmus, the Swiss and French Rousseau and the German Kant. Schuman was a Luxembourg-born French statesman who was instrumental in helping to lay the foundations for the establishment of the modern EU. Schuman referred to Europe as a sustainable expression of humanistic ambition and noted,

The European spirit signifies being conscious of belonging to a cultural family and to have a willingness to serve that *community* in the spirit of total mutuality, without any hidden motives of hegemony or the selfish exploitation of others.... Our century, that has witnessed the catastrophes resulting in the unending clash of nationalities and nationalisms, must attempt and succeed in reconciling nations in a *supranational association*. This would safeguard the diversities and aspirations of each nation while coordinating them in the same manner as the regions are coordinated within the unity of the nation.”<sup>2</sup>.

Fifteen years later, as European efforts in building integration became the framework for cooperation among 6 nations, Schuman wrote in his book *Pour l'Europe (For Europe)*: “*Before being a military alliance or an economic entity, Europe must be a cultural community in the highest sense of this term*”<sup>3</sup>.

Considering the original ambition of the historical pioneers of a common European community, what is the situation now, six decades later? What has happened to Schuman’s compelling insights in the present context of an institutionalized, finance and market-oriented EU? How can we understand and interpret the meaning of the EU’s increasing emphasis on defining itself in technocratic terms? By asking these questions, our purpose is not to be trapped in a sterile and depressing inventory of limitations or failures. On the contrary, we need to express these criticisms in order to develop beyond them, and thus be prepared to turn to constructing new approaches to promoting sustainable European integration.

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<sup>2</sup> To read the whole text of this speech given in Strasbourg, (May 16, 1948), or to study other writings or speeches given by Schuman, notably his address to the General Assembly of the UN, see <http://www.schuman.info>

<sup>3</sup> Translated from the original French by D. Malherbe.

## The Empirical Trap: Has the EU been Reduced to an Institutional Construction?

If we compare Schuman's observations to those of the Greek student whose comments began this paper, the dissonance between the two is impossible to dismiss. We must therefore concede that the words of one of the EU's founding architects and visionaries ring hollow in the ears of many young Europeans. During the decades that separate these two generations, the European project progressed through numerous treaties following WWII and through the Cold War, resulting in the EEC evolving into an institutional Union of member states and ultimately giving birth to the modern EU.<sup>4</sup> Through this period, the EU has enlarged its spatial, economic and demographic weight by the integration of many states, from Ireland to Greece and from Portugal to the Baltic States. And correlatively, these successive changes of scale have made the need for a deeper level of cooperation and integration among EU member states and their citizens even more essential.

Of course, the initial humanistic purpose of the EU had to be translated into concrete structures of ruling, i.e. into institutional forms and processes. But with the passing years, the situation became more complex. It became apparent early on that a workable balance between the political and technical dimensions of institution building had to be established. These structural needs were then amplified by the dynamics used to integrate new members in a paradoxical mix of technical standardizations in the legal and economic fields, coupled with continual political bargains and tenuous compromises.

As member states and candidates for membership increased during the 80's and expanded even further after the geopolitical reconfiguration of the 1990s, the debates between the advocates and the opponents of extending the perimeter of the EU focused more and more on formal legal treaties and regulations, including economic requirements. In fact, the "economization" of the construction of the EU stemmed in great part from its institutional development processes, a phenomenon which was set into motion in some of the EEC's and EU's founding documents.<sup>5</sup> In contrast to Schuman's insight drawn from the European humanistic tradition, the institutional choices made under the auspices of the EU were formed under marked political and economic constraints. These constraints emerged in response to the need to deal with a number of challenges: discrepancies in the way to deal with the international context of the Cold War, in the national policies which emerged through the restructuring of the European economic and monetary system in the 1970's, and the mimetic changes as a result of the new level financial globalization which the 1980's produced, inspired by principles of a libertarian ideology. The word 'spill over' expresses very clearly the intent and the logic of the European process during these decades. Under these auspices, the construction of a political and social Europe was considered to be a natural consequence of the intertwining of institutional rulings, market-oriented regulations and of the anticipated creation of wealth for member states and their populations.

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<sup>4</sup> Foundation of the European Community for Coal and Steel (1951); Treaty of Rome creating the European Economic Community (1957); launching of the Common Agriculture Policy (1962); successive enlargements to new member states (1973, 1981, 1986, 1995, 2004); treaty of Maastricht creating the European Union with the principles of a unique open market and a monetary union (1992); agreements of Schengen (1995); Treaty of Amsterdam (1997); Treaty of Lisbon (2007); agreement toward a new treaty including the principle of the budgetary "golden rule" (2011).

<sup>5</sup> For example, the Treaty of Rome (1957) organized the free circulation of goods without customs rights between the six founder states. In 1986, the Single Act opened the European markets to foreign investments and authorizes the internal liberty of exchange of services and financial flows. More recently, just before the blow out of the financial crisis, the Treaty of Lisbon (2007) affirmed the principle of "*an open market economy where competition is free*".

As a direct consequence of the Maastricht Treaty, the institution of the Eurozone (EZ), fortified a number of questionable trends. Aiming at a more open space for trade and cooperation within the EU, and at a stronger common position vis à vis other existing or emerging continental major powers, the EZ defined itself through a common currency and thus compelled member states to comply with a precise set of technical criteria. Yet, while the EU included 28 member states, only 17 of them joined the Economic and Monetary Union, confirming there is neither a political consensus between national governments, nor an economic homogeneity behind the expression “European Union.” Moreover, from the international financial crisis beginning in 2007 until now, this critical remark has become significant, even in the theoretically and legally defined area of the EZ. In recent years, tensions between the different national governments have grown higher, and political uncertainty has prevailed in some very exposed countries like Greece or Spain. This has led to opposition among national governments to formulas for monetary recovery imposed by the EU central authorities, while at the same time the pressure of financial markets has only served to exacerbate growing tensions. Without giving a too simplified representation of the present European situation, a political and cultural gap has progressively deepened, which has led to an increasing level of distrust and acrimony during the last four years.<sup>6</sup> Some EU members, such as Germany, are perceived by many less economically powerful member states as not willing to share the fruit of their success, preferring to use their economic capability to promote the aims of their individual economy beyond the borders of the EU. At the same time, within southern European countries like Greece, Portugal or Spain, many social movements, often led by populist leaders, prefer to visualize a future outside the EU, spurred by a desire to re-establish their own individual national sovereignty.<sup>7</sup> To these southerners, the prospect of remaining in the EU is neither an ideal nor the promise of a better future. It is rather viewed as an unwanted form of servitude.

## Some Conceptual Reflections on European Deficiencies and Failures

As a synthesis of these considerations, the European makeup has taken on a more technocratic complexion. As the EU has grown, it has arguably become increasingly dominated by a formalized, top-down organizational structure that is both technical and political. In spite of the efforts made to develop elective processes that promote the power of individual citizens,<sup>8</sup> the European project has come to be governed by an abstract and complicated ruling system. While decisions taken in Brussels have most certainly had many positive effects on the lives of the EU’s 500 million citizens, the way in which decisions are made is often perceived as disconnected from the everyday lives of average citizens. This disconnect often serves to undermine the requirements for providing leadership which can effectively promote the work of building transnational sustainable communities. Such sustainability cannot be promoted by a political and economic system perceived by many as

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<sup>6</sup> In October 2009, the new Greek Prime-Minister raised the forecast of the public deficit of his country to 12.7 % of the GNP. This declaration entailed a string depreciation of Greece’s financial ranking by the rating agencies; consequently, it marked the beginning of the cascade of emergencies known as the crisis of the sovereign debts. After a first aid reaching 110 billion Euros to Greece and the creation of the *European Financial Stability Facility* (EFSF) (Mai 2010), the EU granted aids to Ireland (85 billion Euros, November 2010), to Portugal (78 billion Euros, Mai 2011) and again to Greece (July 2011).

<sup>7</sup> Comparable discourses can even be observed in the group of the 6 member states which signed the original treaties of the European construction in the 1950s.

<sup>8</sup> In 2013, the European Parliament (Brussels and Strasbourg) counts 766 members, directly elected for a period of five years, by more than 400 million people within the member states. The first Parliamentary Assembly was created in 1957, and named EP in 1962, the process of a direct vote by citizens was established in 1979. According to the integration of new member states, the number of the representatives increased and obliges to find, in every new extension, a balance between former and new members.

more intent on securing its own survival, rather than the long-term well-being of those it was created to serve.

Such shortcomings are hardly the only challenge the EU must face. Arguably looming more ominously are the coming effects of climate change and the diminished ecological predictability and sustainability Europe has historically relied upon. As climate change brings with it large scale transformations in the requirements for the maintenance of sustainable agriculture, mobility, access to essential natural resources, housing, food, care and energy for the people all over the world, many long-held assumptions are brought into question. How will we face this challenge? Is it to be through the same means employed to deal with the monetary crisis - the myopic lenses of financial instruments organized around the optimization of short-term profit? Are we condemned to conceive ethics, especially Christian ethics, as simply a moral affirmation of the techno-logical and legal regime of a globalized world ruled by “*experts without spirit*” (“*Fachmenschen ohne Geist*”) and “*pleasure-seekers without heart*” (“*Genussmenschen ohne Herz*”) ? Are we definitively committed to a secularized and disenchanting relation to life and nature? All these questions are borrowed from or inspired by Max Weber, who wrote them a century ago. They characterize “*the deep heuristic schema*” (“*das tiefheuristische Schema*”) of Weber’s work.<sup>9</sup> For Weber, modernity, as the development of rationality, was a kind of Janus, the Roman god with the double face. On one side, modernity offered to humankind new facilities and utilities, related to the progress of technology and the establishment of civil law. But on the other side, modernity appears also for people like a combination of two losses, the “*loss of freedom*” (“*Freiheitsverlust*”) and the “*loss of sense*” (“*Sinnverlust*”).

Today the ethical stakes of globalization and climate change should arguably be expressed through the necessity of reviewing and transcending the dilemma between the legal-technical order of rules and the realm of social sense and spirituality. On one hand, we cannot ignore or underestimate the dangerous pressure of financial rulings that remain highly influential and claim a space at the center of value in many peoples’ lives, as expressed in Weberian terms, a new styled “*iron cage of obedience*” (“*stahlhartes Gehäuse der Hörigkeit*”). On the other hand, more than any perceived economic responsibility is the necessity to accept the growing weight of ecological and social systems that can serve to separate and link diverse countries and peoples. In light of this, responsibility, legitimacy and justice become major ecological concerns for humankind. Dealing with such transnational challenges requires a new and unprecedentedly open-minded approach to international cooperation within the boundaries of the EU and with African, South American and Asian nation-states far beyond Europe. Differences in the circumstances of other countries are not only legal and economic - they are also deeply linked to the diversity of cultures, of their history and of their spiritual traditions. Cooperation between members of the EU cannot be shrunk to a simple balancing of scorecards regarding opportunities, threats, the exploitation of raw materials, the enrollment of low cost workers, or the search for new markets.

From a theoretical outlook, *power* and *authority* are two well-known concepts in the social sciences, especially in the field of sociology. One could even consider that the frequency with which these terms are used in modern sociological discourse has served to limit their capacity to describe real life situations and future stakes. For our purposes, these terms are actually essential – for they serve to not only describe the impediments to building transnational sustainability, but the means by which sustainability can be nurtured and promoted. Max Weber developed a conceptual distinction between power and authority. In the English translation of his writings, the word “power” corresponds to the German concept “*Macht*,” whereas “authority” is given as equivalent to the notion of “*Herrschaft*.”<sup>10</sup>

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<sup>9</sup> According to Müller, Hans-Peter (2007), *Max Weber*, Köln, Böhlau / UTB, p. 22-25

<sup>10</sup> Weber, Max (1921), *Wirtschaft und Gesellschaft*, Mohr Siebeck, Tübingen, p.28-29

According to him, power and authority must both be understood as expressions of social interactions. But they are not characterized by the same meaning and application.<sup>11</sup> In other words, any experience of authority relies on legitimacy, whatever its root – be it charisma, tradition, rationality or legality. In the German source text, Weber particularly insists on the verb “*gelten*” and the noun “*Geltung*,” meaning respectively “to be considered” and “validity,” or “(being) in force or in use”. From the Weberian point of view, legitimacy is regarded as a means of assessing validity. It works dynamically like a process of reciprocal recognition by both parties of the relative positions they occupy.<sup>12</sup>

Weber’s perspective opened the opportunity for a wide range of empirical and theoretical contributions. In the field of political or economic sociology, studies demonstrated early that, despite the formal rationality they establish as condition of efficiency and fairness, systems of rules and norms can be very rapidly perverted and can become oligarchical or unfair practices.<sup>13</sup> Basically inherent to law and technology, formal rules are supposed to offer the best conditions to exert a rational, equitable and sustainable authority over social practices. But as fast as uncertainty grows, some officials and experts tend to harness the control levers and use formal rules not as the initial means defined to serve legitimate goals, such as the common interest for the population, but as ends by themselves, dedicated to fulfilling their own interests. Paradoxically, the initial intent of an authority grounded in legitimacy turns progressively to a cynical power that can be seized by a minority.

This teleological inversion called “goal displacement” (or “*Zweckverschiebung*”) has been central to the work of economic sociology since 1911. It reveals that social cooperation is not only a matter of laws, standards, tools, audits and controls but also a matter of sense, symbols and interpretation.<sup>14</sup> It is absolutely clear that rules are needed in social life, especially rational and formalized rules, in modern or post-modern societies like those of the EU member states. But to remain sustainably legitimate, these rules must constantly be reread and reviewed in the context of uncertainty, unpredictability, and even mystery. From an ethical perspective, our technical, liberal society appeals to the importance of accountability for officials and experts in the legal-technical forms of compliance, such as national regulations or international standards (e.g., Global Compact, ISO26000).<sup>15 16</sup>

<sup>11</sup> Power is exerted as an imposed relation by force or seduction whereas authority is embedded in the frame of an *a priori* hierarchical report between Ego (as superior) and Alter (as inferior). With a predefined type of content, the order given by Ego to Alter can be effective.

<sup>12</sup> See also Suchman, Mark C. (1995), “Managing Legitimacy: Strategic and Institutional Approaches”, in: *Academy of Management Review*, Vol. 20, n° 3, p.571-670

<sup>13</sup> e.g., in the cases of social movements: Michels, Robert (1911), *Zur Soziologie des Parteiwesens in der modernen Demokratie. Untersuchungen über die oligarchischen Tendenzen des Gruppenlebens*, Leipzig, Werner Klinkhardt

<sup>14</sup> Berger, Peter L. and Luckmann, Thomas (1967), *The Social Construction of Reality*, New York, Double Day Anchor; Geertz, Clifford (1973), *The Interpretation of Cultures*, New York, Basic Books ; Giddens A. (1984), *The Constitution of Society*, Cambridge, Polity Press; Snow, David A., and Benford, Rodney.D. (1988), “Ideology, Frame Resonance and Participant Mobilization”, in: *International Social Movement Research*, n° 1, p.197-217; Reynaud, Jean-Daniel (1989), *Les règles du jeu : l’action collective et la régulation sociale*, Paris, Armand Colin; March, James G., Schulz Martin, Zhou Xueguang (2000), *The Dynamics of Rules: Change in Written Organizational Codes*, Stanford (Cal.) Stanford University Press; Boltanski, Luc, and Thévenot, Laurent (1991), *De la justification : les économies de la grandeur*, Paris, Gallimard ; Boltanski, Luc, and Chiapello, Eve (1999), *Le nouvel esprit du capitalisme*, Paris, Gallimard ; Scott, W. Richard (2001), *Institutions and Organizations*, Thousand Oaks (Cal.), Sage; Ortmann, Günther (2004), *Als ob : Fiktionen und Organisationen*, Wiesbaden, VS Verlag für Sozialwissenschaften...

<sup>15</sup> Baertschi, Bernard (2004), *La responsabilité éthique dans une société technique et libérale*, CNRS –Maison des Sciences de l’Homme – Alpes, Grenoble

<sup>16</sup> For an example of justification of such standards on the theme of sustainability: Kell, George (2013), “The value of Comprehensive Reporting”, in: *This is Africa: A Global Perspective*, September-October 2013, pp. 24-25.

The complicated European regulation system governing monetary practices is a particularly obvious illustration of the risks of reducing the project of European integration to an institutional responsibility. First, if the achievement of the EZ (1999) marked an important step on the way to the European economic integration, since 2007 it has appeared to be a very fragile arrangement, as noted by De Grauwe (2009).<sup>17</sup> Furthermore, this fragility has been deepened during the most recent economic crisis by the bifurcation of EU members between those that belong to the EZ and those who remain outside the Euro, a phenomenon which places into question the economic viability of the system itself.<sup>18</sup> In these conditions, institutions like the European Central Bank and other coordination committees have tinkered with fuzzy political compromises and shaky technocratic structures, ostensibly working with the assumption that adjusting such mechanisms is sufficient for ensuring a stable sense of solidarity among nation-states, and among citizens on either side of their borders.<sup>19</sup>

Considering the systemic difficulty of realizing common ends for all those who participate in the system, EU decision-makers have focused on the means in the great tradition of monetarism, as if these means could be in and of themselves efficient substitutes for the lack of purpose and goals in serving the needs of all EU citizens. Under the outward appearance of democratic rulings and technocratic rationality, the double-sided European monetary construction has turned to a 'huge labyrinthine system,'<sup>20</sup> in other words a complicated institutional mechanism, often perceived as disconnected from the human and social realities that should be inherent to its mission.

Similar conclusions could be made regarding the challenge of transitioning the EU to new sources of energy. Over the last 20 years, the EU has downsized its goals regarding a common policy of diminishing the causes of climatic change. Some countries like Germany or Denmark have engaged a national policy of green energy, whereas others, like France, defend their industrial interests in a blind pursuit of improving their nuclear energy capacity. In this light, while the global economic crisis was triggered by the collapse of the real estate market and correlated mortgage subprime system in the United States, its present effects cannot be separated from the long-term challenges posed by climate change and the increasingly complex requirements of maintaining the integrity of ecosystems. Such dual concerns mean that solutions must be found on a wider and more diverse scale, rather than through an exclusive focus on monetary and institutional approaches. And, if the need for a redistribution

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For recent critical commentaries about ISO 26000: Entine, Jon (2012), ISO26000: Sustainability as Standard? (<http://www.ethicalcorp.com/business-strategy/iso-26000-sustainability-standard>) ; or about the debate between ISO and the Global Compact in 2009 (<http://globalcompactcritics.blogspot.fr/2009/07/iso-responds-gently-to-terse-letter.htmlabout>).

More generally, for a significant array of academic criticisms and reflections of the biases and effects of standardization: Brunsson, Nils, and Jacobsson B. (dir.) (2000), *A World of Standards*, Oxford, Oxford University Press, and notably: Higgins, Winton, and Tamm Hallström, Kristina (2007), "Standardization, Globalization and Rationalities of Government", in: *Organization* 14(5).

<sup>17</sup> De Grauwe, Paul (2009), "The Fragility of the Eurozone Institutions", research article in: *Open Economic Review*, published online, 22 December 2009.

<sup>18</sup> Sifakis-Kapetanakis, Catherine (2011), "EU Institutional Framework and Euro zone Crisis" available at : [http://www2.euromemorandum.eu/uploads/ws5\\_sifakis\\_eu\\_institutional\\_framework.pdf](http://www2.euromemorandum.eu/uploads/ws5_sifakis_eu_institutional_framework.pdf)

<sup>19</sup> Concerning the steering of the monetary policy, the governance of the European Central Bank differentiates the Board of governors (members of the EZ) and the General Board (including the non members of the EZ). In the same way, the European Board in charge of the Systemic Risk (prevention and control of macro financial risk) splits the attributions of its chairman and those of the vice-chairman. And last but not least, the coordination of the budget policies is the competency of the Council of ministers has two levels, the Eurogroup as a consultative and informal meeting structure open to EZ members, and the Ecofin, common to the ministers of the whole EU.

<sup>20</sup> Adapted and translated from the French idiomatic expression « une véritable usine à gaz »: Demma, Claude (2013), « Zone Euro-zone non Euro : le casse-tête des deux Europes », in: *L'Europe a-t-elle un avenir ?*, *Alternatives Economiques*, Hors-série n° 95, pp. 46-47.

of added-value are real throughout the world, including the EU, an effective means addressing these multiple challenges will not be realized through exclusively economic solutions, even if they are on the scale of Roosevelt's post-Depression New Deal program.<sup>21</sup> Whatever the complexity of the economic stakes could be - economic being understood here in a wider sense than monetary or financial - the stakes go beyond the capacity of simply establishing new regulatory frameworks for investments, trade and cooperation. The connection between the present turmoil affecting financial capacities, ecological sustainability and growing resource scarcity requires that solutions to the EU's economic challenges involve not only political institutions and the technocratic processes of decision-making and enforcement. The nature of climate change itself is transnational, and affects all countries, including the EU's wealthiest members as well as those on its economic margins.<sup>22</sup> So too does climate change and its attendant ecosystem challenges affect individual EU citizens across all social locations, and in turn arguably serves to underscore the factors which further the delegitimization of political mechanisms which comprise the EU's transnational democratic systems.<sup>23 24</sup> This amalgam of challenges finds the EU standing at the crossroads.

<i>Domains of Action</i>	1960s	1970s	1980s	1990s	2000s
Free circulation of the workers and coordination of national insurance schemes					
Equality of remuneration and treatment between the women and the men					
Health and Safety in the work					
Education and vocational training					
Employment					
Fight against discrimination					
Convergence of the systems of social welfare					
Pensions					
Health care					
Fight against social exclusion					
<b>No European Action</b>	<b>Regulative Action</b>		<b>Distributive Action</b>	<b>Coordination of the National Policies</b>	

Positioning of European Social Action: Adapted from Palier (2013: 67)<sup>25</sup>

<sup>21</sup> Lipietz, Alain (2013), « Transition énergétique : dernières chances pour l'Europe », in: *L'Europe a-t-elle un avenir ?*, *Alternatives Economiques*, Hors-série n° 95 pp. 70-72.

<sup>22</sup> For the UN Human Development Indicators ranking, see the reports (1990-2013): <http://hdr.undp.org/en/reports/>.

For an intra-European analysis: Lefebvre, Mathieu, and Pestieau, Pierre (2012), *L'État-providence en Europe : performance et dumping social*, Paris, Editions de la Rue d'Ulm (GEPREMAP).

For the territorial and social inequalities in France: Haas, Sandrine, and Vigneron, Emmanuel (2010), *Solidarités et territoires: l'engagement des établissements hospitaliers et services privés d'aide à la personne non lucratifs*, FEHAP / La Nouvelle Fabrique des Territoires.

<sup>23</sup> Maurin, Eric (2009), *La peur du déclassement : une sociologie des récessions*, Paris, Seuil

<sup>24</sup> Dupuy, François (2005), *La fatigue des élites*, Paris, Seuil

<sup>25</sup> Palier, Bruno (2013), « Le long chemin de l'Europe sociale », in: *L'Europe a-t-elle un avenir ?*, *Alternatives Economiques*, Hors-série n° 95, pp. 66-68

## Democracy and Legitimacy in the Eyes of European Citizens

In a recent book entitled « *Les ennemis intimes de la démocratie* » ("the intimate enemies of democracy"), the French philosopher Tzvetan Todorov (2012) engages in a critical questioning of the meaning of democracy. He asks whether or not modern expressions of democracy are reducible to a kind of virtuous incantation, a pure verbal excitement, actually disconnected from the experiences of people living under its auspices. This question notably concerns the phenomenon of European integration, almost 70 years after the end of WWII, and 25 years after the fall of the Berlin wall. After decades of continental rivalries, world wars, ideological totalitarianisms and the absolute horror of the *Shoah*, the EU found its first roots in the resolution of "never again," grounded in the desire for peace among the civil populations of war torn countries.

This sentiment was understood and shared by a group of western politicians, probably not saints, but pragmatic and engaged officials, who were fully aware of the impasse of any prospect of nationalist withdrawals or revanchism.<sup>26</sup> More recently, the major geopolitical changes of the European map in the 1990s seemed to give a new hope of revival for the ideals of a continent at peace, gathering at last its eastern and the western regions after 50 years of profound division. But far beyond this somewhat stereotypical representation of a complex, non-linear historical process, Todorov wonders about the present weakening of the European democratic model. He emphasizes the entanglement of many factors in this worrying evolution. According to him, the European integration is undermined by major drifts like changes in the way people think within a heterogeneous framework of countries and communities, as well as the triumph of a technocratic, legal and short-term formalism in the way the European project itself is managed. In that context, the present reality of the EU could be compared to a postmodern avatar of the humanistic and modernist idea of democracy. Freedom, as a condition of democracy, has to go through the experience of the individuals without whom no community and no union can be effective. In other words, the EU project claims to respect the letter of its intent so obsessively that the spirit is lacking. As a consequence, Todorov points out that this formal, institutionalized and technocratic way of construction introduces harmful effects into the democratic life within its own territories and communities. Tied up in a web of dilemmas, contradictions and democratic failures, the logic of European integration leads to misunderstandings, rejections and self-interested withdrawals that are exploited more and more by populist movements in many EU countries. Paradoxically, in the EU today, nobody seems to dispute the abstract principle of democracy; but, despite this apparent consensus, only a few people seem to be able to engage themselves in a democratic project that goes beyond their own self-interest.

As we come to the end of the first portion of our analysis, our critical and conceptual approach sounds quiet pessimistic, like Todorov's analysis. But as we move to the second portion of our analysis, it is our intent that our reflections open the way for hope and positive responses. These responses are not positive in the modernist sense of the triumphal march of an endless progress, but instead are offered in what we hope is the spirit of a humble, pragmatic and humanistic approach, aimed at exploring potential avenues for promoting transnational cooperation and solidarity among individuals, communities and nation-states of the European Union.

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<sup>26</sup> See for example the interesting biography of Robert Schuman written by an historian: Roth, François (2008), *Robert Schuman: du Lorrain des frontières au père de l'Europe*, Paris, Fayard)comment about. An anonymous but official comment is available on the site of the government of the Grand-Duchy of Luxemburg ([www.europaforum.public.lu/fr/temoignages-reportages/2008/10/roth-schuman/index.html](http://www.europaforum.public.lu/fr/temoignages-reportages/2008/10/roth-schuman/index.html)); it is entitled « "Père de l'Europe" ou "saint en veston" ? » ("The 'Europe's father' or A 'Saint in jacket'?"). In fact, as he was his lifelong an engaged member of the Roman Catholic Church, Robert Schuman was proposed after his death for a beatification process which is still pending today.

According to Todorov, salvation does not emerge from outside, but rather from within people through their inner capacity for self-criticism, and the human search for improvement. This aspiration does not mean a passive obedience or submission to the belief of the endless progress of humankind. Quite to the contrary, Todorov insists on the importance of an ethical ideal, relying far much more on the deep and existential needs of trust and hope than on technical or political calculation. In that sense, restoring an open perspective in the project of European integration requires the willingness to instigate and support initiatives which promote transnational commitments to sharing, cooperating and developing competencies, sense and trust across nation-state borders.

Social cooperation and ethical attitudes are not only a matter of laws, standards, tools, audits and controls, and they are no longer only a matter of monetary criteria or financial regulation. The legitimacy of the European project, as well inside as outside of the EU borders, is fundamentally a dynamic and collective reconstruction of understanding, perception and willingness. It requires the use of living symbols in action, like the willingness to share interpretation in the respect of various identities.<sup>27</sup> These elements correspond to the concept of “*binding factors*,” without which no social action can be structured, and no social structure can produce action,<sup>28</sup> particularly in the context of the complexity and uncertainty of post-modern societies.<sup>29</sup> For this reason it is utterly clear that rules are needed in social life, especially rational rules, always more sophisticated, in contemporary European society. But to remain sustainably legitimate, these rules must constantly be reread and reviewed in the context of uncertainty, unpredictability, and abiding mystery.

## The EU As It Could Be: Authority, Power and Agency in an Eco-Centric European Union

As outlined in the first half of our paper, the shortcomings of privileging a monetary definition of community among EU member states are clear and numerous. Such shortcomings suggest two critical questions: 1. To what degree should market-oriented and monetary relationships be allowed to define the deepest core realities of relations between EU member states? And 2., What are the principal non-monetary means that might serve to promote and fortify sustainable ties among EU member states? As the Dutch and Canadian ecological thinkers Wackernagle and Rees have observed, the *human economy*, most readily expressed in monetary terms, is in some respects an artificial construct, one that allows governing bodies to unilaterally print currency, and determine its value detached from clear foundational value.<sup>30</sup> They argue that it is in fact what they call *earth economy*, defined in terms of specific and limited “natural capital” (such as fish stocks, arable land and fresh

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<sup>27</sup> Berger, Peter L. and Luckmann, Thomas (1967), *The Social Construction of Reality*, New York, Double Day Anchor; Geertz, Clifford (1973), *The Interpretation of Cultures*, New York, Basic Books ; Giddens A. (1984), *The Constitution of Society*, Cambridge, Polity Press; Snow, David A., and Benford, Rodney.D. (1988), “Ideology, Frame Resonance and Participant Mobilization”, in: *International Social Movement Research*, n° 1, p.197-217; Reynaud, Jean-Daniel (1989), *Les règles du jeu : l'action collective et la régulation sociale*, Paris, Armand Colin; March, James G., Schulz Martin, Zhou Xueguang (2000), *The Dynamics of Rules: Change in Written Organizational Codes*, Stanford (Cal.) Stanford University Press; Boltanski, Luc, and Thévenot, Laurent (1991), *De la justification : les économies de la grandeur*, Paris, Gallimard ; Boltanski, Luc, and Chiapello, Eve (1999), *Le nouvel esprit du capitalisme*, Paris, Gallimard ; Scott, W. Richard (2001), *Institutions and Organizations*, Thousand Oaks (Cal.), Sage; Ortman, Günther (2004), *Als ob : Fiktionen und Organisationen*, Wiesbaden, VS Verlag für Sozialwissenschaften

<sup>28</sup> Giddens, Anthony (1984), *The Constitution of Society*, Cambridge, Polity Press.

<sup>29</sup> Giddens, Anthony (1990), *The Consequences of Modernity*, Cambridge, Polity Press ;

<sup>30</sup> Wackernagle, Mathis and Rees, William E., *Our Ecological Footprint: Reducing Human Impact on the Earth*, (Gabriola Island, B.C.: New Society Publishers, 1996).

water) which is the true foundation of economic reality. *Earth economy* is thus the ecological equivalent of a currency being tied to a gold standard. There are only so many hectares of arable land – more cannot be printed at will. While viewing relations among nation-states through the lens of *earth economy* cannot be done without acknowledging the great importance of the human economy, it does in fact open the door to new and arguably more sustainable definitions of *authority, power* and *agency*.

How might Authority be defined among EU member states in positive and proscriptive ways that cleave to the realities of Earth economy? The work of the Lutheran social ethicist Larry Rasmussen invites us to consider the ecological realities of the land itself as a principle source and a starting point – the land with its geographic contours and common ecosystems that do not always respect political borders. The integrity of such systems, Rasmussen notes, cannot be secured by individual nations acting alone, but only through sustained levels of cooperation and coordination.<sup>31</sup> A portion of the ozone cannot be purchased or preserved by even the wealthiest nation. The phenomenon of climate change itself only underscores the reality of this ecological interconnectivity. For example, diminished snow packs in the mountains of Switzerland and France affect the water levels and ecological resilience of rivers in Germany, Italy, and Spain.<sup>32</sup> These interconnected ecological realities serve to determine the far more durable borders of bioregions that transverse multiple nation-states, and whose ecological integrity has measurable impacts on the long-term prospects for sustainable employment, food security and human migration patterns. Such transnational ecological connectivity suggests that human economic activity that aims for long-term resilience must therefore be more concretely tied to *earth economy* realities by design based in foresight. Sustainable employment, food security and the promotion and support of transnational sustainable communities will not be achievable in the absence of deepening this connection.

While theoretical ecological arguments are attractive, they do not increase sustainability without concrete application. The work of building transnational sustainable communities that deepen ties among EU member states requires the use of common languages. While the Euro itself clearly offers a common language – to the good and detriment of the transnational community it serves – what other languages might the EU harness to strengthen ecologically sustainable ties among its member states? One among many answers to this question is found in the work of the Italian thinker Carlo Petrini, the founder of the International Slow Food movement and the network of food communities it produced, called Terra Madre. The aim of Terra Madre is to create connectivities among consumers, cooks and farmers which privilege sustainable agricultural practices, while teaching the value of honoring and fortifying local cultures through the common hermeneutic of food, a language spoken and celebrated across the EU. Petrini argues that the third industrial revolution will not be based on the work of financial actors or information technology innovators, but rather through the collective choices, actions and work of farmers and consumers - average people on the ground – who must intimately live within the limits defined by the authority and power of the ecosphere itself, grounded in the realities of climate change.<sup>33</sup> Petrini argues that the work of Terra Madre is to help people to see that their true neighbors often live on either side of artificially drawn political borders.

The eco-centric notion of *power* in this case is measured by the degree to which regional communities can meet their resource and waste disposal needs within their own respective

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<sup>31</sup> Rasmussen, Larry, *Earth Honoring Faith: Religious Ethics in a New Key*, (New York: Oxford University Press, 2013) and *Earth Community, Earth Ethics*, (Maryknoll, NY: Orbis Books, 1996).

<sup>32</sup> For a comprehensive and accessible explanation of resilience, see Walker, Brian and Salt, David, *Resilience Thinking: Sustaining Ecosystems and People in a Changing World*, (Washington, DC: Island Press, 2006).

<sup>33</sup> Petrini, Carlo, *Terra Madre: Forging a New Global Network of Sustainable Food Communities*, (White River Junction, VT: Chelsea Green Publishing, 2010) p. xix.

bioregions. As bioregions often do not neatly fall within politically drawn borders, the language of intra-European diplomacy must now move beyond its current focus on privileging monetary cooperation and competition between communities defined by national identities. Moving beyond the privileging of diplomacy being conducted by national governments, eco-centric approaches to building bridges among people of different European nationalities opens the door to elevating the practice of paradiplomacy – the conduct of diplomacy by subnational, regional and local governments on either side of national borders, as well as civil society actors, including the members of Terra Madre’s food communities.<sup>34</sup>

The definitions of power that emerge from this approach include not only the power that comes from being able to identify and speak the common transnational language of agriculture, but also the power of the ecosphere itself, which can increasingly be seen as having its own, often unpredictable *agency*. For example, as climate change necessitates increasing adaptations in the practice of viticulture, and impacted human migration patterns alter the ethnic identities of those who harvest the grapes, the processes that produce wines that serve to define regional identities reveal new dependencies and new vulnerabilities that do not respect national borders. At the same time, the experiences of one community in a particular ecological niche may well provide crucial insights to coping with the effects of climate change in another. For example, a wine grower in Spain’s arid region of Extremadura may well be the best source of information for French Burgundian wine makers who are struggling to maintain their standards and output in a modern or future France in need of more rain. In this light, earlier definitions of *agency*, which focused on financial commerce and standards, now give way to the need to acknowledge that in fact there are many factors over which traditional arbiters of power no longer have as much agency as they imagined. Agency in this regard is rooted in the willingness and ability to *adapt* and in turn to *share* what has been learned in one context with those who struggle in another location. As climate change brings ecological systems previously thought to be stable to what resilience theory calls the stage of release or collapse, human adaptation and the efficacy of agricultural practices that draw on the evolving creativity and agency of people on the ground gain a vital, new level of importance.

## Applying the Insights of Ecological Realism to the Practice of Diplomacy and the Building of Transnational Sustainable Communities Among EU Member States

Defining relations among EU member states in terms of monetary and financial instruments only serves to fortify the cleavages and competition endemic to the disadvantages of a *realpolitik* (realist) worldview. Such an approach to diplomacy privileges a broad set of materialistic assumptions regarding human exchanges, and understands nation-state conduct as guided by the desire to acquire, retain and project power. It is this worldview that sees alliances among nation-states as only temporary by definition, and the individual, sovereign nation-state as the largest durable human entity capable of sustainability. Modern interpreters of *realpolitik*, such as Hans Morgenthau, argue that the rules that have governed the praxis of political realism were founded in European antiquity, and are impervious to change.<sup>35</sup>

In stark contrast to the realist view of relations among nation-states, *ecological realism* holds that power cannot be defined in terms of the capacity of individual nations to coerce

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<sup>34</sup> Cornoago, Noé, “Perforated Sovereignities, Agonistic Pluralism and the Durability of (Para)diplomacy,” in Constantinou, Costas M. and Der Darian, James, eds., *Sustainable Diplomacies*, (Basingstoke: Palgrave Macmillan, 2010) pp. 89-108.

<sup>35</sup> Morgenthau, Hans J., *Politics Among Nations: The Struggle for Power and Peace* (New York: Alfred A. Knopf, 1978).

other nations through the use of economic or military means, but rather that *real power* emerges from the capacity of a nation or a group of nations that share a common bioregion to protect, cultivate, efficiently utilize and share natural capital.<sup>36</sup> The recognition that bioregions themselves are the central arbiters for defining borders and common realities among human populations is central to the worldview of ecological realism.

What might it mean if EU member states were to define their relationships and the project of transnational community building among member states through the lens of ecological realism? In broad terms, authority in this light would have to be seen in terms of the ecosphere itself, and its capacity to strengthen and diminish ecological, social, cultural and economic resilience. In this way, the monetary fortunes and economic exposure of individual European economies would have to be re-evaluated in light of their dependency on the climate not changing. At the same time, what might be seen through a *realpolitik* lens as sources of strength (such as autonomy) could come to be seen as sources of weakness. And what is traditionally seen as weakness (such as dependency), could come to be seen as a source of strength insofar as dependency necessitates the deepening of transnational ties, while potentially revaluing the moral guidepost of fiduciary responsibility toward one's neighbors. In turn, ecological realism holds that while primary agency is governed by the ecosphere itself, human agency is rooted in people having the capacity *to understand the requirements of sustainability*, and the willingness to recognize and be guided by the fact that EU nations and their citizens live in a web of intimate ecological interdependence. While many economic commentators have observed that the long-term viability of the Euro is diminished due to the lack of a universally acknowledged central monetary authority, the ecosphere itself is both contiguous and central to multiple transnational European realities. In this regard, natural capital is a currency that will remain viable and valuable regardless of the fluctuations or vicissitudes of the human economy.

## Religion, Ethics and the Requirements of Building Community in a Pluralistic European Context

There is little question that currently one of the more corrosive sources of tension within the EU is rooted in the fear and resentment associated with modern encounters of those who are considered "Other" by dominant European groups. Whether it is through increased levels of human migration that open borders allow, through illegal immigration by those seeking to escape the limits of the economic South, or by the growing influence of Islam associated with newcomers to the EU in a historically Christian Europe, cleavages old and new are impacting the viability of normative European models of social and cultural sustainability. This encounter with an Other who is growing in numbers and influence has invited EU member states and individual citizens to re-evaluate how modern European identities are defined, interpreted and claimed.

Some who would prefer the diminishment or even dissolution of the EU claim that this development is one of the root causes of European economic instability, and calls into question the long-term viability of maintaining a Europe that is congruent with its historical roots. Yet others see the growing ethnic, religious and cultural pluralism of the EU's population as a welcome development, one that holds the potential to give birth to a Europe which is more profoundly transnational and more concretely interconnected with nations, economies and cultures beyond the borders of the EU.

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<sup>36</sup> For a more amplified description of ecological realism, see Wellman, David Joseph, *Sustainable Diplomacy: Ecology, Religion and Ethics in Muslim-Christian Relations* (New York: Palgrave Macmillan, 2004) pp. 29-41.

Building transnational sustainable communities requires acknowledgement of the spiritual dimension of human connectivity and difference. To this end, the economic, political and cultural developments which have infused a greater level of human diversity into the life of EU member states simultaneously invites members of historically dominant European groups to interrogate their own religious and cultural identities and claims in a new light. This phenomenon is played out in different ways in different contexts. In a France constitutionally committed to a strong secularism, the encounter with an overtly religious Other is an invitation for French citizens to examine what remains of the influence of Christianity in their own lives and the architecture of French culture. In Spain, the encounter with North and Sub Saharan Africans is an invitation for Spaniards to acknowledge their collective debt to their own profoundly African and Islamic roots. In Romania human migration is a double sided coin, one in which Romanians themselves experience becoming the Other while searching for work in Western Europe, while those who remain at home define themselves over against their ethnic Hungarian, German or Roma neighbors whose ancestors arrived in earlier migrations.

All of these encounters are arguably an opportunity for citizens of the EU to acknowledge the utility of understanding not only the cultural impact of religion, but also its abiding influence on the way moral norms are formed in ostensibly secular cultures. Operative definitions of hospitality, justice and responsibility to one's neighbors are all arguably intimately connected to what were originally religious claims. At the same time, the encounter with the religious Other highlights the limitations that are placed on individuals and populations who are religiously illiterate – both in terms of understanding their own religio-cultural identities and those of people who do not share their identity. The value of such knowledge has little to do with whether or not one is an actual practitioner of a tradition.

Yet beyond the cultural and intellectual value of understanding religion, those who seek to nurture and broaden sustainable communities would do well to critically examine the spiritual dimension of human connectivity with the land and every community that is defined by its relationship to the land. That the ecological crisis should be seen as the primary challenge of the present and future is clear, but what has not yet become clear is that the common ecosphere we share provides the lingua franca of a new type of diplomacy – one in which words like “air,” “water” and “land” are readily apprehensible and present the possibility of conveying profound spiritual meaning. It is these words that hold the potential to become the building blocks of communities that have the capacity “see” beyond the limits of the national borders of individual nation-states, and visualize a new approaches to peace building and cooperation. The requirements of building ecological sustainability in the context of climate change necessitates acknowledging that some components of the ecosphere cannot be owned and controlled by any one nation-state, and that their potential conservation or destruction are connected to competing claims rooted in divergent religio-cultural worldviews and theological anthropologies. The common ecological needs of populations on either side of these cleavages is one key to understanding new approaches to transnational community building.

The project that eventually became the EU was a highly creative and profoundly ambitious response to the incalculable loss of life born of two world wars, which wove together the death of millions, the destruction of economies, and unprecedented levels of coercive nationalism and xenophobia. It was the recognition that the borders of sovereign, individual nation-states were in fact not the best guarantor of security which informed the construction of a common European community. As the power of the memory of the events that led to the EU's formation fades among younger generations, one might actually consider the common transnational ecological crisis – though a tragedy on multiple levels, as also a gift – one that holds the potential to necessitate a new and more profound level of inter-European

cooperation. For it is the transnational nature of the ecological crisis itself that reveals a common European ecological history and a new language of diplomacy, grounded in the requirements of ecological sustainability and survival. This is a language whose authority, power and agency go well beyond the myopia and short-sightedness of an exclusively financial or institutional set of concerns. The power of this new language lies not only in its ability to speak to material realities. Its power also illumines the spiritual dimension of relations – one that engages core values rooted in land, food, diverse human cultures and respect.

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# The Effects of Rewards on Spillover in Environmental Behaviours: Monetary vs Praise Rewards

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## Abstract

The paper focuses on the so-called spillover effect in the environmental domain, or the tendency of individuals adopting a specific green behaviour to behave environment-friendly also in other, not related contexts. Different psychological mechanisms explaining this process have been singled out in literature (e.g.: Self Perception Theory, Cognitive Dissonance Theory, etc). However, there is no general agreement neither on the strength nor on the drivers of spillover. The study provides a value added to literature by analyzing the role played by specific factors (so far neglected) in hindering or spurring spillover: monetary and non-monetary rewards. A real-life experiment is carried out on a sample of undergraduate students from Aarhus University (Denmark), based on a panel study with online surveys filled in twice: before and after the experimental intervention. The latter consists of encouraging the uptake of a specific green behaviour (purchase of sustainable products) for a period of 6 weeks, investigating the effects on different behavioural domains and the role played by incentives. Results show how the nature of incentives has a relevant direct impact on the behaviours being incentivized, whereas no significant spillover effect to other behavioural domains is detected.

**Keywords:** Spillover, Sustainability, Rewards, Motivation

## I. Introduction

We do not inherit the earth from our ancestors: we borrow it from our children.

The underlying assumption of this famous saying is that we need to take action to preserve and improve the social and environmental heritage that our generation will pass onto future ones. All actors at different levels of society ought to feel involved in the process, from policy makers and corporations to single individuals, who can (and must) play a relevant role by adopting sound behaviours in their everyday lives: ethical behaviours at the individual level represent indeed the core element and the basis for a switch to ethical societies at large.

I here focus on ethical behaviours dealing with the issue of sustainability, as I investigate how different *green* behaviours connect to, and influence, each other. I refer to positive *spillover* as to the phenomenon (and related psychological mechanisms) according to which the uptake of a green behaviour in a given domain *spills over*, increasing the chances of other environmentally sound behaviours being carried out in different, not correlated domains.

The study that I hereby present is part of a broader research project on pro-environmental spillover. First, I investigated the existence itself of a positive contamination between green behaviours, with the results of my analyses corroborating the spillover hypothesis<sup>1</sup>. Then, building on such preliminary evidence, I focus on the role played by external drivers like monetary and non-monetary incentives in spurring or hindering spillover. The choice of the specific driver to be investigated reflects the need to fill a gap in the literature on spillover: to my knowledge, only one empirical study assessed the role played by rewards in such framework, albeit from a different perspective (Evans et al. 2013).

The work is hence organized as follows: after an introductory paragraph providing a theoretical framework to spillover, a literature review on the effects of rewards on motivation and behaviour is presented. Then the research hypotheses are specified and the methodology of the study, as regards both research design and data collection, is described in detail. The results of the data analysis are reported and discussed, with concluding remarks on the limitations of the study and ideas for further research.

## II. Spillover: theoretical background

The literature on spillover is vast and growing, as numerous studies analyzed the strength of positive contamination between pro-environmental behaviours investigating whether going green in one domain acts like a *nudge*, leading to environmentally sound behaviours in other domains.

No general agreement has been reached as regards the existence of positive spillover. Some scholars suggest that behaviours are not correlated, so that what individuals do in one domain has no effect in other domains (Gray 1985, Pickett et al. 1993, McKenzie-Mohr et al. 1995). Others speculate that individuals contributing to the environmental cause in a specific domain believe they have provided a *fair contribution*, diminishing their willingness to behave consistently in other domains. This psychological mechanism, which is referred to as *contribution ethics* (Guagnano et al. 1994, Kahneman et al. 1993, Thøgersen and Crompton 2009), could lead to negative spillover, and get exacerbated by self-serving biases overemphasizing the effective contribution provided to the environmental cause (Pieters et al. 1998).

This brief outline indicates that the hypothesis of a positive spillover between pro-environmental behaviours is not universally accepted in the academic community; however,

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<sup>1</sup> The paper focusing on this part of the project has been submitted to an international journal and is currently under review (co-author: John Thøgersen)

most of the studies on the topic suggest that green behaviours are indeed positively correlated (Berger 1997, Scott 1977, Kals et al. 1999, Maiteny 2002, De Young 2000, Frey 1993). There is a number of psychological models and theories that support and explain the spillover hypothesis.

According to Self-Perception theory, we use our past behaviours as cues of our own dispositions (Bem 1972). If I do something green, I develop a self-image of a person caring about the environment, so that it is likely that I will use this as a reference for future behaviours. Consistently with Self-Perception theory, the *foot-in-the-door* paradigm (Freedman and Fraser 1966) suggests that people carrying out a small request first are more likely to comply with more demanding requests later. A possible explanation is that the first task acts like a nudge, with individuals using it as a guide for subsequent behaviours.

According to Cognitive Dissonance theory (Festinger 1957), individuals tend to act consistently across behaviours since inconsistent behaviours cause feelings of discomfort: for instance, if I am environmentally responsible in the realm of green purchasing, I would feel uncomfortable in behaving unsustainably in the domain of recycling, and so on. The theory is consistent with a vast body of empirical investigations even in the environmental domain (Dickerson et al. 1992, Aitken et al. 1994).

Knowledge theories focus on how a learning-by-doing process can increase environmental awareness which in turn can drive sustainable behaviours also in domains different from those where such knowledge and capabilities originated, although some scholars suggest that the role of awareness should not be overemphasized (see Kollmuss and Agyeman 2002 for a review on the topic).

Lastly, while most of the literature on pro-environmental spillover is clearly linked to one of the above mentioned theoretical frameworks, it should be noted that there are studies with an *implicit* theory on spillover (Diekmann and Preisendörfer 1998). If it is safe to infer that awareness, self-perception and consistency are relevant factors in shaping spillover trajectories, there are indeed other elements that might be taken into consideration, both internal like values and norms (Thøgersen and Ölander 2003) and external like incentives, whose effects are the subject of the present paper.

### III. The effects of rewards on intrinsic motivation and behaviour

Rewards represent a broad and heterogeneous family. I focus on two specific categories: monetary rewards (consisting of a financial incentive to carry out an activity) and verbal (or praise) rewards, consisting on praising the individual for an activity and providing positive performance feedback. Rewards have an impact on the motivation of individuals. By intrinsic motivation I consider the doing of an activity for its inherent satisfactions rather than for some separable consequence (Ryan and Deci, 2000). Extrinsic motivation, on the other hand, refers to whenever an activity is done in order to attain some separable outcome (Ryan and Deci 2000), so that the carrying out of the activity is spurred by its instrumental value rather than intrinsic enjoyment.

The ultimate effect of external (monetary or praise) rewards on intrinsic motivations and behaviour is still an object of debate, as it is still equivocal whether the latter can be hindered, or spurred, by the former (Cameron, Banko and Pierce 2001, Cameron and Pierce 1994, Deci, Koestner and Ryan 1999, 2001). Indeed, controversy characterized the debate since the early 1970s, when decades of behaviourist dominance in motivation research (according to which reinforcements such as external rewards are the best motivators of behaviour) was challenged by cognitive explanations of motivation.

Cognitive evaluation theory (Deci 1975, Deci and Ryan 1980) specifies the factors determining variability of intrinsic motivation, based on the assumption that individuals evaluate a task basing on its capability to satisfy human need to be competent and in control.

Self-determination theory (Deci and Ryan 1985) incorporates cognitive evaluation theory, but is broader in scope. Self-determination theory suggests that the three core psychological needs of individuals are needs for competence (or effectance), relatedness, and autonomy. “People are inherently motivated to feel connected to others within a social milieu (relatedness), to function effectively in that milieu (effectance), and to feel a sense of personal initiative in doing so (autonomy)” (Deci and Ryan 1994). Cognitive evaluation theory can hence be considered a sub-theory of self-determination theory, specifically focused on those factors hindering or spurring intrinsic motivation. It suggests that intrinsic motivation can be either increased or decreased by rewards according to two properties of the latter, namely information and control, and how they affect our self-determination and perception of competency. As regards the informational aspect of a reward, cognitive evaluation theory predicts that intrinsic motivation will be enhanced if the reward itself conveys the message that the person is competent. On the other hand, the controlling aspect may lead to the sense of uneasiness that people usually perceive when they feel being controlled from the outside. Locus of causality is the degree to which individuals perceive their behaviour to be self-determined rather than driven from other people. If outside pressures are perceived, people may feel an external locus of causality. Rewards perceived as controlling might hence lead to an outward shift of the locus of causality, and a subsequent undermining of intrinsic motivation. It is hence important to analyze the type of reward contingency to determine whether a reward is to be perceived as informational or controlling and, if both aspects are salient, further factors have to be considered in making predictions (Deci et al. 2001).

Praise rewards usually enhance perceived competence and subsequently motivation. If people engage in a given behaviour specifically to gain praise, however, a controlling element emerges, thus decreasing intrinsic motivation (Deci et al. 2001). Tangible rewards such as monetary incentives, on the other hand, are usually (yet not necessarily) perceived as controlling and aiming at inducing people to adopt behaviours they would not adopt in the absence of the reward, thus undermining intrinsic motivation. Moreover, tangible rewards can be either expected or unexpected (Deci et al. 2001), and task-non contingent, task-contingent and performance-contingent (Ryan et al. 1983). The expected vs unexpected reward dichotomy is relevant insofar rewards have motivational implications only as long as individuals are aware they are getting them (that is, rewards are expected), so that they may engage in a behaviour (also) to obtain the reward. In such a case, intrinsic motivation to perform the task could be undermined. Task non-contingent rewards do not require performing a task per se, as they are linked to other reasons such as experiment participation. Task contingent rewards, on the other hand, require performing the task while performance contingent rewards require not only performing an activity, but also meeting given standards, criteria or scores. Task contingent rewards can be further disaggregated in completion contingent rewards and engagement contingent rewards according to whether engagement alone in an activity is required, or also completion of the task itself.

Cognitive Evaluation theory originally developed in the fields of educational research and motivation in organizations, but its insights can be easily adapted to a broad range of domains characterized by the interaction between rewards and intrinsic motivation, including environmental behaviours (Koestner et al. 2001, Pelletier 2002, Thøgersen 2003). Moreover, notwithstanding the relevant role played by rewards, it has to be stressed that cognitive evaluation theory applies to the effects of many other external factors as well, such as evaluations (Smith 1975), deadlines (Amabile et al. 1976), competition (Deci et al. 1981) and externally imposed goals (Mossholder 1980).

The empirical evidence supporting Cognitive Evaluation theory is growing. In his seminal work on the issue, Deci conducted two laboratory and one field experiment, investigating the effects of rewards on intrinsic motivation (Deci 1971). The laboratory experiments showed

that different types of incentives had different effects on the intrinsic motivation of individuals: whereas monetary incentives diminished motivation and effort, the opposite happened for non-monetary incentives such as verbal praise and positive feedback. Deci's hypothesis has been backed by the outcome of the field experiment as well, as monetary rewards proved to be counterproductive from the point of view of intrinsic motivation. Pritchard and colleagues conducted a similar study in 1977 to test Deci's hypothesis, and the results of their laboratory experiment confirmed that monetary rewards decreased the motivation to perform a given activity. Interestingly, these results are common also to studies carried out on young individuals like nursery school babies. In a 1975 experiment where children completing a simple task were divided in three groups (with expected reward, unexpected reward and no reward respectively), Lepper and Greene found that children in the expected reward condition decreased in intrinsic motivation whereas those in the other two conditions maintained it.

Since the 1970s, numerous studies on the rewards-motivation relationship have been carried out, as well as different meta-analyses on the topic. Most of these works lead to results consistent with cognitive evaluation theory, and external rewards playing a downgrading role on intrinsic motivation (Rummel and Feinberg 1988, Wiersma 1992, Tang and Hall 1995, Deci et al. 2001). The meta-analysis of Tang and Hall is the more comprehensive meta-analysis conducted, with a review of 50 studies that overcame shortcomings that limited the reliability of previous works (such as the lack of contingent-non contingent, or expected-unexpected disaggregation of rewards).

It has to be pointed out that Cognitive Evaluation theory received critiques, as well. The work of Cameron, Pierce and colleagues (Cameron and Pierce 1994, Cameron et al. 2001) reached the conclusion that rewards seemingly have no impact on intrinsic motivation (if not enhancing it altogether), baldly suggesting the abandoning of Cognitive Evaluation theory. Many scholars argued however that such critiques are not well grounded (see Kohn 1996, Lepper et al. 1996, Ryan and Deci 1996), since the meta-analysis of Cameron and Pierce was invalid and its conclusions false. Many flaws reportedly undermined the reliability of the results, such as the emphasis on boring tasks (which by their very nature have little to no intrinsic motivation) or failure to include studies showing negative effects of reward on performance.

In light of the various flaws in these meta-analyses, Deci, Koestner and Ryan (1999) teamed up to compose the most comprehensive meta-analysis of the time on rewards, where 128 studies were examined. The results show how verbal rewards are indeed capable of increasing intrinsic motivation (see Blanck et al. 1984, Koestner et al. 1987, Ryan 1982, Sansone et al. 1989), unless they are administered in a controlling manner, in which case the opposite effect is found. Deci and colleagues also state that unexpected rewards do not decrease intrinsic motivation, probably because participants do not feel controlled from the outside, as they are not performing the task to actually get the reward. As regards tangible expected rewards, they appear to have a substantial undermining effect, which can be ascribed to both over-justification (our tendency to diminish motivation when we are provided with an extrinsic reason to do something we would do even in the absence of such incentive) and the uneasy feeling of being controlled deriving from incentives that thus undermine our feelings of self-determination (see Deci et al. 1999, Deci and Ryan 1985). While the latter explanation fits within the Cognitive Evaluation theory framework, the over-justification effect (Lepper et al. 1973, Lepper and Greene 1975) is largely based on attribution (Kelley 1967) and self-perception (Bem 1972) theories. Motivation and performance are believed to be influenced by the perceptions we hold about the inner causes of our own behaviour. When external controls are present, individuals tend to ascribe their own behaviour to an external agent, and this undermines their own motivation. In the case of rewards such as monetary incentives,

perceptions shift from accounting behaviour as self-initiated to considering it as sparked from the outside, and people feel they are facing too many reasons (or justifications) to perform an activity so that the role of intrinsic motivation gets discounted and motivation itself decreases. Even assuming that rewards have a hindering effect on intrinsic motivation, the overall effect will depend on the relative strength of two forces operating in opposite directions: the motivating power of the incentive and the decrease in intrinsic motivation (Frey 1997).

The risk of offsetting the benefits of a reward such as financial incentives by means of decreased intrinsic motivation is relevant as far as environmentally sound behaviours are concerned. Thøgersen, in a study on differentiated garbage fees, reaches similar conclusions: monetary rewards may re-frame the environmental issue into a cost-benefit calculation sphere, so that such negative effects offset positive impacts of rewards on attitudes and behaviour (Thøgersen 1994). Frey invokes the term crowding out to describe a scenario where extrinsic motivation involving external rewards is at odds with intrinsic, or behavioural, motivation. Crowding in, on the other hand, refers to the case when intrinsic and extrinsic motivation work in the same direction. Not only does Frey (1993) recognize that crowding out effect undermines intrinsic motivation to perform a task; he stresses how the effect could also spillover to other domains not affected by the reward, if the individual finds it hard to distinguish motivations according to such different domains. Hence policy makers in the environmental field should be careful with pricing as a strategy to shift people environmental behaviours, as this could not only hinder intrinsic motivation and undermine the behaviour object of the reward, but such negative effect could spill over to other (not rewarded) environmental behaviours as well, multiplying the detrimental impacts of the policy. Conditions facilitating spillover range from similarity of domains (with respect to both material content and processes) to the social and religious incentive to adapt similar intrinsic motivation to all spheres of life.

Motivation crowding effect and motivation spillover effect represent two limits to policies encompassing extrinsic rewards that have to be carefully taken into consideration, as to avoid possible counterproductive effects. Crowding out effects contradict a traditional rational choice model (Becker 1976, Coleman 1990), according to which behaviour is determined by preferences and constraints only. Extrinsic monetary rewards cause a shift in relative prices (constraints), thus resulting in changes in behaviour: behavioural changes are here assumed to be extrinsically motivated. Frey suggests that also another type of behavioural incentive should be taken into consideration, and intrinsic motivation. Neoclassical economics, on the other hand, takes preferences as given and thereby implicitly assumes that monetary rewards have no effects on intrinsic motivation.

As already mentioned, according to Cognitive Evaluation theory monetary incentives could under given circumstances enhance intrinsic motivation. Facilitating conditions are represented by the capability of the reward to boost individuals' perceived competence (what Bandura -1982- calls self-efficacy, typically achieved through feedbacks on the performance), or the reward itself being perceived as not controlling. In a 2003 study on weight dependent garbage fees (Thøgersen 2003) it was found that such rewards have a positive effect, and the result is due not only to the price effect, but also (and perhaps mostly) to an increase in perceived self-efficacy and personal norms regarding the specific environmentally desirable behaviour. The author suggests that a further explanation could refer to the fact that the small incentive provided is considered as an insufficient justification to recycle, making new adopters of the behaviour adjust their attitudes as to be more consistent with the new behaviour.

## IV. Research questions and methods

The study aims at shedding light on the influence of incentives on behavioural patterns, at different levels of analysis. I first focus on the direct effects of financial and praise rewards on the specific behaviour being incentivized, which is represented by green purchasing. I expect that monetary incentives (even if limited to very small amounts) support the purchase of green products more than praise rewards, and I test this speculation by means of the following research hypothesis:

H1) The direct effect of incentives in spurring the adoption of a pro-environmental behaviour is stronger for monetary rewards compared to praise rewards.

The core of the study is represented by the role played by different types of incentives on spillover between pro-environmental behaviours; in other words, the focus shifts to the indirect effect of incentives on green behaviours other than those directly incentivized. Reading Self Determination and Cognitive Evaluation Theory in the light of the spillover hypothesis, one could expect spillover to be stronger for praise group members, as individuals incentivized to purchase green products by means of monetary rewards have their intrinsic environmental motivation hindered, with negative repercussions on the spillover process.

The second research hypothesis to be tested is hence the following:

H2) Pro-environmental spillover is stronger when triggered by praise rather than monetary incentives.

As the aim of the study is to shed light on the variation over time of consumer behavioural intentions within the domain of sustainability, the methodology consists of a panel study based two waves of online surveys, administered before and after the experimental intervention. Participants are undergraduate students from Aarhus University in Denmark, recruited in June and October 2012 through mailing lists of the Departments of Business Administration and Business Communication. The recruiting message specified that students volunteering in the project might have to purchase specific products for a short period of time, as the experimental manipulation consisted in spurring participants to purchase green products for a period of six weeks and to keep track of their purchasing patterns by means of a shopping diary. A total of 80 complete shopping diaries with receipts were returned, so that the sample used for the present analyses is composed of 80 students ( $n=80$ ).

The sample was randomly split into two sub-groups. Monetary group members ( $n_m=46$ ) were incentivized to purchase green products by means of financial incentives consisting of two elements: a sum covering the extra costs sustained for the purchase of green products and the chance to win 1000 DKK in a final lottery draw. Praise group members ( $n_p=34$ ) received instead emails praising their effort and stressing the beneficial effects for the common good of a shift to environmentally conscious purchasing patterns. Specific attention was devoted in framing messages (in equal number and frequency for both groups) so that they were not perceived as controlling, as this would have hindered intrinsic motivation.

The questionnaire investigated a broad range of topics dealing with the relationship between participants and sustainability; as regards the present study, the main piece of information refers to the intrinsic motivation and intention of individuals to carry out pro-environmental behaviours. Intentions to act in a pro-environmental way are assessed with respect to a battery of environment friendly behaviours, using the format: How likely do you think you will do "X" in the next occasion, if you have the chance to do so? (where "X" stands for each behaviour), rated on a 7-point scale ranging from 1 = very unlikely to 7 = very likely. The behaviours cover the domains of transport mode, recycling, energy/water conservation and green purchasing, which are the main macro-categories in most research on pro-environmental behaviour and spillover (see Thøgersen and Ölander 2003).

Participants received the link to the online survey (using Qualtrics) by email and they could choose between a Danish and an English version. After filling out the first questionnaire, establishing the baseline, experimental interventions were deployed. Participants were encouraged to buy organic food and other eco-labeled products for a period of 6 weeks. I choose this as the source behaviour because it represents a class of behaviours where money is naturally involved and the consumer typically needs to bear extra costs, like the premium-price required for the purchase of such products. For 6 weeks, participants were asked to record their purchases within a specified set of product categories in a shopping diary, specifying whether they opted for an environment-friendly version (e.g. organic milk vs traditional milk, etc). Receipts had to be kept to allow crosschecking at the end of the experiment. Once the six weeks elapsed, a second questionnaire (exact replication of the first) was mailed to participants. This allows us to gain insights into the effects of the intervention and possible spillover between behaviours. Incentives were terminated at this point and participants were de-briefed thanking them for their participation in the study and informing them that they might be contacted in the upcoming weeks for some follow-up questions.

## V. Results and discussion

I first consider the direct effect of different types of rewards on purchasing patterns. Table 1 illustrates the average number of items (and, in brackets, of *green* items) purchased by participants in both monetary and praise groups for each of the 10 product categories analyzed in the shopping diaries.

Table 1: Average number of (green) items purchased

<b>Average n of (green) items purchased</b>	<b>Monetary group</b>	<b>Praise group</b>	<b>Total</b>
Milk	8,57 (5,70)	6,18 (2,09)	7,55 (4,16)
Yoghurt	2,57 (1,39)	1,94 (0,68)	2,30 (1,09)
Eggs	2,09 (0,89)	1,94 (0,82)	2,03 (0,86)
Meat	6,33 (1,22)	4,88 (0,44)	5,71 (0,89)
Vegetables	12,52 (4,17)	10,18 (1,76)	11,53 (3,15)
Fruit	9,35 (2,52)	7,74 (1,26)	8,66 (1,99)
Detergents for house	1,09 (0,39)	0,65 (0,26)	0,90 (0,34)
Soaps personal hygiene	2,02 (0,63)	1,59 (0,62)	1,84 (0,63)
Kitchen paper	0,35 (0,22)	0,35 (0,03)	0,35 (0,14)
Toilet paper	0,93 (0,50)	0,85 (0,24)	0,90 (0,39)

Individuals receiving monetary rewards purchase more green products than individuals receiving praise rewards: on average, each participant of the monetary group purchased 17.63 green items during the six weeks of the experiment, compared with only 8.20 of those in the praise group. Differences are large for some items (such as milk, meat, vegetables or kitchen paper) and smaller for others (such as eggs and detergents for personal hygiene). I then focus on the relative share of green products purchased, rather than on their absolute numbers. The mean percentages of green products purchased by participants in the monetary and praise groups are 35.54% and 22.06%, respectively: while over one third of products purchased by

individuals spurred by financial incentives to buy green are indeed environment-friendly, the figures drop to just over one fifth in the case of individuals spurred by praise rewards.

To assess the significance of these preliminary results, I carry out an analysis of variance where the dependent variable is represented by the percentage of green products purchased by each participant and the independent variable is represented by the treatment group of pertinence (monetary vs praise). There is indeed a significant difference between the monetary and the praise group on percentages of green products purchased ( $F=7.523$ ,  $p<.01$ ,  $partial\ eta\ squared=.088$ ). Monetary incentives are much more effective than praise incentives in spurring individuals to adopt a sustainable behaviour like purchasing green products.

These findings are consistent with a broad literature on consumer behaviour and with empirical evidence gathered in a wide set of domains ranging from eating at restaurants (Jang and Mattila 2005) to responding to survey requests (Church 1993), and so on. In the domain of purchase a useful distinction has to be made between hedonic and utilitarian products (Hirschman and Holbrook 1982, Dhar and Wertenbroch 2000): *we use goods in two ways (...), as symbols of status and simultaneously as instruments to achieve some end-in-view* (Hamilton 1987). Evidence in literature suggests that while for utilitarian goods the effect of monetary rewards is stronger, for hedonic products it is non-monetary rewards which are more effective (Liao et al. 2009). The product items that participants have been asked to purchase are not easy to be placed in either of the two categories, as they encompass features typical of both hedonic and utilitarian goods and being thus eligible for a *borderline* status. Even typical utilitarian products like detergents or kitchen paper should be handled with care before being labeled as such in this specific setting, since the overarching goal of environmental protection embodies a role trespassing the boundaries of mere functionalism and use. Future research should first investigate in depth how participants perceive the green products object of the study, and then test whether there are significant differences regarding the effects of different types of rewards on purchasing patterns.

As regards the *indirect* effects of rewards on behavioural patterns, I investigate whether monetary and praise rewards impact differently on the uptake of pro-environmental behaviours *other* than those directly incentivized (i.e. on positive pro-environmental spillover). I consider as target behaviours those for which a positive spillover was found in Study 1: *switching off the lights when exiting room as last person, turning off the water while soaping and while brushing teeth, and recycling batteries*. Table 2 illustrates the descriptive statistics on the evolution over time in participants' behavioural intentions to carry out each of the four target behaviours.

Table 2: Evolution over time of behavioural intentions

	Monetary Group			Praise Group		
	t1	t2	$\Delta t2-t1$	t1	t2	$\Delta t2-t1$
Turn off lights	6,63	6,70	0,07	6,65	6,74	0,09
Turn off water while brushing teeth	6,46	6,59	0,13	6,74	6,71	-0,03
Turn off water while soaping in the shower	4,65	4,67	0,02	4,56	5,21	0,35
Recycling batteries	4,91	5,41	0,50	5,47	5,35	-0,12

Consistently with the results of Study 1 on the existence of positive spillover, there is a generalized trend towards an increase in behavioural intentions to behave environment-friendly with the only exceptions of behavioural items on *saving water while brushing teeth* and *recycling batteries* for praise group members. However, if we consider the differences

between monetary and praise group members, there is no clear pattern emerging as in two target behaviours (*turning off water while brushing teeth* and *recycling batteries*) people treated with monetary incentives experience stronger leaps in behavioural intentions, while in other two target behaviours (*turning off the light when exiting room as last person* and *turning off water while soaping*) the opposite happens.

To test the statistical significance of these differences, I conduct a one-way between-groups analysis of covariance: the independent variable is represented by the treatment group (monetary vs praise), while the dependent variable consists of participants' scores on behavioural intentions for the four target behaviours administered after completion of the intervention. Participants' scores on the same question administered before the intervention are used as the covariate in the analysis, to control for pre-existing differences between the groups. Table 3 illustrates the results of the analysis:

Table 3: Statistical analysis

Item	$\Delta_{\text{mon}}-\Delta_{\text{pra}}^2$	F	p	Partial $\eta^2$
Turning off light when exiting as last person	-.02	.081	.776	.001
Turning off water while brushing teeth	.16	.018	.894	.000
Turning off water while soaping	-.33	2.921	.091	.037
Recycling batteries	.62	1.397	.241	.018

The picture emerging is controversial and there is no general trend regarding which type of incentives is more effective in triggering a positive spillover to other domains. Furthermore, the differences in leaps of behavioural intentions between participants in the monetary and praise conditions are not statistically significant as can be inferred by the high p values (with the partial exception of the behavioural item *turning off water while soaping*, showing marginally significant differences). According to my data the two groups do not differ significantly as regards changes in intentions to perform sustainable behaviours other than those directly spurred by the incentives: spillover is not affected by the type of rewards (monetary or praise) triggering it.

Few other studies have been carried out on the topic, to date. Swim and Bloodhart (2013) conducted lab experiments investigating whether pro-environmental spillover is affected by praise and admonishment for acting green or not, respectively. Results show that praising participants for their pro-environmental behaviour (taking the stairs instead of the elevator) only produces a modest and indirect spillover towards other, not related green behaviours (turning off lights and monitor at the end of the experiment). The authors suggest that the modest result *may be attributable to a lack of internalization of admonishment and praise*, as *participants may not have felt pride for taking the stairs because their decision was not based upon its environmental or social implications* (Swim and Bloodhart 2013). Evans and colleagues (2013) conducted lab experiments investigating spillover from a source behaviour represented by carpooling to a target behaviour represented by recycling. Participants in two experimental conditions received environmental and financial information about the benefits of carpooling, respectively. Results suggest that the spillover to the target behaviour (that is, throwing the paper with carpooling information in a recycling bin at the end of the experiment) is stronger when self-transcending reasons are made salient.

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<sup>2</sup> it represents the difference between the mean variations (before to post experiment) in monetary and praise group participants (on a 1 to 7 scale). Positive values indicate that the willingness to uptake the specific green behaviour increased more (decreased less) in the monetary group

The scattered empirical evidence on the role played by different incentives on pro-environmental spillover seems to be consistent (especially in the case of Evans and colleagues) with the theoretical background suggesting that praise messages (or incentives) increase intrinsic motivation to perform other pro-environmental behaviours, while financial incentives undermine such motivation. A thorough comparison of such evidence with the results of my study is hindered by relevant differences both at the methodological and theoretical level: for instance, my experiment represents the first empirical investigation trespassing laboratory boundaries, with financial incentives being directly correlated to the degree of uptake of the source behaviour. However, what emerges from my experiment seems in contrast with the results of the above-mentioned studies, as no clear pattern suggesting the relevance of the type of incentives as predictors of spillover emerges. Only for one of the four observed behaviours (*turning off water while soaping*) there is a marginally significant effect of incentives, suggesting that praise rewards indeed spur pro-environmental spillover more than monetary rewards.

In conclusion, my experiment suggests that the nature of incentives only plays a marginal role in shaping spillover trajectories, which are seemingly more affected by internal factors such as values or habits<sup>3</sup>. However, this result has to be handled with care as many factors might have affected the outcome of the experiment. As Swim and Bloodhart suggest, lack of internalization of the self-transcending vs self-interested appeal of the rewards could eliminate the effects on intrinsic motivation advocated by Self Determination and Cognitive Evaluation theories. Moreover, the specificity of the source behaviour (green purchasing) suggests that future research adopting the same methodology should address the hedonic-utilitarian dichotomy as to investigate whether the effects of incentives on spillover are mediated by which feature of products (hedonic or utilitarian) is perceived as salient by participants.

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<sup>3</sup> As emerging from the results of my preliminary study on spillover within the current research project

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# An Ethics of Sustainability and Jewish Law?

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## Abstract

This article titled “An Ethics of Sustainability and Jewish Law?” at first addresses the issue why it is important to ask for ethical responses to questions of sustainability and an ethics of an open future, and why the technocratic approach as practiced in most Western countries is not ‘sustainable’ enough, meaning not sufficient in the long term.

Secondly it is examined what a religious perspective has to offer for the discourse. In particular this is the perspective of Jewish Law (*Halakhah*), today a mere niche subject, a law system without territory and primarily based on the tradition of a religious group that makes up for less than 0.2% of the world population. It is argued why despite these facts it is worth to take a closer look at the Jewish legal system, as it offers a rich and unique tradition of more than 3,000 years of discussion and thought that still gives revealing insights. Two Jewish legal principles, *Bal Tashchit* and *Migrash*, are to exemplify this claim, before an outlook on possible future contributions is given.

**Keywords:** Jewish law, sustainability, theological ethics, *Halakhah*, *Bal Tashchit*, *Migrash*.

## I. Introduction

First, why should we ask for ethical responses to questions of sustainability? Is the technocratic approach as practiced in most Western countries not sufficient?

And second, what has a religious perspective to offer for the discourse? Especially the perspective of Jewish Law, a mere niche subject, a law system without territory<sup>1</sup> and primarily based on the tradition of a religious group that makes up for less than 0.2% of the world population. Why should we look there to find an open ethics for a more sustainable world tomorrow?

### *1. Ethics and Sustainability?*

The answers to these questions are manifold. We might ask for ethical responses because we are not satisfied with the answers politics, economy, society, and science offer. Many human beings seem to feel a lack of confidence in their motivation to transform to a more sustainable way of living, and to convince others to follow their example. Perhaps they long for the feeling to be part of something bigger, at least a community, or a movement: In the relatively individualized Western world oftentimes the only remaining communities are families, the company one works for, or in some cases the local sports club. Politics all too often seem far away, e.g. in the case of the European Union. While the EU is continuously gaining political power, people feel unconnected. So, where are places remaining that allow people on the one hand to share thoughts and discuss visions and feelings, and on the other hand to put them into action, to become a voice in the social as well as in the political discourse? Although we live in the age of communication, in the public perception actual communication about the shape of the future seems to diminish,<sup>2</sup> and as a matter of fact subsequent individual as well as collective action too. It is an apparent problem that in our Western democracies the average citizen is relatively powerless with his single vote or voice compared to the lobbies and associations of an industry that not always, but often is primarily concerned with the maximisation of its profits. Ethics allow us to take a critical view on these circumstances. And religious communities can and do serve as places for this ethical discourse.

If we take a look at which effects the practical implementation of the idea of sustainability may have on us, our everyday life, and our political and economic institutions we have to distinguish between two major approaches how to reach more sustainability. The first and most common approach in the Western hemisphere is a technocratic one, the second a more ethical or psychological one. The technocratic approach sees at its core engineering, i.e. the development of green technology replacing our current more polluting ones. In the beginning and the short term the effects of this first approach will be most noticeable in rising costs for the public (e.g. energy turn in Germany with higher prices for electricity or energy consumption in general). While the humans do not have to refrain too much from and question their current standard of use of energy the risk of a rebound effect exists. The second, more neglected ethical approach aims at changing not the material circumstances but the level below: the underlying thinking and values. According to this approach people are supposed to act sustainable because of inner conviction. Thus, ethics can help to substantiate the current efforts, and by this strengthen them. If people are convinced in their innermost, the success of the development of a more sustainable world is much more realistic. Still at the

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<sup>1</sup> Of course, countries like Israel, Morocco etc. where only marriage and family law are religious, but state law rules otherwise do not count as countries of Jewish law.

<sup>2</sup> For example when being compared to the times of rise of socialist movements during the first half of the 20<sup>th</sup> century.

moment ethics are more a satellite to than an essential part of the debate.<sup>3</sup> While certainly both approaches have their pros and cons, a combination of both would be most preferable as this article will show.

## 2. *Theological Ethics and Sustainability?*

While religious responses indeed focus on the second approach,<sup>4</sup> one still has to ask: why exactly theological ethics? In my opinion it is worth (re-)considering theological ethics because religion for a very long time has been a highly influential part of the daily political discourse in the Western world, fundamentally shaping it, and – despite some dark corners in its history – most of the time representing certain values and an orientation. People might look for that again, and in asking themselves what they can do for the environment and future generations could feel the urge to take a look at what our forefathers thought about these issues. Judaism and thus Jewish law are predestined for this endeavour: Jewish Law is the world's oldest continuous legal system with a rich tradition of more than 3,000 years, offering a unique documentation of thoughts and discussions, as well as a vast collection of principles developed from them.<sup>5</sup> Though not only but especially due to WWII the position of Judaism and Jewish law has often been forgotten, overseen and therefore neglected in large parts of Western Europe for the past decades. For instance in Germany this used to be different at the beginning of the 20<sup>th</sup> century when Jewish positions even had a notable impact on parliamentary discussions concerning criminal law, land law, and much more.<sup>6</sup> Today, although the parts of the population that are Jewish (or even consider themselves as observant Jews) might be small in most countries – aside from Israel (75%) and the US (1.7%) –, the ideas of this tradition can still be inspiring. And interest in it has shown a permanent growth in recent years.

Since this Jewish approach has been neglected for so long and has not yet been able to develop its full impact it is worth taking a deeper look into its motivations to discover forgotten or even new ways to create a more sustainable world based on ethical values. Jewish law is particularly suited to function as an ethical foundation and for developing not only a Jewish, but even a more general ethics for an open future. In its tradition ethics have always played an important role: Jewish law has the aim to make the people observing it morally and above all ethically 'better' – according to divine will and values of course. And when working with Jewish law, dealing with ethical questions is pretty much unavoidable as there is no strict separation between ethics and law. This separation is a relatively recent phenomenon of secularism.<sup>7</sup> And especially due to its historic non-territoriality, the diaspora, Jewish law was able, maybe compelled to develop primarily as a system of ethics: Because neither physical force nor state pressure could keep this legal system alive and working, but legal commandments needed – despite their divine origin granting authority – not for all, still for many Jews more and more an ethical or philosophical basis to be persuasive and to prevent

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<sup>3</sup> Although there are a few examples where ethics play a role in politics: In Germany the chancellor Angela Merkel appointed an ethics commission on the secure supply of energy after the nuclear incidents in Fukushima, Japan in 2011.

<sup>4</sup> Lawrence Troster, *From Apologetics to New Spirituality: Trends in Jewish Environmental Theology* (November 2004, online at [http://www.coejl.org/\\_old/www.coejl.org/scholarship/jetheology.pdf](http://www.coejl.org/_old/www.coejl.org/scholarship/jetheology.pdf), accessed 2013-11-11).

<sup>5</sup> For an overview see: Elliot N. Dorff and Arthur I. Rosett, *A Living Tree: The Roots and Growth of Jewish Law* (Albany, NY: State University of New York Press, 1988); Louis Jacob, *Jewish Law* (New York: Behrman House, 1968).

<sup>6</sup> Access to the respective material has been simplified by large digitalization projects in recent years. Such as the compact memory project. See: <http://www.compactmemory.de/>.

<sup>7</sup> Alan Mittleman, *A Short History of Jewish Ethics: Conduct and Character in the Context of Covenant* (Malden, Mass.: Wiley-Blackwell, 2012), p. 5.

migration to competing religions or cults. Especially as the advance of science, particularly when informed by Aristotelian philosophy,<sup>8</sup> led to an increasing questioning of the literally meaning and authority of substantial parts of the classic Jewish texts and their interpretations. This ethical, and more rationally derived basis developed through lengthy and controversial discussions led by scholars and rabbis on the major documents of Jewish Law. Due to the relevance of tradition and the authority of the founding documents people who work with Jewish legal material always have to respect, cite and thus come back to the original sources, therefore also to the themes and topics discussed; the tradition requires a dialogue between basically all periods which also includes the respect of dissenting or minority opinions. These are passed on over the generations and not simply removed by the majority opinion, and by this are allowing a deep intergenerational and –periodical dialogue. Due to its dialogue character Jewish law furthermore was able to think in long terms; and thinking in long terms definitely is one of the key aspects of sustainability. It is characteristic for this dialogue that the *telos* of the older sources has to be applied to the new circumstances of modernity which happens through interpretation. And because the *telos* of the religious commandments has to be revealed and flexibly applied continuously it appears almost as of a solely rational or abstract character,<sup>9</sup> thus even secular people or atheists can take the results of this revelation which is mostly free from mere religious rituals and use it for their reflection on topics like climate change, sustainability and an ethics of an open future. In this wider adaptation process it is not about the specific obligations of Jewish law that may be copied, integrated, or adopted to secular law systems. It is about the *telos*, the principles. In Jewish law there are many principles that have the potential to contribute to the discourse on sustainability. Later in this article (paragraph IV.) two of them will be presented: One is the famous principle *Bal Tashchit* (the prohibition of wanton destruction) which – due to its extensive interpretation – has become somewhat difficult to grasp. The second one is the urban planning principle *Migrash*.

These principles are most of the time based on ethical considerations which are discussed openly in the texts of Jewish law. Of course, the intermingling of ethics and law has become somewhat uncommon in secular legal systems of the Western world as the concept of freedom generally recognizes ethics as being a matter of the individual, not of the collective or legal realm.<sup>10</sup> But is it not important to bring back ethics to the public and secular debate, not necessarily incorporating them as positive law, but at least discussing them? Relying on a purely technocratic or instrumental approach and language might work, but to have a ‘sustainable’ shift to more sustainability people – politicians as well as citizens – have to be convinced of what they are doing.

## II. What is Jewish Law?

But before giving more attention to specific Jewish legal principles and comparing them to secular laws, a brief answer to the question “What is Jewish law?” shall make understanding easier.

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<sup>8</sup> This happened during the Middle Age and probably was the second significant shift from a purely religious/theological reading and understanding to a more scientific, philosophical, secular reading and understanding of the *Halakhah*. The interpretation and claiming of authority by the rabbis by arguing that God’s direct contribution to law ended with giving the *Torah* to Moses being the first shift.

<sup>9</sup> One of the best known figures of this – within Judaism not undisputed – movement is *Moses Maimonides* (1135-1204). While still respecting the canonical material and its authority at the core of the system he approached the classical sources more scientifically and philosophically; trying to harmonize his belief in God, thus religion, and science/philosophy.

<sup>10</sup> One can argue about the question of morality though which might well be a part of our legislation, especially our jurisdiction.

## 1. The Basics of Jewish Law

Not surprisingly: Jewish law is the religious legal system of the Jews.<sup>11</sup> It is also known under the term *Halakhah* which is derived from the Hebrew word *halakh* (to go, to walk). A more literal translation of *Halakhah* would be "the path to walk". This already tells much about the character of the Jewish legal system: It is conceived as a moral framework and an ethical guide to its observants, giving them a concept of how to act and live their lives according to the divine will. Furthermore it is important to notice that the area of application of law in Judaism is much wider compared to modern secular systems: The *Halakhah* embraces almost every aspect of life, e.g. diet and rituals. In contrast to the legal part of Judaism, there is the *Aggadah* which is the narrative or mystical part of Jewish tradition, but will not be further examined in this article.

To get a grasp of Jewish law it is necessary to comprehend its structures. These are as follows:<sup>12</sup> At first, one has to differentiate between primary and secondary legal sources. According to the tradition, within the primary sources one again has to distinguish between originally written and oral law, while the secondary sources are all extensions of the oral tradition. At the top of the Jewish legal system is the *Torah* as the primary written source of law, or the 'constitution of Jewish law'.<sup>13</sup> The *Torah* is the law Moses received from God at Mt. Sinai.<sup>14</sup> It is legal text and narrative at the same time; this blending of different types of texts might feel unfamiliar and thus might be confusing for readers used to Western law codes or case law collections. According to rabbinic tradition the *Torah* originally contains 613 commandments<sup>15</sup>, the so called *Mitzvot*. Due to the emergence of new problems and the change of circumstances these *Mitzvot* needed adaptation which happened through interpretation. As a result a strong oral tradition evolved. Out of this tradition further legal texts resulted, *inter alia*: the *Midrash Halakhah* which is basically a line-by-line commentary on the *Torah*, and the *Mishnah* which is the textualisation of the further oral tradition of the Jews around 220 CE and basically the founding document of rabbinic Judaism.<sup>16</sup> Though for a long time the practically most important legal document was the *Talmud*. In the *Talmud* rabbis and scholars (the *Gemarah*) commented on the *Mishnah*, the text of the *Mishnah* thus is reprinted in the *Talmud*, and defines its structure. There are two versions, the *Jerusalem* and the *Babylonian Talmud* which have been compiled around 400-500 CE with the *Babylonian Talmud* being the more authoritative one. As secondary sources the *Responsa* (legally binding answers of rabbinic authorities), commentaries, and especially codifications are to mention (like Moses Maimonides' *Mishneh Torah*, the *Tur* by Jacob ben Asher (1269-1343), or the most relevant legal code in Judaism, the *Shulkhan Arukh* by Yosef Karo (1488-1575)). Also very important in order to understand the *Halakhah* is the periodization system, i.e. the Jewish

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<sup>11</sup> In this article for reasons of easier understanding there will be no differentiation between the existing differences of the various movements of Judaism (orthodox, conservative, reform etc.). For an introduction to Jewish law either in German or in English see: Moris Lehner, "Alttestamentarisches und talmudisches Recht: Eine Einführung in das jüdische Recht", *JURA* 1, 1999, pp. 26-31; Walter Homolka, "Das Jüdische Recht: Eigenart und Entwicklung in der Geschichte", *Humboldt Forum Recht* 17, 2009, pp. 251-282; Jacob, *Jewish Law*.

<sup>12</sup> Homolka, "Das Jüdische Recht", pp. 251-282.

<sup>13</sup> Justus von Daniels, *Religiöses Recht als Referenz. Jüdisches Recht im rechtswissenschaftlichen Vergleich* (Tübingen: Mohr Siebeck, 2009), p. 21.

<sup>14</sup> The *Torah* is also known as the Old Testament (from a Christian perspective) or Five Books of Moses or *Pentateuch*. See: von Daniels, *Religiöses Recht als Referenz*, p. 21; The *Torah* again is part of the *Tanakh* or Hebrew Bible that contains besides the *Torah* the *Nevi'im* ("Prophets") and *Ketuvim* ("Writings").

<sup>15</sup> Divided into 365 negative and 248 positive commandments.

<sup>16</sup> Tsvi Blanchard, "Can Judaism Make Environmental Policy? Sacred and Secular Language in Jewish Ecological Discourse", *Judaism and Ecology: Created World and Revealed Word*, edited by Hava Tirosh Samuelson (Cambridge, Mass.: Harvard University Press for the Center for the Study of World Religions, Harvard Divinity School, 2002), pp. 423-448 (428).

legal tradition can be divided chronologically into periods. So far there are at least six different periods<sup>17</sup> which in the end always relate to major legal documents of Judaism (basically the above mentioned). Certainly every primary source of Jewish law could build a legal system of its own; being that Biblical, *Mishnaic* or *Talmudic* law. Still the closer a period is to the *Torah* the more authority it has which once more emphasizes the relevance of tradition. The challenge is to conceptualize the fragments to a coherent system; this still has to happen in terms of ecological or sustainability issues where there has all too often been a quite selective reading, picking out mostly single *Mitzvot* out of their systematic or historic context that seemed to support the intentions of the author. Surely, developing a coherent system of obligations of sustainability within Jewish law is a task requiring great diligence, but the Jewish legal history has a tradition of concerning itself with such tasks. Maybe this could be one of the major contributions of the current period of the *Acharonim* (1563 until present).<sup>18</sup>

A further significant characteristic of the *Halakhah* is its conception as an obligation, and not a rights-based legal system.<sup>19</sup> By this the Jewish legal system theoretically differs from the notion of most contemporary Western legal systems and their philosophical justifications which emphasize the concept of natural, human or basic rights as the legal manifestation of the protection of individual freedom. Of course, in most cases rights regularly correspond to obligations or duties, and *vice versa*. And the covenantal obligations of humans to God most of the times practically result in corresponding rights of other human beings or living creatures. The *Halakhah* practically knows rights and claims as well and thus there are less practical differences as one would expect. But the mind-set is a different one. And – as mentioned before – this does matter as the mind-set will decide about how successful the idea of sustainability will be in the long run.

## 2. Rights versus Obligations?

As will be shown the obligational character is of highest relevance to the functioning of the *Halakhah*. And the self-perception of being part of a covenant with God plays – next to social pressure – a major role for the enforcement, not only individually but also collectively. In contrast, in the secular Western world legal objectives are almost entirely enforced by a rights-based system. The emergence of rights as we know them today in the Western world is closely linked to liberalism and the respective state theories: These are mostly based on social contract theories of philosophers like Thomas Hobbes (1588-1679) or John Locke (1632-1704). The following chapter is thus dedicated to the relationship of rights in a modern liberal sense and obligations, and their application on sustainability issues. As sustainability is by nature an assessment of present actions and their future impact, there is a strong (secular) debate on the protection of the supposed interests of future generations as well as of animate and inanimate nature. Assumed – to have a basis to start from – there is an agreement on the relevance of this issue and on the need of active protection, the subsequent question would be how this protection can be realized most efficiently. In the legal area there are basically two theoretical concepts: The first concept focuses on rights attributed to future generations and nature.<sup>20</sup> It is frequently claimed that future generations already have certain inherent human

<sup>17</sup> These being: Tannaim, Amoraim, Savoraim, Geonim, Rishonim, Acharonim.

<sup>18</sup> There are some notably contributions to a wider view though: Lawrence Troster, “Judaism”, *Berkshire Encyclopedia of Sustainability. The Spirit of Sustainability*, edited by Willis Jenkins and Whitney Bauman (Great Barrington, MA: Berkshire Pub. Group, 2010-), pp. 254–257.

<sup>19</sup> Robert M. Cover, “Obligations: A Jewish Jurisprudence of the Social Order”, *Journal of Law and Religion* 5:1, 1987, pp. 65–74.

<sup>20</sup> Klaus Bosselmann, Christian Calliess, Michael Schröter and Prue Taylor, *Ökologische Grundrechte: Zum Verhältnis zwischen individueller Freiheit und Natur* (Baden-Baden: Nomos, 1998).

rights that do not need to be attributed to them anymore. Whereas the second and also *Halakhic* approach focusses on obligations of current to future generations.

In the context of this article there are basically two levels where these two different approaches might clash: The first level is the basic level of self-conception of human nature or of the respective legal system itself. Either one sees humans as endowed with (natural) rights from a certain point of time on (e.g. birth, majority) or one follows the other approach and takes – in the case of Judaism the covenant, therefore – obligations (to God) as the (theoretical) ground to start from and for constructing a coherent system. This first level addresses the why of becoming active. On the second level which builds on the theoretical fundamentals of the first level it has to be determined how and when these rights or obligations can be realized most effectively in practice. Within the second level one has to further distinguish at least between present and future situations. Therefore, when for example addressing the question of intergenerational justice, thus a future situation, one might come to a different result compared to questions of justice between present generations.

Focusing on the second level, ascribing rights to future generations – which is the most obvious reaction from a Western secular perspective – appeared to have some flaws in regard to practice (e.g. the representative model). Therefore contemporary legal scholars are looking for new ways to get out of this dilemma and to better protect future generations. This is increasingly resulting in the insight that obligations are pretty much inevitable for this purpose. Surely, rights in fact do have advantages, e.g. when it comes to restraining the state. But these advantages mainly relate to present, not future citizens. And if one takes a closer look at contemporary legal norms dealing with sustainability, it shows that even when these are formulated as rights, in our Western legal cultures these norms *de facto* already are more duties than rights. This is logical as future generations and nature cannot claim their rights on their own and are basically dependent on the good will and the self-imposed rules, thus of obligations of the present generation.

This obligation orientation offers a connecting factor between secular and Jewish law. Jewish law for the major part of its history did not have to deal with protecting citizens against the abuse of state power, as it is not that elaborate in terms of rights. It has much to offer when it comes to obligations. Due to its long tradition and deep knowledge of how to formulate and establish a system of obligations in a legal context the current secular legal implementation of ideas and concepts of sustainability could benefit from this considerably. Besides being less dependent on possible representatives or political interests, obligations do have further advantages. One to mention is clarity: It is in the nature of obligations that they generally have to be more specific and concrete than rights when being established. Of course, rights can be extremely specific as well, and also obligations have to be filled with content, but they start from a more detailed level. For example when Moses received the *Torah* at Mt. Sinai it was a) clear who was addressed and b) by the commandments' directive form the addressees right away had a sense of what they owed to God and to each other. Certainly, later adjustments and explanations were necessary, and most noticeable took place in the *Mishnah* and the *Talmud*. Also one might argue that obligations are more restrictive to (individual) freedom – which in a way they are. So how might these policies affect our individual freedoms and basic or human rights (which ultimately are and probably will be at the core of the Western legal systems in the long view)? Secular Westerners in general are very sensible when these are restricted in any way. Thus a compromise has to be sought. And to make the grade: A combination of both approaches is the only, but at the same time the most preferable option to strengthen the role of obligations in the secular legal systems of the West, and by this improving the protection of future generations and nature based on a consistent theory.

### III. Jewish Law and Ecology/Sustainability

So, before we take a closer look at specific *Halakhic* laws and their suitability for secular implementation, the question should be asked: How and when did Jewish law and ecology ‘meet’ each other?

#### 1. *The Critique on the Worldview of Genesis 1:28*

This can basically be traced back to the late 1960’s when the article *The Roots of Our Ecological Crisis* by the US American historian Lynn White Jr. was published in the *Science* magazine.<sup>21</sup> In his article White accused the Judeo-Christian worldview of being responsible for the contemporary ecological crisis, thereby especially referring to Genesis 1:28 where God is said to have given man dominion over nature.<sup>22</sup> Others joined White in his view, e.g. the British historian Arnold Toynbee who wrote an article suggestively titled “The Genesis of Pollution” which was published in 1973.<sup>23</sup> Since these times Jewish literature tried to find responses to this accusation as well as to the question how Jews should behave in regard to the ecological crisis. Parallel to Christian authors they developed the so called stewardship model which is based on Genesis 2:15 and sees humans as caretakers to conserve God’s creation. Thus already in the chapter next to Genesis 1 there is a concept that contradicts or at least limits the extensive interpretation of White *et al.* This Biblical understanding of the role of humans as stewards was extended in the theological context even to such an extent to the opposite of White’s accusations that a re-sacralisation of nature was claimed; of course bringing the position somewhat close to a pagan view. This position is often connected to a critique on the secular language of Enlightenment as being too scientifically, thus too ‘disenchanted’.<sup>24</sup> Seen in a wider context of sustainability which exceeds its ecological roots there is in fact some important vocabulary not much pronounced in Enlightenment language. Examples are sacrifice, solidarity, or community.

#### 2. *The Development of a Jewish Position*

Nevertheless it took a while until one could speak of a unique ‘Jewish position’. At first there was sheer defence only and Jewish authors picked (especially Biblical) passages and verses quite selectively and used almost every *Mitzvah* dealing with plants or nature as an argument for the ecological orientation of the Bible, thus warping *Mitzvot* and detaching them from their context as well as their underlying concepts. But the Bible did not have in mind global ecological problems. So, at first there is a problem of historical context: “Although traditional Jewish texts provide important conceptions of the natural world and of the human relationship to it, they were never meant as a response to the world-threatening ecological problems we face today. We simply do not find a sense of ecological crisis in traditional Jewish texts.”<sup>25</sup> Therefore a new and openly communicated exegeses and philosophical re-reading is necessary. Slowly, a still on-going process of such re-interpreting of the sources started, at first referring mostly to the Bible, but then taking a turn to focus more on rabbinic texts. This is consistent for a Jewish position because this literature has been so influential and still dominates the understanding of the *Torah*. More recently even *Aggadic* sources are used.

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<sup>21</sup> Lynn White Jr., “The Historical Roots of Our Ecological Crisis”, *Science* 155, 1967, pp. 1203–1207.

<sup>22</sup> Interestingly *White* in his article never mentions Genesis 1:28 explicitly though.

<sup>23</sup> Arnold J. Toynbee, “The Genesis of Pollution”, *Horizon* 15:3, 1973, pp. 4-9. An even more perceived excerpt was published in the *New York Times*: Arnold J. Toynbee, “The Genesis of Pollution”, *New York Times*, 16 September 1973).

<sup>24</sup> Blanchard, “Can Judaism Make Environmental Policy?”, pp. 424-425.

<sup>25</sup> Blanchard, “Can Judaism Make Environmental Policy?”, p. 424.

Despite being inaccurate in speaking of one Jewish position, a practical anthropocentrism based on a theoretical theocentrism developed, some may call it a ‘weak anthropocentrism’. The respective *Mitzvot* were no longer solely seen as ecological norms, but as more complex commandments in a wider context. Although, Jewish law of course does not know the term sustainability, if we take our contemporary understanding of this term and try to connect it to originally Jewish laws and principles or interpret them from a perspective of sustainability, it becomes clear that Jewish law addresses almost every aspect of this area, e.g. environmental protection (water, soil, air), urban planning, noise control, waste management, recycling, intergenerational justice, warfare, budget management, animal protection and ethics, diet, and consumption in general. Characteristic for Jewish laws of sustainability thus is the mixture of ecological, social and economic interests: the three columns of the most popular contemporary definition of sustainability. Still it has to be stated that the impetus to this re-reading from a perspective of sustainability came from the ‘outside’, the secular society in form of the ecological movement. But maybe now society can profit from Jewish law in return.

#### IV. Legal Comparison

In the following paragraph a brief and exemplary legal comparison of how sustainability issues are handled in German basic law on the one, and Jewish law on the other hand will give an idea of the practical implications of the theoretical foundations discussed above.

##### *1. Western Legal Culture as Exemplified by German Basic Law Article 20a (GG)*

The central aspect of German basic rights is human dignity which is guaranteed in Article 1 (1) of the Basic Law/Grundgesetz (GG). It is the duty of all state authority to respect and protect this good. This duty is followed by the statement in paragraph two that human rights are to be acknowledged as the foundation of every community, peace and justice. Future generations, the environment, or even sustainability are not mentioned explicitly in the beginning of the German Basic Law until the relatively recent Article 20a. By Article 20a of the Basic Law the sustainability issues are addressed as follows:

Mindful also of its responsibility toward future generations, the state shall protect the natural foundations of life and animals by legislation and, in accordance with law and justice, by executive and judicial action, all within the framework of the constitutional order.

Although Article 20a GG is part of the basic law, it is not part of the basic rights. It is a *Staatszielbestimmung* (state objective) that was introduced in 1994 (for environmental protection) and 2002 (for animal protection).<sup>26</sup> Still it is of importance for interpretation of legal norms and weighing of interests. It also includes a mandate for action of the state (not its people); still specific content and extent of the duty to protect the above mentioned foundations is left open.<sup>27</sup> Article 2 (1) GG is already construed to guarantee an ecological subsistence level, therefore Article 20a GG has to require more than this.

Today Article 20a GG is interpreted in a way that the German basic law not only demands to implement the idea of protecting the environment and animals by specific laws, but also via educational measures.<sup>28</sup> Furthermore the duty of the German state to foster a more sustainable behaviour is not to end at its borders; it is seen as a mandate to development

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<sup>26</sup> Stefan Huster and Johannes Rux, “Art. 20a”, *Beck’scher Online-Kommentar GG*, edited by Volker Epping and Christian Hillgruber (München: C. H. Beck, 18th edition, 15 May 2013), para. 1.

<sup>27</sup> Huster and Rux, “Art. 20a”, para. 28.

<sup>28</sup> See: Umweltinformationsgesetz (UIG), Huster and Rux, “Art. 20a”, para. 34.

policy.<sup>29</sup> The mentioning of “in accordance with law and justice” means that environmental and animal protection do not *per se* overrule other objectives of the constitution.<sup>30</sup> The weighing in regard to other *Staatszielbestimmungen* is conceptually quite similar in German and Jewish law. But explicitly taking into account ecological matters is pretty recent in Western law (although it *de facto* took place earlier than 1994). As a result nowadays it is always a balancing of social, economic and ecological aspects<sup>31</sup> – as it already can be seen in classical Jewish law.<sup>32</sup>

The German federal law obliges the state (foremost the legislator, but also the executive and judicative) as the democratic representative of its people to take action and develop a more sustainable environment. But the duty itself is formulated quite ‘open’ and needs to be filled with content; also it is a somewhat weak ‘*shall* obligation’. In Jewish law one will hardly find such a generalist *Mitzvah*. This openness of Article 20a GG certainly bears a risk of an abuse of legal flexibility. Furthermore – as mentioned above – it again does not address the German people directly. This might lead to (an unconscious) delegation of responsibility as many might think that it is the duty of the state to take care of a more sustainable world, not theirs.

## 2. Environmental and Sustainability Principles in Jewish Law

After having presented the structural as well as conceptual basis of Jewish law, and given an example of Western secular law dealing with sustainability issues in the form of Article 20a GG, in the following paragraph there will be two examples for Jewish legal principles that in their contemporary interpretation fit our current understanding of sustainability.

Jewish law knows many examples for principles that address issues of ecology and/or sustainability, but due to the limits in length of this article in the following only two of them will be discussed briefly: *Bal Tashchit* (the prohibition of wanton destruction, Deuteronomy 20:19-20), and *Migrash* (green belt or urban planning principle, Numbers 35:1-15, Leviticus 25:34).

### 3. *Bal Tashchit*, Deuteronomy 20:19-20

The first example to be introduced was a Biblical law of warfare in the beginning. It prohibits the cutting down of fruit trees<sup>33</sup> while besieging a city in times of war. The complete passage reads:<sup>34</sup>

19 When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy the trees thereof by forcing an axe against them: for thou mayest eat of them, and thou shalt not cut them down (for the tree of the field is man' life ) to employ them in the siege:

20 Only the trees which thou knowest that they be not trees for meat, thou shalt destroy and cut them down; and thou shalt build bulwarks against the city that maketh war with thee, until it be subdued.

By rabbinic interpretation the field of application of this *Mitzvah* was extended and developed to the rabbinic legal principle *Bal Tashchit*, the (general) prohibition of wanton

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<sup>29</sup> Huster and Rux, “Art. 20a”, para. 38.

<sup>30</sup> Huster and Rux, “Art. 20a”, para. 1.

<sup>31</sup> Because of this balancing some commentators of the German basic law speak of an eco-social market economy as the modern German state model; see for example: Huster and Rux, “Art. 20a”, para. 41; Rupert Scholz, Rupert, “Art. 20a”, *Grundgesetz-Kommentar*, edited by Theodor Maunz and Günter Dürig (München: C. H. Beck, 69th supplement 2013), para.16.

<sup>32</sup> Huster and Rux, “Art. 20a”, para. 41.

<sup>33</sup> While it is permitted to cut down trees that do not bear any fruit.

<sup>34</sup> King James Version.

destruction. The most cited classic rabbinic authorities and interpreters of *Bal Tashchit* in contemporary Jewish environmental literature are Rashi (1040-1105), Moses Maimonides, and Samson Raphael Hirsch (1808-1888).

This principle became one of, if not the most popular ecological principle in contemporary Jewish environmental ethics. Especially after the accusations of Lynn White Jr. *et al.*, when Jewish authors sometimes desperately were searching for seemingly ecological precepts to invalidate criticisms. So, one of the first direct respondents from a Jewish background back then was Eric G. Freudenstein. In 1970 his article *Ecology and the Jewish Tradition*<sup>35</sup> was published. The article starts with the citation of: Deuteronomy 20:19-20. Although only the 19th verse is printed and not the 20th (this being methodically a bit dubious already), Freudenstein in his article means to disprove the arguments of White *et al.*, and a) wants to show what ecological concern especially *Torah* and *Talmud* contain and b) what the reasons are that ecological aspects seem to have been forgotten in Judaism. For the first point a) he cites *Bal Tashchit* and other principles. The second point b) he ascribes to the diaspora, thus the divorce from land, and that before – during Biblical and *Talmudic* times – there was no threat of an ecological crisis; but that actually nature was a threat to the human survival. Freudenstein thus quotes quite selectively and names Deuteronomy 20:19 “the general prohibition against destroying the environment”. For this selective citing he got criticized with good reason<sup>36</sup> – just as White did get criticized for focusing too much on the first chapter of Genesis.

Without any doubt one has to consider how Jewish legal texts work in their wider context. In general there is nothing to say against extending the area of application of a law, and Jewish legal tradition is particularly famous for this. But although Freudenstein explains “According to Hirsch, the *Torah* will select a particular law for inclusion in its code in order to demonstrate the validity of a fundamental principle by showing how that principle must apply even under extraordinary conditions”,<sup>37</sup> and recurs to the point that *Bal Tashchit* was meant to emphasize the importance of the protection of the environment.<sup>38</sup> The context, especially the *Talmudic* sources provide a very different picture. *Bal Tashchit* is in fact much more a rational, utilitarian law. It is basically a prohibition of wasting things that can be useful to humans (examples are garments, even the human body). It tries to warn of focusing only on short-term goals. Furthermore the rabbinic environmental policy dealt primarily with more local issues, such as fairness and risk management;<sup>39</sup> and not with a global protection of nature. This has to be kept in mind as a warning of too enthusiastically ‘over-interpreting’ the area of application and content of Mitzvot.

#### 4. *Migrash*, Leviticus 25:34, Numbers 35:1-15

The Biblical principle of *Migrash* differs fundamentally from *Bal Tashchit* in terms of content, structure and development. As mentioned in the beginning of this article it primarily is a principle of urban planning or land law. And our relationship to land is one major example for dealing with ecological, social, and economic interests at the same time. The *Migrash* principle is based on several Biblical passages, i.e. Leviticus 25:34 or Numbers 35:1-15. Originally the law was applied on Levitical cities only, but later it was extended to all

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<sup>35</sup> Eric G. Freudenstein, “Ecology and the Jewish Tradition”, *Judaism* 19 (1970), pp. 406-41 (411); see alternative reference: Eric G. Freudenstein, “Ecology and the Jewish Tradition” (1970), *Judaism and Human Rights*, edited by Milton R. Konvitz (New York: Norton, 1972), pp. 265–274.; on page 273 he directly refers to the criticism.

<sup>36</sup> For instance by David Nir, “A Critical Examination of the Jewish Environmental Law of Bal Tashchit – “Do Not Destroy””, *Georgetown International Environmental Law Review* 18:2 (2005), pp. 335–354 (354).

<sup>37</sup> Freudenstein, “Ecology and the Jewish Tradition” (1972), p. 266.

<sup>38</sup> Freudenstein, “Ecology and the Jewish Tradition” (1972), p. 266.

<sup>39</sup> Blanchard, “Can Judaism Make Environmental Policy?”, p. 424.

(Jewish) cities (again by famous commentators like Rashi, Maimonides and Nahmanides (1194-1270)).<sup>40</sup>

First of all the translation of the term *Migrash* bears some difficulties. It was for example translated as pasturelands, open land, green belt, or common.<sup>41</sup> There are lengthy discussions on what might be the proper English term for it. In regards to its content the principle of *Migrash* states that a city has to be designed from its inside to its outside in the following way: a) inner city, b) common, c) fields and vineyards.<sup>42</sup> Furthermore it embraces different prohibitions that sometimes are closely intertwined. There are basically three of them at the core of the *Migrash* principle: (1) a prohibition of changes in size (there are specific measurements for instance in Numbers 35 – although it is argued that these have to be understood relatively as the city would be rather small if the Biblical measurements would be applied directly), (2) a prohibition of changes in use, and (3) a prohibition of selling (to gentiles; see Leviticus 25:34). Samson Raphael Hirsch in this context mentions that “all future times have equal claim to it, and in the same condition that it has been received from the past is it to be handed on to the future.”<sup>43</sup>

Despite this layer of prohibition there are also other aspects which could be named as intentions, a more psychological or physical (health) level. According once more to Hirsch in his commentary on the Pentateuch, the *Migrash* had to serve the psychological well-being of the inhabitants of the city as it was supposed to establish a connection of sophisticated urban dwellers to nature – for him this was the ideal city; probably heavily influenced by the Romantic Movement in Germany around his time. Physical recreation was furthermore a fact already mentioned by Rashi. It was also Rashi who in his commentary on Numbers 35:2 refers to aesthetical reasons, i.e. that *Migrash* should serve to beautify the city. Furthermore it served simple practical reasons as the *Migrash* was to be used for animal keeping and laundry (Numbers 35:3, and Babylonian *Talmud Nedarim* 81a).<sup>44</sup> Finally disease prevention played a role as cemeteries had to be situated outside of the area.

Astonishingly, it is possible to draw a line from the Hebrew Bible and the *Migrash* principle to land law concepts like Henry George’s (1839-1897) single tax,<sup>45</sup> over to early 20<sup>th</sup> century land reform movements in Germany, to works like Garrett Hardin’s *The Tragedy of the Commons* (1968), and even to current urban planning. For example urban planners in Seoul (Republic of Korea) in their plans to create a green belt refer to the so called *Garden City Movement*. And it was without any doubt the *Migrash* principle that inspired this movement that became popular around the turn of the 19<sup>th</sup> to the 20<sup>th</sup> century. For example Frederic Osborn (1885-1978) – besides Ebenezer Howard (1850-1928) one of its most influential representatives – directly referred to the respective Biblical passages in his works. As all this development can be traced back to this Biblical (legal) source and concept, this might serve as another argument why to ask for theological responses and religious perspectives. These – like *Migrash* shows – still can have a relevant impact and be a force for change, especially as our present land law needs to be questioned and should not be seen as ‘given’ while despite its positives effects (stabilisation etc.) it all too often leads to social, ecological, and economic injustice at the same time. Of course, the Biblical rules cannot be adopted literally, but their *telos* can as it still has the meaning and substance to suit and to inspire us. That is why we should take a look at how Jewish law and ethics can be used to

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<sup>40</sup> More on the process of ‘extension’ of Jewish laws: Ruth N. Sandberg, *Development and Discontinuity in Jewish Law* (Lanham, MD: University Press of America, 2001).

<sup>41</sup> James Barr, “Migras in the Old Testament”, *Journal of Semitic Studies* XXIX (1) (1984), p. 15.

<sup>42</sup> Freudenstein, “Ecology and the Jewish Tradition” (1972), p. 268.

<sup>43</sup> Freudenstein, “Ecology and the Jewish Tradition” (1972), p. 268.

<sup>44</sup> The principle is further discussed in the *Babylonian Talmud* (*Arakhin* 33b for instance).

<sup>45</sup> Henry George, *Progress and Poverty: An Inquiry into the Cause of Industrial Depressions and of Increase of Want with Increase of Wealth: the Remedy* (Cambridge: Cambridge University Press, 2009 (1881)).

develop criteria of provision that can be applied in the secular Western world. And it opens a platform for inter-religious discourse too as it is not as emotionally charged as other, more theological topics in religion.

## V. Conclusion

So where a ‘new’ German basic law like Article 20a GG in the beginning is quite general due to its conceptualisation, Jewish law is per se much more specific. And this specificity of obligations is needed to accelerate actions in regard to climate change, sustainability, and intergenerational justice as it is well known that the clock is ticking.

But how can the insights gained, i.e. the concept of obligations but also the weighing of interests, be implemented practically? To tackle this task it is recommended to distinguish between three levels: a) the intra-religious, b) the interreligious, and c) the secular level. In the case of c) many observant Jews might face what one could call a “dilemma of double commitment”, as they might feel committed to their sacred texts and rituals, and for instance to actively engage in environmental protection on a secular level at the same time. Therefore there has to be a compromise found to get both commitments together and find a single non-religious voice to speak as the environmental protection discourse is noticeably secular.<sup>46</sup>

Due to these circumstances Judaism has to respect the dominant secular language and thinking as well as the technical-rational argumentation to become part of the debate. Although the *Halakhic* concepts have to be made adaptable and comprehensible in a secular environment,<sup>47</sup> this does not mean the erosion of their content. Jewish legal history has already proven this.

As a common language is one of the key factors; therefore at first a more technical principle like *Migrash* may prove useful to begin with when using classical Jewish texts and examining them in the light of the current ecological crisis.<sup>48</sup> If this whole language dilemma is considered thoroughly and principles are put into their historical, systematic, and teleological context, Judaism can make influential environmental policy, like it has influenced policies in the past.

### 1. Action Levels

Coming back to the three above mentioned levels where action needs to be taken: On a) the intrareligious level Jewish law on sustainability first of all urgently needs systematisation. Especially as the next step has to be done to move onward from writings and articles on ecological issues to the broader more complex questions of sustainability of which ecology is an important, but still just one part besides at least social and economic issues. More awareness has to be created in communities and schools and other public occasions. Environmental organizations need further ideal and especially monetary support as the financial crisis has led to severe cuts of their budgets. On b) the interreligious level there has to be a discourse between different religions to develop a perceptible religious voice. Of course, the ‘religions of the book’ have a somewhat common ground to start from in regard to tradition, sources, and language. A critical elaboration of similarities and differences is

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<sup>46</sup> Blanchard, “Can Judaism Make Environmental Policy?”, p. 426.

<sup>47</sup> *Blanchard* sees basically three difficulties for this operation: (1) Classic Jewish texts were crafted in a time when an ecological crisis was not foreseeable (historic context), (2) classic Jewish texts were designed for a limited number of addressees (the Jews), and (3) the language used is religious or theological. In regard to difficulty (3) *Blanchard* speaks of three possible models to deal with it. His favoured model employs both religious and secular language at the same time, but does this explicitly. Linking, but not merging the different languages as an approach seems preferable to him; see: Blanchard, “Can Judaism Make Environmental Policy?”, p. 426.

<sup>48</sup> Blanchard, “Can Judaism Make Environmental Policy?”, p. 425.

necessary. Finally on c) the secular level religious concepts have to be contributed to the secular discourse, e.g. by publications, presenting Jewish positions at interdisciplinary conferences, and looking for a dialogue with politicians.

## 2. *Types of Action*

Here are two further examples of – especially with regards to Judaism promising – types of action that can or should be taken: Education and stories. Foremost education offers an opportunity to realize the objectives of a more sustainable world. Religion can be a major educational multiplier. It can educate its communities and spread ideas; therefore it is crucial to carefully carve out the religious values and principles, and in the case of Jewish law to openly re-read and to re-interpret the Biblical, *Mishnaic*, and *Talmudic* sources from a perspective of sustainability within the communities. Besides that education in general is something the Jewish religion is famous for: The imperative of education is a central aspect of Jewish law, and had a major impact on the development of Jewish ethics, as well as the people and the character of the religion itself.<sup>49</sup> This can and has to be used for sustainability issues too as education can be considered as the most important step on the journey to a more sustainable world.

Furthermore in addition to the more rational educational part we need inspiring, shining examples, i.e.: stories that move us – which is always a critical and risk-bearing act of balancing as history has taught us. Yet if ideas of sustainability are connected to famous (historic) religious figures and narratives they can serve as a model and guide for (observant) people. Judaism offers a very rich and unique tradition of stories to which can be referred to. And would not a successful contribution of Jewish ethics to a more sustainable world be another good story to be written?

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<sup>49</sup> Maristella Botticini and Zvi Eckstein, “From Farmer to Merchants, Conversions and Diaspora. Human Capital and Jewish History”, *Journal of the European Economic Association* 5:5 (2007), pp. 885–926.

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# Transrational Interpretations of Peace and its Contribution to Alternative Worldviews for a Sustainable, Ethical and Aesthetical Present

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## Introduction

Climate Change and Global Warming. Pollution. Rainforests turning into deserts. Diwindling biodiversity. At least since 1972, man has realized the impact his actions were causing in the environment. 1972 was not only the year *The Limits to Growth* was first published, it was also the year when the United Nations gathered in Stockholm with many other global actors to discuss man's environmental impact and how to tackle the deriving issues. Fast forward to 2013: what has changed since then? Many environmental politics have been debated, many other conferences on the environment made, many research projects conducted and many policies adopted in the name of sustainability. Yet we still find ourselves unable to give an effective and lasting response to the problems that our own actions cause in the environment. This is the aim of the 2013 Societas Ethica Conference and what motivates this paper, as a philosophic response to the issue of sustainability. However, instead of focusing on normative ethical stances on the environmental issue, I would like to explore how cultural values and philosophical understandings embody, produce ways of leading life which are ethical towards the environment, without compromising one's freedom of choice and/or action. The reason for taking this approach is based in the foucauldian belief that norms very often represent more a disciplinarization by fear of punishment than a conscious manifestation of respect towards otherness. Freedom does not necessarily lead to a hobbesian state-of-nature, especially if one reckons the interconnectedness between him/herself and nature.

This paper makes a small contribution to the above-mentioned topic deriving from the area of Peace Studies, more specifically from transrational peaces, a framework proposed by Wolfgang Dietrich from Innsbruck University. With this approach, I argue that a concrete leap towards an ethical relation to the environment could take place by acknowledging what Dietrich calls the "energetic" and the "transrational". The energetic/transrational interpretations of peaces give renewed meaning and point to diverse cultural understandings which embody ethical and aesthetical ressonance with the environment. The issue, however, is that these perspectives remain marginalized and have received little attention from academy so far. Because of this, I will briefly expose three of these perspectives on this paper (Ecofeminism, Deep Ecology and Sumak Kawsay). Then I will analyse how transrational interpretations of peace give renewed meaning and importance to them and how the Western world (as the world derived from European/Modern values and colonization) could benefit from these marginalized understandings of human relation with/in the world for a sustainable way of living. The persistance of the marginalization and even fragility these perspectives undergo seem to reside mostly in cultural barriers which make these diverse cultural practices

void of meaning or mere debatable alternatives to the West, due to its particular development (and place of power) and modern mindset. With the deconstruction and critique of this modern mindset, its limitations becomes clearer and open space for transrationality. This could then blur previously mentioned cultural barriers, posing not only a dialogue but a connection to other cultures which can finally provide transformative experiences when it comes to an eco-logical, ethical being which manifests sustainable actions from their values rather than from instituted norms.

## Alternative Worldviews

There is a vast plethora of cultures in the world that could provide us with valuable lessons when it comes to a harmonious way of living with and in nature. Ethnographic research clearly gains a renewed importance when it comes to learn from perspectives which have not been engulfed in a globalized Western urban capitalist-consumerist culture nor strive for developing themselves into it. In this paper I would like to briefly describe three of these perspectives when it comes to the way we relate and deal with the environment and sustainability. After describing them, I would like to analyse in depth the origins of a Western/modern perspective and why it is hostile to such a harmonious and sustainable way of living and relating to nature. Afterwards, I also analyse how the transrational answer from Dietrich manages to transcend that and incorporate core tenets of these marginalized perspectives.

### *Ecofeminism*

Ecofeminism flourished in the seventies among the diversity of the feminist movements. It focused on fostering a society that, more than eradicating women's oppression, strove for being ecological, decentered, non-hierarchical and non-militarized, respecting the diversity of life and the environment. If traditional feminism originally proposed equal conditions for men and women in the market, outside of home - in the men's world, ecofeminism refrained from falling in such a trap by realizing the threats of such practices to the environment. The difference between traditional feminism and ecofeminism would be that in an ecofeminist view women would not have to abandon their households and conquer men's positions in the capitalist job market, but rather could amplify their household-care ethics to a world level.

Among the most notable ecofeminists is Vandana Shiva. Born in India as the daughter of a farmer and a forest conservationist who were strong supporters of Mohandas Gandhi, Shiva follows his message of being the change we want to see in the world. Because of her close relation to nature, she saw how modernizing policies and practices, especially in education, led to a disciplinarization<sup>1</sup> and along with that, the need for industrial progress and growth that leads to resource depletion. But Shiva believes that the biodiversity in India is deeply related to the cultural diversity and plurality of knowledges of her country. She is also one of the original Chipko tree-huggers.<sup>2</sup> Shiva (1997) argues that a male-dominated political world and patriarchal praxis in the context of a globalized economy is not sustainable and cannot offer any lasting solution to the issue of the environment. She contends that a new paradigm is fundamental to ensure our very existence. In her words:

In an ecological feminist perspective, diversity rather than sameness becomes the possibility for freedom. Striving is not to be competitive but to create space for yourself and for everyone else. To be strong is to know the boundary between protecting your autonomy and allowing other people to exercise theirs. In this sense, power is not power over others but the power to be yourself and allow others to be themselves (1997 p.1).

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1 For more on this debate, see Ivan Illich's Deschooling Society.

2 <http://www.thegreeninterview.com/vandana-shiva-bio> last access November 2012.

Ecofeminism stresses the need of recognizing household work as something fundamental for life, denouncing the traditional capitalist and patriarchal systems that do not give value to such form of work. This capitalist patriarchal systems ignore a sustainable activity that is fundamental for maintenance of life, especially when exploitation of natural resources is leading to a huge crisis.

Ecofeminism then proposes a reintegration of humans and nature, sublating the dichotomy imposed since Cartesian thinking. This approach contends significant implications for one's life which affects the political realm, but also goes beyond it. Social relations and relations with the environment would not be disciplined through rule/hierarchy but through care. It sees in the historically discriminated and relegated domestic work of women the possibility of a new interpretation of the world as our house and family, bonding everything with motherly, feminine love. It contends that this reinterpretation has the power to uplift the contemporary dichotomy between economy and ecology, which in fact have the same Greek root *oikos*, which stands for the household, domestic, family – the origin of every economic activity.

Vandana Shiva, however, does recognize that she is accused of essentializing womanhood. Answering to that, she argues that ecofeminism “has never required it to be said that women are biologically closer to nature” (SHIVA, 1997, p.2) but rather that our unity with nature is true to everyone, whether men, women or children. Shiva mentions that “it is ecological blindness to assume that humans can so insulate themselves from the natural world and what brutality we subject it to, (...) to assault nature and live privileged situations for ourselves” (SHIVA, 1997, p.2).

Maria Mies is another prominent ecofeminist, who has also worked with Shiva. In the book she wrote with Veronika Bennholdt-Thomsen (*The Subsistence Perspective*, 1999), they derive from the experience of women in their everyday countryside life, producing their most basic needs, the key for an economic change. With many stories of household and peasant work of women, they demonstrate that another relation to nature and to human beings is possible. They explain how patriarchy and financial capitalism (through globalization) turn money and its purchase power into the producers of life (p. 58), relegating both women's and peasants' work to a second category.

With this, Mies and Bennholdt-Thomsen reclaim the importance of the subsistent peasant work (for the peasants are the ones who work with nature to produce the food they need to maintain their life), differentiating it from agriculture or farming (which is agricultural work for profit-making). The difference is that peasantry represents diversified small farms and home gardens with little impact, while farming represent an industrial agriculture. They show that such a peasant life is not at all filled with deprivation, but rather with abundance, joy and caring for other living beings – animals, plants and the soil. According to the authors, the features that a subsistence perspective brings are: change in the sexual division of labour; production geared towards needs not wants; technology that should be used not to control nature but to cooperate with it - respecting its limits to regenerate life, respecting biodiversity; a new set of economical praxis with local markets and seasonal products for subsistence and never profit; and a change in the concept of need and sufficiency, with satisfaction of human needs and not accumulation of surpluses and reciprocal relations between rural and urban areas (p. 62-63).

### *Deep Ecology*

Now very close to Ecofeminism is the approach of Deep Ecology. Deep Ecology was proposed by Norwegian philosopher Arne Næss<sup>3</sup> as a reaction to “shallow” ecological

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3 Article available at: [http://www.ecology.ethz.ch/education/Readings\\_stuff/Naess\\_1973.pdf](http://www.ecology.ethz.ch/education/Readings_stuff/Naess_1973.pdf) accessed in

initiatives like resource conservation and value assumption of soils for the sake of human beings only and not for nature itself. From that, Arne Næss came with the Eight-Point Platform of Deep Ecology, which provided the unifying principles of the deep ecology movement. The intention was to shift from an anthropocentric worldview to a biocentric egalitarianism in which a relational self lead to ecoconsciousness and ethics. The eight points are:

- 1- The well-being and flourishing of human and non-human life on Earth have value in themselves (synonyms: intrinsic value, inherent worth). These values are independent of the usefulness of the non-human world for human purposes.
- 2- Richness and diversity of life forms contribute to the realization of these values and are also values in themselves.
- 3- Humans have no right to reduce this richness and diversity except to satisfy vital needs.
- 4- The flourishing of human life and cultures is compatible with a substantially smaller human population. The flourishing of non-human life requires a smaller human population.
- 5- Present human interference with the non-human world is excessive, and the situation is rapidly worsening.
- 6- Policies must therefore be changed. These policies affect basic economic, technological, and ideological structures. The resulting state of affairs will be deeply different from the present.
- 7- The ideological change will be mainly that of appreciating life quality (dwelling in situations of inherent value) rather than adhering to an increasingly higher standard of living. There will be a profound awareness of the difference between bigness and greatness.
- 8- Those who subscribe to the foregoing points have an obligation directly or indirectly to try to implement the necessary changes.

(SESSIONS, 1995 p.68)

I am well aware that the Deep Ecology movement has started as a philosophical reaction to an aggressive human relation with nature. But I dare to call it a culture because these very clear insights provide a derivative code of conduct that produces a certain way a of living which is not necessarily normative but arise out of a realization of the interconnection of all living beings, going beyond traditional Cartesian rationality and Newtonian atomization. This way of living conforms a culture of sustainability and respect towards nature that breaks from its Western origins.

### *Buen Vivir*

Lastly, I would like to explore a local alternative to the modern-Western mindset. In Ecuadorean Kichwa it is called *Sumak Kawsay* or, in Spanish, *Buen Vivir* (good living); in Bolivian Aymara it is called *Suma Qamaña* and in local Spanish could be translated *Vivir Bien* (living well). Both approaches are quite similar and, in Cecilia Bizerra (2009) words, they mean a

solid principle which means life in harmony and equilibrium between men and women, between different communities and, above all, between human beings and the natural environment of which they are part. In practice, this concept implies knowing how to live

in community with others while achieving a minimum degree of equality. It means eliminating prejudice and exploitation between people as well as respecting nature and preserving its equilibrium.<sup>4</sup>

This perspective was first presented in the World Social Forum in 2009 and commented in an article by Gustavo Esteva in the same year as an alternative to development.<sup>5</sup> Since then, it has spreaded and gained particular force in the region, having been translated to Portuguese and also French. Movements in Latin America argue that it offers an uncolonized, local understanding of life that dearticulates institutions and instances of capitalist dominance and Westernization manifested through growth projects and industrial development. It allows for a debate of equals and does not essentialize those communities, giving value to their local traditions and culture.

But, above all, beyond being an appraised alternative to a global capitalist Westernizing project (which would still be thinking in reaction and negation of modernity - therefore limiting the Buen Vivir itself) the Buen Vivir centers in the indigenous populations their own “right” to define in which terms they want to lead their lives, terms which can provide a balance between the communities, the cultural heritage and the *Pachamama*. In fact, the *Consejo Indígena de Centro América (CICA)* contends that Buen Vivir is “*la expresión de una Vida Armónica en permanente construcción (...) en directa vinculación y equilibrio con la naturaleza*”.<sup>6</sup> The Buen Vivir is founded by the indigenous cosmovisions of each community and their own forms of organization.<sup>7</sup> Leonardo Boff contends that

El “buen vivir” apunta a una ética de lo suficiente para toda la comunidad, y no solamente para el individuo. El “buen vivir” supone una visión holística e integradora del ser humano, inmerso en la gran comunidad terrenal, que incluye además de al ser humano, al aire, el agua, los suelos, las montañas, los árboles y los animales; es estar en profunda comunión con la Pachamama (Tierra), con las energías del Universo, y con Dios. (BOFF, 2009, p.1).<sup>8</sup>

## Cultural barriers and contexts

After this brief look on alternative cultures/ways of living which can promote a shift in human relations with the environment and embody ethics and sustainability, one starts asking: How does my culture differ to that? In the case of a Western, capitalist, eurocentric, urban and above all modern perspective it is also important to ask: how did we get so stranded from nature to the point of having these perspectives become something so radical or so alternative? This process seems so deep that sometimes it becomes even hard to understand these other perspectives.

In order to talk about the cultural barriers and mindsets which block a learning experience from different cultures and approaches, a first and important task is to ground and situate our own understandings of the world and context - our culture, ultimately - to highlight its limitations when it comes to understanding otherness and other mindsets/cultures, or even

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4 Text available at <http://www.indybay.org/newsitems/2010/02/28/18639072.php> accessed in October 20th, 2011.

5 América Latina en Movimiento n°445, June 2009.

6 The expression of a Harmonious Life in permanent construction (...) in direct relation and balance with nature. Translation by Egidio de Bustamante. Available at <http://www.consejoindigena.org/BuenVivir.html> Last Access December 2012.

7 <http://www.consejoindigena.org/BuenVivir.html> Last Access December 2012.

8 The Buen Vivir points to an ethics of what's enough for the whole community, and not only for the individual. It entails a holistic and integrative vision of the human being, inmerse in the great earth community, that also includes beyond the human beings the air, the water, the lands, the mountains, the trees and the animals. It means being in deep communion with the Pachamama (Mother Earth), with the energies of the Universe, and with God. Translation by Egidio de Bustamante

look for alternatives to the model of thinking/living we have. Having said that, even though I come from Brazil, I must acknowledge that I come from an Eurocentric and Western cultural context. Plus, I am writing from Europe. Trying to break away from certain cultural undertakings is not an easy task. Such endeavour is carried out nowadays throughout academics from liberal arts, making Dietrich no exception. So, what are the implications of these cultural barriers for myself and for Dietrich? Both of us were educated/disciplined by the interpretation of all histories and cultures from an European (and modern/colonial) perspective. Having clarified that, more specifically on our concrete context, we both find ourselves in academia and, in terms of it, the overall contemporary academic and philosophic debate leads us to pass by the debate on “the Modern and Post-modern” in order to transcend it.

In his book "Interpretations of Peace in History and Culture (2012)", Dietrich analyses Modernity as a mindset spread out in the world via colonization and a persistent way to interpret things.<sup>9</sup> The main argument of Dietrich is that Modernity is not so much a well defined epoch in time but rather a way to produce meaning to the world around us that could happen in any given time, given certain premises. Dietrich argues that the meanings this modern mindset comes to ascribe to the world (and consequentially to nature and the environment), can be best represented by and due to (but not exclusively) the works of Galileo Galilei, René Descartes and Isaac Newton, especially with the formation of Science. As this paper dwells on responses to the environment and sustainability, the work of Charles Darwin can be very well represented under this modern interpretation too.

The formation of modern Science, as proposed by Galilei, was a mathematical project concerned with matter and its quantifiable and objective properties, leaving everything related to subjectiveness behind. Isaac Newton's work founded an atomistic interpretation of the world in which the Universe would be made up of building blocks of substance, which then entered into relations defined by natural laws and determined by cause and effect (reactions). The consequence of this was that prediction could be made upon an accurate analysis of this linear chain of events. Galileo's and Newton's views fed each other and found in René Descartes much support when he advocated and deemed possible a rational/objective analysis of the universe, which for him functioned as a clockwork.

Parallel to this, Darwin's evolutionism came to an undisputed position in the natural sciences field. According to Darwin, all life would be a matter of survival of the fittest because of Natural Selection – the concept in which all beings evolve from the weakest to the strongest for their need to survive in an aggressive environment. This would be a bodily reaction to the aggressive environment that called for the best adaptation. Darwinism left no room for cooperation or solidarity among species as a ways to maintain their existence, or ethics, for that matter, only for struggle, aggressiveness.

These are some of the most important undertakings for the modern mindset. A modern mindset is characterized by a mechanistic (cause-effect, reactive) interpretation of events in the Universe, which is not only held as an absolute truth but can also be predicted, analysed, understood, reinforced and improved via Science. Modernity can be perceived then as the attempt for men to attain the universal laws via rationality and build from that. This mindset also made possible all those scientific advancements and the creation of industrial machinery which, culminating in the Industrial Revolution, sew the seed of progress, but also the seed of what nowadays brings us near the brink of environmental catastrophe. The hegemonic place of this scientific, objective mindset (especially coming from Descartes) also subjugates any other form of understanding the world – ecological or spiritual matters in particular. This mindset, that nowadays conforms a large part of the world and works as cultural delimitation,

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9 Modern interpretations of peace are one of the 5 images or interpretations of peace proposed by Dietrich. The other images are: energetic, moral, postmodern and transrational peaces.

was enlarged/globalized via colonization, the process which spreaded of these modern/European beliefs.

Yet, in the very cradle of these values came the reaction to this absolute project. Out of the incredulity towards modernity's promises/premises of capacity to control the functioning of the world arose a skepticism that, without having an equally powerful counterproposal, tries to celebrate the multiplicity of ways to address existence and tries to safeguard them from universalizing and homogenizing modern trends. This makes Dietrich understand postmodernity as an intent to disempower the spread of Modern European values/mindset (that which Lyotard would refer to as "grand narrative") and at the same time an intent to open space to diverse sets of practices and beliefs that are never a final solution and remain open to review. This opens room for dialogue and curiosity towards otherness and also makes room for marginalized perspectives to manifest. The relation between postmodernism and decolonialism is clear.

Postmodern thought started paying attention not to the overarching modern system, which on its political side manifested in the Nation-State and the institutionalization of practices, but how life flourished underneath it. The well-written and polished discourses and international agreements, made by governments and high instances of this system in order to try to safeguard nature, were transformed into laws that made punishable those who did not follow them. But, what about those embodiments/practices that were actually harmonious with the environment without the need to be shaped into laws (beyond these sterile/aseptical and harsh approaches)? Instead of homogenizing groups of people into political citizens, postmodern thought tries to learn from plurality. It is in this sense that marginalized and alternative perspectives, which are sustainable and harmonious to nature, come into play. From this point on, it will become helpful to delineate what Dietrich calls the energetic and the transrational in order to give meaning and learn from alternatives coming from an energetic/transrational perspective.

## Transcendence

Dietrich realized that the modern/cartesian mindset is based on an approach that ignores intersubjectivity, dichotomizing and prioritizing reason from body, feelings and emotions (ignoring an every other part of human the human experience except reason). To make matters worse, this view also imposes itself as absolute truth via science. So how did Europe start suppressing its energetic/contextual answers and sought instead for a grand truth? Dietrich searched for possible answers for how Europe first disconnected the mind from feelings and emotions. The Middle Ages were marked by the power and moral teachings of the Church that condemned any mundane feelings<sup>10</sup>. So it could not have been this moment. It had to come before that. He dived deep in European history and, hinted by Nietzsche's book *The Birth of Tragedy in the Spirit of Music*, found in Greek mythology energetic interpretations of the world and of life.

In *The Birth of Tragedy out of the Spirit of Music* (NIETZSCHE, 2000) Dietrich found strong evidence of Nietzsche's rediscovery of energetic interpretations and Nietzsche's combat to his contemporary mentality. In the above-mentioned book, Nietzsche tried to understand how Greek tragedy came to influence culture not only in the period he lived but throughout history and towards the future. This is why the book also has the subtitle of *Hellenism and pessimism*. Nietzsche's discovery relied on the perception that, in Greek tragedy, the choir was so significant that it was in fact their dithyramb that had *the* main, generative role in the tragedy.

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<sup>10</sup> Ascetism took place as a phobic behavior to what was human, aiming at reproducing on Earth the image of heaven and God.

For Nietzsche, the choir and the dithyrambs produced, with their rhythms and *crescendos*, a powerful and strong force that was explored by the human/hero in question. The human/hero, who dealt with/manipulated/pondered upon this energy, was regarded as the manifestation of Apollon, giving form, aesthetic to the energy. Meanwhile, the chorus was regarded, in contrast, as the generative, fertile life impetus of Dionysian energy. This process could only be understood in relation to one another, only as an apparent contradiction that gave form to a whole (KOPPENSTEINER, 2009) – the relation of these elements reinforce their balance.

But once Christianity juxtaposed Apollon with Christ and Dionysus with Satan this created a cradle for the Christian phobic behaviour towards energetic interpretations throughout the Middle Ages and, later on in modernity, for the dismissal of everything non-rational/un-scientific. This is the root of Descartes *Cogito ergo sum* and the inherent exclusion of, for instance, *Sentio ergo sum*, the repression of the energetic nature of society, leading to a limited, harsh perception of life in general.

Such energetic interpretation of Greek mythology, however, can also be found in many other ancient cultures in different forms (and this already allows us to build bridges between cultures). In fact, Dietrich analyses that it is significantly present in variations of Taoism and Tantrism. The general aspect present in energetic interpretations is the sublation of human life and experience as central in the universe. Existence is relational and what we experience is part of a greater and complex whole which is interconnected, as energy only perpasses us. Trying to control/suppress our energy was brought up to modern belief mostly via Plato's legacy: the introduction of truth, prioritizing Apollon and the Christian demonization of Dyonisus – producing white man's disease or neurosis.

Dietrich considers that such a deconstruction of European mainstream thought since Greece and the recovery of what it left behind points us to to a realm where reason alone cannot be upheld, as there is no such true/rational way to grasp the cosmos – transcending modernity. This is the realm of the transrational. The transrational departs from postmodern critique and deconstruction of modernity, but understands its limitation as mere reaction to this hard modern way to interpret the world and henceforth reincorporates that which had been suppressed for more than 2000 years, being aware of the contextual relationality and not falling in the modern trap of becoming a *nouveau absolu*. Dietrich points that some of the areas of knowledge that transgressed the boundaries of modern science towards the transrational are System's Theory, Quantum Physics and Transpersonal Psychology. For brevity's sake, in this paper I shall briefly expose only his approach to Transpersonal Psychology.

Gustav Jung is considered the precursor of Transpersonal Psychology. However, understanding his approach requires us to review his relation with Freudian psychology, also for contextual reasons. It is possible to understand this relation and dissidence via Nietzsche's previously mentioned book. In Freud's approach, a direct relation can be made between Dyonisus and id, just like Apollon would relate to the ego. But for Freud those would be separate categories. Jung's argument was that the Freudian ego was in fact a mere consciousness, which is embedded in the collective unconscious (STEVENS, 2001). Just like in Nietzsche the hero and Apollon relate to the energetic Dyonisian principle, for Jung, this consciousness/individuation of the self would necessarily relate to a whole that transcends the self.

It was in this Jungian line of thought that the psychology of Abraham Maslow and Stanislav Grof could posit that a transpersonal experience is one that goes beyond one's biographical boundaries and transcend space and time. Transpersonal psychology poses then that every existence is interconnected and that Psyche cannot be separated from *Mitwelt*, even though people have sovereignty to re-design their path/fate. (DIETRICH,2012 p,250-251).

This is how transrationality goes ‘beyond the limits of [ego-] persona into its oscillation with its environment, the physiosphere, biosphere [and] noosphere (DIETRICH, 2012 p. 258).

Finally, the relational aspect of a transpersonal understanding rests then between the individual and his/her *Mitwelt*, gaining awareness that one is never self-sufficient and autonomous like Modernity deems. Fritjof Capra, for instance, calls for an urgent integration of Cartesian (modern) thinking into a broader ecological and transpersonal perspective for an affirmative mode of living in which the human action would be harmoniously embedded in the transcendental dimension of existence.<sup>11</sup>

With such approaches, the derivative relations between humans, environment and sustainability already become easily graspable. After these insights, it becomes possible and interesting to produce an ethnography that tries to understand and analyse how some marginalized perspectives have either recovered or conserved understandings that embody energetic and transrational interpretations, making the bridge between an assumed insurmountable cultural barrier.

## The Transrational Approach and Ecological Perspectives

When it comes to the way we perceive the environment and deal with sustainability in an ethical manner, how does the transrational interpretations of peace perceive these cultures/approaches? Which kind of actions does it invite us to adopt and which change does it entail in relation to the environment? How is it infused above all with ethics and aesthetics?

Both Deep ecology’s and Buen Vivir’s ecocentric value claims that humans are part of one huge system and that we do not have any special or particular privilege over any other form of life. Such biocentric egalitarianism resonates in those energetic interpretation of peace reclaimed by transrationality when it calls for integrating that which is beyond the illusion of an autonomous self. The interconnection in the circle of life can be reinterpreted as the flow of energy through everything - a natural process and what leads to peace and harmony. When institutions pose themselves between men and nature to organize the way men relate to other living beings, or when the *Mitwelt* simply becomes resources and humans become the privileged, superior being in a scale, this impedes our connection of to other beings because in this newly acquired logic they are objectified and inferiorized.

Mark Hathaway and Leonardo Boff, in their book *The Tao of Liberation* (2009), make some contentions about deep ecology and ecofeminism that resonate very well in Dietrich’s transrational approach. If deep ecology proposes an underlying connectivity of all things, be it in a physical, spiritual or psychic level in a great web of life, then “what is around us, is also within us” (HATHAWAY & BOFF, 2009, p.64). The universe is considered a great interdependent whole in which there is no distinction between humans and nature. As these authors put it, this revolutionizes consciousness and the perception of self, as we perceive something greater than ego, than the mere human as an individual, allowing biocentric equality to manifest subsequently and the appearance of ecopsychology. This is strongly present in Bateson’s systemic approach, which is one gate to transrationality, as the relational self connects with the ecological psyche (BATESON, 2002 and 1985). Such a fundamental element present in Deep Ecology and the Buen Vivir, seen from the lenses of transrationality, allows us to pose a sustainable relation to nature for the reconnaissance that we are nature therefore if we affect us, we ultimately affect ourselves. Human beings still take from the Earth what is necessary for his survival, but acknowledging that nature is entitled to respect and part of ourselves, our actions are guided by care and love – an ethics that arises from the

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11 Indeed Fritjof Capra is key for understanding transrationality via quantum physics. Parallel and complementary to this, such discussion find support also in the systemic approach of Gregory Bateson (DIETRICH, p.243).

heart or the realization that we are in the end caring for our expanded selves. This is not dissimilar to the peasantry style claimed by Maria Mies in *The Subsistence Perspective* (1999), where she explains that it is never a matter of using nature to accumulate capital and cash-farming, because we feel and we understand that we belong to/in nature and also suffer if nature does, because we learn to love and live in communion with it.

Now ecofeminism ultimately leads to similar insights when it connects the patriarchy of the modern traditions of thought with its anthropocentric accusation, denouncing it as an andro-anthropocentric aggressive culture. Ecofeminism claims that both the masculine and the feminine are socially constructed and that those social constructions assign a role to each of them. The fact that those stereotypes are so ingrained in our mind by centuries of repetition does not allow us to assume they are natural. From the subjugation of women to the household affairs (the *oikos*), from the connection of the feminine elements of nurturing and care to nature (which are also present in men, in fact in every human being, no matter its sex/gender), comes the will to organize life in other principles which do not intend to look at nature and others in a dominant manner. In this sense, *oikonomia* no longer refers to economy as we understand it in modernity, even though the origins of "economics" came from "oikonomia". The *oikonomia*, or the household approach, imbued and marked with the feminine supportiveness and lovingness, provides a different way to relate to the world which can be sustainable and respectful and once again leads to subsistence and the possibility to connect with everything else. In this sense ecofeminism reinforces the claims of deep ecology and the practices of the *Buen Vivir* and the derivative ethics. From a transrational lens, ecofeminism could be perceived as a contemporary manifestation of those beliefs that celebrate nature and fertility – tending to an energetic interpretation of life and the cosmos.

When it comes to *Buen Vivir*, some Latin American intellectuals like Arturo Escobar regard it as an original form of thinking and living, which is different from what is deemed modern/colonial. The *Buen Vivir* is the expression of modes of living which once again stress a harmonious relation to nature and to our environment, in which the Earth is a “closely woven community of living beings” (HATHAWAY & BOFF, 2009, p.132) nurtured by the Pachamama. From this derives a praxis, which Hathaway and Boff would refer to as biorregionalist, wherein to live well means that the whole environment is in consonance with this wellness. I cannot be well if my surrounding, my community is not, so it highlights the importance of understanding the local and the wider ecosystem and the importance of diversity as to promote the symbiosis necessary to the stability of life. In the *Buen Vivir* one finds the transrational perspectives of ecology, spirituality and system all in an overlapping and interconnected manner. This comprises a holistic phenomena that encompasses both the microcosm of human relations and its relations to the macrocosm, which are inseparable.

Roughly speaking, transrational peace, as a combination of the twisted modern aspect of reason and rationality with the respect for diversity brought in by postmodernity, adds to that the millenia-old energetic interpretation. This can manifest via transpersonal, systemic, ecological or spiritual perspectives. The explanation for the use of the prefix *trans-* is that transrationality passes by rationality but understands that it is not an absolute and/or final, framing it. The consequences of it lead to abandon the rational modern metanarrative and open up for diversity, especially for those critiques that regain/reclaim the energetic aspect of peace. In this sense comes not only deep ecology but any other perspective that allows us to reconnect ourselves and experience peace. The energetic makes possible for humans to experience peace in the here and now instead of projecting it into a future where everybody would enjoy the same uniform lifestyle of a consumption society, which is neither sustainable nor feasible. This is the ultimate contribution that peace studies can make in terms of addressing the issue of an environmental crisis and generalized global crisis of modern values.

The transrational interpretation of peaces, perceiving an underlying unity of all existence, integrates human beings into nature and cosmos. From the understanding that everything relates to and affects everything, peace could be perceived as harmony. In this logic, human action should derive from a serenity that seeks to disturb universal harmony as little as possible, what for instance Taoists would call *wu wei*. This changes the steward-like approach to nature which represents the direct intent of humans to control the outcomes of their actions to integrate themselves with nature for it to flourish on its own, respectfully. Sublating the dichotomy between humans and nature towards the understanding of this unity allows for a whole new set of practices to become manifest. This gives meaning and possibility for Deep Ecology's biocentric equality and ultimately an ethics to the environment. The perception of the world as our house and part of us also validates Ecofeminist practices when they pose an ethics of care to nature, without hierachization. Lastly, it is consonant with the Andean native cosmology of the Sumak Kawsay, which perceives a brotherhood between humans and non-humans, all part of the pachamama or mother-earth.

It is true that the transrational approach of Dietrich could be "self sufficient" for the transformation of one self and his relation to the environment. Yet, it is my belief that it will get incredibly richer when confronted by the perspectives previously mentioned in this article, as a way to diversify our understandings of life and the world. If transrational peaces advocate a plurality of peaces, it also opens up for dialogue amongst them, leading always to new insights. It also presents a way out of postmodern nihilism, as it once again celebrates life with the unification of Dyonisus and Apollon, as reason is counter-balanced with feelings and life. Transrationality leads to consistent changes in our behaviour by the adoption of a different rationality if compared to the modern one, integrating that which is beyond reason, and ultimately leading to an ethics that is not a pre-given set of moral rules but which is connected to the appreciation of something bigger than one's self, introducing aesthetics as the appreciation of the senses and not only of reason.

## Conclusion

In a context of multiple crisis, be it in terms of beliefs, economics, or the environment, the scientific system in which we were disciplined to think and act (in a fragmented manner) produces experts in certain areas but who seem unable to think holistically (or systemically, if you prefer). This myopia does not allow for taking uncolonized alternatives into consideration, and so far it did not seem to produce any encompassing answers for the ethical relation of/with the environment without compromising human freedom and its capacity to generate empathy. Yet changing directions and avoiding an environmental catastrophe have become urgent tasks.

The answer I offer to this question is by critically looking at how the modern/Western/colonial way of organizing and giving meaning to life, which base its actions on rationality and scientifity, have tried to deal with the environment: With an ever increasing impact and without respect to it. Along with that, I also cast a gaze upon how marginalized perspectives have managed to deal with it. In this sense, referring to the transrational interpretations of peaces (which signify different ways to engage with wisdom and nature), combining it with an open curiosity and respect towards marginalized perspectives prove to be of extreme help when it comes to a transformation of human relations with the environment. To see things holisticaly (or transrationally) implies seeing the developments of one's actions and beliefs and how it affects several layers and levels beyond and within this self, not just politically but systemically, ecologically and spiritually.

Looking through this transrational lenses, ethical stances refer to broader perspectives that are part of human existence, because if one deals with the ethical treat of nature but ignores the imbalance it generates towards the unethical relations between men and their freedom, it

becomes clear that the problem/conflict soon will re-manifest itself in a different form. A new embodiment of ethics which is not imposed could be achieved via an integration of human capacities that go beyond rationality, providing a reconnection with others and with the environment via sensibility and aesthetics. This seems to be effective in many marginalized perspectives which the Western world have not been able to understand, due to the particular development of its history, tied to modern thinking. But now is the time that we set ourselves free from these burdens and enlarge our human possibilities to reconnect with nature and avoid environmental disasters. This is key for a life in harmony.

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# Die Zukunft der Nachhaltigkeit

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## Abstract

Anders als der Titel nahelegen mag, soll der Vortrag weder der Frage nachgehen, ob und gegebenenfalls in welcher Weise der Nachhaltigkeitsbegriff auch morgen noch Teil der politischen Auseinandersetzung sein wird, noch danach fragen, ob aktuelle Nachhaltigkeitskonzepte in dem Sinne zukunftsfähig sind, dass sie als korrektive oder funktionale Faktoren einer möglichst optimalen Planung vorhersehbarer Szenarien und Entwicklungen in den Bereichen Umwelt, Gesellschaft oder Wirtschaft einsetzbar sind. Hingegen möchte der Vortrag eine Gelegenheit sein, zu fragen, in welcher Weise sich die genannten Konzepte auf die Zukunft beziehen und deren Offenheit zur Sprache bringen bzw. in welcher Weise sich die Offenheit der Zukunft im Nachhaltigkeitsbegriff ausspricht und von diesem in einer Bedeutung gehalten wird.

**Keywords:** Nachhaltigkeit; offene Zukunft; normative Ethik; wirtliche Ökonomie.

Der im Titel *Die Zukunft der Nachhaltigkeit* vorkommende Genitiv ist als genitivus subjectivus und nicht als genitivus objectivus zu verstehen. Im Folgenden soll also nicht der Frage nachgegangen werden, ob und gegebenenfalls in welcher Bedeutung der heute oft gebrauchte Nachhaltigkeitsbegriff auch morgen noch Teil der gesellschaftlichen und politischen Auseinandersetzung sein kann – es soll auch nicht der Frage nachgegangen werden, ob aktuelle Nachhaltigkeitskonzepte in dem Sinne zukunfts-fähig sind, dass sie als korrektive oder funktionale Faktoren einer möglichst optimalen Planung vorhersehbarer Szenarien und Entwicklungen in den Bereichen Umwelt, Gesellschaft, Wirtschaft einsetzbar sind. Hingegen soll der einfache Versuch unternommen werden, zu fragen, in welcher Weise sich die angesprochenen Konzepte auf die Zukunft beziehen und dadurch deren Offenheit zur Sprache bringen bzw. in welcher Weise sich die Offenheit der Zukunft in dem Nachhaltigkeits-Begriff ausspricht und von diesem in einer Bedeutung gehalten wird.

In einem ersten Schritt soll der normative Grundzug aufgewiesen werden, der dem Begriff der Nachhaltigkeit ebenso wie den Nachhaltigkeitskonzepten inhärent ist, um ihn dann im Hinblick auf seine Bedeutung für die Erschließung einer offenen Zukunft in Frage zu stellen. In einem zweiten Schritt soll die Nachhaltigkeit als ein in erster Linie ökonomisches Prinzip aufgewiesen werden<sup>1</sup> – um dann in einem dritten, abschließenden Schritt andeutungsweise in einen Zusammenhang mit einer fortgesetzten Verwahrlosung des Wesensreichtums der Dinge gebracht zu werden.<sup>2</sup>

## I

Gehen wir davon aus, die Grundfrage der Ethik sei die Frage »Was soll ich tun?«<sup>3</sup> bzw. »Was soll ich als ein in Gemeinschaft lebendes Wesen tun?«, und begreifen wir die Ethik in diesem Sinne als ein normatives Wissen, das um jene Gesetze weiß, nach welchen, wie Kant in der *Grundlegung der Metaphysik der Sitten* meint, »alles geschehen soll«<sup>4</sup>, anerkennen wir damit die Möglichkeit einer Norm, die das menschliche Tun und Lassen einerseits zu orientieren, andererseits in seiner Angemessenheit bzw. Unangemessenheit zu vermitteln vermag.

Stellen wir die genannte Frage mit Blick auf unser heutiges Wirtschaften und auf das dieses Wirtschaften leitende Wissen, dann werden wir alsbald in eine Auseinandersetzung mit dem geführt, was wir ohne weiteres den Leitwert unsere Zeitalters<sup>5</sup> nennen können – nämlich: die Nachhaltigkeit. Der diesem Leitwert innewohnende normative Grundzug verspricht dem menschlichen Handeln hinreichend Orientierung für die gleichzeitige Verwirklichung ökonomischer Sicherheit, sozialer Gerechtigkeit und ökologischen Gleichgewichts.

Gemäß dem traditionellen Verständnis des Verhältnisses von Ethik und Ökonomie ist die Ethik das Wissen um die letzten Zwecke menschlichen Handelns, während die Ökonomie das

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<sup>1</sup> Vgl. Ivo De GENNARO, *Building Leadership on the Invaluable*. Towards the Groundworks for a Phenomenological Approach to the Philosophy of Management, in: Anchilla Juris, Frankfurt a. M.: Klostermann, 2006, S. 78-87.

<sup>2</sup> Aufgrund der Kürze, die der dem Referat zugrunde gelegte Text haben soll, kann dieser letzte Schritt nur andeutungsweise erfolgen. Andeuten sollte sich der Bezug des hier vorgestellten Themas zu einer Reihe von Vorträgen, die Martin Heidegger 1949 unter dem Titel *Einblick in das was ist* gehalten hat. Die vier, in dieser Reihe versammelten Vorträge sind: *Das Ding*, *Das Ge-Stell*, *Die Gefahr* und *Die Kehre*. (Martin HEIDEGGER, *Bremer und Freiburger Vorträge*, HGA Bd. 79, Frankfurt a. M.: Klostermann, 2005). Da wir im Folgenden nicht explizit auf diese Vorträge eingehen werden, kann es hier auch in keiner Weise um eine Auslegung derselben gehen, wohl aber um den Versuch der Vorbereitung einer solchen Auslegung.

<sup>3</sup> Immanuel KANT, *KrV*, B 833.

<sup>4</sup> Immanuel KANT, *GMS*, AA IV: BA V.

<sup>5</sup> Vgl. dazu: »[...] sustainability should become a priority item« (Agenda 21, UN 1992, § 2.1). Vgl. dazu auch: Sustainability »[...] the fundamental guiding principle of international community« (United Nations Millennium Declaration, § 6 und § 22ff.)

Wissen um eine möglichst optimale und folglich effiziente Bereitstellung der Mittel zur Erreichung dieser Zwecke ist.<sup>6</sup> Sprechen wir im Rahmen dieses traditionellen Verständnisses von Nachhaltigkeit, dann begreifen wir diese für gewöhnlich als ethisches Prinzip und stellen uns das mit ihr beschäftigte Wissen als einen ethisch-normativen Gestaltungsansatz für die Implementierung zukunftsfähiger Werte im Hinblick auf eine ebenso zukunftsfähige wie möglichst optimale Entwicklung vor.

Als normatives Wissen ist die Ethik ein zukunfts-gewandtes Wissen, insofern sie in die Erschließung jener Bahnen eingelassen ist, denen menschliches Handeln zukünftig zu folgen hat und auf denen es sich folglich bewegen wird. Die Ethik ist darüber hinaus aber auch insofern ein zukunfts-gewandtes Wissen, als sie durch ihr fortgesetztes Eingelassen-Sein in die Erschließung der genannten Bahnen ihrerseits dem menschlichen Handeln das Zukünftige in seiner Offenheit zugänglich macht und jedes Mal erschließt.

So erweist sich das Normative von Anfang an als etwas wesentlich Zwiefältiges. Schlagen wir die Herkunft des Wortes »Norm« im Wörterbuch nach, finden wir es in einer Verwandtschaft mit den griechischen Worten γινώσκω (einsehen, verstehen), γνώμη (Einsicht, Vermögen zur Einsicht, Sinnesart) und γνώμων (Richtschnur, Maßstab, Winkelmaß, oder auch: Zeiger an der Sonnenuhr, d.h. etwas, von dem wir sagen, dass es die Zeit auf eine bestimmte Art und Weise anzeigt und von dem wir deshalb annehmen, dass es die Zeit zugänglich macht und also das Wesen der Zeit ein Stück weit erschließt)<sup>7</sup>. Pianigianis *Vocabolario etimologico della lingua italiana* sagt von der Norm, sie sei: »cosa per fare conoscere«, d. h. sie sei etwas, das wissen lässt, sie sei etwas, durch das Wissen möglich wird, insofern durch sie anderes zur Kenntnis gelangt und verstanden werden kann.<sup>8</sup> Was zur Kenntnis gelangt und verstanden werden kann, hält sich jeweils schon in der Möglichkeit, gewusst zu werden und ist so gesehen als ein Zukünftiges gegenwärtig.

Einerseits ist die Norm also etwas Maßgebendes. Sie gibt das vor, nach dem, wie Kant sagt, »alles geschehen soll«. Als diese Vorgabe ist die Norm andererseits zugleich in die Erschließung dessen eingelassen, dem sie von sich her und von sich aus zugewandt ist: dem Zukünftigen. Sie selbst ist Erschließung des Zukünftigen. Durch sie wird das Zukünftige ein Stück weit zugänglich und als das noch nicht gegründete Gründbare gegenwärtig. Sie trägt und entscheidet die Offenheit des Zukünftigen mit. Sodass wir sagen können: der normative Grundzug einer zukunfts-gewandten Ethik trägt und entscheidet die Offenheit des Zukünftigen derart, dass sich daraus für unser Tun und Lassen jedes Mal eine Richtung, eine Ausrichtung, letztlich ein Sinn<sup>9</sup> ergibt.

Indes bedenken wir das Normative solange zu ungenau, solange wir die Norm lediglich als die Vorschrift einer Regel zur Steuerung des menschlichen Handelns und mithin zu einer planmäßigen Herstellung künftiger Verhältnisse sehen und auf diese Weise von vorne herein im Hinblick auf eine in ihrer Ausrichtung bereits entschiedene operative Nutz-barmachung auslegen. Im Zuge einer solchen Auslegung bleibt die Ethik nämlich in erster Linie mit der Ergründung und Begründung jener Normen beschäftigt, die das menschliche Handeln auf eine planmäßige Einrichtung künftiger Verhältnisse hin abstellt. Dabei setzt sich eine rein instrumentelle Vorstellung der Norm ins Recht, ohne dass wir zugleich bemerken, wie sich

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<sup>6</sup> Vgl. Ivo De GENNARO, *Building Leadership on the Invaluable* (cf. n. 1), S. 78.

<sup>7</sup> *Duden – Das Herkunftswörterbuch*. Etymologie der deutschen Sprache, Mannheim [u. a.]: Dudenverlag, <sup>3</sup>2001, S. 563.

<sup>8</sup> Ottorino PIANIGIANI, *Vocabolario etimologico della lingua italiana*, La Spezia: Melita Editori, <sup>4</sup>1991, S. 916.

<sup>9</sup> Die Wurzel des Wortes »Sinn« ist das idg. \*sent- das unter anderem auf die Bedeutungen von »gehen«, »nachgehen«, »im Begriff sein, eine Richtung zu nehmen« verweist. In dem Wort »Uhrzeigersinn« ist diese ursprüngliche Bedeutung noch erhalten. Vgl. dazu *Duden – Das Herkunftswörterbuch*. Etymologie der deutschen Sprache, Mannheim [u. a.]: Dudenverlag, <sup>3</sup>2001, S. 770f.

die Offenheit der Zukunft dadurch in einer bestimmten und gerade nicht selbstverständlichen Entschiedenheit zeigt, d. h. von vorn herein entschieden ist.

Als normatives Wissen ist die Ethik zukunftsgerichtet, insofern sie durch die Frage nach dem, was getan und was unterlassen werden soll, eine Verbindlichkeit anzeigt, in der sich jedes Mal das ausspricht, was Kant in der Preisschrift des Jahres 1764, *Untersuchung über die Deutlichkeit der Grundsätze der natürlichen Theologie und der Moral*, eine »Notwendigkeit der Handlung«<sup>10</sup> nennt. Im Hinblick auf die Begründung dieser Notwendigkeit und der durch sie angezeigten Verbindlichkeit führt Kant einen Unterschied ein, der klarstellt, welcherart »die ersten Gründe der Moral«<sup>11</sup> sind.<sup>12</sup> Der Unterschied weist sich zuerst in dem normativen Grundzug, der dem Sollen als Sollen eigen ist.<sup>13</sup>

Man soll dies oder jenes tun, und das andere lassen; dies ist die Formel, unter welcher eine jede Verbindlichkeit ausgesprochen wird. Nun drückt jedes Sollen eine Notwendigkeit der Handlung aus, und ist einer zwiefachen Bedeutung fähig. Ich soll nämlich entweder etwas tun (als ein Mittel), wenn ich etwas anderes (als einen Zweck) will, oder ich soll unmittelbar etwas anderes (als einen Zweck) tun, und wirklich machen. Das erstere könnte man die Notwendigkeit der Mittel (*necessitatem problematicam*), das zweite die Notwendigkeit der Zwecke (*necessitatem legalem*) nennen.<sup>14</sup>

Von der erstgenannten Notwendigkeit, der Notwendigkeit, der Mittel sagt Kant, sie zeige eigentlich

[...] gar keine Verbindlichkeit an, sondern nur die Vorschrift als die Auflösung in einem Problem, welche Mittel diejenigen sind, deren ich mich bedienen müsse, wie ich einen gewissen Zweck erreichen will. [...] etwa so, wie es eine Verbindlichkeit wäre, zwei Kreuzbogen zu machen, wenn ich eine gerade Linie in zwei gleiche Teile zerfallen will, d. i. es sind gar keine Verbindlichkeiten, sondern nur Anweisungen eines geschickten Verhaltens, wenn man einen Zweck erreichen will.<sup>15</sup>

Daraus folgert Kant nun im Hinblick auf den jeweiligen Zweck einer Handlung, dass

[...] alle Handlungen, die die Moral unter der Bedingung gewisser Zwecke vorschreibt, [solange] zufällig [sind] und [...] keine Verbindlichkeit heißen, solange sie nicht einem an sich notwendigen Zweck untergeordnet sind.<sup>16</sup>

Unser Tun und Lassen erfüllt so gesehen zwar jedes Mal einen Zweck, nicht immer aber taugt der zu verwirklichende Zweck zur Begründung der Notwendigkeit der Handlung und

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<sup>10</sup> Immanuel KANT, *Nat. Theol.* A 96.

<sup>11</sup> Immanuel KANT, *Nat. Theol.* A 96.

<sup>12</sup> Wengleich Kant an dieser Stelle auch feststellt, dass diese ersten Gründe der Moral »nach ihrer gegenwärtigen Beschaffenheit noch nicht aller erforderlichen Evidenz fähig sind«. Immanuel KANT, *Nat. Theol.* A 96.

<sup>13</sup> Gemäß dem, was wir im Vorherigen von der Norm gesagt haben, können wir das, was Kant hier zeigt, in der Weise verstehen, dass die im »Sollen« (*Nat. Theol.* A 96) zur Sprache gebrachte »Verbindlichkeit« (*Nat. Theol.* A 96) nicht ausschließlich und nicht in erster Linie als eine mittelbare Handlungsanweisung zu verstehen ist, sondern dass sie auch und vor allem in die unmittelbare Erschließung »der ersten Gründe der Moral« (*Nat. Theol.* A 96) eingelassen ist, welche durch sie allererst zur Kenntnis gelangen. Die Formulierung einer »solche[n] unmittelbare[n] oberste[n] Regel aller Verbindlichkeit« (*Nat. Theol.* A 97) erscheint Kant hier noch, wie er selbst sagt »schlechterdings unerweislich« (*Nat. Theol.* A 97), weswegen eine Erschließung »der ersten Gründe der Moral« bisher aller »erforderlichen Evidenz« (*Nat. Theol.* A 96) entbehrt. In der *Grundlegung der Metaphysik der Sitten* (1785) wiederholt Kant die Fragestellung und sagt, die Aufgabe der Untersuchung sei die »Aufsuchung und Festsetzung des obersten Prinzips der Moralität, welche allein ein in seiner Absicht ganzes und von aller anderen sittlichen Untersuchung absonderndes Geschäft ausmacht« (GMS 329).

<sup>14</sup> Immanuel KANT, *Nat. Theol.* A 96.

<sup>15</sup> Immanuel KANT, *Nat. Theol.* A 96.

<sup>16</sup> Immanuel KANT, *Nat. Theol.* A 96.

der durch sie merklichen Verbindlichkeit. Entweder erfüllt die Handlung einen mittelbaren Zweck – so, dass sie ebenso wie die von ihr berührten Dinge als Mittel zur Erfüllung eines auswärtigen Zweckes erscheinen und ihr Sinn jedes Mal in Abhängigkeit von diesem Zweck erschlossen wird<sup>17</sup> – oder die Handlung erfüllt einen unmittelbaren Zweck, der zwar durch sie verwirklicht wird – so aber, dass die Handlung selbst und mithin die von ihr berührten Dinge sich in einer größtmöglichen Vollkommenheit zeigen und sich ihr Sinn gerade nicht in der Erfüllung eines auswärtigen Zweckes erfüllt und sie mit Bezug auf diesen nicht bloß zweckmäßig sind.

Tue das Vollkommenste, was durch dich möglich ist [...] Unterlasse das, wodurch die durch dich größtmögliche Vollkommenheit verhindert wird [...].<sup>18</sup>

Besonders aufschlussreich ist, was Kant zufolge unterlassen werden soll – nämlich: dass die durch uns »größtmögliche Vollkommenheit verhindert wird«. Demnach ist jedem von uns aufgegeben, jeweils eine größtmögliche Vollkommenheit zu verwirklichen, u. z. unmittelbar, d. h. in völliger Absehung eines jeden mittelbaren Zwecks, der durch die Handlung darüber hinaus verwirklicht werden könnte. »Tue das Vollkommenste [...]«<sup>19</sup>: Hierin sieht Kant im Rahmen der zitierten Schrift den »erste[n] formale[n] Grund aller Verbindlichkeit«. <sup>20</sup> Unser Tun und Lassen ist unmittelbar und gerade nicht mittelbar in die Verwirklichung des Vollkommensten eingelassen. Was verwirklicht werden soll, ist noch nicht. Was noch nicht ist, bleibt ausständig. Was ausständig bleibt, ist offen. Genau genommen ist unser Tun und Lassen nichts anderes als unmittelbares Eingelassen-Sein in die Ausständigkeit und Offenheit des Vollkommensten, d. h. unmittelbares Ein-gelassen-sein in die zukünftige Ermöglichung von Vollkommenheit und Unvollkommenheit. Derart erschließt sich dem menschlichen Handeln in allem Tun und Lassen ein unmittelbarer Zweck, eine anfängliche Richtung, mithin ein zukünftiger Sinn, der nicht schon in der bloßen Zweckmäßigkeit des Handelns und der Dinge zugunsten eines auswärtigen Zwecks zugänglich gemacht ist und demnach auch nicht schon darin zu finden ist.

## II

Kommen wir an dieser Stelle auf die Forderung nach einem nachhaltigen und so gesehen zukunftsfähigen Handeln zurück und achten wir insbesondere auf den der Nachhaltigkeit inhärenten normativen Grundzug, dann zeigt sich: Mittelbar verspricht die Nachhaltigkeit Orientierung im Hinblick auf die gleichzeitige Verwirklichung ökonomischer Sicherheit, sozialer Gerechtigkeit und ökologischen Gleichgewichts. Unmittelbar erschließt sie das Zukünftige ein Stück weit in seiner Offenheit – so weit nämlich, als die Nachhaltigkeit unserem Tun und Lassen ebenso wie allem, was von diesem berührt ist, eine anfängliche Richtung vorgibt und es auf diese Weise von vorn herein in seinem zukünftigen Sinn erschließt – d. h. es im Voraus in sein jeweiliges Was-Sein und Wie-Sein einsetzt, sodass die Dimension des menschlichen Aufenthalts und Sich-Einrichtens auf der Erde (ἦθος) in ihrer Zukunft bestimmt und gerade nicht mehr offen ist.

Gemäß ihrer ursprünglichen, aus der Forstwirtschaft stammenden Bedeutung ist die Nachhaltigkeit in erster Linie in die Erhaltung der jeweils relevanten Faktoren eines regenerierbaren Systems eingelassen, sodass dieses System in seinen wesentlichen Funktionen bestehen bleibt und weiterhin nutzbar ist. Als Leitwert unseres Zeitalters ist die

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<sup>17</sup> Wobei nun aber – so könnte ergänzt werden – der eigentliche Zweck nirgends anderes als in der unmittelbaren Zweckmäßigkeit der Handlung und der unmittelbaren Zweckmäßigkeit der Dinge liegen kann.

<sup>18</sup> Immanuel KANT, *Nat. Theol.* A 97.

<sup>19</sup> Immanuel KANT, *Nat. Theol.* A 97.

<sup>20</sup> Immanuel KANT, *Nat. Theol.* A 97.

Nachhaltigkeit dementsprechend in die Erhaltung aller relevanten Faktoren dessen eingelassen, was für die Konstitution unseres eigenen Zeitalters maßgebend ist und was als Maßgebendes den Sinn aller Dinge bestimmt – nämlich: die fortgesetzte Optimierung bzw. der Optimierungswille, welcher sich in der Selbst-Ermächtigung eines ständigen zu erwirkenden Optimums zur Geltung bringt.<sup>21</sup>

Aus der Sicht der Ökonomie ergibt sich dort ein Optimum, wo ein möglichst ideales Verhältnis zwischen eingesetzten Ressourcen und erwirktem Effekt besteht – sprich, wo im Hinblick auf die Generierung eines letztlich quantifizierbaren Wachstums die dafür aufgewandten Ressourcen gegen das größtmögliche Minimum und der dabei erwirkte Effekt gegen das größtmögliche Maximum hin tendieren.<sup>22</sup> Eigentümlich ist, dass Wachstum nur dort ein Sein hat, wo Wachstum besteht, d. h. wo Wachstum fortbesteht und in seinem Fortbestand gesichert ist. Gesichertes Wachstum ist indes ausschließlich dort möglich, wo zugleich alle für sein Bestehen und Fortbestehen relevanten Faktoren in ihrer künftigen Verfügbarkeit gesichert sind. Dabei ist das Wachstum im Grunde ebenso wie die Optimierung selbst prinzipiell unbegrenzt.<sup>23</sup> Um in dem genannten Sinne bestehen zu können, braucht die Selbst-Ermächtigung des zu erwirkenden Optimums Macht über die Verfügbarkeit aller für die Optimierung relevanten Faktoren, um sich auf diese Weise die Kontrolle über – erstens – den zu erwirkenden Effekt und – zweitens – über die Optimierbarkeit dieses Effektes zu sichern. Wo sich der jeweils erreichte Optimierungsgrad nicht in eine weitere Optimierbarkeit übersetzen lässt, ist er seinerseits nicht optimal, insofern sich durch ihn eine Grenze manifestiert, welche die Möglichkeit eines prinzipiell unbegrenzten Wachstums außer Kraft setzt und in seiner maßgebenden Funktion in Frage stellt. Dort, wo also der Anspruch auf ein unbegrenztes Wachstum an seine Grenzen stößt und nicht mehr zu funktionieren scheint, gerät die Durchsetzung der Optimierung selbst in Krise. Dementsprechend die Forderung nach einem nachhaltigen Wachstum, d. h. nach einer langfristigen Sicherung der Verfügbarkeit aller für das Wachstum relevanten Faktoren.

In diesem Zusammenhang erweist sich die Nachhaltigkeit nun als ein ökonomisches Prinzip, das von Anfang an im Dienste einer quantifizierbaren Optimierung steht. Was indes im Lichte der Selbst-Ermächtigung des zu erwirkenden Optimums als relevanter und mithin erhaltenswerter Faktor erscheint und worin seine Relevanz bestehen soll, ist durch die Maßgabe der quantifizierbaren Optimierung selbst bereits im Voraus definiert und gerade nicht mehr offen.

### III

In eins damit erscheinen nun alle Dinge – mithin auch unser Tun und Lassen und das Wesen des Menschen selbst – in einer mittelbaren Zweckmäßigkeit für die fortgesetzte

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<sup>21</sup> Das für unser Zeitalter Maßgebende nennt Ivo De Gennaro in einem Beitrag aus dem Jahre 2006 »Empowerment to performance«. »The expression 'the dominant trait of our time' refers to the fundamental trait which, in our epoch, constitutes the sense of all things. This trait we call the empowerment to performance (or, which is the same, empowerment to power). 'Empowerment to performance' means: imparting the power or command over effects, enabling the implementation of the enhancement of effectiveness (i.e. the capacity for producing effects). According to this trait, the truth and validity of all human knowledge and action, is determined by the capacity for and the degree of this empowerment«. Ivo De GENNARO, *Building Leadership on the Invaluable* (cf. n.1), S. 78f.

<sup>22</sup> Vgl. JÜRGEN GEDINAT, *Globalisierung – eine Erörterung*, in: *Ein Modell von Welt*. Unterwegs in der Globalisierung, Freiburg: Centaurus, 2013, S. 166-177.

<sup>23</sup> Als ein metaphysisches Prinzip finden wird die Maßgabe der Optimierung in dem von Leibniz formulierten principium determinationis: »Semper scilicet est in rebus principium determinationis quod a Maximo Minomove petendum est, ut nempe maximus praestetur effectus, minimo ut sic dicam sumtu«. Gottfried Wilhelm LEIBNIZ, *De rerum originatione radicali*, Philosophische Schriften, hrsg. von C. Gerhardt, VII (1890, NB 1961), S. 303.

Selbst-Ermächtigung des zu erwirkenden Optimums. Sie erscheinen als bloße Faktoren einer Optimierung, für welche sie immer schon ein quantifizierbarer und zu quantifizierender Wert sind und also von vornherein in ihrer Werthaftigkeit gesehen werden. Die Rede von dem Wert der Natur und dem Wert des Menschen, die längst selbstverständlich erscheinende Notwendigkeit zur Evaluierung von allem und jedem, die längst selbstverständlich erscheinende Notwendigkeit zur Indizierung, Parametrisierung und Digitalisierung sind nur die sichtbarsten Zeichen für die Macht dieser vorausreifenden Maßgabe. Die Natur ist ein Wert. Der Mensch ist ein Wert. Ihr Sein besteht in ihrer Werthaftigkeit, d. h. in ihrer mittelbaren Zweckmäßigkeit für die fortgesetzte Optimierung. Dementsprechend haben sie sich von vornherein – d. h. auch in Zukunft – in einer möglichst vollständigen Evaluierbarkeit, Indizierbarkeit, Parametrisierbarkeit, Digitalisierbarkeit, zu halten. So, dass sich uns an dieser Stelle die unmittelbare Unwirtlichkeit der fortgesetzten Optimierung erschließt.

Was nun aber ausschließlich in seiner mittelbaren Zweckmäßigkeit zugänglich wird und so von vornherein als etwas Werthafes erschlossen ist, bleibt ganz und gar in dem unbemerkt, was es von sich her und von sich aus zu sein vermöchte. Im Lichte der genannten Maßgabe ist unmittelbare Vollkommenheit von vornherein unmöglich. Alles bleibt ständig unvollkommen, da es keine Möglichkeit zur Vollkommenheit gibt. Die quantifizierbare Optimierung kennt prinzipiell keine Grenze, sodass in ihrem Bereich jede Möglichkeit der Vollkommenheit ausgeschlossen ist. Die Dinge bleiben auf ihre bloß mittelbare Zweckmäßigkeit beschränkt, sodass sie ihrem Wesen nach – heute ebenso wie morgen oder in einer Woche, in zehn Monaten oder in einhundert Jahren – immer nur als »Faktoren für ...«, »als Wert für ...« gelten und so in ihrer messbaren Wirkung für die fortgesetzte Optimierung erscheinen und gerade nicht in der ihnen eigenen Offenheit zukünftig sind.<sup>24</sup>

Unter diesen Voraussetzungen bleibt der unmittelbare Zweck der Dinge – mithin der unmittelbare Zweck unseres Tun und Lassens und des Wesens des Menschen – verschlossen, so nämlich, dass sich, um mit Kant zu sprechen, keine eigentliche Notwendigkeit des Handelns ergibt, insofern sie durch die ständig unvollkommene Erfüllung eines auswärtigen Zwecks unmittelbar verborgen bleibt.

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<sup>24</sup> Ding, ahd. thing: »Versammlung«, »Versammlung zur Verhandlung einer in Rede stehenden Angelegenheit, d. h. eines in Rede stehenden Streitfalls« »Name für jegliches, was den Menschen in irgendeiner Weise angeht« (Martin HEIDEGGER, *Bremer und Freiburger Vorträge* (GA 79), cf. n. 2, S. 13.): eine in Verhandlung stehende Sache ist eine Sache, die noch nicht entschieden ist, die einer Entscheidung harret; das Ding ist so gesehen das, was den Menschen in der Weise angeht, dass es ihn für die Entscheidung seines Seins braucht, insofern der Mensch als Mensch in die Ausständigkeit dieser Entscheidung eingelassen ist und sie als solche zu wahren vermag.

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# Eindrücke und Beobachtungen in 50 Jahren Societas Ethica

Vortrag zum Goldjubiläum

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English summary in the end of this article, translated by  
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Erlauben Sie, verehrte Damen und Herren, dass ich vorweg spontan meiner Freude darüber Ausdruck gebe, dass sich zu unserer diesjährigen Jahrestagung hier in Soesterberg wieder eine so grosse Teilnehmerschaft eingefunden hat, sozusagen wie zu den besten Zeiten unserer Societas. Als das Mitglied mit der wahrscheinlich längsten Mitgliedschaft (die ich und in den letzten Jahrzehnten auch regelmässig durch Teilnahme realisieren konnte) war ich bei der geringen Teilnehmerzahl an manchen der letzten conferences besorgt, wie es wohl weitergehen könnte mit unserer „Europaeischen Forschungsgesellschaft für Ethik“. Heuer aber können wir alle in eigener Erfahrung feststellen: Die societas lebt – was immer die Ursachen der Teilnahme-Fluktuation sein mögen (die jeweilige Thematik, die Referenten, die Tagungsorte, die papers oder...?). Offensichtlich brauchen sich die jeweiligen Praesidien und der konstante Kern der Teilnehmerschaft nicht davon irritieren zu lassen, dass sich auch unsere „Forschungsgesellschaft“ ebenso wie andere Institutionen in einem stetigen Auf und Ab sowohl ihrer inhaltlichen als auch ihrer institutionellen Resonanz bewegt.

Der Wandel in diesen beiden Bereichen charakterisiert deutlich auch die Geschichte der Societas Ethica. Diesem folgend gliedere ich meinen Vortrag in folgende 3 Teile:

*Erstens:* Die Intentionen der Gruenderväter – und ihre Realisierungen bis zur „Europaeischen Wendezeit“ um 1990;

*Zweitens:* Veränderungen mit und seit der „Wendezeit“;

*Drittens:* Flexible TeilnahmeMotivationen an den SE-Jahreszagungen

## Erster Teil: Die Intentionen der Gründerzeit und ihre Realisierungen bis zur Europaeischen Wendezeit um 1990.

### *1) Die Gründungstagung*

Am frühen Nachmittag des 9. Oktober 1964 konnten der Rektor der Universität Basel und der Vizepräsident des Kantons Basel 40 damals renommierte Professoren für Theologische Ethik aus ganz Europa begrüßen. Ich nenne ein paar klangvolle Namen: Arthur Rich und Hendrik van Oyen aus der Schweiz, Helmut Thielicke, Friedrich Delekat und Heinz Horst Schrey aus dem evangelischen Deutschland, Franz Böckle und W. Schöllgen aus dem katholischen Deutschland, Sven Aalen aus Oslo, Niels Hansen Søe aus Kopenhagen, Johannes de Graaf

aus Utrecht, Robert Mehl aus Strassburg, Jan Michalko aus Bratislava, Pal Török aus Debrecen. Der Konfession nach waren drei Viertel der Anwesenden evangelisch; ein Viertel war katholisch.

Sie waren zusammengekommen, um über die Gründung einer, wie es im Einladungsschreiben hiess, „**Ökumenischen Gesellschaft für christliche Ethik**“ zu beraten und zu entscheiden. Schon am nächsten Tag wurde die „**Societas Ethica**“ (=SE) vorläufig gegründet. Eine Satzung sollte „bis zur nächsten Zusammenkunft in ein oder zwei Jahren“ vom Vorstand vorgelegt werden. Sie wurde dann auch auf der Jahrestagung 1965, ebenfalls in Basel, verabschiedet und daraufhin veröffentlicht in der „**Zeitschrift für Evangelische Ethik**“, die man als offizielles Publikationsorgan der SE bestimmt hatte. In §3 der Satzung wird der Zweck der SE folgendermassen formuliert: „Der Verein hat die Aufgabe, regelmässige Zusammenkünfte der Dozenten für Ethik an den Universitäten und Hochschulen zur Diskussion aktueller Fragen ihres Faches herbeizuführen. Hauptgrundlage der Diskussion soll das Evangelium bilden. Nach Möglichkeit sollte ein Treffen jedes zweite Jahr in einem Universitätszentrum stattfinden.“

Schon jahrelang vorher hatte es Vorgespräche darüber gegeben, warum und wie eine solche Gesellschaft notwendig wäre. Ich selbst war 1963 als Assistent am Münsteraner Uni-„Institut für Christliche Gesellschaftswissenschaften“ zusammen mit meinen Kollegen Trutz Rendtorff und Hinrich Ringeling in ein solches Vorgespräch zwischen Arthur Rich und Heinz Dietrich Wendland eingebunden. Konkretere Überlegungen zu dem Vorhaben waren mir auch deshalb bekannt, weil ich darüber gelegentlich informiert wurde durch meinen Studienfreund Dr. Klaus Bockmühl, der damals Assistent des Gründungspräsidenten Prof. van Oyen war und der sich bei der Vorbereitung sowie dann als Gründungssekretär der Societas Ethica organisatorisch wie inhaltlich, auch mit wichtigen eigenen Initiativen verdienstvoll für ihren Aufbau eingesetzt hat.

## 2) *Inhaltliche Intentionen*

Das inhaltlich tiefere Interesse an der Gründung einer „Ökumenischen Gesellschaft für Theologische Ethik“ wird bereits im Thema der Baseler Gründungstagung erkennbar; es lautete: „**Die theologische Begründung der Ethik angesichts der modernen Forderung einer New Morality**“.

Es ging also von Anfang an um Fragen, mit denen sich die Societas Ethica in den folgenden 50 Jahren in unterschiedlichen thematischen Kontexten immer wieder beschäftigt hat. Ich unterscheide vier solcher inhaltlichen Problemstellungen, die freilich theologisch eng miteinander verflochten waren:

**Erstens:** Das Programm einer New Morality weist hin auf einen in fast allen Lebensbereichen virulenten Wertewandel, der hauptsächlich verursacht war und ist durch die technischen sowie die sozioökonomischen Entwicklungen und der die etablierte christliche Ethik vor neue und oft, gänzlich ungewohnte Herausforderungen stellte. Zugespitzter wurde gefragt: Gibt es eine spezifisch christliche Antwort, oder wenigstens eine Antwort-Tendenz gegenüber dem allgemeinen und neuartigen, anscheinend irreversiblen Ethikbedarf? Und darüber hinaus: gibt es Antworten, die von katholischen und evangelischen Theologen einheitlich vertreten werden können? Explizit beschäftigte sich mit diesem Fragenkreis schon die dritte Jahrestagung (1966 in Lund) unter dem Hauptthema „Das Proprium der Christlichen Ethik“. In allerlei Variationen wird diese Thematik dann bis 1990 immer wieder behandelt.

**Zweitens** ging es darum, ob die in der Nachkriegszeit (nach 1945) in beiden Konfessionen jeweils vorherrschenden Paradigmen theologischer Ethik ausreichten, um ein christliches Proprium in der Ethikbegründung auch für Nichttheologen und für Vertreter einer „nicht-christlichen, profanen Ethik“ verständlich und nachvollziehbar zu machen.

Bei den damals diskutierten 'vorherrschenden Paradigmen' wäre auf protestantischer Seite etwa zu denken an die lutherische Ordnungstheologie oder an das von Karl Barth vorgeschlagene, in seinem Offenbarungsbegriff wurzelnde Modell der Analogia Fidei. Auf katholischer Seite wäre vielleicht zu denken an ein neuscholastisches Verständnis von Naturrecht oder an die normative Geltung von Aussagen des Kirchlichen Lehramtes.

Ein **dritter** Frageaspekt galt dem mehr binnentheologischen Diskurs: Wie weit nämlich entsprachen diese damals, zu Beginn der 1960er Jahre, verbreiteten Paradigmen dem jeweils aktuellen Forschungs- und Diskussionsstand der anderen theologischen Disziplinen, also der Exegese oder der Kirchengeschichte. In diesem Sinne behandelte die Jahrestagung 1968 in Amsterdam „Die Bedeutung des Dekalogs – theologisch und wirkungsgeschichtlich“.

**Viertens:** Das Themenspektrum der Jahrestagungen und damit das inhaltliche Interesse der neuen Gesellschaft war freilich von Anfang an keineswegs auf die **Begründungsprobleme** einer spezifisch christlichen Ethik begrenzt. Schon die zweite, für den institutionellen Konsolidierungsprozess wichtige Jahrestagung 1965 machte mit ihrer Thematik deutlich, dass gerade der Neue Ethikbedarf ebenso dringlich die Problemfelder der sogenannten „**Angewandten Ethik**“ oder „**Konkreten Ethik**“ in den Blick bringen musste. Das Thema für Basel 1965 lautete: „Die Monogamie in theologischer und in ethnologischer Sicht“; behandelt wurden dabei Probleme, über die bis in die allerjüngste Zeit, zumindest beiden grossen Kirchen Deutschlands heftig gestritten wird.-

In den folgenden Jahren häuften sich bei den conferences der SE solche Themenfelder der Angewandten Ethik; beispielsweise 1969 in Strasbourg: „Wirtschaftsethik und Entwicklungspolitik“; 1970 in Hofgeismar: „Gewalt als Problem der politischen Ethik“; 1971 ging es im schwedischen Bastad erstmalig um „MedizinEthik“; 1976 dann, am ungarischen Balaton, um „Ökologische Verantwortung“ - und damit inhaltlich um ganz ähnliche Fragen, wie sie uns heute, knapp 40 Jahre später, hier in Soesterberg (bei Utrecht) unter dem Gesamtthema „Climate Change, Sustainability, and an Ethics of an Open Future“ beschäftigen.

Im Blick auf die **inhaltlichen** Intentionen der Gründungsväter lässt sich also am Beispiel dieser vier Hauptthemen konstatieren, dass ihnen schon damals in nuce das breite Spektrum von modernen Herausforderungen der Ethik vor Augen steht. Diese Herausforderungen, haben in vielerlei Variationen die Themen der folgenden 50 Jahrestagungen bestimmt.

### *3) Institutionelle Entwicklungen und gesellschaftspolitische Relevanzen*

Die Initiative zur Gründung der Societas Ethica war von evangelischen Theologieprofessoren aus den deutschsprachigen Ländern ausgegangen. Von vornherein war zwar ein intensiver **ökumenischer Austausch** mit den katholischen Kollegen angestrebt worden, doch waren es nur wenige katholische Theologen, die in den Anfangsjahren der SE als Mitglieder beitraten oder an den Jahrestagungen häufig teilnahmen. Ein Jahr nach Gründung der Societas waren von insgesamt 85 eingetragenen Mitgliedern nur 14, also knapp 20% katholisch. Langsam aber stetig erhöhte sich danach jedoch der katholische Anteil. Obwohl mir keine genaueren statistischen Daten bekannt sind, schliesse ich aus den Teilnehmerlisten der Jahrestagungen mit ihren Angaben von Namen und Heimat-Universität, dass während und nach der denkwürdigen conference in Warschau 1980 ca 40% der Teilnehmenden katholisch war. Ich erinnere mich auch an viele späteren Jahrestagungen, an denen mehr katholische als evangelische Theologen und Laien anwesend waren.

Wichtig für das zunehmende Engagement von katholischen Kollegen in der SE dürfte dann die in den 70er Jahren einsetzende betonte Ausweitung von SE-Aktivitäten nach **Osteuropa** gewesen sein. Eine Schlüsselfigur dafür war der Warschauer Theologieprofessor Helmut Juros, der an dem Zustandekommen der bahnbrechenden Warschauer Jahrestagung

von 1980 wesentlichen Einfluss hatte und als Vorstandsmitglied der SE die Integration osteuropäischer katholischer Kollegen in die societates ganz generell vorangebracht hat.

Die Öffnung nach Osteuropa führte zu einer unerwartet starken **gesellschaftspolitischen Reichweite** und Relevanz der SE. So wurde in der fachlich, aber auch in der politisch interessierten Öffentlichkeit aufmerksam und durchweg positiv wahrgenommen, dass schon zu Beginn der 70er Jahre die sonst verschlossenen Grenzen von und nach Osteuropa zum Zwecke wissenschaftlichen Austausches überschritten werden konnten. Zu der ersten betont auf Ostkontakte ausgerichteten Jahrestagung, 1973 in Wien mit dem Thema „Ansätze ethischen Denkens in Osteuropa“, waren auch (sowjet-)marxistische Ethik-Professoren eingeladen; unter den tatsächlich Teilnehmenden war tatsächlich einer der führenden Ethiker der Moskauer Lomonossow-Universität. Erörtert und in Anfängen tatsächlich versucht wurde, ob und wie ein Dialog über ethische Fragen zwischen marxistischer und christlicher Ethik möglich wäre.

Auch nachdem dieser Dialog-Versuch abgeblasen worden war, blieb es in der Folgezeit den osteuropäischen Kollegen beider Konfessionen möglich, die SE-Jahrestagungen in Westeuropa zu besuchen. Unsere conferences gehörten so zu den wenigen Veranstaltungen, zu denen Theologieprofessoren den Ostblock vorübergehend verlassen durften. Umgekehrt war auch für uns westeuropäische Universitätsangehörige der Besuch der SE-Jahrestagungen am Balaton, in Warschau, in Dubrovnik (1982) oder in Debrecen (1987) eine der wenigen Gelegenheiten, einen unmittelbaren **Kontakt zu osteuropäischen Kollegen und Universitäten** aufzunehmen, sowie einen eigenen Eindruck vom Leben im damaligen Ostblock zu gewinnen.

Doch reichte die gesellschaftspolitische Relevanz über die allseits begrüßten Möglichkeiten des Austausches durchaus hinaus in sensiblere, den meisten eher verborgene Dimensionen der **Ost-West-Politik**. So hat die Warschauer Tagung wahrscheinlich erhebliche Anstöße für die Ausweitung des politischen Revolutionsprozesses in Polen gegeben; vielleicht hat sie sogar unmittelbar zum Sturz des kommunistischen ZK-Generalsekretärs E. Gierek, kurz nach der Warschauer SE-Tagung (1980) beigetragen. Auf späteren SE-Tagungen (z.B. in Palermo 1985 sowie besonders im ungarischen Debrecen 1987) gab es für die meisten Teilnehmer kaum erkennbare, aber latent heftige Auseinandersetzungen zwischen „Stasi-IM's“ und Kritikern des Systems der DDR und anderer Ostblock-Staaten.

Eine andere, wissenschaftspolitisch aber ebenfalls relevante und die Entwicklung der SE weit über die Wendezeit (1990) hinaus bestimmende institutionelle Entwicklung war, dass seit dem Ende der 80er Jahre der ökumenische Dialog zwischen evangelischen und katholischen Kollegen dezidiert ausgeweitet wurde auf das **interdisziplinäre Gespräch** mit Vertretern der **philosophischen Ethik** sowie anderer angrenzender Humanwissenschaften (Soziologie, Medizin u.a.). Auch ein solcher Dialog war in den Gründungsgesprächen ausdrücklich intendiert worden. Allerdings blieb der Anteil von Nichttheologen unter den Mitgliedern und den Tagungsteilnehmern während der ersten 20 Jahre des Bestehens der Societas Ethica ausgesprochen klein, nämlich meist weniger als 10% von inzwischen insgesamt ca. 250 Mitgliedern. Das änderte sich meinem Eindruck nach zu Beginn der 80er Jahre, als vor allem der schwedische evangelische Theologe Hemberg während seiner Präsidentschaft und in enger Kooperation mit seinem deutschen Freund, dem katholischen Moraltheologen Bruno Schüller SJ, das Gespräch mit der sogenannten „**Analytischen Ethik**“ suchte und damit den Kontakt zu den profanen Moralphilosophen forcierte und ausbaute. In den folgenden Jahren stieg die Zahl von Tagungsteilnehmern aus den Bereichen der Philosophie erheblich an; zu Beginn der 90er Jahre wurde sogar ein Professor für Praktische Philosophie, Robert Heeger aus den Niederlanden, für 4 Jahre zum Präsidenten der SE gewählt; 20 Jahre später wurde ebenfalls ein Philosoph, Hugues Poltier aus der französischen

Schweiz, zum Präsidenten (2008 - 2011) gewählt. Demgegenüber blieb allerdings in der SE-Mitgliedschaft der Anteil von Nichttheologen weiterhin klein.

Ausser Ökumenizität und Interdisziplinarität war in den Gründungsgesprächen eine bewusste **Internationalität** im Rahmen Europas, auch unabhängig von den Ost-West-Kontakten, intendiert worden. Diese Absicht wurde ersichtlich schon während der ersten 25 Jahre SE in hohem Masse realisiert, was das deutschsprachige Europa sowie Skandinavien, die Niederlande und (in quantitativem Abstand) eben auch Osteuropa betrifft. Deutlich weniger stark vertreten waren und blieben freilich Grossbritannien, Frankreich, Spanien und Italien. Während der zweiten „Halbzeit“ der SE änderte sich auch das mit weitreichenden Folgen. Das Spektrum der Internationalität unter den Teilnehmenden an den Jahrestagungen wurde erheblich breiter; der Anteil aus den deutschsprachigen Ländern ging prozentual zurück.

Bevor ich auf die Gründe dieser Entwicklung in einem zweiten Teil der SE-Geschichte näher eingehe, soll eine kurze statistische Übersicht den ersten Teil abschliessen:

Im groben Durchschnitt der letzten 40 Jahre ergaben sich für die Teilnehmerschaft an den Jahrestagungen bei jährlichen Schwankungen etwa folgende Prozent-Anteile:

**Deutschsprachige ~55%** (BRD: 45%, CH: 10%, A:1%);  
**Skandinavier** (S, Fin, N, Dk): ~15%; **Niederländer: ~10%**;  
**Osteuropäer** (DDR, H, Pl, Sl, Sk, Ro): ~10%; **Westeuropäer** (GB,F,USA) ~5%;  
**Südeuropäer** (I, E) u.a.: ~4%.

In **absoluten** Zahlen waren zu **den Jahrestagungen** seit 1980 durchschnittlich zwischen 60 und 100 Teilnehmende anwesend; die absolute Zahl der **SE-Mitglieder** schwankt in den letzten 30 Jahren zwischen 250 und 280.

Wie nur wenige andere Jahrestagungen (Padua 1999 und Oxford 2006) stellt unsere heutige Tagung hier in Soesterberg, was die Statistik angeht, eine gewisse Ausnahme dar: Es sind über 110 Teilnehmende anwesend; dabei ist der Anteil aus dem deutschsprachigen Europa (erstmalig!) auf unter 40% gesunken; der Anteil von Skandinavien und Niederländern liegt bei je ca.15%; der Anteil aus angelsächsischen Ländern ist ebenso auf über 10% angestiegen wie der aus Frankreich plus Westeuropa. Der Anteil der Osteuropäer dagegen ist auf 2 % (=2 Teilnehmer!) gesunken; auch auf die Gründe dafür ist später einzugehen.

Ein kleines **Resümee** der ersten 25 Jahre SE-Geschichte wird also feststellen, dass die **institutionellen** Vorstellungen der Gründungsväter ein gutes Stück weit realisiert wurden: nämlich ein dezidiert ökumenischer Austausch von theologischen Ethikern aus ganz Europa sowie die Entwicklung eines regelmässigen Gespräches mit der Philosophischen Ethik, insonderheit mit der „Analytischen Ethik“. Nicht realisiert allerdings wurde der Wunsch, dass sich möglichst alle (deutschsprachigen) Dozenten für Theologische Ethik sich in zweijährigem Rhythmus treffen und austauschen möchten. Die Zahl der teilnehmenden deutschen evangelischer Universitätsprofessoren etwa blieb immer klein (sie lag im Durchschnitt bei 4-5).

Im Sinne der Gründungsdiskurse weniger realisiert wurden andererseits gewisse, teils zentrale **inhaltliche** Erwartungen: der vorrangig theologische Charakter verbunden mit einer gewissen „religiösen Praxis“ trat zugunsten von mehr profanwissenschaftlichen Tendenzen und. Ähnliches gilt für die ursprüngliche Deutschsprachigkeit und eine ihr entsprechende „Tagungs-Mentalität“.

## Zweiter Teil: Neue Tendenzen seit der „Wendezeit“ um 1990

### 1) „Wendemarken“

Wenn wir davon ausgehen, dass die europäische Wendezeit um 1990 auch für die Geschichte der SE von gravierender Bedeutung war und noch ist, dann betrifft das also in erster Linie ihr sozusagen wissenschaftspolitisches Profil, nämlich die erwähnten Übergänge von ihrem dezidiert theologischen Charakter zum Vorrang interdisziplinär-profanwissenschaftlicher Thematiken und Erörterungsebenen, - sowie den Übergang in der Kongresssprache vom früher dominierenden „Deutsch“ auf das heute dominierende „English-intercultural“. Beidem und einigen weiteren „Wendemarken“ ist etwas genauer nachzugehen.

Mit dem Wegfall der Ost-West-Spaltung unmittelbar hängen allerdings nur wenige Veränderungen zusammen: nämlich insbesondere ein fast totaler **Rückzug der osteuropäischen Theologen** aus der Mitarbeit und aus der Mitgliedschaft in der Societas. Andere, ebenfalls gravierende institutionelle und inhaltliche Veränderungen waren schon länger, teilweise seit Beginn der 1980er Jahre erkennbar.

**Inhaltlich** war die Dominanz **theologischer Fragestellungen**, (manifestiert etwa in der Dauerproblematik eines christlichen Propriums oder einer spezifisch theologischen Begründung für fast jede konkrete ethische Stellungnahme) immer stärker zurückgetreten gegenüber einem wachsenden Interesse an den philosophischen und humanwissenschaftlichen Paradigmata und Problemstellungen. Parallel dazu war die in den Diskussionen früher dominierende theologische Fachsprache langsam überlagert worden von interdisziplinär breiter angelegten profanwissenschaftlichen, hauptsächlich philosophischen Kommunikationsmustern.

Als mit diesem Zurücktreten von Theologie verwandt und damit ebenfalls die Kultur der Societas Ethica mitteldristig verändernd empfand ich die Entwicklung der, wie ich es nenne, „**praktizierten Religiosität**“: Vor 50 Jahren war ja eingeladen worden zur Gründung einer „Ökumenischen Gesellschaft für Christliche Ethik“; in der Satzung wird „das Evangelium als Hauptgrundlage der Diskussionen“ bezeichnet. Von Beginn an also war die christlich-religiöse Komponente unübersehbar und konstitutiv. Diese Komponente blieb über Jahrzehnte erkennbar – auch unabhängig davon, dass sie schon 1965 in der religiös unspezifisch formulierten Selbstbezeichnung „Societas Ethica“ mit ihrem später hinzugefügten Untertitel „Europäische Forschungsgesellschaft für Ethik“ (= English: „European Society for research in Ethics“) nicht mehr explizit erwähnt wurde. Erhalten blieb jedoch als Kennzeichen der ökumenisch theologischen Ursprungintentionen die **religiöse Praxis** einer gemeinsamen Morgenandacht als stetiger und selbstverständlicher Bestandteil aller Jahrestagungen bis ca. 2005. Allerdings muss auch berücksichtigt werden, dass dieser Ritus bereits seit ca. 20 Jahren erkennbar an Interesse und Bedeutung verloren hatte. Das zeigte nicht zuletzt die oft minimale Teilnahme an der Andacht – und, wenn diese gelegentlich ganz ausfiel, wurde selbst das kaum öffentlich erörtert.

Wahrscheinlich hat dieses Zurücktreten des religiösen Rahmens ebenso wie das des theologischen Charakters der Societas-Kultur durch „die Wende“ einen Schub erfahren; es entspricht aber einem schon vorher vielerorts in Europa erkennbaren Säkularisierungsprozess – und der dürfte kaum aufzuhalten sein. Doch meine ich, dass hier ein **Kulturverlust** zu beklagen ist, der das Profil der SE wesentlich umgeformt hat und sowohl zu Veränderungen in der Mitgliedschaft als auch zu gewissen Defiziten in der sozialen Integration der Tagungsteilnehmer führte. Symptomatisch ist jedenfalls, dass zahlreiche jüngere Wissenschaftler bei den letzten Tagungen gar nichts von einer theologisch-ökumenischen Ursprungintention bei der Gründung der Societas wussten

Als auf eine weitere Veränderung durch die und nach der Wendezeit mit ebenfalls gravierenden institutionellen Folgen für die SE-Kultur muss ich auf die angedeutete

Entwicklung des **Sprachenproblems** etwas genauer eingehen: In der Anfangszeit war ausschliesslich und in den folgenden 20 Jahren vorwiegend deutsch auf den Tagungen gesprochen worden; seit der Wendezeit wurde eine einigermaßen ausgewogene Zweisprachigkeit angestrebt – und heute dominiert fast ausschliesslich die englische Sprache. Bis in die 90er Jahre waren dementsprechend die Teilnehmenden aus den Niederlanden, Skandinavien und insbesondere aus Osteuropa gewöhnlich soweit mit der deutschen Sprache vertraut, dass sie sich aktiv an den Diskussionen beteiligen konnten. Seit der Wendezeit und je häufiger Themen der Philosophischen Ethik und der „Angewandten Ethik“ („Applied Ethics“) behandelt wurden, desto ausschliesslicher wurde dann englisch geredet. Eine solche Entwicklung findet sich zwar ebenfalls ähnlich in fast allen wissenschaftlichen Fächern und genauso in den meisten Forschungsgebieten der Theologie – und auch sie wird sich offensichtlich weiter fortsetzen. Für die SE jedoch hatte sie insofern nachhaltig relevante Folgen, weil im Zuge dieses Prozesses nicht wenige der deutschsprachig sozialisierten Wissenschaftler **die Societas Ethica frustriert verlassen** haben

Bis über das Jahr 2000 hinaus ist auf den SE-Conferences immer wieder diskutiert worden, warum es denn sein müsse, dass in dem überwiegenden Teil der Vorträge und Diskussionen englisch gesprochen werde, wo doch 70% der Teilnehmer (oder mehr) lieber und besser deutsch als englisch sprächen und wo weitere 20% deutsch wenigstens einigermaßen verstünden. Frustriert davon waren vor allem die meisten Kollegen aus Osteuropa; für sie wurde die Sprachbarriere zu einem der beiden Gründe, sich aus der Mitarbeit und der Mitgliedschaft in der SE zurückzuziehen. Aber auch manche langjährige Mitglieder aus Deutschland und der Schweiz haben oft im persönlichen Gespräch bedauernd erklärt, dass sie nicht genügend Englisch verstanden hätten, um sich bei den Tagungen weiterhin ausreichend rezeptiv oder in eigenen Beiträgen beteiligen zu können. Allerdings dürfte das Sprachproblem als Grund für den Abschied von der SE, was die Mitglieder aus deutschsprachigen Ländern angeht, auf die ältere Generation begrenzt sein, da eine Diskussionsfähigkeit in englischer Sprache für die nachfolgenden Generationen von Wissenschaftlern immer stärker vorausgesetzt wird.

Bei den **osteuropäischen Kollegen** freilich dürften zusätzlich andere Faktoren für ihren Abschied von der SE eine verstärkte Rolle gespielt haben; deren Teilnahme nämlich war bis in die Wendezeit von 1990 und teils darüber hinaus grossenteils durch Subventionen von beiden Kirchen finanziell ermöglicht worden. Diese Zuschüsse kamen nach „der Wende“ langsam in Wegfall – und für die meisten osteuropäischen Kollegen wurde daraufhin die Teilnahme an unseren Jahrestagungen – auch abgesehen vom Sprachproblem - schlicht zu teuer.

Erwähnenswert sei darüber hinaus, worauf von einigen katholischen Kollegen aus Osteuropa beiläufig hingewiesen wurde, dass sich in manchen Diözesen und bei einem wachsenden Teil der jüngeren Theologengeneration eine konservativ-klerikale Mentalität ausbreite, mit der sich oft eine zunehmend kritische Einstellung gegenüber Arbeit und Ausrichtung der SE verbinde.

## *2) Neue inhaltliche Akzente in der fachlichen Ausrichtung*

Die Entwicklung von einem mehr theologischen zu einem mehr profanwissenschaftlichen Charakter der SE manifestierte sich inhaltlich in mehreren neuen Akzentsetzungen. Vier von ihnen möchte ich herausheben; einige von ihnen waren zwar ansatzweise bereits in der ersten „Halbzeit“ der SE-Geschichte erkennbar; sie haben sich aber nach 1990 erheblich verstärkt und immer deutlicher die Kultur der SE bestimmt und verändert. Wie die Entwicklungstrends vor 1990 sind sie untereinander vielfach verflochten.

Erstens: Zunehmende Prägung durch Interessensfelder der Philosophischen Ethik

Das im deutschen Sprachraum vorherrschende Verständnis von Ethik war sowohl in der Theologie beider christlicher Konfessionen als auch in den profanwissenschaftlichen Bereichen traditionell vorrangig ausgerichtet auf deren **normative** oder **präscriptive Funktion**. Das änderte sich mit der erwähnten Öffnung und Ausweitung der SE-Interessen auf die „Analytische Ethik“ oder/und die „Descriptive Ethik“, wie sie insbesondere in der Moralphilosophie des angelsächsischen Sprachraums, und damit verwandt in den Niederlanden und Skandinavien, verstanden und traktiert wurden. In der Diskussion mit deren Vertretern wurde manchen in der traditionellen deutschsprachigen Ethik sozialisierten SE-Mitgliedern oder Tagungsbesuchern die Bedeutung der Aufgaben und der Reichweite von **descriptiver Ethik** neben und gegenüber der praescriptiven deutlicher bewusst.

Über dieses Arbeitsfeld hinaus wurde das neue Interesse an der **Philosophischen Ethik** realisiert und vertieft in den Gesprächen mit den angelsächsischen, skandinavischen und niederländischen Kollegen. Vorangetrieben haben diesen Prozess insbesondere als erster nichttheologischer Präsident (1992, 1995) der schon erwähnte niederländische Philosoph Robert Heeger sowie, auch als langjähriges Vorstandsmitglied der SE, die britische Moralphilosophin Brenda Almond. Trotz der breiten Öffnung zur profanen Moralphilosophie haben sich allerdings nur wenige professionelle Vertreter der philosophischen Ethik zur Mitgliedschaft in der SE entschlossen

Etwas anders sah und sieht es aus mit dem Anteil von nichttheologischen Teilnehmern an den Jahrestagungen: Je nach dem Hauptthema und wohl auch je nach der Attraktivität des Tagungsortes schwankt diese Zahl von Jahr zu Jahr erheblich. Doch belassen es die jüngeren Nichttheologen, die auf den conferences ihre papers präsentieren und diskutieren, meistens bei einer ein- oder zweimaligen Teilnahme. Zu einer Dauer-Mitgliedschaft ist es bei ihnen nur selten gekommen.

Zweitens: „Die Wendung zur Konkreten Ethik“

So lautete vor 20 Jahren das Thema der Jahrestagung von 1992 im hier nahegelegenen Utrecht. In den ersten Jahrzehnten der SE stand, wie erwähnt, das Interesse an der sogenannten „Theorieebene“ oder „Begründungsebene“ im Vordergrund der Diskussionen. Demgegenüber wurde der „Angewandten Ethik“ unter den Theologen vielfach eine gewisse Nachrangigkeit oder Zweitrangigkeit zugewiesen. Ursache für die seit 1992 erkennbare „Wendung zur Konkreten Ethik“ waren m.E. einerseits die immer neuen, im Prinzip schon in der Thematik der Gründungstagung von 1963 erkannten Herausforderungen durch eine „New Morality“ und durch den sich darin ausdrückenden „**Neuen Ethikbedarf**“ in allen Lebensbereichen der Gegenwart. Erkennbar wurde das seit den 70er und 80er Jahren in einer in Teilen der Öffentlichkeit zunehmenden Nachfrage nach ethischen Stellungnahmen, Gutachten oder Auftragsarbeiten zur Sozial-, Wirtschafts- oder Friedenspolitik; seit den 90er Jahren traten weitere hinzu, etwa die Ausdifferenzierungen von Bio- und Medizinethik hinzu, sowie bald auch die Einrichtung von Ethik-„Kommissionen“ auf regionaler Ebene sowie eines „Nationalen Ethik-Rates“ in mehreren Staaten.

Zur gleichen Zeit war andererseits manchen im deutschsprachigen Raum sozialisierten Teilnehmern im Austausch mit den angelsächsischen, skandinavischen oder niederländischen Kollegen die sozusagen wissenschaftliche Seriosität sowie die theoretische Relevanz von „Applied Ethics“ vielleicht deutlicher bewusst geworden als früher. Das drückte sich m.E. sowohl in der Theologie wie in der Philosophie aus in der Aufwertung von Konkreter Ethik und führte zu Gewichtsverlagerungen auf den Arbeitsfeldern der akademischen Disziplin „Ethik“.

Drittens: Die Postulierung einer „Rationalen Verständigungspraxis“

Trotz der wachsenden Bedeutung von „Konkreter Ethik“ blieben nach wie vor in den Bereichen der Begründungs- und Theorieebene wichtige überkommene oder neue **Prinzipienprobleme** bearbeitungsbedürftig, so etwa Fragen nach den **dogmatischen Praemissen** oder nach den latenten Absolutheitsansprüchen bestimmter theologischer oder philosophischer Positionen. Unterschiedliche Ausgangs-Annahmen oder unterschiedliche Schwerpunkte in der Begründung des jeweiligen Konzeptes von Ethik gab es ja weiterhin sowohl im innerprotestantischen wie im innerkatholischen Bereich; sie finden sich erst recht weiterhin im Gegenüber von katholisch und evangelisch sowie im Gegenüber von theologisch und philosophisch. Um in den damit gegebenen Spannungsfeldern zumindest innerhalb der SE zu einer tragfähigen Diskursbasis zu kommen, wurde von dem evangelischen Ethiker Martin Honecker während seiner Präsidentschaft (1988, 1991) eine „**Rationale Verständigungspraxis**“ postuliert und umzusetzen versucht. Sie ist in gewisser Weise verwandt mit dem Konzept einer „**Autonomen Ethik**“, wie es von dem katholischen Moraltheologen Franz Böckle und seiner Schule vertreten wird. Auf der Basis dieser inhaltlich verwandten Intentionen katholischer und evangelischer Theologen ergaben sich für die interkonfessionelle wie für die interdisziplinäre Kommunikation in der SE stets die Möglichkeiten einer Zusammenarbeit ohne theologisch-dogmatische oder ideologische Absolutheitsansprüche und ohne die aus solchen Ansprüchen leicht erwachsende Verteilung von Ketzerhüten.

Viertens: Die Tendenz zu einer ethikpolitischen Mittel- und Vermittlungsposition

Als ein weiteres, seit Jahrzehnten ebenfalls erkennbares inhaltliches Merkmal der SE möchte ich eine „**Mittel- und Vermittlungsposition**“ herausstellen, die sich meiner Wahrnehmung nach zuerst in den gesellschaftspolitischen und den ihnen verwandten theologiepolitischen Auseinandersetzungen der 1970er und 80er Jahre herausgebildet hatte und die sich später in den ethikpolitischen Diskussionen seit der Wendezeit (beispielsweise in der Sozial- oder der Medizinethik) etwas modifiziert neu formierte. Die Mehrheit der SE-Mitglieder also wollte wohl eine Position vertreten, die jenseits der sich wissenschaftspolitisch als dezidiert „positionell“ bezeichnenden Richtungen lag, mochten sich diese in „rechter“ (pointiert konservativer) oder in „linker“ (pointiert gesellschaftskritischer) Tendenz darstellen. Den positionell engagierten Theologen und Philosophen gegenüber erstrebte man in der SE eine Haltung der Reflexionsdistanz anstelle eines unmittelbaren und bewusst parteiischen Engagements; man wollte auf der Basis einer klaren Unterscheidung von Wissenschaft und Politik ein Forum für strittige Diskussionen anbieten und darstellen. In der Fachwelt wurde die SE auch dieser Absicht entsprechend eingeschätzt. Wer ein sozusagen „positionalistisches“ Wissenschaftsverständnis vertrat, nahm schon deshalb kaum an den Jahrestagungen der SE teil.

Um den Angehörigen der Generationen, die die Auseinandersetzungen im letzten Viertel des 20. Jahrhunderts nicht miterlebt haben, die **ethikpolitische Szene jener Zeit** etwas zu veranschaulichen, möchte ich hier in vereinfachender Strukturierung schildern, wie ich die damalige Situation wahrgenommen habe.

Der **katholische** Bereich hat sich mir in drei Hauptgruppierungen dargestellt: Auf der einen, oft als „rechts“ bezeichneten Seite standen Vertreter einer neoscholastischen Interpretation von Naturrecht mit dezidiert konservativen Auffassungen von Gesellschafts- und Kirchenpolitik. Auf der Gegenseite, also „links“, standen die Vertreter einer betont befreiungstheologisch argumentierenden, ebenso dezidiert gesellschaftskritischen und kirchenkritischen Richtung. Dazwischen gab es eine breitere Gruppe, die bei allen Unterschieden in ihren theologischen und teilweise auch ethischen Konzepten u.a. zusammengehalten wurde durch die erwähnte Distanz gegenüber einer zu unmittelbaren

Verflechtung von theologischer Erkenntnis und politischer Ideologie. Statt dessen tendierte man zu einer pragmatischen, aber keineswegs unkritischen Orientierung an der empirischen, auch sozialwissenschaftlich fassbaren Realität und ihren Möglichkeiten.

Mir schien, dass die meisten deutschsprachigen katholisch-theologischen Mitglieder der Societas dieser mittleren, generell auf realitätsnahen Diskurs ausgerichteten Tendenz zuzuordnen wären. Als einen ihrer Protagonisten sowohl innerhalb der Societas wie auch sonst im Wissenschaftsgeschehen habe ich den leider früh verstorbenen Münsteraner Sozialethiker Franz Furger vor Augen.

Im Blick auf die deutschsprachige **Evangelisch-Theologische Ethik** erscheint das Spektrum von ähnlich abgrenzbaren ethikpolitischen Gruppierungen für die Zeit von 1975 bis ca. 2000 schmäler als im katholischen Bereich. In den Vordergrund öffentlich wahrgenommener Diskussion getreten sind m.E. nur zwei einigermaßen konsolidierte Richtungen: Einmal eine tendenziell „linke“ Position, die durch die 68er Bewegung sowie durch die „Frankfurter Schule“ stark beeinflusst war, ebenfalls pointiert mit gesellschafts- und kirchenkritischen Postulaten hervortrat – und deren Vertreter kaum an den Veranstaltungen der Societas teilnahmen. Auf der anderen Seite gab es, wie im katholischen Bereich eine breite Gruppe, die entgegen einem „gewollt parteilichen“ Engagement distanzierter und pragmatisch auf die sozialwissenschaftlich erfassbare Realität und auf den interdisziplinären Diskurs mit den empirischen Humanwissenschaften ausgerichtet war. Eine dritte, eindeutiger „rechte“ und in Kirchen- wie Gesellschaftspolitik dezidiert konservative Mentalität lässt sich unter den deutschsprachigen Evangelischen Ethikern kaum ausmachen; allerdings kann man in manchen Beiträgen aus evangelikaler Richtung, besonders wenn es um Medizinethik, Bioethik oder auch Homosexualität geht, eine Nähe zu katholisch-konservativen Auffassungen erkennen.

Über die ethikpolitischen Positionen und Gruppierungen in den angelsächsischen Ländern sowie in Skandinavien und den Niederlanden weiss ich zu wenig, um sie genauer mit der deutschsprachigen Szene in Beziehung setzen zu können; aus Gesprächen auf unseren Jahrestagungen liess sich jedoch schliessen, dass die dortigen Verhältnisse in wichtigen Grundzügen ähnlich waren wie die im deutschsprachigen Raum.

Die Zweite Halbzeit theologie- oder ideologiepolitisch zusammenfassend, dürfte die Mehrheit der SE-Mitglieder, der Theologen wie der Nichttheologen, der deutschsprachig, der englischsprachig oder noch anders kulturell sozialisierten Wissenschaftler in ihrer inhaltlichen Mentalität sowohl vor wie nach 1990 eine ähnliche Richtung vertreten haben

Tendenziell von ihrer Gründung an und explizit noch deutlicher seit der Wendezeit hat sie in Begründungsfragen wie in Anwendungsfragen die Bearbeitung ethischer Problemfelder im Wege einer **undogmatisch-vernunftorientierten Verständigung** auf der Basis einer theologisch oder philosophisch reflektierten **christlichen Humanität** angestrebt. Auf dieser Basis stellt sie sich dar als ein Forum für den interdisziplinären Austausch über die unterschiedlichen Konzepte von Ethik sowie über die immer neuen Herausforderungen durch den rapiden gesellschaftlichen Wertewandel und die daraus resultierenden Aufgaben für die Konkrete Ethik. Diese Funktionen werden wohl auch in einer absehbaren Zukunft das Erscheinungsbild der SE bestimmen.

### Dritter Teil: Zur Vielfalt der Motivationen für die Teilnahme an den SE-Conferences und damit von deren Funktionen.

Bei den Teilnahme-Motivationen und damit indirekt bei den Funktionen der SE-Jahrestagungen handelt es sich für eine wissenschaftliche Gesellschaft um eine solch aussergewöhnliche Vielfalt, sowie um solch variable Kombinationen von unterschiedlichen

Interessen, dass sie als ein eigener thematischer Teil am Ende dieses Rückblickes auf 50 Jahre Societas Ethica behandelt werden sollen.

Sprach und spricht man mit Besuchern unserer Jahrestagungen informell über die Anlässe für ihre Teilnahme, dann werden gewöhnlich zuerst die üblichen, für wissenschaftliche Fachkongresse allgemein geltenden Gründe genannt: Jüngere wie ältere Teilnehmer wollen erfahren, was zur Zeit in ihrem Fachgebiet generell und was speziell zu der jeweiligen Tagungsthematik verhandelt wird. Viele wollen einmal die namhaften Vertreter/Vertreterinnen ihres Faches, deren Bücher oder Aufsätze sie kennen, persönlich erleben und auch mal mit ihnen diskutieren. Daneben wollen Nachwuchswissenschaftler ihre papers und Thesen zur Diskussion stellen und ein kompetentes Feedback erwarten. Etablierte Professoren können wieder einmal ihre anderswo lebenden Kollegen treffen und sich mit ihnen über „the state of the art“ unterhalten etc.

Kommt man intensiver ins Gespräch, dann erfährt man, dass die meisten Teilnehmer manches Interesse an der Societas formulieren, das über diese konventionellen Motive und fachlichen Aspekte hinaus weist. Wenn ich solche spezifischeren Äusserungen zusammen mit meinen eigenen Interessen und Eindrücken bündele, dann ist es die Kombination von drei „Transzendierungen“ (im Sinne von Überschreitungen) der klassischen akademischen Kongressarbeit, die das Besondere der SE ausmacht und ihre Attraktivität verstärkt. Solche Transzendierungen betreffen die folgenden drei Charakteristika:

1) Ihre Interkonfessionalität, 2) ihre Interdisziplinarität, 3) ihre Internationalität.

Für jedes dieser „Transzendierungsfelder“ nenne ich beispielhaft einige Aspekte, die in den Gesprächen mit Tagungsteilnehmern oft genannt wurden und die ein über die Sachthematik hinausgehendes Interesse an der SE und ihren Tagungen anzeigen.

#### *Erstens: Zur Interkonfessionalität:*

Jeder Theologe lernt in seinem Studium einiges über die theologische Ethik der jeweils anderen Konfession: über deren theologischen Begründungsmuster, ihre Anwendungsregeln sowie durchaus auch (vielleicht in gelegentlicher Konfessionspolemik) etwas von tatsächlichen oder angeblichen Defiziten. Häufig bleiben diese einmal gelernten Vorstellungen für den als Pfarrer oder Lehrer amtierenden Theologen ein Leben lang bestimmend für seine Einschätzung, besonders die der ethischen Defizite der konfessionellen Gegenseite (etwa in Bezug auf ein „ein autoritäres kirchliches Lehramt in Rom“ oder auf „eine im Prinzip libertinistische protestantische Sexualmoral“). Zwar könnte sich der studierte Theologe leicht kundig machen über inzwischen erfolgte Differenzierungen und Entwicklungen in der Ethik der anderen Konfession; doch geschieht das selten mit nachhaltiger Wirkung. Er verbleibt zumeist in den konventionellen Denkstrukturen seiner eigenen theologischen Provenienz befangen. Manchmal gilt das sogar, wenn vielleicht auch auf höherem Niveau, für Professoren und für Bischöfe.

Eine realitätsgerechte Korrektur von veralteten, aber konventionell gebliebenen Vorstellungen und Vorurteilen gelingt nach meiner Beobachtung und Erfahrung am ehesten dann, wenn Theologen beider Konfessionen in einem gemeinsamen Arbeitsprozess, besonders in ökumenischen Arbeitsgruppen über eine längere Zeit zusammenarbeiten oder wenn sie wenigstens ein paar Tage lang in Kleingruppen miteinander diskutieren. Der persönliche Kontakt spielt offensichtlich eine kaum ersetzbare Rolle.

Genau solche Kommunikationsbedingungen hat die Societas Ethica auf ihren Jahrestagungen immer geboten. Man ist mehrere Tage zusammen: in Fachdiskussionen wie in der Freizeit, bei themenbezogenen Exkursionen wie, nicht zuletzt, bei der gemeinsamen Morgenandacht. Die Kommunikation ist bei den Jahrestagungen offenbar dichter und vielfältiger als beispielsweise bei interkonfessionellen Arbeitsgesprächen innerhalb der eigenen Universität. Mir persönlich kam es so vor und andere sagten mir ähnliches, dass es

gerade im Zuge derartiger Kommunikationsmöglichkeiten nicht selten zu den erwähnten Transzendierungen tief eingelebter Denkmuster kommt; auf der anderen Seite können in solchen Gesprächen aber auch die bleibenden theologischen Unterschiede klarere Konturen gewinnen und von dem Gegenüber besser verstanden werden.

So ist die seit der Gründung der Societas betonte ökumenische Ausrichtung gerade auf dem Felde der Überwindung von Vorurteilen und Desinformiertheit bis heute häufig in einem konstruktiven Sinn realisiert worden. Die Arbeit daran, verbunden mit dem Kennenlernen der religiösen Identität des Kollegen sowie der unmittelbare Austausch über Trennendes und Verbindendes war und ist eines der wichtigsten Motive für die Mitarbeit in der Societas Ethica. Das alles bildete eine tragende Säule des Interesses an der SE – auch in einer Zeit, in der ihr vorrangig theologischer Charakter zurückgetreten ist.

#### *Zweitens: Zur Interdisziplinarität:*

Auch hier geht es um eine Überschreitung von traditionellen Grenzen akademischer Disziplinen, nämlich denen zwischen der Theologie und den dezidiert nichttheologischen Profanwissenschaften, besonders der Philosophie. In diesem Kontaktfeld waren in den letzten 50 Jahren und sind in Teilen bis heute, zumindest auf den Begründungsebenen, die Gräben noch tiefer und eine gegenseitige Unkenntnis oder auch gegenseitiges Unverständnis noch grösser als zwischen „katholisch und evangelisch“.

Soweit ich sehe, ändert sich das in den letzten 20 Jahren nicht zuletzt im Zuge der Zusammenarbeit auf den Arbeitsgebieten der Konkreten Ethik: zunächst auf dem der Sozialethik, dann zunehmend im Blick auf die Medizin- und Bioethik sowie den Gebieten unseres diesjährigen Generalthemas „Climate change, Sustainability and an Ethics of an Open Future“. Dabei ist auffällig, wie viele jüngere Wissenschaftler aus nichttheologischen Disziplinen an den Jahrestagungen mit solcher Thementendenz teilnehmen. Doch auch für jüngere Theologen ist offensichtlich ein interdisziplinärer Austausch in diesen Bereichen attraktiv genug für eine Teilnahme an entsprechenden SE-conferences.

Zu einem echten und fruchtbaren Austausch ist es aber nötig, die traditionell unterschiedlichen theoretischen Annäherungen an die Aufgaben der Ethik zwischen einerseits englischsprachigen Denkmustern der Applied Ethics, andererseits deutschsprachigen Paradigmen der philosophischen Ethik und drittens den Konzepten der beiden Theologien untereinander verstehbar und vergleichbar zu machen. Ausser den sprachlichen Voraussetzungen gehört dazu ein fundiertes inhaltliches Verständnis der wichtigsten Paradigmen. Daran „grenzüberschreitend“ zu arbeiten war (auch in seinem eigenen wissenschaftlichen Engagement) die ausdrückliche Intention des SE-Präsidenten Hans Ulrich (2004-2007).

Für viele Tagungsbesucher besonders informativ und darum attraktiv war es offensichtlich, in teilnehmender Beobachtung beide Charakteristika, das der Interdisziplinarität wie das der Interkonfessionalität zu kombinieren; beispielsweise in der Frage, ob und wie evangelische Theologen anders auf bestimmte Ansätze der Philosophischen Ethik reagieren als ihre katholischen Kollegen – und umgekehrt.

#### *Drittens: Zur Internationalität*

Dass Internationalität zu den Charakteristika der SE gehört, erlebt jeder Teilnehmer unserer conferences und es manifestiert sich unübersehbar in den Teilnehmerlisten der Jahrestagungen (an der diesjährigen Tagung nehmen Ethiker aus 25 Ländern teil), es unterscheidet jedoch die SE hinsichtlich der Teilnahme-Motivation nicht von anderen wissenschaftlichen Gesellschaften: weder im Blick auf den weltweiten Wechsel attraktiver Tagungsorte noch auf die Möglichkeiten für grenzüberschreitende kollegiale Freundschaften. Dass aber neben und in alledem die internationale Dimension gerade für die ethischen

Reflexionen im akademischen Bereich in mehrfacher Hinsicht notwendig und anregend sind, soll im folgenden kurz angedeutet werden:

Die wiederholten Begegnungen mit bestimmten häufig teilnehmenden Tagungsbesuchern aus anderen Ländern vermitteln wichtige Informationen über den sozialen Kontext und den kulturellen Hintergrund der ethisch relevanten Probleme, die in ihrer Heimat aktuell diskutiert werden. Die alte Frage, wie stark ethische Plausibilität durch kontextuelle Bedingtheiten geprägt ist und was das für die Verallgemeinerungsfähigkeit ethischer Urteile und ihre konkrete Umsetzung bedeutet, gewinnt angesichts einer fortschreitenden Globalisierung von zentralen Wertvorstellungen eine neue Dringlichkeit.

Sowohl die Jahrestreffen an unterschiedlichen europäischen Tagungsorten als auch die gelegentlich (in den 1980er und 1990er Jahren durch den ehemaligen SE-Präsidenten Weiler) durchgeführten, auf Ethikforschung ausgelegten Studienreisen in kulturell fremde Länder (China, Japan u.a) ermöglichen in mehrtägigem Aufenthalt eine tiefergehende Wahrnehmung der etablierten Moralauffassungen und des anstehenden Neuen Ethikbedarf in den jeweils besuchten Regionen. Der Tagungs- wie der Reiseteilnehmer kann unmittelbar erfahren, dass und worin der aktuelle „Ethikbedarf“ etwa in den Niederlanden sich unterscheidet von dem in Ungarn (um 2 häufig besuchte Konferenz-Regionen exemplarisch zu nennen). Vor Ort können auch Kenntnisse darüber gewonnen werden, welche unterschiedliche nationale Regelungen in den ethisch umstrittenen Problemfeldern etwa der Embryonenforschung oder der „Sterbehilfe“ in Geltung stehen und wie sie empfunden werden. Ähnliches gilt für die europaweit zunehmende Etablierung von „Ethikkommissionen“ und „Nationalen Ethikräten“, die in einzelnen Regionen sehr unterschiedlich angelegt sind und die doch mittelfristig auf einheitliche gesamteuropäische Regeln hin synchronisiert werden müssen. Mit dieser Aufgabe wird sicher über kurz oder lang auch die SE befasst sein. Doch bleibt diese Aufgabe der nachfolgenden Generation überlassen.

Mit den Überlegungen darüber, worin die besondere, über die konventionellen Funktionen einer wissenschaftlichen Gesellschaft hinausgehende Anziehungskraft der Societas Ethica zumindest über lange Zeiträume lag, mag der heutige Rückblick auf die 50 Jahre ihrer bisherigen Geschichte abgeschlossen sein. So wünsche ich der Societas heute ein kräftiges „Vivat-Crescat-Floriat“ für die kommenden Jahrzehnte. In diesen Wunsch schliesse ich ausdrücklich ein, dass in ihrer praktizierten Kommunikation von Interkonfessionalität, Interdisziplinarität und Internationalität die **inhaltliche Hauptintention** ihrer Gründungsväter bei allen notwendigen Merarmorphosen **erhalten und erkennbar** bleibt: Auf der Ausgangsbasis christlicher Humanität ein Forum zu sein für den Diskurs zwischen den Vertretern unterschiedlicher Konzepte von „Ethik“ und darin für eine lebensförderliche Bearbeitung des rapide steigenden Ethikbedarfes – in Europa und weltweit!

# Main points of Karl-Wilhelm Dahm's paper on the Societas Ethica Golden Jubilee

Translation into English by Dr. Lars Reuter, The Møller Foundation

## 1. Origins

- a. Ecumenical Society for Christian Ethics.
- b. First Plenary of forty invited professors in theological ethics held 9 October 1964 in Basel.
- c. Clear Ecumenical focus with  $\frac{3}{4}$  from a Protestant,  $\frac{1}{4}$  from a (Roman) Catholic background.

## 2. Programmatic intentions

- a. Examining whether a specific Christian response to contemporary ethical demands can be given unisonally, i.e. ecumenically.
- b. Critically analysing the role and function of traditional Protestant and Catholic paradigms in heterogeneous contexts.
- c. Ascertaining that theological ethics was up to date with findings in other theological disciplines.
- d. Seeking sound answers to pressing issues in practical ethics.

## 3. Institutional developments

- a. Gradual, but somewhat slow involvement of Catholic ethicist (from 14 of 85 members in 1965 to about 40 % Catholic attendees at the 1980 Warsaw conference).
- b. Since 1970s clear focus on Eastern Europe with remarkable conferences held at the Balaton, in Warsaw, Dubrovnik and Debrecen.
- c. Gradual, but likewise slow involvement of ethicists from other disciplines, in particular philosophical ethics, changing under the Swedish presidency with support from Bruno Schüller (Catholic ethicist) in the 1980s by integrating analytic ethics and the election of Robert Heeger, professor in philosophy, as president in 1991 + 1992.
- d. Pan-European dimension successfully implemented with regards to attendance with the following ratio of attendance since 1975:
  - (i) Germanophones: 55 %
  - (ii) Nordic: 15 %
  - (iii) Low countries: 10 %
  - (iv) Warsaw Treaty incl. GDR/Central Europe: 10 %
  - (v) Italy, Spain: 4 %
  - (vi) France, UK, USA: 5 %
- e. Attendees per conference since 1980 between 60 and 100 with a membership between 250 and 280.

## 4. Times of change

- a. Theologically influenced discussions e.g. in ethical theory gradually substituted by a wider interdisciplinary approach.

- b. Less common religious practice e.g. in the forms of morning prayer, services et al., thus reducing the original clear Ecumenical profile, perhaps instigated by the fall of the iron curtain and the general process of secularization.
- c. Until 1990s, German was the dominant conference language, but with the turn to issues in applied ethics use of English increased. A number of colleagues not fully familiar with English have subsequently left the society or feel at least less attracted to it.
- d. Central and Eastern European participants enjoyed special rates from the 1960s to 1990s made possible by contributions from churches or political institutions, but with their significant reduction, participation is now too costly for many from this part of Europe.
- e. The work and profile of the society were also seen critically from certain Catholic milieus in Eastern and Central Europe, adding to the drop in participants from this region.

## 5. New dimensions of subjects discussed within the Society

- a. The original focus on normative or prescriptive ethics was widened by interdisciplinary discussions particularly with philosophers introducing descriptive ethical approaches. This process was especially supported by Scandinavian and Dutch colleagues.
- b. Participants with a background in philosophical ethics are less present (with the 2006 Oxford conference as an exception) and non-theologians participating once or twice do not necessarily seek membership.
- c. Intensified discussions of issues in practical ethics rather than ethical theory, with 80% of conference themes since 1990 pertaining to applied ethics, instigated by societal developments raising questions particularly in medical, social and business ethics.
- d. Certain fundamental problems in ethical theory remain also ecumenically and in the dialogue between philosophy and theology. Concepts of autonomous ethics or rational practices of agreement were used in order to facilitate co-operation made difficult by absolutist positions.
- e. In the strong societal debates of the 1970s and 1980s, the society had a mediating function between theological extremes of left- or right wing positions. Most of the conference participants appear to have subscribed to this role of the society, seeking consensus rather than disagreement.
- f. In the last 35 years, the ethical discussions in Germany could be characterized by the following movements:
  - a. In the (Roman) Catholic fields, the groups of neo-scholastic (or right wing positions) based on natural law, the defenders of positions defined by liberation theology (left wing) and a middle group seeking to keep theological insights and political ideology apart by orienting on pragmatic approaches.
  - b. In Protestant ethics, a similar grouping seems less apparent, but a left wing position based on the 1968 movement and the Frankfurt School, as well as a pragmatic group similar to the Catholic can be identified. A clear right wing position among Protestant ethicist seems difficult to detect, with some exceptions from evangelical positions on medical ethics, bioethics, or homosexuality.

- g. Overall, the discussions within the society have been marked by intellectual openness, rationally based deliberations on basis of an also theologically reflected assumption of (Christian) humanity, and a clear inter-disciplinary approach.

## 6. Motivations for participating in the conferences

- a. Standard reasons for participating in academic conferences (meeting colleagues, keeping up to date, presenting papers et al.)
- b. Three clear dimensions of the particular approaches within the Society:
  - a. Its Ecumenical profile, helping to deepen the understanding of other theological traditions.
  - b. Its inter-disciplinary way of proceeding trying to bridge the sometimes wide gap between theological and philosophical ethics with varying degrees of success.
  - c. Its internationality.
- c. The special atmosphere created by the free exchange during hours of leisure, sightseeing and visits, creating a unique Societas Ethica conference profile most clearly fathomed by those not used to it.

# Launching De Ethica

## A Journal of Philosophical, Theological and Applied Ethics

[www.de-ethica.com](http://www.de-ethica.com)

Brenda Almond  
University of Hull, UK

I am happy to welcome members of Societas Ethica to the launch of the new web journal, *De Ethica*. It is the hope of its founding editors that it will find a special niche for itself as a European-initiated project treating a diversity of ethical issues and open to contributions from authors in all parts of the world. We hope this focus will have wide appeal but we take nothing for granted. At an early stage in the evolution of the project, Marcus Agnafors, whose hard work and application were instrumental in transforming *De Ethica* from mere idea to real existent asked the important question: Is there room for another ethics journal? As work proceeded on the development of the idea of a journal with a triple focus, it became clear that, as far as *De Ethica* is concerned, the answer to that question is ‘yes.’ There are a number of reasons for this but the first of these must be its close connection to Societas Ethica with its 50-year history as a Society for Ethical Research with a multi-national and multilingual membership. This connection brings with it a distinctive approach and tradition which *De Ethica* will be proud to follow: a broad tolerance and understanding of the variety of philosophical and religious traditions reflected in that membership. As for its distinctively triple focus, there are few, if any, journals explicitly dedicated to philosophical, theological, and applied ethics and this in itself should attract some fresh and interesting submissions. But the journal has other distinctive features of a more direct and practical kind. *De Ethica* will be an Open Access journal operating on a non-profit-making basis. Its contributors will also have the assurance that their article will be vigorously peer-reviewed and that, while we had to recognize with regret that it would not be feasible to adopt the Societas tradition of a bilingual or multilingual approach, we will seek to adopt a sympathetic approach to submissions from those whose first language is not English. Finally, *De Ethica* will, from its foundation, have a special interest in what is now called practical or applied ethics – the analysis and discussion of issues for decision in the real world, from human relationships to environmental ethics and climate change.

So we can answer that original question ‘Is there room for *De Ethica*?’ with a firm yes. *De Ethica* is indeed a journal capable of filling an important gap and we would like to thank those who have shown their support for the project including, in particular, the Swedish Research Council and Linköping University Electronic Press.

In setting out our aspirations for the new journal we would like to make it clear that, while we welcome submissions from all philosophical and theological traditions, we will seek to encourage work that advances an original thesis and a clear and concise argument. While this is important for all three areas, we regard this element as fundamental, not only from the point of view of philosophy, both theoretical and applied, but also in the discussion of religious topics.

The inclusion of religious perspectives on ethics implied by the journal's title is especially important at the present time in that philosophy and religion are currently often seen as rivals in universities in the English-speaking world. Indeed, it is fashionable at the moment for leading philosophers to loudly advertise their atheism or secularism. Nevertheless, most ordinary people, continue to see these two areas of human thought as close.

If we were to ask when philosophy and theology were last in philosophical harmony with each other, we might need to look back to the mid-twentieth century and the kind of practical philosophy favoured by philosophers such as the Scottish philosopher John Macmurray or the Danish philosopher Knud Loegstrup, author of *The Ethical Demand* (1956). Although sometimes described as Christian Socialism, this tendency is better seen not in political or even religious terms, but rather as pioneering the late twentieth century move to applied ethics.

As this implies, there is every reason to regard applied ethics as a continuing tradition with a much longer pre-history than it is usually given credit for. But there can be little doubt that, as we understand it today, applied ethics, especially bioethics, has made a special and distinctive contribution to the landscape of philosophical thinking in the twentieth century, and that it, together with the broader conception, applied philosophy, has changed public perceptions of the task of philosophy in the twenty-first. The latter part of the twentieth century brought a mindset more sympathetic to philosophical engagement with practical problems. It also saw a marked retreat from abstruse metaphysical philosophy and a wish to see complex ideas put forward in language that can be readily understood. On the negative side, however, it has become associated in some minds with forms of postmodernism that have created new versions of abstruse philosophy and an invasion of political correctness that has brought with it a new threat of enforced conformism.

Perhaps pressures like these are inevitable when practical issues are increasingly occupying the philosophical stage. Today's world is plagued by many of the age-old problems of crime and violence but it also faces new threats and new weapons of mass destruction. At the same time, the moral consensus on which we could in the past rely is rapidly eroding. Of course, for some of the problems confronting us, such as the planetary and environmental concerns that provide the focus of this conference, we may hope that science and technology may be able to provide some solutions. But technology is not enough. We need normative as well as practical expertise, combined with the defining feature of true philosophy - a willingness to follow an argument where it leads. And for this we need scope for thoughtful discussion – something beyond the brief and fragmented opportunities offered by articles in the national press and other media outlets.

In launching this journal, then, we hope to provide a platform for philosophically reflective articles that address the problems of the day. We hope that, while publication has become a necessary end in itself for academics, the unique combination of its European and international status will attract submissions for *De Ethica* from people whose goals are broader than this, who do genuinely have something to say, and who are capable of ignoring outside pressures and giving their time and energy only to what they believe is truly important and worthwhile.

Applied philosophy is faced by a particular challenge because it requires people to struggle with new and untried issues – often areas where technology has moved ahead of human experience and in which there is no history to draw on. I hope that we will find authors who recognise this and tread carefully in areas where mistakes in reasoning can have unprecedented practical impact. The background assumption for those who venture to tread in these difficult areas must be that despite the inevitability of change and the unavoidably shifting concerns of the present day, we still need to ask those traditional questions: What makes a good life? And what kind of society is most likely to make that good life possible?

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