

Autonomy, Capability, Subsidiarity as Key to a
Social Ethics for Sustainability

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Summary

This thesis applies an autonomy approach in theological ethics to an analysis of sustainable development. It prioritises a concept of human dignity grounded in the unconditional character of freedom as providing the integrating framework for evaluating and elaborating on Amartya Sen's Capability approach to development. It then argues that an ethics of freedom, that is operationalised through capability building, needs a mediating principle of subsidiarity.

The thesis first examines the evolution of the concept of sustainability as a response to the conflicts between productionism and environmentalism. The Brundtland Commission, in its definition of sustainable development, provided many new avenues for co-operation. However it reduced the task of policy in development to one of meeting needs rather than recognising agency. This was an approach that was potentially paternalistic, often disabling, and unclear as to how to prioritise sustainable development goals that were in conflict with each other.

The shift to a capability approach in Sen's development economics was a breakthrough because it was rooted in a model of agency, one that understood expanding human capability, and not simply economic growth, as the goal but also the driver of development. It distinguished between people as agents and people as patients and designed new metrics (e.g. the Human Development Index) for better outcomes. Development, in this trajectory, is measured as distributional equity in health, nutrition, and education and not simply in 'wealth' accumulation.

Sen's poverty analysis provided valuable insights into the nature and causes of poverty and deprivation, and decoupled development and poverty alleviation from a race to consume non-renewables for growth. However, his approach to social ethics is incomplete, in institutionalising capability it relies on an 'open impartiality' between actors, it lacks a

principle of mediation between the individual and society, and although his approach exhibits 'subsidiaric' elements these are not particularised.

The thesis then turns to the potential in the principle of subsidiarity for an elaboration of the capability approach, with the particularities of biodiversity conservation in view. This principle of social organisation, which originated in natural law approaches in Catholic social teaching (CST) also operates explicitly in different domains (in the European Union (EU), and in international human rights law) and implicitly in recent social-economic policy. Sen's commitment to agency in capability theory inaugurated a model of sustainable development that makes individual freedom central but lacked an explicitly articulated social ethic, a principle of mediation between the 'local' and the 'global', the individual and society, in policy and action for sustainability.

The implications of analysing through a subsidiarity lens is that a social ethics of sustainability is better interpreted and operationalised not as 'open impartiality' but as 'intellectual solidarity' (D. Hollenbach) and a 'willingness to mutuality' (P. Ricoeur).

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Introduction

This thesis is written from the perspective of the autonomy approach in theological ethics, as an integrating framework for evaluating approaches to sustainable development in social ethics. Sustainable development is broadly understood to be a human-centred resource management approach to the negative environmental changes driven by human intervention. In particular the thesis is concerned with the interface between Amartya Sen's approach to human agency in economic development and policy formation for environmental sustainability. It brings his capability approach to human development, with its concern and focus on freedom as both the 'means' and 'end' of all development processes, into dialogue with the commitments in theological ethics to the autonomy and dignity of the human person in society and to the integrity of creation.¹ It uncovers the need for a more explicit emphasis on mechanisms that further the mediation between the 'local' and the 'global', the individual and society, freedom and responsibility, in policy and action for sustainability. It specifically investigates and evaluates the implicit and explicit application of the principle of subsidiarity, which has its origins in the Catholic social tradition, for such policy and action. This principle, a corollary to the common good approach and a companion to the principle of solidarity, comes into its own in this context, the context of accounting for market externalities, and in accounting for them, finding new pathways and mechanisms for securing these for the common good. Although 'subsidiaric' elements are at work in Sen's development metrics and in related economic strategies, this thesis argues that these elements need to be made more explicit: in terms of bringing them to light in the analysis; in elaborating on the background ethical commitments from

¹ Capability in the singular, as used by Sen, refers to the different combinations of 'functionings' a person can realistically achieve but Sen does at times use capabilities in the plural when speaking about the substantive freedoms a person has or has not. This is in contrast to the consistent use of 'capabilities' in the plural by American philosopher Martha C. Nussbaum. By way of contrast, French philosopher Paul Ricoeur uses 'capacities' when referring to what Sen describes as capabilities.

which they arise, or with which they find common cause; and in pointing towards their future elaboration in reflexive practice.

The recognition and alleviation of the two damaging externalities of current market mechanisms, social and environmental, that are in focus in this thesis, arise from the commitments made in the development of the term sustainability itself: these are the inextricably linked questions of social poverty and exclusion, and the anthropogenic damage to the earth systems on which all societies and economies depend. Sen's work was prompted by his realisation that economic development policy needed effective ways to account for these blindspots in the market. He revolutionised his own discipline by developing broader accounting frameworks than classical economics offered. The thesis addresses the question of how to continue to recognise and develop supports for the expansion of human freedom (dignity and responsibility) as both the end and the means of development while maintaining the integrity of the natural world in that process.

To that end chapter one presents and argues for an autonomy framework in philosophical and theological ethics in the context of the concern for the integrity of earth systems in the human sciences, which is in parallel to, but also distinct from, the commitment to the integrity of creation in theological ethics. This chapter traces the history of the reformulation of long standing questions in theological ethics about human freedom (and not nature) as the starting point, about the content or context for a specifically Christian ethics. As a counter to a renewal movement in natural law ethics that argued for a unique content for a Christian morality, the autonomy approach put the focus on the context in which human freedom or autonomy operated. And in contrast to natural law approaches the autonomy approach is indebted to the moral philosophy of Immanuel Kant (1724-1804). Autonomy stresses human freedom rather than rational nature as the foundation of human dignity.² As an approach it sets out to integrate insights from other ethical perspectives in theology, but the question of moral

² Cathriona Russell, *Autonomy and Food Biotechnology in Theological Ethics*, (Oxford and Bern: Peter Lang, 2009), p. 124

obligation in the approach is justified philosophically not theologically, rooted in human freedom understood in terms of a capability for moral self-government.

This approach shifts the question of what is specifically Christian in content in morality to how the context of Christian faith impacts on motivation, inspiration, and the intensification of our moral sensitivities. This shift in perspective has many implications for theological ethics but the one most relevant to this thesis is Dietmar Mieth's reinterpretation and environmentally sensitive reformulation of Kant's Categorical Imperative (CI). The emphasis on human autonomy and freedom, so often taken to be the source of ecological problems in practice and in principle, is reinterpreted by Mieth as directly relevant to positive outcomes for safeguarding the integrity of earth systems in the development of human institutions. Mieth argues that religious motivations related to a creation faith can reinforce a commitment to social ethics and care for creation.³ Mieth's reformulation of the CI sets it in the context of a concern for the integrity of the earth. It reinterprets assumptions about the anthropology implicit in Kant's moral philosophy and extends it, at the same time grounding respect for the integrity of earth systems in human dignity.

The autonomy approach defends the priority of the dignity of the human person and takes "...the unconditional character of freedom..." as the philosophical basis for human dignity.⁴ This is in contrast to those positions in environmental ethics that take as a given that human-centred approaches need to be overturned in the interests of securing planetary stability. It is a 'principled' autonomy, not an autonomy based on what can be empirically measured.⁵ In Christian social ethics, this 'ethics of freedom' has a philosophical foundation based on "...the unconditional nature of freedom and argues for this truth claim at the

³ Dietmar Mieth, "Christian Conceptions of Creation, Environmental Ethics, and the Ecological Challenge Today", p. 2 accessed on 4 December 2019 from <https://www.acommonworld.com/docs/e/Schopfung-UnweltEnvironment-Creation.doc>

⁴ Maureen Junker-Kenny, "Does Dignity need a Theological Foundation?" in Regina Ammicht-Quinn, Maureen Junker-Kenny and Elsa Tamez (eds) *Concilium: The Discourse of Human Dignity*, (London: SCM Press, 2003), pp. 57-66, p. 61

⁵ Junker-Kenny, *Approaches to Theological Ethics: Sources, Traditions, Visions*, (London/New York: Bloomsbury/T&T Clark, 2019), p. 157

universal level of reason, as distinct from the particular.”⁶ In that way it argues for “...a ‘non-negotiable deontological framework’ but one in which particular traditions are related and from which their maxims or principles can be reconstructed.”⁷

Despite the distinctions there are also ongoing connections between Catholic Social Teaching (CST) and the autonomy approach that come in and out of focus in this chapter. The examination of the affinities and distinctions between natural law, revised natural law and this autonomy approach, draws out the most fundamental change between antique and modern ideas of reason: the change in the concept of agency.⁸ Significantly for this thesis, this analysis shows in what ways there is both compatibility with, and distinctions between, autonomy and natural law and this reframes and relocates the principle of subsidiarity in light of a particular concept of agency.

Here it is possible to show the coherence between this interpretation of autonomy and David Hollenbach’s reformulation of the common good tradition as a community of freedom. In his work he argues that human rights institutionalise solidarity and promote the common good in a context of mutual recognition. This has, in turn, implications for what he calls ‘intellectual solidarity’ in development policy. He reformulates the common good tradition in light of freedom and intellectual solidarity and his approach is implicitly integrating subsidiarity participation for a social, and also by implication, environmental, ethics.⁹ His approach to intellectual solidarity calls for social justice that recognises and supports human agency.¹⁰

Chapter two examines the interpretations of human agency at work in the evolution of the master term ‘sustainable development’. It begins with the conflicting visions of land use in early environmentalism and traces the shift from agrarianism to an industrial agriculture model,

⁶ Junker-Kenny, *Approaches to Theological Ethics*, p. 142

⁷ *Ibid.*, p. 142

⁸ *Ibid.*, p. 129

⁹ See David Hollenbach S.J., *The Common Good and Christian Ethics*, (Cambridge: Cambridge University Press, 2002)

¹⁰ Hollenbach S.J., *The Common Good and Christian Ethics*, p. 57

particularly in the twentieth century, as well as the shifts in the concepts of the human person at work since the Brundtland Commission's famous intervention in the late 1980s. It will examine the implications of the move from a focus on 'needs' in the Brundtland definition of sustainability to an emphasis on 'living standard', and finally the impact of the approach by Sen on the potential in the living standards approach. This helped to decouple prosperity from crude productionism and laid the ground for additional work that is still underway in development approaches, not only to find better metrics and measures to engender poverty alleviation but to mirror that in capability building for conservation. That work will be discussed under the rubric of 'ecosystem services'.

Chapter three examines in greater depth the relationship between social poverty and environmental conservation beginning with the most instrumental approach: that is, that the major instrumental argument for the alleviation of poverty is environmental conservation. This chapter provides the context for evaluating the breakthrough represented by Sen's work in chapter four. It traces key changes in thinking about development and growth in economic policy including the use of gross national product (GNP) which measures the economy of a particular country as the sum of the products and services produced in that country (as opposed to gross domestic product (GDP)) as a measure of development and its shortcomings.¹¹ GNP—the conventional index of growth for national wealth—was chosen as the significant indicator of development at the launch, in 1961, of the UN General Assembly's "First Development Decade".¹²

Ironically although now considered an inadequate proxy for development it continues to be used extensively, if not exclusively, in policy. This analysis will follow the shifts in arguments for economic

¹¹ Gross national product sums the market values of some services, plus the values of throughput flow—the "...physical flow of matter-energy from nature's sources..." and current additions to stock. In other words, it measures the economy of a particular country as the sum of the products and services produced in that country. Herman Daly, "The Steady-State Economy" in David R. Keller (ed) *Environmental Ethics: The Big Questions*, (Oxford: Wiley-Blackwell, 2010), pp. 516-525, p. 518

¹² Georges De Schrijver, "Combating Poverty Through Development: A Mapping of Strategies" in *Budhi* 1 (2006), pp. 29-45, p. 30

growth as the way out of poverty in the course of development thinking, including: the argument for the role of trickle-down mechanisms in tackling poverty; the shift to a needs-based approach, specifically BNA; and the move from this to a more person-centered approach, heralded by the eventual arrival of the model of 'human development' pioneered by Sen. It will then assess issues in the measurement of global poverty: the challenges in defining poverty, and the diverging estimates that give rise to debate on the extent of poverty and its rate of decline, issues that inform policy.

Chapter four then presents and examines the breakthrough in development thinking represented by Sen's work and the fruitful new avenues of research that grew from his capability approach. His work on development radically shifted the emphasis from income to freedom in the interests of better evaluating how people behave and how development is made possible. He argues that using a capability perspective in poverty analysis improves "...the understanding of the nature and causes of poverty and deprivation by shifting primary attention away from *means* to *ends* that people have reason to pursue."¹³ In his more recent work Sen directs his analysis towards a model for economics that never loses sight of human development, but which also incorporates avenues to measuring and enabling environmental sustainability.¹⁴ This chapter presents the relevant aspects of Sen's alternative to utilities or primary goods for assessing progress on development. This is not intended as an exhaustive account of Sen's approach but rather it analyses two relevant aspects of Sen's programme, his criticism of classical economics in which the human person is viewed reductively as merely 'rationally self-interested', and his qualification of his approach as a goal-rights approach. Sen's criticism is aimed not at 'rationality' as such but at the idea that human rationality can be confined to 'self-interest' in economic analysis and still remain comprehensive and adequate to explain people's choices. He argues that such an approach does not explain the evidence of how

¹³ Amartya Sen, *Development as Freedom*, (Oxford: Oxford University Press, 1999), p. 90

¹⁴ See for example Sen's "Energy, Environment, Freedom" in *New Republic* 14:245 (August 25, 2014), pp. 35-39

people behave in practice. We also see that in his understanding of freedom what he rejects is not 'autonomy' in the deontological sense as such, but the almost complete priority given to some libertarian rights by some philosophers, even at the expense of other social goals such as poverty alleviation.

Sen's pairing of capabilities and rights as a criterion of social justice comes into view in dialogue with Ricoeur's positive assessment of the possibilities it offers for comparing competing political programmes or policies. Ricoeur alerts us to the gap between "rights" and "capacities" and the need for mutuality in realising 'capabilities' in practice. In addition, Sen accords much to political discussion and debate in determining development priorities in economic policy. He argues for an alternative to Martha C. Nussbaum's list of basic capabilities, for this reason, and in place of that, he emphasises 'open impartiality' and 'commitment'. However, his theory of impartiality, while taking seriously differences and conflict in a pluralist context, is less able to account for the place of 'socially and historically determined normative values' in determining 'shared reasons'.¹⁵ Here Ricoeur's concept of impartiality in legal justice is enlightening for reinterpreting Sen's approach to distributive justice.¹⁶

Chapter five begins with an account of the conditions under which subsidiarity was initially invoked in CST before turning to the implications of this for sustainable development. The context is that of the social problems of the nineteenth century, specifically in relation to the rights and obligations of labour and capital. The encyclicals respond by addressing the responsibilities of the state in relation to this social problem first in *Rerum Novarum: On Capital and Labour* (1891) as the first of the social encyclicals. This is further elaborated in *Quadragesimo Anno: On Reconstruction of the Social Order* (1931) and it is here that subsidiarity becomes a more developed principle for social organisation. By the time of Pius XI the context has also changed, with new challenges

¹⁵ Todd S. Mei, "Are Reasons Enough? Sen and Ricoeur on the Idea of Impartiality" in *Dialogue* (June 2014) 53:2, pp. 1-28, P. 2

¹⁶ Mei, *Are Reasons Enough? Sen and Ricoeur on the Idea of Impartiality*, p. 5

to be faced. By now there is a rise in totalitarianism in Europe and a need to temper the stress on the responsibilities of the state and to put the emphasis instead on the non-intervention aspect of the principle. This ongoing integration and application in new contexts of support from the state for the common good on the one hand and non-interference to protect the rights of the individual, families and communities on the other is part of the evolution of this principle. In light of the challenge facing us from a warming climate and catastrophic biodiversity loss in the twenty-first century the analysis in this chapter shifts forward from origins to current expressions, from a focus on the pre-Vatican II encyclicals to its rearticulation and application in the recent Papal encyclical of Pope Francis on the environment, *Laudato Si': On Care for our Common Home* (2015). This is not intended as an exhaustive study of the common good tradition in the encyclicals but is a focus specifically on the emergence and outworking of this principle in the discourse from which it emerged, and to which is it currently applied.

The second part of chapter five explores the different ways in which this principle has been concretised as an organisational principle first in the European Union (EU) and secondly as a mediating principle in the application of international human rights law, as proposed by law professor and member of the Pontifical Academy of Social Sciences, Paolo G. Carozza. These are examples of how subsidiarity operates not to reduce the complexity but to work with it in applying the principle in practice in social institutions. Finally the analysis turns to the identification of the subsidiaric elements developed in the domain of economics in relation to natural resource management, specifically in the natural resource economics of Elinor Ostrom and then returning to the capability approach of welfare economist Sen. This uncovers the implicit subsidiaric elements that need greater articulation and elaboration in the working of complex social and ecological systems in the context of a plurality of visions for social arrangements.

Chapter six argues for these three core pillars for social ethics—autonomy, which protects the dignity of the human person, capability,

which secures respect for freedom as the means and end of sustainable development, and subsidiarity, which is the key to integrating development at all levels of action.

1 An Autonomy Framework in Theological Ethics

This thesis takes its starting point from an approach in theological ethics that can be named 'autonomy in a Christian faith perspective'.¹ This position, along with revised Natural Law approaches, developed in response to changes in the meaning of the concepts of 'nature' in natural law and of theoretical and practical reason. It has its roots in the Natural Law tradition in Catholic social thought (CST) although it differs from it in its framing and argumentation on moral and ethical questions. These changes impacted the classical understanding of Natural Law on which it is argued CST has relied.² This contributed to a revision of classical natural law.³

In its theological reworking autonomy is "...a moral and ethical approach that in its faith context argues theologically and philosophically for an autonomous foundation for morality."⁴ Morality in this framework takes as its starting point that the human person is self-legislating and that moral obligation, towards the other, stems from our own and their equally original freedom. A rereading of autonomy from the Christian perspective is then an ethics of "autonomy and solidarity".⁵ Autonomy is defined by Kant as self-legislation under the moral law and "...failing to do justice to the internal experience of obligation..." is 'heteronomy', following the lead of others.⁶

Alfons Auer (1915-2005) is considered the founder of this autonomy approach in German-speaking theological ethics, and it is an approach shared by theologians Franz Böckle (1921-1991), Josef Fuchs (1912-2005) and Bruno Schüller (1925-2007), all theologians of the earlier

¹ For a recent distillation of the shape and implications of this position for philosophical and theological ethics see Junker-Kenny, *Approaches to Theological Ethics: Sources, Traditions, Visions*.

² Junker-Kenny *Approaches to Theological Ethics: Sources, Traditions, Visions*, p. 134. See also Stephen Pope, "Natural Law in Catholic Social Teaching" in (ed) Himes, K. *Modern Catholic Social Teaching: commentaries and interpretations* (Washington, D.C., Georgetown University Press, 2004), pp. 41-71

³ Junker-Kenny, *Approaches to Theological Ethics*, p. 164

⁴ Russell, *Autonomy and Food Biotechnology in Theological Ethics*, p. 127

⁵ Dietmar Meith, "Autonomy of Ethics—Neutrality of the Gospel?" in *Concilium: Is Being Human a Criterion of Being Christian?* 5:15 (1982), pp. 32-39, p. 38

⁶ Junker-Kenny, *Approaches to Theological Ethics*, p. 46

expression of autonomy.⁷ Partial representatives of this school of thought are the Dutch theologian Edward Schillebeeckx (1914-2009) and in the English speaking world the theologians Charles E. Curran and Richard Mc Cormack (1922-2000) who support the position but with their own qualifications.⁸ Dietmar Meith and Maureen Junker-Kenny are recent representatives of this school which relocates the “...Kantian understanding of the right in a Christian context and argue(s) for a rapprochement of the right and the good in that context.”⁹

Autonomy has affinities with natural law and revised natural law, namely they can integrate an inductive approach, they focus on dignity as the basis for the capability of acting morally, they highlight the heuristic and motivational potential of Christianity, and they relativise the status of morality.¹⁰ However there are also important distinctions, chiefly that in an autonomy approach dignity, autonomy and freedom, rather than concept of human nature, are the locus for integrating philosophical and theological insights in ethics.¹¹ In addition, insights from CST—the concepts of the common good, of solidarity, and of subsidiarity—continue to be relevant for, and compatible with, an autonomy approach in Christian ethics. The reformulations of the common good tradition in light of freedom, in particular that of Hollenbach, is one such example. His integration of human rights and Revised Natural Law in a proposal of ‘intellectual solidarity’ provides new avenues for social and environmental ethics and his revised natural law approach, in dialogue with human rights, begins from the commitment to human dignity and freedom in CST.¹² His work is “...an example of how the classical and the modern concepts of Natural Law can be brought together.”¹³ He connects the common good to a

⁷ While Böckle is placed in the autonomy school, Mac Namara argues that he may be seen to represent an intermediate position, as one among others who occupy the middle ground. Cf. Vincent MacNamara, *Faith and Ethics: Recent Roman Catholicism*, (Dublin: Gill and Macmillan, 1985), p. 63

⁸ MacNamara, *Faith and Ethics: Recent Roman Catholicism*, p. 48

⁹ Russell, *Autonomy and Food Biotechnology in Theological Ethics*, p. 69

¹⁰ Junker-Kenny, *Approaches to Theological Ethics*, p. 165

¹¹ Russell, *Autonomy and Food Biotechnology in Theological Ethics*, p. 123

¹² Hollenbach, *The Common Good and Christian Ethics*, p. 151

¹³ Junker-Kenny, *Approaches to Theological Ethics*, p. 142

‘community of freedom’ based on human rights.¹⁴ Here rights are the moral claims of persons to participate in society. The implications of this will be discussed in chapter two in relation to models of human development and environmental sustainability.

This chapter will first lay the groundwork for the history of this approach and will trace the contours of the framework through which commitments to human agency at work in models of sustainable development will be evaluated. First it presents the historical lines of the emergence of the autonomy approach in a faith context, arguing for the applicability of this starting point in environmental ethics. The movement was a counter-response to a coterminous renewal movement in Catholic moral theology in the mid-twentieth century, which itself was a turn from neo-Scholasticism to a call for a greater biblical basis for Christian morality. In brief, morality was understood “...in terms of what was essential to remaining in the state of grace and reaching eternal life...” because we were created for the purpose of union with God in heaven.¹⁵ Morality in this model, according to Irish moral theologian Vincent MacNamara, was specifically a means to our last end. Moral obligation came from a demand of God, to attain our last end, not from the “...inherent rightness of an action.”¹⁶ The criticism of the renewal movement was that neo-Scholasticism had emptied Christian ethics of the ‘distinctive character’ of the Christian vocation because its inspiration and method was based on the wrong sources, ‘philosophy and natural law ethics’.¹⁷ This initial renewal movement argued that the unique contribution of Christian faith to morality was a question of ‘content’. Whereas in a counter-move the autonomy approach put the focus on ‘context’. The focus on context shifts the question of what is specifically Christian in content in morality to how the context of Christian faith impacts on motivation, inspiration, and the intensification of our moral sensitivities. Dietmar Meith’s reinterpretation and environmentally sensitive reformulation of Kant’s

¹⁴ Hollenbach, *The Common Good and Christian Ethics*, p. 137

¹⁵ MacNamara, *Faith and Ethics*, p. 10

¹⁶ *Ibid.*, p. 14

¹⁷ *Ibid.*, p. 15

CI will be presented as a relevant example of this shift. The emphasis on human autonomy and freedom, so often taken to be the source of ecological problems in practice and in principle, is reinterpreted by Meith as directly relevant to questions of the integrity of earth systems in the development of human institutions.

Section two of this chapter then examines the ongoing connections between CST and autonomy through an examination of the affinities and distinctions between natural law, revised natural law and the autonomy approach, drawing out the most fundamental change between antique and modern ideas of reason: the change in the concept of agency.¹⁸ Significantly for this thesis, this analysis shows the compatibility and distinctions between autonomy and natural law that reframe and relocate the principle of subsidiarity in light of a particular concept of agency.

Section three investigates the ongoing contribution of Kant's moral philosophy as the philosophical counterpart to the theological understanding of the freedom of the human person in theological ethics. It examines the idea of 'principled autonomy' in a Christian faith perspective, not as atomism, but as a rejection of that interpretation of freedom as 'indifference' and the insight that indifference cannot be willed a universal maxim. Indeed, a principled autonomy approach can be said to argue against any individualism or indifference as a universal maxim. And this, as will be seen, is relevant to the question of what we owe others in terms of distributive justice.

Finally, section four presents and assesses the relevance, for reinterpreting agency, of David Hollenbach's reformulation of the common good tradition as a community of freedom. In his work human rights institutionalise solidarity and promote the common good as dialogue in a context of mutual recognition. The section ends with an examination of the relevance of his idea of 'intellectual solidarity' for models of development.

¹⁸ Junker-Kenny, *Approaches to Theological Ethics*, p. 129

1.1 Autonomous Ethic or Faith Ethic?

The drive to an autonomous ethic was one response to renewal in Catholic moral theology in the 20th century, another was the *Glaubensethik*.¹⁹ The *Glaubensethik*, or faith ethic, challenged the autonomy movement. The autonomy movement sought a renewal of dialogue with philosophy and the other disciplines. The *Glaubensethik* in contrast sought to preserve the idea of a specific content for Christian morality, content that is derived from faith and revelation. It emphasised a return to a 'biblically based' approach. These almost parallel moves split the field. And the autonomy approach came to be referred to, rather awkwardly, as "...the movement for the autonomy of morality or for an autonomous ethic."²⁰

MacNamara explains that the impulse of the renewal movement after Vatican II had been a refocusing on the bible as the source for Christian morality, proposing "...that revelation/faith is the source of morality and that this gives Christian morality an identity which relates particularly to its content."²¹ In the search for a new identity for Christian morality Catholic moral theologians replaced natural law morality, now seen as too heavily indebted to theological philosophy, with a new moral theology, expressed as 'biblically based'.²² The aspect of renewal in turn gave rise to questions about method, this return to the text was seen by some as lacking in clarity and rigour and Mac Namara notes that the loose expression and proclamatory style were not always welcome.²³ There were questions about "...whether moral theology still regarded itself as a science, about the justification of moral positions."²⁴

In contrast, and as a counter-reaction to that, the autonomy school took a different path, its concern was to counter any impression that Christians were a closed community precluding dialogue with those

¹⁹ MacNamara, *Faith and Ethics*, p. 63

²⁰ MacNamara, *Faith and Ethics*, p. 38

²¹ *Ibid.*, p. 50

²² *Ibid.*, p. 35

²³ *Ibid.*, p. 38

²⁴ *Ibid.*, p. 38

outside the faith, which a morality based on 'revelation' might suggest.²⁵ Mac Namara argues that beyond that, this counter move was also a reaction to what was considered a naïve return in post Vatican II theology in general, to a "...recourse to the Bible..." as "...the touchstone of renewal, of morality as the science of faith."²⁶ For the authors that MacNamara reviews in the early autonomy movement, the issues were clear: morality is not something imposed on us by God and revealed in revelation, rather it is discovered by human reason, and; the content of morality is not specific to Christianity, rather, what is specific in Christian morality lies in something other than content.²⁷

In placing the emphasis on the human person as the discoverer of morality the autonomy school stressed the point that Christians could engage in dialogue on moral matters with all people of goodwill and in principle agree on matters pertaining to public policy. In essence the movement for autonomy focused on "...the common morality of all people..." rather than on finding a specifically Christian morality, which was more the concern of the faith ethic movement.²⁸ MacNamara argues that for these representatives of autonomy "...Christianity...gives specific motivation and context to morality but not specific content."²⁹ Detractors do argue, however, that there are specific behaviours demanded from the Christian, that there are values and behaviours that can only be justified by appeal to Christian faith.³⁰ The 'difference of opinion' reflected here is in part, MacNamara argues, due to a difference in how key concepts such as 'morality' and 'content' are understood.

He observes that, with regard to 'content', good practice is not confined to Christianity, and faith is not necessary for the recognition and experience of morality. The values of renunciation of power, poverty, humility and modesty have their counterparts outside Christianity—self-sacrifice, brotherly love, or the renunciation of one's rights for the sake

²⁵ Ibid., p. 38

²⁶ Ibid., p. 38

²⁷ Ibid., p. 50

²⁸ Ibid., p. 38

²⁹ Ibid., p. 96

³⁰ Ibid., p. 96

of the other.³¹ He notes that for those in the autonomy school “...there is nothing required of the Christian that is not also perceivable by and required of the non-Christian: what is distinctive about Christian morality does not pertain to content but to context and motivation”.³²

1.1.1 A Question of Context not Content

According to MacNamara one of the early contributors to the movement for autonomy, Josef Fuchs, argued on this point, that what is specifically Christian is the context, motivation, and inspiration that faith creates for morality. Fuchs initially contributed to the earlier renewal movement (towards a biblical emphasis), but later wrote articles arguing that the content of morality, the criteria of judgement and the principles of conduct, are the same for those of the Christian faith and those of other faiths.³³ So while there are elements of morality that are specifically Christian they do not affect the *content* of morality.³⁴ While Fuchs position is to distinguish between content and context his approach too is at times inconsistent, according to MacNamara.³⁵ However, other authors in this school expanded on this key distinction.

Alfons Auer also argued that the ethical relevance of Christianity was to be found in something other than content.³⁶ Indeed for Auer the value of the autonomy approach lies in its emphasis on the capacity for morality to be shared with those of other faiths and of none.³⁷ Auer argues that neither church, nor individual Christian, has any specific revelation about what constitutes a moral demand and so in turn the role of the church is not simply to elaborate on ethical norms. Morality is rather a matter for human reason. The special character or the *proprium* of the church is instead in “...the new context or horizon of meaning which Christianity gives, and in the new motivation and stimulation.”³⁸

³¹ Russell, *Autonomy and Food Biotechnology*, p. 130

³² Mac Namara, *Faith and Ethics*, p. 55

³³ *Ibid.*, p. 41

³⁴ *Ibid.*, p. 41

³⁵ *Ibid.*, p. 43

³⁶ *Ibid.*, p. 44

³⁷ *Ibid.*, p. 44

³⁸ *Ibid.*, pp. 44-45

What the context brings is a reorientation, in that a moral demand is also understood as a divine claim and part of God's creative purpose, and Christ's redemptive mission. Auer's view of morality might be best described, MacNamara writes, as one of 'relational autonomy' and not absolute autonomy.³⁹ What is distinctive about Christian ethics, for Auer, is "...the integration of autonomous natural morality into this relationship with God."⁴⁰ And in relation to Natural Law approaches Bruno Schüller argues that the autonomy movement is a rehabilitation of one possible interpretation of natural law at least in so far as the idea that moral demands can be the same for Christians and others alike.⁴¹ This, it is argued, is in keeping with early church practice and is closely aligned with "...traditional theology which maintained an identity between natural law and the precepts of Jesus."⁴² What it does is to complexify the way in which sources are counted and weighed in moral philosophy and theology. While the Bible is recognised as *norma normans non normata*, as the norm of norms which cannot be normed, and the "...standard-setting source also for theological ethics..." as Junker-Kenny points out, "...it is not possible to comb the New Testament for practical exhortations that can be grasped instantly, in the hope that they will shine a light on today's moral landscape."⁴³ Rather, a "...judgement can be made, based on Jesus' proclamation, that the guiding interpretive principle is God's love."⁴⁴

Added to what Auer sees as distinctive of Christian morality, Meith includes the potential for a faith perspective to intensify our moral sensitivities, to provide avenues for discovering what is morally relevant (its heuristic potential), its ability to integrate sources across disciplines, and its capacity to reinterpret moral obligation in light of other aspects

³⁹ Ibid., p. 45

⁴⁰ Ibid., p. 45

⁴¹ Ibid., p. 47

⁴² Ibid., p. 47

⁴³ Junker-Kenny, *Approaches to Theological Ethics*, pp. 24-25

⁴⁴ Ibid., p. 24

of life (to relativise morality).⁴⁵ These factors have been reinterpreted most recently by Junker-Kenny.⁴⁶

1.1.2 An Enduring Question for Autonomy and for Christian Ethics

The question of context and content remains at the forefront in this approach to ethics. However, the question of whether Christians are placed under specific moral demands, demands which would be 'unintelligible' to those outside the community, is an enduring question for natural law approaches and indeed for Christian ethics in general. Natural law approaches, too, have called into question the specific 'content' of Christian ethics.⁴⁷ Yet, autonomy has been and is frequently viewed negatively by some as having made "...a virtue of denying that 'Christian ethics' in the strict sense can exist."⁴⁸ It was seen indeed by its critics as inimical to Christianity.⁴⁹ For example, there was sharp criticism, some aimed directly at the writings of Auer and Fuchs, criticism which disparaged the reliance of those in the autonomy movement on psychology and sociology and accused them of being swayed by the move towards secularism.⁵⁰

One of the most forceful criticisms, as noted by MacNamara, was that of German theologian Konrad Hilpert.⁵¹ Hilpert argues that the term 'autonomy' is linked to attempts to free the human person from theology, church, and religion.⁵² However, Hilpert writes elsewhere, in more conciliatory tone, that for Auer human reason is understood as having the competence to discern ethical guidelines for action, that the insights of different disciplines, the human and social sciences, and philosophical anthropology, bring to light the necessities demanded for human existence and that this can then be "...translated into the

⁴⁵ Cf. Meith, *Autonomy of Ethics—Neutrality of the Gospel?*, p. 38ff

⁴⁶ Junker-Kenny, *Approaches to Theological Ethics*, pp. 158-164

⁴⁷ See for example Oliver O'Donovan's *Resurrection and Moral Order*, (Leicester: Apollos, 1994), p. 11

⁴⁸ O'Donovan, *Resurrection and Moral Order*, p. 11

⁴⁹ Mac Namara outlines the criticisms of Bernhard Häring, Philip Delhaye, Konrad Hilpert and Joseph Ratzinger in *Faith and Ethics*, pp. 55ff

⁵⁰ MacNamara, *Faith and Ethics*, p. 56

⁵¹ *Ibid.*, p. 56

⁵² Konrad Hilpert, "Die Theologische Ethik und der Autonomie-Anspruch" in *Münchener Theologische Zeitschrift* 28 (1977), p. 336, quoted in MacNamara, *Faith and Ethics*, p. 56

language of ethical obligation.”⁵³ This is indeed Auer’s understanding of autonomy. However, it should be noted that Auer used the idea of autonomy primarily to identify an overarching process of integration. Integration he says is “...the most encompassing title for what the Christian specification adds to an autonomous morality that has its own justification in human reason and freedom.”⁵⁴ And different approaches to theological ethics—autonomy, communitarianism, feminist theological ethics, natural law, virtue ethics—integrate the sources in different ways.⁵⁵ For Auer the possibility for this integration is rooted in hope: the clarity that can come from the human and social sciences is interpreted in light of the human hope for meaning.⁵⁶ Of particular note is that “...the theological horizon of autonomous ethics is uniquely relevant in offering its interpretation of life to a question which is generally human.”⁵⁷ This integration is also undertaken, for Christians, from a Christological perspective: “...Christ is relevant as the salvation of the world.”⁵⁸ This integration, for Auer, is the specific contribution of a Christian faith context to autonomous morality.

Despite this elaboration of integration, advocates of this position are still negatively understood to be encouraging a kind of absolute self-determination, and as a consequence making responsibility to others secondary and appearing to deny the teaching authority of the church.⁵⁹ Hilpert again argues in his criticism that “...freedom, in the sense of modern ‘autonomy’ only aims at the individual’s self-fulfilment.”⁶⁰ However, with regard to this claim, we have already noted that Auer’s view of morality is one of ‘relational autonomy’ not of a kind of

⁵³ Hilpert, *The Theological Critique of Autonomy*, p.11

⁵⁴ Junker-Kenny, *Approaches to Theological Ethics*, p. 159

⁵⁵ Maureen Junker-Kenny discusses the various approaches to theological ethics in Maureen Junker-Kenny, “Recognising Traditions of Argumentation in Philosophical Ethics” in Cathriona Russell, Linda Hogan and Maureen Junker-Kenny (eds) *Ethics for Graduate Researchers: A Crossdisciplinary Approach*, (London: Elsevier, 2013), pp. 7-26 and in Junker-Kenny, *Approaches to Theological Ethics*, pp. 85-192

⁵⁶ Junker-Kenny, *Approaches to Theological Ethics*, p. 160

⁵⁷ *Ibid.*, p. 160

⁵⁸ *Ibid.*, p. 197

⁵⁹ The charge is made by then cardinal, Joseph Ratzinger in “Kirchliches Lehramt—Glaube—Moral” in Joseph Ratzinger, Heinz Schürmann, and Hans Urs von Balthasar, *Prinzipien Christlicher Moral*, (Einsiedeln: Johannes Verlag, 1975), pp. 44, 46, as noted by MacNamara, *Faith and Ethics*, p. 57

⁶⁰ Hilpert, *The Theological Critique of Autonomy*, p.13

libertarian self-determination.⁶¹ The implications of an autonomy approach in terms of human relationships to the natural world is that the Christian context intensifies our sensibilities, motivates us to act, has heuristic potential, integrates sources across disciplines, and also relativises morality by reinterpreting our moral obligation in light of other aspects of life and to our obligations and to what is good for human flourishing. One important implication for an environmental ethic that takes this approach to autonomy as its starting point is evident in Mieth's reformulation of Kant's CI, and warrants some elaboration. Rather than reiterating the long-standing assumption that a human-centred ethics is at the root of all environmental problems, the autonomy approach re-examines the model of human freedom and agency presupposed in this criticism relating it to its roots in Kant's philosophy and the reception of that philosophy in theological ethics.

1.1.3 The Context: recognising the Integrity of Earth Systems in the Development of Human Institutions

Mieth argues that moral principles pertinent to environmental ethics can be "...reinforced by the religious motivations related to a belief in creation."⁶² This can motivate a commitment to social ethics and care for creation, to collaboration across disciplines and institutions and between peoples 'of good will', prompted by a theological appreciation for a reality that we encounter and experience rather than as something we construct and invent.⁶³ His environmentally sensitive reformulation of the CI widens the scope of reference of Kant's moral philosophy and demonstrates that the recognition of human dignity is convincingly the base from which respect for the integrity of earth systems is built.⁶⁴

Setting the CI in the context of a concern for the integrity of the earth that is also motivated by a creation-centred perspective, Meith presents us with a version that includes an acknowledgement of the integrity of

⁶¹ MacNamara, *Faith and Ethics*, p. 45

⁶² Mieth, *Christian Conceptions of Creation, Environmental Ethics, and the Ecological Challenge Today*, p. 2

⁶³ Russell, *Autonomy and Food Biotechnology*, p. 267

⁶⁴ A Kantian approach is not widely regarded as an adequate starting point for environmental ethics.

earth systems in the development of human institutions as a crucial element in the recognition of human embodiment and systems interdependence. With Meith the CI is reread theologically, giving a creation-centred reading, and a reinterpretation that considers an expanded anthropology. It integrates "...the natural and the environmental aspects of life..." and from a theological perspective reformulates the appreciation for all creation.⁶⁵ Where there are cases of conflict between competing interests this reformulation, by definition, never loses sight of the equal original dignity of every human being. Defending the dignity of the human person is not, in this reformulation, understood to be at odds with an environmental ethic that would recognise and defend the integrity of creation and living systems, of which humanity is an integral and interdependent part. Mieth does not begin with the disputed and unhelpful dichotomy behind human-centred and earth-centred perspective or with the erroneous assumptions of the by now classic paper by the historian Lynn White Jr in which all of Western ethics is seen as excessively anthropocentric.⁶⁶ Notwithstanding the more nuanced aspects of White's 1967 paper, he does nevertheless lay the blame for the "ecologic crisis" at the feet of Christianity which in his eyes has a burden of responsibility.⁶⁷ In contrast to this Mieth explores Kant's CI in light of this approaches' emphasis on autonomy and reformulates the CI to offer several different perspectives on valuing nature, all of which are relevant to this thesis and none of which are simply self-serving or utilitarian. Nevertheless, valuing nature is usually undertaken from the context of 'indirect duties' to nature. Indeed for Kant, no one "...ought to mar the beauty of nature..." for our duties towards inanimate objects, as well as to animals, "...are aimed directly at our duties to mankind."⁶⁸ Kant's

⁶⁵ Russell, *Autonomy and Food Biotechnology* p. 141

⁶⁶ However, as Douglas J. Hall argues in response to White's stance, there is an alternative view, namely humanity *with* nature. Cf. Douglas J. Hall, "Stewardship as Key to a Theology of Nature" in Robert James Berry (ed) *Environmental Stewardship: Critical Perspectives, Past and Present*, (London and New York: T & T International, 2006), pp. 129-144, p. 139

⁶⁷ Lynn White Jr, "The Historical Roots of our Ecologic Crisis" in *Science*, New Series, 155:3767 (March 10, 1967) pp. 1203-1207, p. 1206

⁶⁸ Immanuel Kant "Duties Towards Animals and Spirits" in David R. Keller (ed) *Environmental Ethics: The Big Questions*, ((West Sussex, UK: Wiley Publishing Limited, 2010), pp. 82-83, p. 82

philosophy has been reinterpreted by many philosophers in relation to indirect duties. For example, Toby Svoboda’s interpretation of Kant’s account of duties to nature argues that “...it prohibits...wanton destruction of flora because such actions are violations of one’s duty to increase her own moral perfection.”⁶⁹ Svoboda argues his interpretation is in contrast to the orthodox interpretation of Kant, in which it is “...unclear how duties regarding nature would count as genuinely moral obligations, even indirect ones...” because “...such "duties" seem to be non-moral counsels to eschew courses of action that decrease the likelihood of fulfilling one's proper duties.”⁷⁰ Christine Korsgaard goes further in a recent book *Fellow Creatures: Our Obligations to the Other Animals*. However, significantly for this thesis, Mieth revisits Kant’s CI, rereading it in light of the 5 dimensions of the Christian context—intensifying our sensibilities, motivating us to act, heuristic potential, integrating sources across disciplines, and relativising morality—reinterpreting assumptions about the anthropology implicit in it, and expanding on that.

1.1.4 Reformulating Immanuel Kant’s Categorical Imperative and the Integrity of Creation

Mieth reformulates the CI on four interrelated lines: the human person as embodied; life as vulnerable and contingent; the *ambivalent instrumentality* that marks the relationship of the human being to the world; and the concept of finitude. The first reformulation Mieth undertakes is to expand the CI to take account of the human person as firstly embodied. Thus, he states that the general imperative should read,

Act so that human institutions serve the development and preservation of the physicality of the individual human being in such a way that, on the one hand, the intrinsic value of the prehuman world is preserved, reconstituted, and promoted to

⁶⁹ Cf. Toby Svoboda, “Duties Regarding Nature: A Kantian Approach to Environmental Ethics” in *Kant Yearbook* 4:1 (2012), pp. 143-163, p. 144

⁷⁰ Toby Svoboda, “A Reconsideration of Indirect Duties Regarding Non-Human Organisms” in *Ethical Theory and Moral Practice*, 17:2 (April 2014), pp. 311-323, p. 314

as great a degree as possible, and, on the other hand, the specifically human form of life is made possible in creative autonomy.⁷¹

Secondly, to concretise this general imperative Mieth emphasises human contingency and vulnerability, and suggests that it should read, act in such a way that “...the contingency, provisionality, and vulnerability of the human being as human realities and human values are taken into consideration in all measures and by all institutions...” and beyond this, that “...conditions vital to the existence of nonhuman nature are preserved and developed as the location to experience the contingent physicality of the human being, to the extent that the autonomy of the human being cannot be cancelled as a result.”⁷² This expresses the understanding that human finitude and contingency are values ‘governed’ by human physicality.⁷³

It is noteworthy that Mieth brings the concept of contingency into play here. Contingency as a concept has many philosophical, as well as theological, roots.⁷⁴ In classical philosophy it has the meaning of being time dependent, capable of mistakes, finite, imperfect. The story of The Fall expresses this idea in narrative form.⁷⁵ Its relevance for ethics lies in its recognition that there can be an over-expectation of human perfectibility and an underestimation of unintended consequences. Mieth argues that “...the paradigm of progress in modern biotechnology...” fails to keep the insight that we should not “...solve problems in such a way that the problems which arise through the solution are greater than the problems that are solved.”⁷⁶

The concept of finitude also “...makes us question the possibility of human perfectibility and the ability to solve ever greater problems by

⁷¹ Mieth, *Christian Conceptions of Creation, Environmental Ethics, and the Ecological Challenge Today*, p. 27

⁷² Mieth, *Christian Conceptions of Creation*, p. 27

⁷³ *Ibid.*, p. 27

⁷⁴ Dietmar Mieth, “Bioethics, Biopolitics, Theology” in Maureen Junker-Kenny (ed), *Designing Life? Genetics, Procreation and Ethics*, (Aldershot: Ashgate, 1999), pp. 6-22, p. 20

⁷⁵ Mieth, *Bioethics, Biopolitics, Theology*, p. 20

⁷⁶ *Ibid.*, p. 20

escalating technological solutions.”⁷⁷ We cannot of course foresee all the problems that may arise from our attempts at problem-solving but keeping this concept of finitude in play is a reminder that there are possibilities beyond rationalistic philosophy that need to be considered and that there are always blindspots in the justification of our conclusions.⁷⁸

Mieth argues furthermore that given the *inevitable but ambivalent instrumentality* that marks the relationship of the human being to the world, the general imperative could then read “...act so that the instruments of a satisfying and creative self-realisation of the human being (that is, technical and social institutions) do not endanger their own physical and biological resources, but attempt to implement them for the human being in accordance with their inherent specifications.”⁷⁹ This reformulation relates to the equilibrium of the relationships within the system and to environmental relationships.⁸⁰ This could still sound self-serving, excessively anthropocentric. Yet it also carries with it (indirect) duties that emphasise the obligation to maintain the integrity of resources and systems and it is a recognition that, “...it is in the power of the human person, and not of other organisms, to wilfully endanger biological life.”⁸¹ This greater power also implies a greater responsibility to act to protect ‘other organisms’ and ‘biological life’.

Mieth extends and explores the potential in the imperative further in his final reformulation so that it reads,

Act so that the equilibrium between human and prehuman systems considers not only the adaptation of the complexity, but also the irreplaceability of certain natural systems (from the standpoint of the law of nature on non-regenerability) and the status of every human individual as an end in himself or herself (without sacrificing freedom and human dignity).⁸²

⁷⁷ Russell, *Autonomy and Food Biotechnology*, p. 137

⁷⁸ *Ibid.*, p. 137

⁷⁹ Mieth, *Christian Conceptions of Creation*, p. 27

⁸⁰ *Ibid.*, p. 27

⁸¹ Russell, *Autonomy and Food Biotechnology*, p. 142

⁸² Mieth, *Christian Conceptions of Creation*, p. 28

Thus, the scope of Kant's CI is extended and the anthropology on which it is based—a firmly human dignity-centred anthropology—is rewritten to include recognition of the integrity of planetary systems. From a theological perspective then the task is caring for all creation and this falls to the human person who, being called to live up to being made in the image of God, has the capacity and therefore the responsibility to meet these obligations. From this reading it is possible to conclude that nature is at our disposal only in so far as we also recognise—philosophically—that it has an integrity of its own, one that is deeply related to our own, and—theologically—that it is, as is the human person, the good creation of God.⁸³

In terms of the environment, the autonomy position—with this reconstructed anthropology—recognises human dignity while also acknowledging finitude and contingency.⁸⁴ It implies that the world in which we live (creation from the theological perspective) be acknowledged as good teleologically, but also that it be recognised as belonging “...deontologically to the concept of human dignity itself.”⁸⁵ As the species with the power to protect or endanger ‘biological life’ we have an obligation of take up that responsibility. The autonomy position affirms the expectation that the human person will “...cultivate what is given, rather than abusing or exploiting it.”⁸⁶ The approach does not personify nature or equate the human person with other species but refigures an expanded anthropology. And the implication is very far reaching: if the responsibility for caring for all creation falls to the human person this requires avenues for agency, local, regional, and international.

Notwithstanding that Meith's framing of Kant's CI is one of far-reaching integration, there remains the suspicion that an approach that focuses on human freedom would not serve well as the basis of an environmental ethic. A Kantian starting point is too often seen as inadequate: its focus on autonomy has at times been understood very

⁸³ Russell, *Autonomy and Food Biotechnology*, p. 142

⁸⁴ *Ibid.*, p. 207

⁸⁵ *Ibid.*, p. 124

⁸⁶ *Ibid.*, p. 206

differently in other schools of ethics. It is often interpreted as irredeemably individualistic, and as (excessively) anthropocentric thus appearing to make it an inadequate starting point for environmental ethics.⁸⁷ These long-standing debates are relevant in mapping environmental ethics but are not the focus of this thesis. Here what is most relevant is to point out that contrary to this for Kant the autonomy of the other is the limiting condition of our own autonomy, and it is the Kantian framework that protects the individual (as embodied, vulnerable, dependent) from violation by others and from violation for the sake of the collective.⁸⁸ Before examining these implications of this school of thought for human agency in the next chapter, the following section will examine the affinities and distinctions between autonomy and revised natural law that are most crucial to this thesis. Insights from CST, the concepts of the common good, of solidarity, and of subsidiarity show important affinities between autonomy and natural law, and they continue to be relevant for, and compatible with, an autonomy approach in Christian ethics.

1.2 Autonomy's Antecedents in Natural Law

While the autonomy approach cannot be wholly accommodated within the framework of Natural Law it has notably been described as "...a legitimate continuation of the natural law in the circumstances created by the modern consciousness of freedom...or even as a late representative of the classical Catholic natural-law ethics."⁸⁹ It can trace its roots to Natural Law, and shares stances and insights with Revised Natural Law. Core components of classical Natural Law that are shared are: the appreciation for political prudence with reference to a specific community and its experiences, and a general reason accessible in inner reflection and scrutiny of conscience.⁹⁰ These have come under pressure

⁸⁷ Ibid., p. 140

⁸⁸ Ibid., p. 141

⁸⁹ As quoted by Eberhard Schockenhoff in his *Natural Law and Human Dignity: Universal Ethics in an Historical World*, (Washington, D.C.: The Catholic University Press of America, 2003), pp. 2-3

⁹⁰ Ludwig Siep, "Natural Law and Bioethics" (trans. J.G. Cumming) in Lisa Sowle Cahill, Hille Haker and Eloi Messi Metogo (eds), *Concilium: Human Nature and Natural Law*, (London: SCM, 2010), pp. 44-65, p. 50

in the modern era, not least from the idea of “...the autonomy of the individual.”⁹¹ As Junker-Kenny points out, the system of natural teleology was undermined as a system of “...working out conclusions for contingent circumstances from the governing natural framework of essential purposes.”⁹² It was reinterpreted as an “...understanding of practical reason as self-governance under the moral law.”⁹³ The good was no longer inferred from a ‘given’ nature but determined from how human nature is experienced in changing historical circumstances.⁹⁴

The fundamental change between antique and modern ideas of reason is that justification is now based on “...practical reason understood as the will...” rather than on natural striving.⁹⁵ Junker-Kenny adds that this was a complex shift, that teleology for Aquinas was not interpreted simply as automatically following the natural inclinations. Rather natural ‘strivings for excellence’ are the concern of ethics precisely because human beings can act against them.⁹⁶ However, a major consequence of the changes in the understandings of the concept of nature, as interpreted by the German philosopher Otfried Höffe, is a change in the concept of agency.⁹⁷ This is a question central to this thesis’s analysis of interpretations of agency in sustainable development and specifically in the capability approach.

1.2.1 A Change in the Concept of Agency

This change in the concept of agency is the most fundamental difference, distinguished by Höffe and recounted by Junker-Kenny, between Aristotle and Kant, between “...antique and modern ideas of reason.”⁹⁸ Höffe writes that the new model of action as willing, which differs to the model of action as teleological aspiration, raises the

⁹¹ Siep, *Natural Law and Bioethics*, p. 50

⁹² Junker-Kenny, *Approaches to Theological Ethics*, p. 129

⁹³ *Ibid.*, p. 129

⁹⁴ *Ibid.*, p. 134

⁹⁵ *Ibid.*, p. 129

⁹⁶ *Ibid.*, p. 139

⁹⁷ Otfried Höffe, *Can Virtue Make Us Happy? The Art of Living and Morality*, (trans. Douglas R. Mc Gaughey, Translation edited by Aaron Bunch, (Evanston, IL: Northwestern University Press, 2010), p. 182

⁹⁸ Junker-Kenny, *Approaches to Theological Ethics*, p. 129

question “Should I or should I not do x?”⁹⁹ Teleological aspiration is oriented to a goal, and thus is focused on the “where to” rather than the “where from”.¹⁰⁰ With this new theory of action the direction changes from “...looking ahead to the *telos*, to scrutinizing the origin of an act.”¹⁰¹ In this approach the person is not bound programmatically: rather “...the idea of purposes of nature is abandoned and replaced by the one single entity that can be a ‘purpose in itself’; the human being in her capability for morality...” and this means “...human agency is no longer bound to a pre-set orientation.”¹⁰²

For proponents of Revised Natural Law, who continue with the teleological orientation of Natural Law, the interpretation now takes place through historical consciousness, orientation is understood in historical terms and not in terms of any pre-ordered purpose.¹⁰³ This was how teleology was reconfigured, as “...a reinterpretation of the universalist orientation to human nature in a historically conscious way.”¹⁰⁴ These changes are relevant for both revised natural law and for autonomy, which have shared insights and affinities, but also important distinctions.¹⁰⁵

1.2.2 Affinities between Autonomy and Revised Natural Law

There are a number of affinities between revised natural law and the autonomy approach some of which have already been mentioned: an inductive approach to discovering norms through the reflection of reason on experience; a focus on freedom; an emphasis on dignity in terms of the basis for the capability of acting morally; highlighting the heuristic and motivational potential of Christianity; and the relativising of the status of morality.¹⁰⁶ They share a universalist and a teleological orientation (although these operate at a different level in each of these frameworks). This claim to ‘universality’ can be taken to mean that

⁹⁹ Höffe, *Can Virtue Make Us Happy?* p. 182

¹⁰⁰ *Ibid.*, p. 182

¹⁰¹ Junker-Kenny, *Approaches to Theological Ethics*, p. 129

¹⁰² *Ibid.*, p. 129

¹⁰³ *Ibid.*, p. 134

¹⁰⁴ *Ibid.*, p. 165

¹⁰⁵ *Ibid.*, p. 164

¹⁰⁶ *Ibid.*, p. 165

morality is accessible to all persons.¹⁰⁷ The source of this capacity for morality, in revised Natural Law and classical Natural Law, is practical reason and it is independent of any religious tradition.¹⁰⁸

MacNamara and Mieth both develop this point about the distinction between morality and religion. MacNamara assigns these as follows; morality is independent of religion and has to do with a perception about the needs of our interpersonal and social lives, religion has to do with our concern about the ultimate meaning of our lives.¹⁰⁹ He argues additionally that this can be justified theologically in that "...it is the design of God that the person is to be his own lawgiver..." giving voice to the recognition that the capability for morality is outside a theological framework and is available to all and not just the Christian.¹¹⁰ And the biblical justification for taking the general human capacity for morality as a starting point of autonomy derives from "...Pauls reference to 'the law written on the hearts of the gentiles' (Rom 2.15), from Patristic theologians and from Aquinas."¹¹¹ Like the autonomy position, revised Natural Law approaches start with human nature as a 'universally accessible given'. This is not to say that there is a 'universal' morality' or that 'morality' is universal.

1.2.3 Distinctions: Dignity, Autonomy, Freedom

Despite the affinities between revised natural law positions and those who take the autonomy route there are distinctions, as Junker-Kenny points out, that have implications for argumentation in the context of contested questions.¹¹² In contrast to classical, and even revised natural law, the autonomy position "...insists that the concepts of dignity, autonomy and freedom have a greater capacity to integrate philosophical and theological insights in ethics than the concept of

¹⁰⁷ Gerard Bradley, "Moral Truth, the Common Good, and Judicial Review" in Kenneth Grasso, Gerard Bradley, and R Hunt (eds), *Catholicism, Liberalism and Communitarianism*, (Lanham M.D.: Rowman and Littlefield, 1995), pp. 115-150, p. 123

¹⁰⁸ *Ibid.*, p. 149

¹⁰⁹ Vincent Mac Namara, *The Truth in Love: Reflections on Christian Morality*, (Dublin: Gill and Macmillan, 1988), pp. 23-24, p.

¹¹⁰ MacNamara, *Faith and Ethics: Recent Roman Catholicism*, p. 55

¹¹¹ Junker-Kenny, *Approaches to Theological Ethics*, p. 158

¹¹² *Ibid.*, p. 165 ff

human nature.”¹¹³ Despite stressing the significance of freedom, in revised natural law freedom does not ground that approach. The basis of its argumentations in applied ethics continues to be a teleology of goals whereas autonomous ethics takes “...the principle of human dignity as the source of rights...” prohibiting the instrumentalisation of any individual person.¹¹⁴ Autonomous ethics protects the individual from violation by others or violation for the sake of the collective. This is possible because it is indebted to Kant’s moral philosophy with its principle of non-instrumentalisation.

Furthermore, as Junker-Kenny points out, even for an historically conscious, revisionist natural law approach to ethics, the absence of a theory of subjectivity means that “...additional categories and approaches are needed.”¹¹⁵ Rather than the “...objectivising concept of natural law of acts as ‘intrinsically evil’...” a more nuanced analysis would leave room for the capacity of good and evil in the human person.¹¹⁶ She also notes that in addition to the differences in the philosophical foundations of revisionist natural law and autonomy, there are also differences in “...the space they give to Christian specificity.”¹¹⁷ Despite the opening of revisionist versions of natural law to modernity, including the turn to the Bible, doubts remained as to whether it could adequately accommodate fundamental aspects of the New Testament, such as “...the example and teaching of Jesus, with its radical demands for love and self-sacrifice.”¹¹⁸

As noted by Junker-Kenny, the ethicist Lisa Sowle Cahill sees “...Christian praxis as founded in the new identity that is freely bestowed by Jesus Christ and in the solidarity of the community.”¹¹⁹ The Christian tradition sensitises us to human dignity as something not contingent on social worth but with its own standing. It changes how we view the human person. In addition, the assumption, in classical and revised natural law,

¹¹³ Russell, *Autonomy and Food Biotechnology in Theological Ethics*, p. 123

¹¹⁴ Junker-Kenny, *Approaches to Theological Ethics*, p. 166

¹¹⁵ *Ibid.*, p. 166

¹¹⁶ *Ibid.*, p. 166

¹¹⁷ *Ibid.*, pp. 164, 167

¹¹⁸ *Ibid.*, p. 167

¹¹⁹ *Ibid.*, p. 165

that God exists, "...is an internal reason for the reduced relevance of the Bible."¹²⁰ On the other hand autonomous ethics in a Christian context is "...acutely aware that the existence of a morally sensitive creator God..." can only be postulated philosophically.¹²¹ Junker-Kenny also notes that Kant postulated God because our duty and our happiness do not always coincide, the disproportion between virtue and happiness can only be reconciled by a God who fulfils our best intentions.¹²²

Because of the limits imposed on human beings by finitude, in Kant's conception of practical reason "...there is an internal link to religion."¹²³ Junker-Kenny notes that, "...Kant declares that it is in keeping with reason, not counter to it, to base one's hope in the ultimate success of moral action on a God who has created a world open to unselfish initiative, and not ending in absurdity."¹²⁴ Otherwise, as Mieth points out, "...judged by criteria of efficacy, ethical commitment often seems absurd; it is like a tiny flickering flame in a darkened world."¹²⁵ So in Kant's framework we do not need God in order to do right but "... from a theological perspective what is affirmed is that God takes responsibility for efficacy, and gives the whole world a share in the little we contribute."¹²⁶

This is also highlighted by the French hermeneutical philosopher Paul Ricoeur who writes that "...Kant remains the philosopher who thought the limits of knowledge and of action and who linked the possibility of a philosophy of hope to this mediation about the theoretical and practical limitations of humankind."¹²⁷ From an autonomy perspective then "...the reality of the anchor of a moral world order would need another source to support this belief as reasonable..." and this puts the Bible, as "...a historical testimony to God and God's loving relationship to

¹²⁰ Ibid., p. 167

¹²¹ Ibid., p. 167

¹²² Maureen Junker-Kenny, "Valuing the Priceless: Christian Convictions in Public Debate as a Critical Resource and as 'Delaying Veto' (J. Habermas)", in *Studies in Christian Ethics* 18:1 (April 2005), pp. 43-56, p. 48

¹²³ Junker-Kenny, *Approaches to Theological Ethics*, p. 47

¹²⁴ Ibid., p. 47

¹²⁵ Mieth, *Autonomy of Ethics—Neutrality of the Gospel*, p. 39

¹²⁶ Ibid., p. 39

¹²⁷ Paul Ricoeur, *Figuring the Sacred: Religion, Narrative, and Imagination*, (Minneapolis: Fortress Press, 1995), p. 211

humanity..." on a different footing.¹²⁸ Hermeneutical and literary theories, such as those of Ricoeur, help elucidate how the narratives and symbols of the Bible have shaped "...ethical self-understanding and moral visions."¹²⁹ Putting the Bible on a different footing as a source of morality is just one of the distinctions between autonomy and natural law.

1.2.4 Principled Autonomy and the Rejection of Indifference as a Universal Maxim

Principled autonomy is concerned with the kinds of principles and laws that can be adopted by any, and all, agents.¹³⁰ Philosopher Onora O'Neill points out that for Kant autonomy as universal self-legislation focuses on a constraint or test which demonstrates which principles could be chosen by all and therefore are "...fit to be universal laws."¹³¹ This vision of action differs substantially to contemporary ideas of individual choice. These principles, O'Neill argues, propose rather "...what it takes to be a principle at all."¹³² Therefore, the ideal is to live by principles which could, at least, be principles for all.

Indifference is an example of a principle, O'Neill argues, that cannot be willed as a universal maxim and is most relevant to the question of distributive justice. The individualism of indifference would deprive others, and ourselves, of the help and support they need to achieve their goals.¹³³ If indifference were to be a universal principle, we would be committing ourselves to "...ways of acting and living that put everyone's (including our own) survival and quality of life at risk."¹³⁴ Since this would undermine the agency of many, willing indifference as a universal principle would run counter to the commitment to pursue

¹²⁸ Junker-Kenny, *Approaches to Theological Ethics*, p. 167

¹²⁹ *Ibid.*, p. 167

¹³⁰ Onora O'Neill, *Autonomy and Trust in Bioethics*, (Cambridge: Cambridge University Press, 2002), p. 85

¹³¹ O'Neill, *Autonomy and Trust in Bioethics*, p. 84

¹³² *Ibid.*, p. 85

¹³³ *Ibid.*, p. 88

¹³⁴ *Ibid.*, p. 88

effective means to achieve the projects we undertake. So it is rejected as an universalisable principle, according to Kant, because it violates the first formulation of the CI.

O'Neill develops the implications of this rejection. She says the rejection of indifference is very demanding because it requires more than infrequent attempts at supporting the needs of others.¹³⁵ It requires rather that we support, on an ongoing basis, "...social and political institutions and practices that reliably reduce and limit vulnerability by providing a reliable degree of security and subsistence for all."¹³⁶ If 'indifference' is not universalisable then what is required is a framework through which such support can be provided if as O'Neill contends, we require social and political institutions that support and protect vulnerable others. O'Neill's reinterpretation of Kant's rejection of indifference, as entailing new frameworks, is paralleled in David Hollenbach's reformulation of the common good tradition and his idea of 'intellectual solidarity'. He reinterprets the principle of solidarity in CST, of which subsidiarity is a corollary, in light of human rights, where rights are the moral claims of persons to participate in society.

1.3 A Reformulation of the Common Good Tradition: David Hollenbach

Hollenbach's revised natural law approach in CST begins from the commitment to human dignity and freedom, and as a consequence reconnects with an ethics of freedom, sharing specific aspects of the autonomy approach.¹³⁷ Autonomy is rooted in natural law but also differs in certain respects. Nevertheless, autonomy and CST are linked through 'freedom' as we see with Hollenbach's reformulation of the common good in terms of freedom.

An ethics of freedom provides Christian social ethics with a philosophical foundation based on "...the unconditional nature of freedom and argues for this truth claim at the universal level of reason, as distinct from the

¹³⁵ Ibid., p. 88

¹³⁶ Ibid., p. 89

¹³⁷ Hollenbach, *The Common Good*, p. 151

particular.”¹³⁸ At the same time the common good tradition, as he argues, offers resources for the shared assessment of visions of the good, in relation to the right, what Junker-Kenny refers to as ‘connecting human rights and dignity to a communicative common good’.¹³⁹

The common good, in this rereading, expresses a concept of justice that includes: the rights and duties of all the individuals and groups of society; the responsibilities of the state, moral and legal; the cooperation and interdependence of all members and groups in the common good of society, and; the legitimate sphere of independence of all groups and institutions as designated by the principle of subsidiarity.¹⁴⁰ Hollenbach takes as his starting point the view of the human person outlined by the Second Vatican Council and interprets this in terms of dignity and freedom.¹⁴¹ The Council can be seen as the beginning of the break between classical Natural Law and Revised Natural Law in CST. Hollenbach’s reformulation of the common good is still in the Natural Law tradition but now reinterpreted in light of the modern consciousness of freedom.

1.3.1. A Community of Freedom Based on Human Rights

Hollenbach connects the common good in CST to a ‘community of freedom’ based on human rights.¹⁴² What is significant is that, for Hollenbach, freedom in both the theological sense and in human rights are not opposites. Rights are not an alternative to the common good approach.¹⁴³ He points out that the Second Vatican Council statement that the right to religious freedom, along with the rights enshrined in the Universal Declaration of Human Rights (UDHR), is grounded in the very dignity of the human person and is “...linked by the Council to the core of Christian faith.”¹⁴⁴ The Council reaffirmed that the social conditions

¹³⁸ Junker-Kenny, *Approaches to Theological Ethics*, p. 142

¹³⁹ *Ibid.*, p. 146

¹⁴⁰ Lisa Sowle Cahill, “Genetics, Individualism, and the Common Good” in Lisa Sowle Cahill (ed) *Genetics, Theology, and Ethics: An Interdisciplinary Conversation*, (New York: The Crossroads Publishing Company, 2005), pp. 117-136, p. 123

¹⁴¹ Hollenbach, *The Common Good and Christian Ethics*, p. 151

¹⁴² *Ibid.*, p. 137

¹⁴³ *Ibid.*, p. 159

¹⁴⁴ *Ibid.*, p. 160

that allow persons and groups reach their fulfilment are part of the common good. Human rights, Hollenbach argues, are "...the moral claims of all persons to be treated, by virtue of their humanity, as participants in the shared life of the human community."¹⁴⁵

Locating the commitment to human rights in the framework of solidarity in this way implies that these rights are not merely 'negative civil immunities from coercion' but are rather 'positive social empowerments'.¹⁴⁶ What is significant for this study is not primarily the focus on human rights, but rather that ways in which, as Hollenbach argues, they institutionalise solidarity, a key principle in CST. The institutions that shape public life, specifically those which secure and protect human rights for all, are also the ones that are essential to the common good of a 'community of freedom'. Human rights, he argues, "...should be understood as guarantees of the most basic requirements of solidarity."¹⁴⁷ Crucially "...these moral claims will be practically guaranteed when respect for them is built into the basic structure of society, i.e., into the main political, social, and economic institutions that set the overall terms of social cooperation."¹⁴⁸ The rejection of indifference (section 1.2.4) has relevance here, as O'Neill notes indifference cannot be willed a universal maxim because we depend on the support of others to achieve our goals.

Hollenbach also connects human rights and dignity to a 'communicative' common good.¹⁴⁹ Communicative here implies that in determining what counts as the common good everyone is invited to contribute. This understanding grounds debate on the common good in "...civic discourse across communities."¹⁵⁰ He argues for example that freedom of religion, assembly, association and speech are freedoms that are "...morally required by any ethic committed to ...genuine dialogue."¹⁵¹ Respect for these freedoms, he adds, "...is a requirement of the respect

¹⁴⁵ Ibid., p. 159

¹⁴⁶ Ibid., p. 161

¹⁴⁷ Ibid., p. 159

¹⁴⁸ Ibid., p. 159

¹⁴⁹ Junker-Kenny, *Approaches to Theological Ethics*, p. 146

¹⁵⁰ Ibid., p. 146

¹⁵¹ Hollenbach, *The Common Good and Christian Ethics*, p. 159

due to the equal dignity of all persons as members of the human community.”¹⁵² If deliberation about the common good is to be made possible then these moral claims, these freedoms, need institutional protection.

What is particularly relevant here is that Hollenbach expresses this in the language of ‘mutual recognition’ where citizens are able to actively exercise these freedoms in dialogue with others, where a common life can emerge despite religious or cultural differences. Therefore, he argues, “...securing these basic rights...is both a prerequisite for solidarity and an expression of solidarity” and the common good is framed as the object and the outcome of free cooperation.¹⁵³ The common good, he writes, “...fulfils needs that individuals cannot fulfil on their own.”¹⁵⁴ This is echoed in O’Neill’s rejection of indifference.¹⁵⁵ It realises non-instrumental values and the freedoms they provide, which cannot be achieved except in a community “...linked by bonds of reciprocal solidarity.”¹⁵⁶ These goods “...exist in the relationships between people talking and acting together, and they evanesce when people fall silent or disperse.”¹⁵⁷ Furthermore, the “...freedom they bring is the power that arises when men and women are free together. This is the power of a community of freedom, a community of people acting together in reciprocal respect for one another’s dignity.”¹⁵⁸

Understood in this way the common good “...is not ‘extrinsic’ to the relationships...” between the sub-communities of society.¹⁵⁹ When the relationships among the members and sub-communities of society “...form reciprocal ties among equals the solidarity achieved is itself a good that cannot otherwise exist.”¹⁶⁰ Where such solidarity is absent, society falls short of the good it could attain, and the lives of its members are correspondingly diminished. Hollenbach argues that when

¹⁵² Ibid., p. 160

¹⁵³ Ibid., p. 160

¹⁵⁴ Ibid., p.83

¹⁵⁵ O’ Neill, *Autonomy and Trust in Bioethics*, p. 88

¹⁵⁶ Hollenbach, *The Common Good and Christian Ethics*, p. 83

¹⁵⁷ Ibid., p. 83

¹⁵⁸ Ibid., p. 83

¹⁵⁹ Ibid., p. 189Junker-Kenny, *Approaches to Theological Ethics*, p. 146

¹⁶⁰ Ibid., p. 189

a society 'falls short' of the level of solidarity that it could reasonably aspire to, and is "...shaped by institutions that exclude some members from agency altogether, the resulting interdependence becomes a genuine evil."¹⁶¹ Developing the outlines of a shared vision of the good life, one that allows every person to contribute to the life of society, requires what Hollenbach calls 'intellectual solidarity'.¹⁶²

1.3.2 Intellectual Solidarity: Recognising and Supporting Human Agency

The idea of intellectual solidarity is a welcome addition to the principle of solidarity in Natural Law, inspired by human rights. Intellectual solidarity, Hollenbach argues, writing from a North American context, is fundamental to "...the revitalisation of the common good in our religiously and culturally diverse world."¹⁶³ In contrast to the prevailing public philosophy of 'tolerance', in the United States specifically, which takes it as given that "...people are safest when no one can interfere with their pursuit of their own understandings of the good..." intellectual solidarity calls for "...a form of social justice..." that recognises and supports human agency.¹⁶⁴ Tolerance takes a stance of suspicion with regard to communal interaction while intellectual solidarity emphasises active participation in the patterns of social interaction that affect well-being.¹⁶⁵

If we assume that in a pluralistic society there are many conceptions of the good then the question of the right and of justice come to the fore anew. The 'good' cannot be taken always to relate to affirmative and shared content. Autonomy recognises that the 'good' is not necessarily the good for everyone: there are also conflicts, and conceptions of the 'good' can be based on "...anthropologies that undermine a shared space of mutual recognition..."; anthropologies such as those grounded in the Hobbesian fear of the other, self-interested 'choice' or

¹⁶¹ Hollenbach, *The Common Good and Christian Ethics*, p. 189

¹⁶² *Ibid.*, p. 137

¹⁶³ *Ibid.*, p. 138

¹⁶⁴ *Ibid.*, p. 239

¹⁶⁵ *Ibid.*, p. 239

Nietzschean visions of power.¹⁶⁶ From the perspective of an autonomy approach the question of obligation to those who do not share visions of the good remains. And it is only by combining “...a transcendental concept of freedom with a theory of agency which allows for material and domain-specific elaborations...” that the universality of moral justification can be achieved.¹⁶⁷

As Hollenbach notes in relation to the universal, also combining the right and the good in his model, the “...emerging patterns of world-wide interdependence...require that we look at the tacit assumptions that shape how we live together.¹⁶⁸ A public philosophy that “...combines commitment to the common good with respect for the equality and freedom of all members...” of the community recognises that some goods can only be achieved through social connections.¹⁶⁹ As Hollenbach notes, in the context of the realisation that we live together in an ever more interdependent world the method of avoidance and detached tolerance (which are growing anew in some countries) are insufficient and defensive.¹⁷⁰ Environmental protection, for example, is a social good that is “...indivisible in the long term because all countries are mutually dependent on the biophysical environment that knows no boundaries.”¹⁷¹ Where intersecting ideas about the good life influence social policy and determine who gets what the idea of just ‘avoiding disputed values’ is not adequate.¹⁷²

Hollenbach also specifies what he means by the pursuit of the intellectual engagement called for by some thinkers, as “...new forms of intellectual engagement on the common good...” that exhibit cooperation through intellectual communication between people holding different views of the good.¹⁷³ What is required, he suggests, is “...conjoint action to which we all contribute.”¹⁷⁴ The necessity for such

¹⁶⁶ Junker-Kenny, *Approaches to Theological Ethics*, p. 144

¹⁶⁷ *Ibid.*, p. 140

¹⁶⁸ Hollenbach, *The Common Good and Christian Ethics*, p. 56

¹⁶⁹ *Ibid.*, p. 57

¹⁷⁰ *Ibid.*, p. 140

¹⁷¹ *Ibid.*, p. 50

¹⁷² *Ibid.*, pp. 139-140

¹⁷³ *Ibid.*, p. 141

¹⁷⁴ *Ibid.*, p. 141

solidarity entails the hoped-for possibility that citizens and their representatives should continue to engage in order to come to ‘mutually acceptable’ decisions even when they disagree.¹⁷⁵ As such, intellectual solidarity begins from the premiss that citizens will hold different views given their differing visions of the good life, both philosophical and religious.¹⁷⁶ It is also characterised by the hope that disengaged tolerance is not the only alternative to “...efforts to abolish differences coercively.”¹⁷⁷ What is required for deliberation through engagement with others is more than mere tolerance or coercion. The common good is determined in dialogue with others, not imposed coercively but determined in the active engagement between members of a community of freedom.¹⁷⁸

1.3.3 Possibilities for a Practical Commitment to finding a Common Moral Ground

Hollenbach argues that what is needed in the revitalisation of the common good is that citizens bring their “...commitments to the public forum...” as an invitation for deliberation through engagement with others.¹⁷⁹ He shares with the autonomy approach the conviction that the Christian context contributes by providing motivation to act. Reciprocity implies that in making proposals about issues related to shared social life the freedom and equality of all those who will be affected are respected.¹⁸⁰ This also implies that “...advocacy of important political institutions or policies includes a commitment to act in accord with them if they are accepted by others, even at the cost of one’s own more immediate interests in particular circumstances.”¹⁸¹ Hollenbach writes, “...the desire to find common moral ground between Christians and non-Christians is theologically warranted by the belief that one God has

¹⁷⁵ *Ibid.*, p. 141

¹⁷⁶ *Ibid.*, p. 141

¹⁷⁷ *Ibid.*, p. 142

¹⁷⁸ *Ibid.*, pp. 141-142

¹⁷⁹ *Ibid.*, p. 143

¹⁸⁰ *Ibid.*, p. 143

¹⁸¹ *Ibid.*, pp. 145-146

created the whole of humanity and that all human beings share a common origin and destiny.”¹⁸²

The possibilities for a practical commitment by Christians to this kind of listening and speaking in pursuit of the common good, despite concerns about such an endeavour, are reflected in the opening words of *Gaudium et Spes: The Constitution on the Church in the Modern World* (1965).¹⁸³ Here we find a ‘double agenda’ (also realigned in the Christian autonomy tradition) that coheres with the Christian emphasis on dignity and autonomy, namely the themes of universal solidarity, and of traditions in their particularity.¹⁸⁴ The Council affirmed both the particularity of traditions including the Christian tradition *and* universal solidarity, seeking to bring “...a distinctively Christian understanding of the human good into active engagement with the many cultures of a world increasingly conscious of itself as divided and pluralistic.”¹⁸⁵ This approach—pursuing the common good in a pluralistic world while calling for renewal of a distinctively Christian vision of the good rooted in the Gospel of Christ—Hollenbach defines as ‘dialogic universalism’.¹⁸⁶

Briefly, dialogic universalism is described by Hollenbach as universalist and at the same time dialogic.¹⁸⁷ It is universalist in that it presumes that all human beings share certain characteristics in common, as well as having in common certain basic requirements for their well-being—basic bodily needs which have to be met, the need for intelligence to be developed, and the possibility for participation in social life.¹⁸⁸ It is dialogic in that a shared vision of the good life can only be achieved in a ‘historically incremental way’ through dialogue across traditions, and in that it takes it as given that such engagement is part of the common good.¹⁸⁹ The Council affirmed that such engagement is in fact “...a demand of human reasonableness and an implication of the distinctively

¹⁸² Ibid., p. 149

¹⁸³ Ibid., p. 149

¹⁸⁴ Ibid., p. 151

¹⁸⁵ Ibid., p. 152

¹⁸⁶ Ibid., p. 152

¹⁸⁷ Ibid., pp. 152-153

¹⁸⁸ Ibid., p. 152

¹⁸⁹ Ibid., p. 153

Christian understanding of the human good.”¹⁹⁰ It also “...forges a bond that goes beyond tolerance.”¹⁹¹ Hollenbach does not relegate whole traditions of values to the “background culture”. Such a distinction, as is found in the work of philosopher John Rawls (1921-2002) for example, is problematic because labelling all the levels that do not involve the exercise of governmental power “private” overlooks the role of the numerous so-called private sector activities that impact the lives we share in public.¹⁹² Religious traditions, universities, professional associations, as well the media, the market-system and ‘culture’ all influence public opinion and values.¹⁹³ Rather, he challenges the distinction often insisted on, between the public and private domains, and writes “...what Rawls calls the “background culture” plays a formative role in shaping what is politically reasonable.”¹⁹⁴ He argues that “...a public role of religious visions of the common good will not simply lead back to a reprise of seventeenth century Europe, with its limitations on civil freedom.”¹⁹⁵

The binary public-private distinction does not do justice to the contributions to civil society of intermediate institutions and associations. The multileveled spheres that make up the “background culture” belong to civil society. Hollenbach argues instead for a more complex set of distinctions and interactions between the individual, civil society, and the state, and this is where the significance and the implications of the principle of subsidiarity comes into greater focus. Seen in this way—in terms of subsidiarity—religious communities and traditions of interpretation are “...important participants in civic and public life...” making contributions to the public domain.¹⁹⁶ Chapter six will revisit this essential aspect of the common good approach endorsed by Hollenbach, in relation to rethinking the mechanisms by which participants can work out their disagreements in the context of a plurality of visions of the good life.

¹⁹⁰ *Ibid.*, pp. 152-153

¹⁹¹ *Ibid.*, p. 154

¹⁹² *Ibid.*, p. 165

¹⁹³ *Ibid.*, p. 165

¹⁹⁴ *Ibid.*, p. 165

¹⁹⁵ *Ibid.*, p. 166

¹⁹⁶ *Ibid.*, p. 166

1.4 Conclusion

This chapter presented and argued for an approach in theological ethics that can be called 'principled autonomy', or an ethics of freedom. This serves as a framework for the evaluation of capability and subsidiarity in human development. In this framework the human person is self-legislating and moral obligation to the other stems from our own, and their equally original freedom. It focused specifically on autonomy, on its emergence from the natural law tradition in CST, and the affinities and distinctions between these traditions of thinking in their development and in their current expression. A major change however is seen in the concept of agency.¹⁹⁷ It examined autonomy's indebtedness to Kantian moral philosophy, and principled autonomy's rejection of indifference as a universal maxim. The 'rejection of indifference' is paralleled in intellectual solidarity in revised natural law, and has affinities with Sen's 'open impartiality' and Ricoeur's 'willingness to mutuality', which will be discussed in chapter four.

The chapter also addressed the criticism that Kant's moral philosophy, at first glance, seems like an unlikely starting point for an environmental ethics that is not simply human-centred. This chapter presented Mieth's life-oriented reformulation of Kant's CI which made clear that an autonomy approach is not blind to embodiment, vulnerability, and the problems of instrumentalisation. It also presented some of the ongoing links and distinctions between these positions, in particular the reformulation of the common good tradition in dialogue with human rights by Hollenbach, a reconstruction and reinterpretation of approaches to ethics in religious traditions, and at his concept of mutual recognition and intellectual solidarity. Taking the perspective of an autonomy framework in ethics as our guide the next chapter will examine interpretations of human agency in the master term 'sustainable development'.

¹⁹⁷ Höffe, *Can Virtue Make Us Happy?*, p. 182

2 A Social Ethics of Freedom and Sustainable Development

This chapter examines interpretations of human agency at work in the evolution of the master term ‘sustainable development’ which is, broadly speaking, a human-centred resource management approach to human-driven environmental changes. Since the first wave of modern concern for the environment in the 1860s underlying assumptions about human relationships to nature have informed environmental debate and have given rise to different priorities in policy formation. The earliest disputes in the US mirror much of what happened elsewhere in developed countries and are exemplified in the Muir-Pinchot debates about large dam building in the early twentieth century. The preservationist John Muir (1838-1914), founder of the Sierra Club—who emphasised duties to nature—and his contemporary Gifford Pinchot (1865-1946), the first head of the United States Forestry Service—who advocated duties to future generations—represent the two strands of environmental concern that later became identified by some in terms of anthropocentric and ecocentric approaches to the natural world.¹

In the decades that followed other forms of environmentalism emerged. In the late 1960s and early 1970s the problems were framed in terms of exploitation and degradation of the natural resource base. The discourse of sustainability arose as a response to the excesses of productionism which externalised the costs of rapid economic development in the 1960s and 1970s.² Productionism is the philosophy which emerges when production itself is taken to be both a necessary and sufficient criterion for assessing the ethics of agriculture.³ Mid-nineteenth century approaches borrowed more heavily from ecology and presented the problems in terms of limits to Earth’s “carrying capacity” and by

¹ Andrew J. Hoffman and Lloyd E. Sandleands, “Getting Right with Nature: Anthropocentrism, Ecocentrism and Theocentrism” in *Organisation & Environment* (June 2005) 18:2, pp. 141-162

² Sustainability can be defined as production, or development, in relation to protection of the resource base, as it is in its classical definition as “sustainable development” by the Brundtland Commission.

³ Paul B. Thompson, *The Spirit of The Soil*, (London: Routledge, 1995), p. 48

implication economic activity and human population growth.⁴ This wave of environmentalism revived the earlier nineteenth century Malthusian arguments about demographics, and food production.⁵ Such arguments had, for example, influenced the *laissez-faire* economics that lay behind the poor laws in Britain and Ireland.⁶ Anglican minister Thomas Robert Malthus (1766-1834) saw the relationship between demographics, food production, and “limits to growth” in terms of economic assumptions of scarcity rather than of abundance. He subscribed to the view that population would inevitably outrun food supply—the limits of which he took to be fairly inflexible—and that lower fertility would only be motivated by the sheer necessity of survival in a world of too many people and too few resources. Malthus’ pessimism was shared by David Ricardo (1772-1823) and John Stuart Mill (1806-1873). This pessimism was in contrast to the more optimistic approach of Malthus’ contemporary Antoine-Nicholas De Condorcet (1743-1794) who argued for a collaborative approach of cooperation between governments and citizens to produce conditions conducive to economic and social development. Influenced as it was by Malthusian assumptions, in this environmentalism the equation of population growth with increased consumption and the collapse of ecosystems was increasingly alarmist even if blunt assumptions behind this analysis were unfounded.⁷ The externalising of the full environmental costs of production was bluntly conflated with the question of human population growth.

The late 1970s began to mark a turning point where the double objectives of ongoing productivity and environmental conservation became the guiding background for development under the rubric of a new master term ‘sustainable development’. This new commitment

⁴ Concerns that unchecked resource use would outstrip the limits of earth’s carrying capacity were exemplified in the 1972 Club of Rome report *The Limits to Growth*. Cf. Joshua J. Yates, “Abundance on Trial: The Cultural Significance of “Sustainability” in *The Hedgehog Review* 14:2 (Summer 2012) pp. 8-25, p. 9

⁵ Robert Thomas Malthus, *An Essay on the Principle of Population*, (London: Reeves and Turner, 1872), Appendix, p. 515

⁶ Cuts on spending for public relief during the Irish Famine have been linked to the influence of *laissez-faire* economics.

⁷ Garret Hardin’s *Tragedy of the Commons* (1967) represents an alarmist response. This exaggerated alarmism led to policy-based restrictions of human freedom, for example, in China’s coercive one-child policy.

acknowledged that concerted efforts were required to meet the challenges of ‘cleaning up’ after the rapid and unrestrained intensification of the human enterprise in the wake of the Second World War, and the externalities of this post-war economic growth. The demand for increased food production and the need for a different balance in food production in the post-war period culminated in the development and adoption of the fertilisers, pesticides, irrigation and the high yielding crop varieties of the so-called Green Revolution.⁸ While the Green Revolution contributed to the unprecedented growth that followed this came at a cost: risks to earth systems and human health.

The pioneering report of the *World Commission on Environment*, otherwise known as the *Brundtland Commission*, was published in 1987. Coupling concerns about environmental conservation with concerns about global poverty it defined “sustainable development” as “...development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.⁹ Notwithstanding its limitations, not least the assumptions it makes about the human person in terms of a focus on needs, this definition is the starting point for all contemporary development debates.

This chapter will examine interpretations of human agency at work in the evolution of the master term ‘sustainable development’. It will examine the conflicting visions of land use in early environmentalism: the first being ‘wise use’ for future generations (forms of anthropocentrism) in contrast to the second, duties to nature (forms of ecocentrism). It will trace the shift from agrarianism to an industrial agriculture model, particularly in the twentieth century, a move which has its roots in what the philosopher Paul B. Thompson calls the philosophy of productionism.¹⁰ It will trace the shifts in anthropology,

⁸ E. J. Walsh, “Genes, Plants and Humankind: A Plant Breeder’s Perspective on the Reality and Potential of Plant Biotechnology” in *Research Report of the Faculty of Agri-food and the Environment*, (Dublin: University College Dublin, 2004), pp. 73-86, p. 77

⁹ World Commission on Environment and Development, *Our Common Future*, (Oxford: Oxford University Press, 1987), p. 42

¹⁰ Interestingly the move to circular economies represents another shift of this magnitude, namely from linear to circular economies.

specifically questions of human agency since Brundtland, which takes a view of the human person in terms of 'needs' in development approaches. It will examine the implications of the move from a focus on needs to an emphasis on the living standard, and finally the impact of the approach by Amartya Sen and later Sudhir Anand on the potential in the living standards approach. Sen and Anand's proposed alternative, which they rename as human development, was revolutionary in first recognising the role of human agency (capability) in securing greater distributional equity in health, nutrition, and education. This helped to decouple prosperity from crude productionism. Secondly it laid the ground for additional work that is still underway in development approaches, not only to find better metrics and measures to engender poverty alleviation, but to mirror that capability building for conservation. That work will be discussed in this chapter under the rubric of 'ecosystem services'.

2.1 Early Environmentalism: Conflicting Visions of Land Use as Duties to Nature, or 'Wise Use' for Future Generations

In many modern environmentalisms the view of the human person in relation to the natural world has been one of conflict. And although there are more and less strong versions of this dichotomy as a popular philosophy it is reflected in policy worldwide and influences approaches to development. The debate between Muir and Pinchot in the US at the beginning of the twentieth century stands as an example of this. I recall it here as a concrete example of the productionist approach that understood dams as an unquestionable technological advance in waterways management, as an example of the long term implications of large-scale (almost) irreversible change on an economy and an ecosystem, and as an instance of conflict between divergent perspectives on land use.¹¹

¹¹ Hoffman and Sandsteads, *Getting Right with Nature*, pp. 141-162

The dispute involved the proposed construction of a dam on the Tuolumne River in the Hetch-Hetchy valley, and led to a conflict between two very divergent responses. The Hetch-Hetchy valley is in Yosemite National Park. The first response could be characterized as preservationist, which appeared to put the interests of the catchment's integrity above that of the human inhabitants and the second applied the language of 'wise use' to argue for the new technology using the argument that this sacrifice now, was for the sake of not just current, but also future, generations. Although the history professor and Sierra Club member Robert W. Righter rejects the too easy portrayal of the dispute in terms of wilderness versus civilisation the focus for our purposes is on the different perspectives on land use exemplified by the dispute.

Righter argues that it was James Phelan—mayor of San Francisco from 1896 until 1902—rather than Pinchot, who was ultimately identified by Muir himself as the real enemy of Hetch-Hetchy. Righter rejects the framing of the issue in terms of wilderness versus civilisation as Roderick Nash's 1967 book *Wilderness and the American Mind* did. The book, Righter argues, was a product of its time: there was an uncritical acceptance of the thesis that the dispute revolved around these two poles. Righter contends that the defenders of Hetch-Hetchy valley were not rejecting development, rather they advocated the development of a tourism infrastructure as opposed to water development. The battle, he argues, was one waged between the interests of private and municipal utilities ownership rather than one between preservation and conservation, with defenders of the valley caught in the crossfire.¹²

Behind the dispute was the imperative to provide an abundant and reliable source of water for the growing city of San Francisco, that is one of the key reasons to dam.¹³ This resulted in the controversy that pitched preserving "wilderness" for its own sake (or even for the sake of the populations who otherwise used it as a resource for transport and

¹² Robert W. Righter, *The Battle over Hetch-Hetchy: America's Most Controversial Dam and the Birth of Modern Environmentalism*, (Oxford: Oxford University Press, 2005), p. 6

¹³ In addition to providing water for San Francisco and its environs the Hetch Hetchy reservoir also provides the city with hydroelectric power.

fishing) against providing “resources” for human populations. The quest for a reliable source of water began well before the Hetch-Hetchy controversy that provides the background to the dispute. Fires—and a lack of water to extinguish them—had consistently destroyed the city of San Francisco and led to a range of government studies of various water sources. The Tuolumne River was consistently found to offer the most sustainable source of water.

However, despite the need for more water and the controversies to which this gave rise throughout the late nineteenth and early twentieth centuries, it was with the Great Earthquake of 1906 that the quest now became a priority for the city.¹⁴ It claimed more than three thousand lives and saw the city engulfed by fire for three days. Drought and fire continue to be an issue in the region. For example, evidence demonstrates that for the 2014 drought in California the Palmer Drought Severity Index (PDSI)—a tool for determining long term drought—“...was likely the most severe in 1200+ years....” with only two years, 809 and 1782, having drought estimates that were more severe.¹⁵ At the same time that this dispute was taking place, there was in the US an emerging awareness of the value of an abundance of the ‘natural’ as something inherent in the American identity and that was being visibly and rapidly eroded in one generation.¹⁶

This appreciation for untamed wilderness was entwined with the frontier myth. But this was modeled in management terms in different ways. Pinchot—the first American to undergo graduate training in European forest management—advocated the sustainable use of natural resources and a policy of conservation through ‘wise use’.¹⁷ For Pinchot it would appear that the utilitarian maxim of “...the greatest good to the greatest number of people...” should determine land use policies and

¹⁴ For an illuminating discussion on the issue of San Francisco’s quest for water see Righters book *The Battle for Hetch-Hetchy*, chapter 2.

¹⁵ Notwithstanding any bias in the index of drought, the PDSI, the cumulative drought for the years 2012-2015 “...is estimated to be a completely unprecedented 4-year event.” Cf. Scott M. Robeson, “Revisiting the Recent California Drought as an Extreme Value” in *Geophysical Letters* 42:16 (31 July 2015), pp. 6771-6779, pp. 6775-6777

¹⁶ Joan Martinez-Alier, *The Environmentalism of the Poor: A Study of Ecological Conflicts and Valuation*, (Cheltenham, UK: Edward Elgar Publishing Limited, 2002), p. 7

¹⁷ Linda C. Forbes, “A Vision for Cultivating a Nation: Gifford Pinchot’s *The Fight for Conservation*” in *Organisation & Environment* 17:2 (June 2004), pp. 226-231, p. 227

constituted 'wise use'.¹⁸ In an era of "cut and run"—forest clear cutting without replanting—Pinchot inaugurated a push for the public ownership of land, and of forestry management.

There were nineteen national forests totalling twenty million acres when Pinchot entered government service in 1898. By 1910—when he was dismissed because of his criticisms of the alleged attempt of Secretary of the Interior Richard Ballinger to grant coal-mining claims in Alaskan territory, counter to their exemption from extractive use during the presidency of Roosevelt—these holdings had increased to 149 national forests over 193 million acres.¹⁹ As noted by Andrew J. Hoffman and Lloyd E. Sandleands, Pinchot argued that multiple use of the national parks was possible "...thereby allowing for hunting, fishing, grazing, forestry, watershed protection, and the preservation of wilderness values."²⁰

In contrast to this Muir argued that the wildness as wilderness was necessary and not merely one use of land, among others. He opposed the construction of the dam in the interests of defending the valley's integrity. He described the valley as a natural resource offering joy, peace, and health to the people, and did not 'convert' his appreciation into instrumentalist arguments. He unconditionally rejected its damming to supply water and light to the city.²¹ He saw the valley as one of Nature's great mountain temples and argued that wildness is a necessity.²²

Of course, the valley Muir confronted for the first time in 1871 was a place of great beauty: but there was less awareness, at that time, that it was not really an untouched wilderness as such.²³ We might now argue

¹⁸ Quoted in Hoffman and Sandleands, *Getting Right with Nature*, p. 144, Cf. Lawrence R Hott (Director), Diane Garey (Director), Ken Chowder, Hume Cronyn, and Ken Drury, *The Wilderness Idea: John Muir, Gifford Pinchot and the First Great Battle for Wilderness* [Video documentary], Santa Monica, CA: Direct Cinema Limited, 1989

¹⁹ Forbes, *A Vision for Cultivating a Nation*, p. 227

²⁰ Hoffman and Sandleands, *Getting Right with Nature*, p. 144

²¹ John Muir, "The Wild Parks and Forest Reservations of the West and Hetch-Hetchy Valley" in David R. Keller (ed) *Environmental Ethics: The Big Questions*, (West Sussex, UK: Wiley Publishing Limited, 2010), pp. 96-97, p. 97

²² Muir, *The Wild Parks and Forest Reservations of the West and Hetch-Hetchy Valley*, p. 96

²³ Righter, *The Battle over Hetch-Hetchy*, p. 14

that the idea of wilderness can itself be a social construct—the landscape in question had been in part created by specific human cultures at specific moments in time. Indeed the establishment of the national parks took place after the displacement of native peoples who had been involved with that landscape for countless generations before.²⁴ In fact, the anthropological evidence demonstrates that Native Americans used fire there, to increase fern and grass growth to attract game, as well as to make travel through the valley easier. In addition to this, before the farmsteads shepherders, along with artists and writers, also changed the valley in their own ways. Nevertheless, as Righter points out, while the valley was not truly an untouched wilderness and the story of Hetch-Hetchy reflects human agency and the progressive use of the valley by people with different interests, the dam was considered to have been a step too far, a violence to the integrity of the valley itself.²⁵ This is what Muir wanted to defend.

And some alternatives to the either/or of the dam were proposed. Muir was not impractical about the city's need for a water supply and there were alternative, abundant water sources.²⁶ Indeed, while the city's chief engineer C.E. Grunsky saw damming the valley as the preferable option, he also offered alternatives.²⁷ However, from a technical perspective and political perspective—the quality and quantity of its water, its deep, pollutant free granite basin, the lack of conflicting water claims, and its hydro-electric potential—Hetch-Hetchy was deemed to be the most sustainable source of clean, abundant water. It was chosen by the city engineer and planners from among fourteen sites studied and a short-list of five.²⁸ In 1913 the dispute between the two sides was legally settled with the passing of the Raker Act, an Act which gave

²⁴ William Cronon, "The Trouble with Wilderness" in David R. Keller (ed), *Environmental Ethics: The Big Questions*, (West Sussex, UK: Wiley Publishing Limited, 2010), pp. 359-361, p. 359

²⁵ Righter, *The Battle over Hetch-Hetchy*, p. 10

²⁶ *Ibid.*, p. 52

²⁷ *Ibid.*, p. 52

²⁸ *Ibid.*, p. 56

permission for the use of rights of way and for the construction of the O'Shaughnessy dam.²⁹

The Hetch-Hetchy water system continues to deliver water—approximately 260 million gallons of potable water each day—to San Francisco and “...from an engineering perspective, O'Shaughnessy Dam remains a functional success.”³⁰ Ironically there is debate now about whether to decommission this dam, and indeed others, either because they never reached their potential, are no longer fit for purpose, or in the new context of valuing ecosystem resources they now cost more than they deliver. The debate is being led by the US because dam redundancy there has been more rapid than elsewhere making decommissioning a topic of debate. Evidence shows significant ecosystems damage from dams and the majority of calls for removal are grounded on environmental concerns.

The environmental concerns are followed by other concerns, namely safety issues, the dangers posed by recent dam and levee failures, and by economic concerns.³¹ While the O'Shaughnessy dam functioned as it was designed to do, it has, nevertheless “...outlived its utility...it is redundant”³² The dam does provide high-quality, reliable, and inexpensive, water. However, “...new reservoirs have been built [and] water treatment technology has improved...” meaning that the dam is no longer crucial to the delivery of water for San Francisco.³³ The advances in technology and the building of new dams allows for a range of water supply and treatment options.³⁴

Yet additional water treatment would be required in the absence of the O'Shaughnessy dam because it has a guaranteed status as an ‘unfiltered supply’ as the watershed, which lies entirely within Yosemite National

²⁹ Ibid., p. 5

³⁰ Sarah E. Null, “Time to Give a Dam: O'Shaughnessy Dam is No Longer Needed” in *Journal of Sierra Nevada History & Biography*. Sierra College Press, (2015) 6:1 accessed on 16 January 2010 from <https://www.sierracollege.edu/ejournals/jsnhb/v6n1/null.html>

³¹ Christine S. McCulloch, “Decommissioning, discontinuation and abandonment of dams: is there a case for a national strategy?” in 15th British Dams Society Conference: Warwick, 2008, pp. 1-12, p. 3

³² Null, *Time to Give a Dam*: <https://www.sierracollege.edu/ejournals/jsnhb/v6n1/null.html>

³³ Ibid.

³⁴ Ibid.

Park, is protected thus avoiding the cost of additional filtering facilities. Nevertheless, this also has the advantage that were the dam to be decommissioned, dredging and removal of silt would be unnecessary, and the river would “...return to its natural channel without human assistance.”³⁵ Furthermore, in terms of recreation and tourism, the valley that Muir valued for its rare beauty was, relatively speaking, one of many wilderness resources available to the population of 3.4 million in 1920. Now, with a population in excess of 38 million today recreational space in the National Park is more limited. Being able to reopen another valley to tourism would likely relieve some of the pressure on Yosemite National Park and provide new streams of income for Yosemite and the surrounding areas.³⁶

Debate around the removal of the dam then is not about water supply. After all, “...the O’Shaughnessy Dam is only one component of nine reservoirs and connecting pipelines that make up the Hetch Hetchy water system.”³⁷ Decommissioning of the dam is rather a question of “...economic costs, public support, and institutional agreements.”³⁸ Removing the dam and restoring the Hetch-Hetchy valley can be done. However, while “...it is feasible... it is potentially costly.”³⁹ And while it is possible to capture most of the water currently delivered by the O’Shaughnessy Dam through a pipeline linking it with the larger Don Pedro Reservoir, this reservoir is privately owned and operated, and this would therefore require institutional agreements be made.⁴⁰

Apart from the requirement for institutional agreements there is also the question of who gets to be part of the decision making process when dam projects are contentious, as is the case with the Grand Renaissance dam that is being built by Ethiopia, whereby colonial-era documents give rights to the waters of the Nile to Egypt and Sudan, almost exclusively,

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Null, Time to Give a Dam: O’Shaughnessy Dam is No Longer Needed, <https://www.sierracollege.edu/ejournals/jsnhb/v6n1/null.html>

⁴⁰ Ibid.

while excluding other riparian states.⁴¹ It is not then just a case of better and better cost-benefit analysis but of who gets to have a say in what happens when projects impact them. And last, but not least, there is the question of extra-human considerations, of species integrity. Some things might ‘weigh’ up but may still be too high a price to pay when these considerations are kept in focus and made part of the analysis. All things considered the foregoing may seem like a defeat for ecocentric environmentalism and a victory for anthropocentrism. However, anthropocentrism is open to a range of interpretations, and does not necessarily exclude, in its totality, a concern for the extra human.

2.1.1 Varieties of Anthropocentrism and Ecocentrism

There are a range of interpretations of anthropocentrism, from an exclusively instrumental accounting of nature to one that includes an appreciation of the aesthetic and recreational value of our surroundings or even simply its ‘existence’ value. Human-centred approaches are taken primarily to be utilitarian in kind, as represented by Pinchot’s stance on forest management. Despite his clear concern for forest ecosystems this is framed in the interests of human populations and wise use.

Models for wise use are not new and predate the resources management approach now reflected in a number of influential international debates; among them the texts from the 1992 United Nations Conference on Environment and Development (UNCED) in Rio, Brazil.⁴² The wise-use model is firmly anthropocentric and natural resources are usually weighted in terms of some kind of instrumental value. However, this does not necessarily imply the ruthless exploitation of the natural world. In the concept of “stewardship”, adopted for example by the Society of American Foresters, the ongoing management

⁴¹ For an overview of the emerging debate see Basillioh Mutahi, “Egypt-Ethiopia row: The trouble over a giant Nile dam” BBC News, Nairobi 13 January 2020 accessed on 12 February 2020 from <https://www.bbc.com/news/world-africa-50328647>

⁴² Clare Palmer, “A Bibliographical Essay on Environmental Ethics” in *Studies in Christian Ethics* 7:1 (1994), 68-97, p. 73

of natural resources in the service of society is the cornerstone of its approach.

And this can be monetised without debasing its key resource objectives or its potential to achieve conservation ends. For example, *The Forest Stewardship Council* (FSC) works to conserve forest cover through certification, the timber product when sold is labeled for marketing as a product of sustainably managed (replanted) forests.⁴³ FSC certification aims to protect forest cover and its related biodiversity, as well as taking account of the cultural significance of woodlands and the rights of indigenous peoples and forest workers. This goes some way to integrating the ongoing maintenance of resources with the interest of human needs.⁴⁴

However, in its many contemporary manifestations the resource management approach is labelled as “shallow ecology”, a term first coined by the Norwegian philosopher Arne Naess, in contrast to his proposed ‘deep ecology’.⁴⁵ What Naess considers “shallow” ecology includes approaches that fail to consider the interests of the future, of development for all, and of the natural world.⁴⁶ Clearly resource management approaches can and do take these interests into account but Naess is correct to point to the widespread resource depletion in pursuit of narrow human interests. In addition, there is an inherent contradiction in calls to recognise an intrinsic value for nature, an idea that lies behind many ‘deep ecology’ approaches. This is so, at least in the sense that this ‘recognition’ is in fact a capability of the human person who, having an asymmetrical relationship to other creatures and to the natural world, is uniquely obligated to protect nature.⁴⁷

⁴³ See the Forest Stewardship Council. Forest Management Certification. Accessed on March 16 2010 from <https://fsc.org/en/forest-management-certification>

⁴⁴ Palmer, *A Bibliographical Essay on Environmental Ethics*, p. 72

⁴⁵ *Ibid.*, p. 73

⁴⁶ *Ibid.*, p. 73

⁴⁷ Russell, *Autonomy and Food Biotechnology in Theological Ethics*, pp. 176-177

This perspective, namely that we have “...a responsibility to nature for its own sake or an obligation towards God not to destroy...” creation.⁴⁸ However, this assumes “...that there are normatively more important considerations than respect for the dignity of the human being.”⁴⁹ This, Marcus Düwell writes, would imply that “...respect for human dignity would be subordinated to the obligations that we have towards nature, god or the cosmos.”⁵⁰ Human dignity, Düwell continues, can be understood as “...a concept that legitimises a distinct moral order, an order that ascribes equal moral status to all human beings and that claims to be universally valid.”⁵¹ In discussing the question of our obligation to future generations we see in Düwell’s work that our efforts must be directed back to the unique dignity and responsibility of the human person, but with new insights.

There is a danger too in subordinating respect for the dignity of the human being to the obligations that we have towards the natural world, that we erode hard won protections for the human person and erode a commitment to the very obligations that might be demanded, in a move towards unprecedented human co-operation, in the transition to sustainability. And there are dangers in modelling the relationship between the human person and the natural world only in terms of conflict or competing interests, as exemplified by biologist Garret Hardin’s by now infamous and alarmist response to the so-called “population problem” of the 1960s.

Hardin’s response to the misperceived issue of population is expressed in his 1967 *Tragedy of the Commons*—with its uncritical acceptance of a link between population growth, resource use, and limits to carrying capacity. Addressing their own challenges with growing population in the 1970s, China initiated a one child policy—between 1978 and 1980—

⁴⁸ Marcus Düwell, “Human Dignity and Future Generations” in Marcus Düwell, Jens Braarvig, Roger Brownsword and Dietmar Meith (eds), *The Cambridge Handbook of Human Dignity*, (Cambridge: Cambridge University Press, 2014), pp. 551-558, p. 552

⁴⁹ Düwell, *Human Dignity and Future Generations*, p. 552

⁵⁰ *Ibid.*, p. 552

⁵¹ Marcus Düwell, “Human Dignity: Concepts, Discussions, Philosophical Perspectives” in Marcus Düwell, Jens Braarvig, Roger Brownsword and Dietmar Meith (eds), *The Cambridge Handbook of Human Dignity*, (Cambridge: Cambridge University Press, 2014), pp. 23-49, p. 45

which represents a direct form of the kind of coercive family planning policy advocated by an approach such as Hardin's. Indirect forms of coercion in the policy included withholding housing or offering family planning while denying health and education services. And despite a policy of coercion in which most Chinese families could have only one child, China's fertility rate fell more slowly than countries using more collaborative approaches.⁵² The policy was deemed 'scientifically' necessary to address social, economic and environmental problems: half of the world's population (at that time) lived on seven per cent of the planet's arable land and two-thirds of that population were under thirty. Strict population control was seen as essential.⁵³

In the by now 40 year-long retrospective view of that history any perceived merits of that policy have long been disgraced. The enforcement of the rules for breaching the regulations was punitive and the social consequences far-reaching. The gender ratio in China has shifted as sex selection abortions and differential access to healthcare for girls were widespread.⁵⁴ Children conceived 'illegally' could not always have their birth registered under the Chinese Hukou system of registration and, since registration is a prerequisite for acquiring rights, absence from government registration had profound consequences for these children.⁵⁵ Without citizenship they could not easily access education or receive the benefits of poverty alleviation strategies, and as adults they could be denied rights to marriage or employment.⁵⁶ This programme highlights why the clarification of the normative aspect of any claim to sustainability is of major significance. Ill-conceived policy can do more damage than good.

⁵² Amartya Sen, "Population: Delusion and Reality" in David R. Keller (ed) *Environmental Ethics: The Big Questions*, (Sussex: Blackwell Publishing Ltd, 2010), pp. 454-469, p. 457 and Sen, *Development as Freedom*, (Oxford: Oxford University Press, 1999), p. 222

⁵³ Therese Hesketh, Li Lu and Zhu Wei Xing, "The Effect of China's One-Child Family Policy after 25 Years" in *The New England Journal of Medicine* 353 (September 15, 2005), pp. 1171-1176, p. 1171

⁵⁴ Amartya Sen, "Missing Women-Revisited" in *British Medical Journal* 327 (6 December 2003), p. 1297

⁵⁵ Shuzhuo Li, Yexia Zhang and Marcus W. Feldman, "Birth Registration in China: Practices, Problems and Policies" in *Population Research and Policy Review* 29:3 (2010) pp. 297-317, p. 311

⁵⁶ Li et al. *Birth Registration in China*, p. 311

Since the 1990s the most damning indictment of this coercive policy is that of Sen. Sen argued that China does not appear to have made any gains in reducing fertility: despite coercion China's fertility rate has fallen more slowly than that of Kerala and Tamil Nadu in India which have achieved reduced fertility through collaboration.⁵⁷ It is not evident that coercion is effective in motivating social change, and the link between coercion and economic and social programmes and reduced fertility rates is not clear. Better education, employment opportunities and healthcare, which have enhanced women's agency and contributed to economic growth, would by themselves have brought about a reduction in fertility, and as Sen concludes the presence of widespread coercion suggests the denial of participatory capability.⁵⁸

Where the right to participate in elections is recognised, so that people have a say, calls for coercion in reproduction are defeated.⁵⁹ Sen's analysis demonstrated that even apart from the great losses in freedoms that arose because of the one child policy, it was not what drove the stabilization of fertility in China, nor across the world, in developing and developed countries. For Sen, the evidence points to female empowerment through expanded education, employment opportunities and property rights as a significant factor in lowering the fertility rate.⁶⁰ However the coercive policy of strict population control has by now been discredited and likewise, parallel developments in economics that proposed 'limits to growth' in the 1970s as the solution to resource depletion have given way to more nuanced (low carbon) models of production (e.g. 'cradle to cradle) and the new objectives of 'circular economies'. The circular economy is lauded as "...a transformation no less dramatic...than the shift from an agrarian to an industrial economy."⁶¹

⁵⁷ Sen, *Development as Freedom*, p. 222

⁵⁸ *Ibid.*, p. 221

⁵⁹ *Ibid.*, p. 224

⁶⁰ *Ibid.*, pp. 220 ff

⁶¹ Cf. Sir Ian Cheshire, "Foreword" in Peter Lacy and Jakob Rutqvist, *Waste to Wealth: The Circular Economy Advantage*, (Hampshire: Palgrave Macmillan, 2015), pp. x-xi, p. xi

2.1.2 Levelling of the Distinctions between Natural and Human Systems

Ecocentrism emphasises interdependence, and posit biological interconnectedness as the central model for the interconnectedness of the whole physical realm and for policy formation.⁶² There is an inherent self-contradiction here: if humans are just another species then humanity has no special responsibility, and a stark dichotomy has the effect of escalating hostilities, competition and conflict between the good of the human person and that of the extra-human world.⁶³ In a non-hierarchical system the dignity of the human person, and attribution of value to all living species (biocentrism) and ecosystems (ecocentrism), are not differentiated.⁶⁴ Ironically ecocentrism values the intimate connection between human beings and all living things, but cannot rationally concede, at least in its 'deep' forms, any differentiated role or place for the human person or for humanity in the system.⁶⁵

In its radical expressions it also pits people against nature in a competition for survival.⁶⁶ Models of "fortress conservation" prioritise the protection of ecosystems and endangered species even over the legitimate needs of local human inhabitants. The fortress conservation model of Holmes Rolston III advocates excluding human settlement from fragile wilderness areas resulting in involuntary displacement. In his essay entitled *Feeding People Versus Saving Nature* he argues that poverty eradication "...may be indispensable but not always prior to all other cultural values. It may not always be prior to conserving natural values either."⁶⁷ In its radical forms then ecocentrism "...erodes the commitment to human dignity...and could have negative consequences for the already materially marginalised."⁶⁸ It also fails to recognize the role that local human populations have played in the conservation of key

⁶² Russell, *Autonomy and Food Biotechnology in Theological Ethics*, p. 170

⁶³ *Ibid.*, p. 206

⁶⁴ *Ibid.*, p. 170

⁶⁵ *Ibid.*, p. 170

⁶⁶ Hanna Siurua, "Nature above People: Rolston and "Fortress" Conservation in the South" in *Ethics and the Environment*, (Spring 2006) 11:1 pp. 71

⁶⁷ Rolston III, *Feeding People versus Saving Nature*, p. 251

⁶⁸ Russell, *Autonomy and Food Biotechnology*, p. 174

biodiversity hotspots around the world and the role that culture and multifunctionality plays in the conservation of these resources at all levels, wild, agricultural and urban.

A lot has changed in the last four decades to move the debates beyond over-simplified conflicts between wise use and conservation in environmental philosophy in relation to so-called wild areas. A parallel movement happened in relation to agricultural production systems and in economics with the realization that there were huge costs now associated with the Green Revolution. This revolution led to a paradigm shift from 'agrarian' farming—multifunctional production systems—to a 'more is better' model of production focusing on the benefits of large-scale monoculture.

2.1.3 Environmentalism in the Wake of the Externalities of the Green Revolution

The decades following the debate between conflicting visions of land use at the turn of the 20th century—in terms of duties to nature or wise use—were marked by wars and economic depression. In the post-war period there was an increased demand for food and commodity production. Despite great advances in what might now be called 'sustainable farming' practices in many countries, the investments in fossil-fuel based utilities for military purposes impacted on post-war peace-time farming. This resulted in the adoption of mechanisation, artificial fertilisers and pesticides, and the concomitant development of irrigation and the breeding of high yielding crop varieties that boosted yields. This was known as the "Green Revolution".⁶⁹ The use of these production technologies led to rapid increases in food production in some management systems and has helped to secure food supply. While the Green Revolution contributed to the unprecedented growth that followed it, this came at a cost: in the form of risks to human health and to the natural world from novel pesticides and fertilisers. The challenge from the late 1960s became one of cleaning up after this rapid and unrestrained post-war growth.

⁶⁹ Ibid., p. 196

These risks were famously first brought to attention by Rachel Carson's *Silent Spring* in 1962. Carson focused on the detrimental effects of new pesticides on wildlife, lamenting the absence of insects and the birds that depend upon them in agricultural landscapes, and the silence in hedgerows as spring arrived.⁷⁰ Her ground-breaking insights highlighted the negative impacts of indiscriminate pesticide use but it largely failed to provide a conceptual framework to motivate the agricultural sector to examine its underlying assumptions about the values in producing. While Carson's work addressed the issues raised by the impact of production, specifically in the North American context, it did so in the context of wilderness conservation rather than agriculture, thus giving rise to a critique, rather than an ethic, of production.⁷¹ It left intact, what Thompson calls, the philosophy of productionism in agriculture.⁷² Given the scale of agricultural land use globally, it is no longer tenable to exclude farmland from growing environmental conservation concerns. Nevertheless, the productionist paradigm has had remarkable staying power.

2.1.4 More is better?: A Self-Defeating Paradigm

Agriculture transforms more of earth's surface than any other human activity.⁷³ We as a species are not alone in modifying our environment but we are unique in the scope of transformation we can affect. Along with industry, commerce and recreation, agriculture impacts the planet through land transformation, biogeochemistry and biotic alterations, contributing to global climate change and loss of biodiversity.⁷⁴ It is involved with controversies including risks to human health from pesticides, forest clearing, soil erosion and the destruction of wildlife habitats, flooding caused by irrigation dams and pollution of ground and

⁷⁰ Rachel Carson, *Silent Spring*, (London: Penguin Books, 1999), pp. 100ff

⁷¹ Thompson, *The Spirit of The Soil*, pp. 5, 11

⁷² Paul B. Thompson, *The Spirit of The Soil: Agriculture and Environmental Ethics*, Second Edition (New York: Routledge, 2017), p. 67

⁷³ Keller and E. Charles Brummer, "Putting Food Production in Context: Toward a Postmechanistic Agricultural Ethic" in *Environmental Ethics: The Big Questions*, (United Kingdom: Wiley-Blackwell, 2010), pp. 481-490, p. 481

⁷⁴ Peter M. Vitousek, Harold A. Mooney, Jane Lubchenco and Jerry M. Melillo "Human Domination of Earth's Ecosystems" in *Science* Vol 277: 494 (1997), pp. 494-499, p. 494

surface water by nitrogen and chemical fertilizers.⁷⁵ The success of this activity is usually, or most simply, evaluated in terms of yield, and maximising production is taken to be the major criterion for assessing success in agriculture.⁷⁶

Thompson argues that three philosophical or religious tenets—the protestant work ethic, the doctrine of grace and the myth of the garden—influenced farmer’s acceptance of productionist values.⁷⁷ In his book *The Spirit of the Soil: Agriculture and Environmental Ethics* he describes the role of religious loyalty in farmer’s adoption of productionist values. He argues that with the myth of the garden specifically the basis for the conflict between agriculture and early environmentalism emerged.⁷⁸ It provided a forceful source of tension between farmers, who saw nature as a garden to be tended and managed, and environmental activists, who saw it in terms of wilderness. Transferred to the agrarian setting the myth of the garden and related metaphors served to reinforce the maximization ethic of productionism. Given the motivations which Thompson sees as having influenced farmers, he allows that productionism may have been a “workable ethic” for particular nineteenth century farmers exposed to these values.⁷⁹

However, at that time the religious motivations informing farming practices began to be replaced by science. Despite this, the productionist paradigm survived and thrived. Thompson argues that addressing the pressure to become more scientific, agrarian productionism, institutionalised in agricultural scientists who came mainly from farming families, evolved from its religious foundations into a “...scientific and public policy paradigm”.⁸⁰ The productionist paradigm in agriculture is rooted in “...two discredited dogmas: positivist science and naive economic utilitarianism...” and they contributed to the development of agricultural policies that are detrimental to the

⁷⁵ Vitousek et al., *Human Domination of Earth’s Ecosystems*, p. 494

⁷⁶ Thompson, *The Spirit of The Soil*, p. 48

⁷⁷ Thompson, *The Spirit of The Soil*, Second Edition, p.73

⁷⁸ Ibid., p. 80

⁷⁹ Ibid., p. 81

⁸⁰ Ibid., p. 82

environment.⁸¹ Positivist philosophy, as interpreted by scientists, was the belief that science—as a value free endeavour—required no ethical evaluation.⁸²

The task of science was to ascertain the truth or falsity of empirical statements. Since ethical judgements could not be said to be true or false they held no factual meaning. Therefore ethical judgements were not within the remit of science. Being value free, ethics and values played no role in science.⁸³ Policy makers and scientists operating under these assumptions rationalised public, private and government practices and uncritically accepted the criteria used in choosing and implementing technologies. This institutionalisation of production values was a major contributory factor in their wide-scale adoption. While philosophers of science have abandoned positivism the legacy remains.⁸⁴

Applied to agricultural science the result was the assumption that to explicitly include ethics in the field would be not only unwarranted but also ethically wrong. However, unlike general scientific research agricultural research is carried out with application and commercial use already in mind. The belief that scientists cannot anticipate all the applications of their findings and so cannot be held morally responsible is not so easily upheld with regard to agricultural science. Research is carried out in “collaboration” with producers. Having farming roots themselves the collaboration can be institutionalised in the “...person of the researcher.”⁸⁵ Thompson argues that if this “...producer problem solving is implicit in the research plan the ethical validity of producers goals becomes relevant to the evaluation of the research.”⁸⁶

This is important because, as Thompson points out, the emphasis on academic freedom and its reinforcement by positivist philosophy sees proposals calling for research to be driven by social goals rejected as a violation of scientific freedom.⁸⁷ The search for knowledge and truth is

⁸¹ Ibid., p. 82

⁸² Ibid., p. 83

⁸³ Ibid., p. 83

⁸⁴ Ibid., p. 83 ff

⁸⁵ Ibid., p. 84

⁸⁶ Ibid., p. 84

⁸⁷ Ibid., p. 84

defended as intrinsically valuable yet this fails to address the issue of why the discovery of knowledge and truth is socially valuable and why it should be publicly funded. The assumption being defended is that academic freedom, and the intrinsic value of knowledge and truth, contribute to social goals and are thereby justified for the social benefit they provide.⁸⁸ This Utilitarian argument was proposed by Mill, the nineteenth century British philosopher.

Thompson notes that for Mill academic freedom was the means by which to maximise social benefit since the unanticipated applications of research (consequences), rather than the predictions of scientists themselves, determined their utility.⁸⁹ Applied to the contemporary scientific scene Mill's argument can be seen in terms of 'risk spreading'.⁹⁰ This could entail a random funding lottery with the hope that some of the projects backed would bear fruit. For the scientists there would be no duty to justify their proposal in terms of social goals, the research itself would be justified as a tool for providing social benefits. Thompson argues that this risk spreading could go some way to reconciling the utilitarian philosophy of the greatest good for the greatest number with risk aversion cropping strategy of peasant farmers and perhaps even Rawls maximin principle.

However agriculture, like medicine, is an exception to the principle of risk spreading. As an applied discipline the cost of failure is so great that ethical norms centred on food production have been adopted. The fundamental norm of agricultural science is therefore that good agricultural science should increase the production of food in order to benefit society.⁹¹ Mill's early work defined the greatest good in terms of "maximal preference satisfaction."⁹² It has been interpreted as preference utilitarianism. In this form of utilitarian philosophy public policy is evaluated not in terms of morality or legitimacy but by its ability to satisfy or frustrate "...the satisfaction of existing preferences."⁹³ This

⁸⁸ Ibid., p. 85

⁸⁹ Ibid., p. 85

⁹⁰ Ibid., p. 85

⁹¹ Ibid., p. 85

⁹² Ibid., p. 86

⁹³ Ibid., p. 86

preference utilitarianism is the foundation for naive economic utilitarianism.

This early formulation of Mills utilitarianism, from which naive economic utilitarianism emerged, informs conceptions of the greatest good which see personal preferences as sovereign.⁹⁴ It takes a view of problems, whereby ends sought are not addressed, and technological solutions are offered as the only means to dealing with issues. From this perspective the issue of food scarcity, for example, is one which requires a technological fix. And it takes the "... open market ... [as the] proving ground for technology" and efficiency as the means of allocating resources.⁹⁵ Agricultural challenges are understood in terms of the cost and availability of food and are addressed by developing technologies which promise to increase yields.⁹⁶

It limits itself to producing solutions to problems concerning the maximization of personal preference. The belief that yield increasing technologies will address the issue of demand, and that these technologies ultimately reduce costs for producers and consumers, has informed agricultural science since the nineteenth century. However, taking the market as a proving ground and a test of the success of technology fails to recognise the inherent fallacies of the productionist paradigm and technocentric utilitarianism.⁹⁷

There are some limits of course to this productionist paradigm. The economics of marginal costs contradicts the productionist maxim of more is better.⁹⁸ More significantly for this study the productionist paradigm can be self-defeating because it tends towards the undersupply of non-substitutable resources; soil functions, clean air and water, and the ability of non-renewable resources to persist over time:

⁹⁴ While personal preference may be sovereign it is not be fully autonomous. Productivist food regimes and agro-commodity chains are rooted in the Atlanticist Food Order and exemplified by mass consumption. This agricultural consumption is associated with the increasing power of a small number of supermarket chains which influence "...consumer behaviour and preferences." Cf. Geoff A. Wilson, *Multifunction Agriculture: A Transition Theory Perspective*, (Oxfordshire: CABI, 2007), p. 91

⁹⁵ Thompson, *Spirit of the Soil*, p. 86

⁹⁶ *Ibid.*, p. 86

⁹⁷ *Ibid.*, p. 88

⁹⁸ *Ibid.*, p. 68

production itself depends on these non-substitutable resources.⁹⁹ Yet since World War II a productionism ethic has dominated agriculture in developed countries and is implicit in cultural norms and social policy. Yet despite its failings, it appears to be the fundamental premise for agricultural researchers, government policy makers, and farmers.

However, by the 1970s and 1980s there was a shift in thinking. The growing realisation that industrialisation, urbanisation and even increasing consumption—hallmarks of ‘progress’—are based on finite resources, and give rise to externalities, led to diminished confidence in these analyses.¹⁰⁰ Economic ethics moved from assumptions of scarcity to abundance: abundance became the new normal and conceptions of thriving changed. The rise of modern environmentalism and its questions about the cost of “abundance”, along with changed conceptions of human flourishing, led to a need for a new mediation beyond productionism versus environmentalism. The term that came to encapsulate that was sustainability.

2.2 Beyond Productionism Versus Environmentalism

The 1970s mark a point when concerns about “runaway” population, exploitation of the natural resource base, and the limits to earth’s carrying capacity gave rise to the discourse of sustainability.

Sustainability was intended to bridge the gap between anthropocentric and ecocentric responses to earlier environmental disputes—between productionism and environmentalism—and to offer a guiding concept for development. The focus was first on development’s adverse impact on the environment rather than the impact of a degraded resource base on the prospects for development.¹⁰¹ Nevertheless in 1987, *Our Common Future*, the report of the World Commission on Environment otherwise known as the Brundtland Commission, pioneered a new path of integration.

⁹⁹ Cathriona Russell, “Environmental Perspectives in Research Ethics” in Cathriona Russell, Linda Hogan and Maureen Junker-Kenny (eds) *Ethics for Graduate Researchers: A Crossdisciplinary Approach*, (London: Elsevier, 2013), pp. 210-221, p. 21

¹⁰⁰ Yates, *Abundance on Trial*, p. 16

¹⁰¹ Sudhir Anand and Amartya Sen, “Human Development and Economic Sustainability” in *World Development*, 28:12 (2000), pp. 2029-2049, p. 2033

2.2.1 Sustainable Development: Brundtland's achievement

The World Commission on Environment and Development was established in 1983 as an independent body, linked to, but beyond the control of, the United Nations. Between 1984 and 1987, on five continents, the Commission conducted public hearings, bringing the issue of production and the protection of the resource base to millions of people around the world. Commonly known as the Brundtland Report, named after its chair, the Norwegian physician and politician Gro Brundtland it classically defined "sustainable development" as "...development that meets the needs of the present without compromising the ability of future generations to meet their own needs."¹⁰² Sustainable development discourse generally takes this definition as the starting point, even as it reinterprets it. Brundtland provided a tripartite conceptual framework, the so-called "three E's" of sustainability, namely: Environment, Economy, and Equality.¹⁰³ This is sometimes referred to as the 'triple bottom' line. The term triple bottom line reflects an understanding of the sustainability agenda as the attempt to relocate the financial 'bottom line' of profit as one among other the two other goals, social and economic.¹⁰⁴

In combining 'sustainability' and 'development' Brundtland sought to couple concerns about the environment with a focus on global poverty and prosperity.¹⁰⁵ Sustainability and development were linked in the attempt to accommodate the environmental concerns of industrial nations with the economic development needs of decolonizing nations. The commission also offered an alternative to the prevailing conservation or sporting-elitist tradition evident in some strains of environmental conservation seeking to preserve pristine wilderness, and

¹⁰² World Commission on Environment and Development, *Our Common Future*, p. 42

¹⁰³ Yates, *Abundance on Trial*, p. 10

¹⁰⁴ John Elkington, "Making Capitalism Sustainable" in David R. Keller (ed) *Environmental Ethics: The Big Questions*, (United Kingdom: Blackwell Publishing Limited, 2010), pp. 525-534, p. 527

¹⁰⁵ Dale Jamieson, "Sustainability and Beyond" in *Ecological Economics* 24 (1998), pp. 183-192, p. 183

a conceptual framework by which to evaluate the sustainability of any action.¹⁰⁶

It was argued that it might be necessary at times to trade some concerns, like ecosystem conservation, against others, namely the welfare of the poor. However, it is just such a trade-off—which was formerly taken to be inescapable—that the Brundtland Commission sought to avoid.¹⁰⁷ The Commission argued that poverty is a “...major cause and effect of global environmental problems.”¹⁰⁸ In light of this concern in international environmental discourse it was also argued, as a corollary, that poverty in developing countries had to be eradicated if the poor were to invest sufficiently in environmental protection.¹⁰⁹

While the threats (not necessarily of their own making) posed to the poor by degraded ecosystems were to some extent recognised, in the Commission’s approach the poor were nevertheless often primarily viewed as agents of environmental degradation (section 3.1).¹¹⁰ Despite the limitations of this one-sided interpretation the new terminology did open the door to fresh perspectives on the links between poverty and environment. What became quickly obvious however is that the links were even more complex than their portrayal at that time.

Brundtland was also acknowledged to be an advance on the earlier work of the United Nations Environmental, Scientific and Cultural Organisation’s (UNESCO) *Man and the Biosphere Programme*.¹¹¹ The biosphere reserve concept was, and is, concerned with reducing biodiversity loss and improving livelihoods, and with environmental sustainability (not human development).¹¹² In the wake of Brundtland the term ‘sustainable development’ came into use in policy discourse on

¹⁰⁶ Kristin Schrader-Frechette, “Environmental Ethics” in Hugh La Follette (ed) *The Oxford Handbook of Practical Ethics*, (Oxford: Oxford University Press, 2005), pp. 188-218, p. 203

¹⁰⁷ Jamieson, *Sustainability and Beyond*, p. 188

¹⁰⁸ World Commission on Environment and Development, *Our Common Future*, p. 3

¹⁰⁹ World Bank, *World Development Report 1992: Development and the Environment*, (Oxford: Oxford University Press, 1992), pp. 30-32

¹¹⁰ World Commission on Environment and Development, *Our Common Future*, p. 28

¹¹¹ Michael Redclift, “Sustainable Development: An Oxymoron Comes of Age” in *Sustainable Development* 13 (2005), pp. 212-227, p. 212

¹¹² The United Nations Environmental, Scientific and Cultural Organisation’s (UNESCO) *Man and the Biosphere Programme* is involved in gathering scientific data to better understand humanity’s impact on nature.

poverty alleviation and in protecting natural resources because it better integrated the two. In the wake of the conferences that followed, such as Agenda 21 in the 1990s, the Brundtland concept spread across many sectors. The urgency of the climate change debate brought it even more into public awareness and it has become a 'master term' for our time.¹¹³

The Commission's work also now provided structured mechanisms for the inclusion of other actors in the public domain, Non-Governmental Organisations (NGOs), in contributions to developmental and environmental issues. This process eventually led to the first United Nations Conference on Environment and Development (UNCED), now famously known as the Earth Summit, in Rio de Janeiro, in 1992, out of which Agenda 21 emerged.¹¹⁴ It offered the inspiration for other international gatherings and for many protocols aimed at making concerted efforts to tackle the twin challenges of sustainability and development.¹¹⁵ This resulted in a new term of convergence in aims and integration in policy, which could be used by both environmentalists and development experts. However, as a "central organising concept"¹¹⁶ sustainable development was seen by many as a contradiction in terms, "...a synonym for the oxymoronic 'sustainable growth'..." that could not hold up under the weight of diverse understandings.¹¹⁷ For some it was another name for socialism.

Anti-environmentalists on the fringes of the political right (in America) saw it as a "Trojan horse for socialism"¹¹⁸ used by the UN to restrict their liberty, and a "...shibboleth for socialism in matters of local land use."¹¹⁹ For others it was just another growth model in disguise, that might delay, but would not mitigate, the change.¹²⁰ And the question of growth became central to interpretations of the term. Initially this was because of a concern with the promotion of a steady state economy, or

¹¹³ Yates, *Abundance on Trial*, pp. 8-10

¹¹⁴ *Ibid.*, p. 10

¹¹⁵ Redclift, *Sustainable Development: An Oxymoron Comes of Age*, p. 212

¹¹⁶ Jamieson, *Sustainability and Beyond*, p. 183

¹¹⁷ Herman E. Daly "Sustainable Growth: An Impossibility Theorem" in *Development* (1990) 3 / 4 pp. 45-47, p. 45

¹¹⁸ Yates, *Abundance on Trial*, p. 13

¹¹⁹ *Ibid.*, p. 14

¹²⁰ Jamieson, *Sustainability and Beyond*, p. 183

'limits to growth'. The ecological economist Herman E. Daly, founder of steady state economics (SSE), argues that the term sustainable development has been employed as a synonym for sustainable growth: and so is contradictory.¹²¹

The two terms were used synonymously, but as Daly writes they refer to different underlying assumptions: "...“growth” refers to expansion in the scale of the physical dimensions of the economic system while “development” refers to qualitative change of a physically nongrowing economic system in a state of dynamic equilibrium maintained by its environment."¹²² He argues that "...it is development that can have the attribute of sustainability, not growth."¹²³ So while the term “sustainable growth” implies a contradiction in terms, “sustainable development” need not. What is being sustained is a level of resource use, and not a rate of economic growth. What is being developed is the qualitative capacity to transform this constant level of resource use in service of human society.¹²⁴ And growth (or not) in relation to markets and economic activity is a related but also different question.

2.2.2 Remaining Ambiguities in the Concept of Sustainable Development

There are ambiguities too in the concept. ‘Sustainability’ requires two types of criteria if we are to understand it: a system describing (descriptive) aspect and also a goal prescribing (normative) aspect. As a descriptive concept in the environmental sciences sustainability has most in common with ecological concepts, for example: carrying capacity, critical limits, and the regulation of consumption.¹²⁵ It is concerned with finding solutions to deliver resource-sustainable systems. The objective is to outline the options available to policy

¹²¹ Daly, *Sustainable Growth: An Impossibility Theorem*, p. 45

¹²² Herman E. Daly, *Steady State Economics: Second Edition with New Essays*, (Washington, D.C.: Island Press, 1991), p. 249

¹²³ Daly, *Steady State Economics*, p. 249

¹²⁴ *Ibid.*, p. 249

¹²⁵ Thompson, *Spirit of the Soil*, Second Edition, pp. 172 ff

makers within the constraints of 'planetary boundaries', to describe empirical models for a self-regulating earth system.¹²⁶

However, as a normative concept it carries a commitment to set standards for social and economic rights of current and future generations with regard to these resources.¹²⁷ At this level it becomes a question of 'living' and 'living standards' for all. This brings in questions of distributive justice and economic and social equality. These are the normative aspects of sustainability: the achievement of rights, justice, or human flourishing.¹²⁸ Thompson argues that these need to be kept distinct. The task for the empirical sciences is to make clear what constitutes sustainable production. The task for ethics is to "...make clear the normative aspects of any claim that a system is sustainable."¹²⁹ Clarification of the normative aspects of any claim to a sustainability model or approach is of major significance because of the potential to exclude the interests of some populations.

In highlighting obligations towards future generations, the Brundtland definition of sustainable development is concerned with intergenerational allocation.¹³⁰ As defined by Brundtland sustainable development is an obligation also to future generations, to intergenerational equity. Ironically, this focus on future generations can lose sight of the demands for justice in the present, for intragenerational justice, delaying action in the present.¹³¹ Clearly the moral obligation to preserve the capacity for well-being of future generations would be a hollow commitment if it did not also entail a moral obligation to protect and expand the well-being of those in the present.¹³²

In their paper, *Human Development and Economic Sustainability*, economists Sudhir Anand and Sen argue, crucially, that to show concern for future generations while ignoring the plight of current deprived populations would be a gross violation of the underlying principle of

¹²⁶ Russell, *Environmental Perspectives in Research Ethics*, p. 214

¹²⁷ *Ibid.*, pp. 213-214

¹²⁸ Thompson, *Spirit of the Soil*, p. 164

¹²⁹ Russell, *Environmental Perspectives in Research Ethics*, p. 214

¹³⁰ Anand and Sen, *Human Development and Economic Sustainability*, p. 2034

¹³¹ *Ibid.*, p. 2038

¹³² *Ibid.*, p. 2038

sustainability that seeks to preserve the capacity for well-being for as yet unborn generations.¹³³ Anand and Sen argue for the need to integrate a concern for equity in the future with concern for equity in the contemporary world.¹³⁴ For Anand and Sen sustainability is a capacity for shared well-being between current and future generations.¹³⁵ It is “...sharing the capacity for well-being between present people and future people in an acceptable way—that is in a way which neither the present generation nor the future generations can readily reject.”¹³⁶ This is a key aspect of sustainable human development and it recognises the “personhood of people”, and views “different human beings as important in the same way” just as it seeks to integrate the claims of the present and the future.¹³⁷ One additional issue, which is fundamental to Sen’s breakthrough in development theory, is the question of ‘meeting needs’ which is key to ‘sustainable development.’¹³⁸

2.2.3 Limits and ‘Needs’ in Thinking Sustainability

The Brundtland definition of sustainable development raises the question of limits and needs: the limitations imposed on the ability of the environment to meet present and future needs, by the state of technological and social organisation, and the satisfaction of needs—especially the basic needs of the poor.¹³⁹ As Daly had pointed out, the rapid growth witnessed since the Industrial Revolution was only possible because of the decoupling of economics from the constraints of the solar-energy budget. The system began living on the geological capital (fossil fuel) and terrestrial stock (land) of resources. Fossil fuel resource depletion is not renewable on a human timescale.¹⁴⁰

¹³³ Ibid., p. 2038

¹³⁴ Assessing our obligation to future generations, and how much capital we must leave to posterity, Anand and Sen have convincingly criticised the approach to development known as optimal growth theory. They argue that optimality does not necessarily imply sustainability in intertemporal allocation. See Anand and Sen, *Human Development and Economic Sustainability*, p. 2035ff

¹³⁵ Ibid., p. 2038

¹³⁶ Ibid., p. 2038

¹³⁷ Ibid., p. 2040

¹³⁸ Sen’s capability approach will be the topic of chapter four.

¹³⁹ Anand and Sen, *Human Development and Economic Sustainability*, pp. 2033-2034

¹⁴⁰ Daly, *Steady-state Economics*, p. 23

Those in need were given overriding priority, and from the perspective of an ethics rooted in human dignity and agency this was to be welcomed.¹⁴¹ In that sense Brundtland was clearly an advance on earlier formulations of development: it called for more than the management of distribution but also that economic systems would 'live off' the dividend of resources and not the reserves.¹⁴² Sen would go on to argue that poverty is better understood as 'capability deprivation'.¹⁴³ This forms part of his breakthrough analysis of development from a capability perspective. The Brundtland definition, however implicitly, assumed that the satisfaction of "needs" was a sufficient approach to human well-being. He asks whether the conception of the human person in Brundtland is 'sufficiently capacious'.¹⁴⁴

Sen identifies the problem as follows: emphasising needs frames people as patients rather than agents capable of action.¹⁴⁵ This conception of the human being, implicit in the idea of sustainable development, misses a key aspect of the human person, capability.¹⁴⁶ People do have needs, they also have values, and the ability to reason, act and participate.¹⁴⁷ They are active agents "...whose freedom to decide what to value and how to pursue it can extend far beyond the fulfilment of needs.¹⁴⁸ Hence Sen's argument that poverty can be seen as 'capability failure', rather than failure to meet certain basic needs.¹⁴⁹ People do have needs of course, but their own ability to meet those needs is what is most crucial in the public policy debate, and capability is facilitated by political *freedom* which in turn can contribute to long term environmental decision-making.¹⁵⁰ From the perspective of an autonomy framework the move from a focus on needs to that of capability is a welcome

¹⁴¹ Anand and Sen, *Human Development and Economic Sustainability*, pp. 2033-2034

¹⁴² Robert Repetto (ed) *The Global Possible: Resources, Development, and the New Century*, (New Haven, Connecticut: Yale University Press, 1985), p. 10

¹⁴³ Sen, *Development as Freedom*, p. 87

¹⁴⁴ Amartya Sen, "Why We Should Preserve the Spotted Owl" in *London Review of Books* (February 5, 2004) 26:3, pp. 10-11 Accessed on 27 October 2016 from <https://www.lrb.co.uk/v26/n03/amartya-sen/why-we-should-preserve-the-spotted-owl>

¹⁴⁵ Sen, *Why We Should Preserve the Spotted Owl*, pp. 10-11

¹⁴⁶ Sen, *Why We Should Preserve the Spotted Owl*, pp. 10-11

¹⁴⁷ *Ibid.*, pp. 10-11

¹⁴⁸ *Ibid.*, pp. 10-11

¹⁴⁹ Amartya Sen, *Inequality Reexamined*, (Oxford: Oxford University Press, 1995), p. 109

¹⁵⁰ Sen, *Development as Freedom*, p. 158

development for an ethics of freedom, from the point of view of development this is a welcome move from viewing developing peoples as 'needy' to seeing and supporting their concrete capability.

2.2.4 From 'Needs' to the 'Living Standard'

The Brundtland concept of sustainable development has also been refined and extended notably by Nobel Prize winning economist Robert Solow who does not focus on capability but moves from a model of needs to one of living standards. Sen writes that in doing this Solow "...gives more concreteness to Brundtland's concentration on the fulfilment of needs."¹⁵¹ Solow's approach to sustainable development also develops this in relation to future generations, interpreting sustainability as preserving the means for future generations to achieve a "living standard" comparable to our own.

Solow does recognise the obligation imposed on us by sustainability to endow succeeding generations with "...whatever it takes to achieve a standard of living at least as good as our own and to look after the next generation similarly. We are not to consume humanity's capital, in the broadest sense."¹⁵² Rather we are to live off the interest. A focus on preserving *the standard of living* for future generations is a further qualification capable of informing policy and measuring outcomes, than the more ambiguous goal of meeting 'needs'. Solow argues that as a moral obligation sustainability is a general, not a specific, obligation. The obligation demands that we preserve the capacity of future generations to be as well off as we are.¹⁵³

He argues this does not preclude us from preserving particular resources where they have independent value and no substitutes.¹⁵⁴ Nevertheless,

¹⁵¹ Amartya Sen, "Why Exactly is Commitment Important for Rationality?" in *Economics and Philosophy* 21:1 (2005) pp. 5-14, p. 11

¹⁵² Robert Solow, *Sustainability: An Economists Perspective*, The Eighteenth J. Seward Johnson Lecture, (Woods Hole MA: Woods Hole Oceanographic Institution, 1991), pp. 186-187 quoted in Anand and Sen, *Human Development and Sustainability*, p. 2033

¹⁵³ Solow, *Sustainability: An Economists Perspective*, pp. 186-187

¹⁵⁴ *Ibid.*, p. 187

such preservation is, he argues, part of the inherent value of those specific resources and not a consequence of sustainability *per se*. He argues that the obligation to essentially leave the world as we found it is neither feasible nor desirable: to carry out the UNESCO injunction that each generation leave water, air and soil as unpolluted as they found it would mean no permanent or semi-permanent construction: no roads, no dams, and no piers.¹⁵⁵

He therefore proposes a definition of sustainability as “...an obligation to conduct ourselves so that we leave to the future the option or the capacity to be as well off as we are...an injunction not to satisfy ourselves by impoverishing our successors.”¹⁵⁶ It is clear that this makes significant strides in terms of intergenerational justice, but it leaves underdeveloped the question of habitat and biodiversity loss for example, or the particular cultural resources of peoples. For Solow what must be conserved is not a specific stock of social capital: our obligation is only to leave to posterity a “generalised capacity” to create well-being.¹⁵⁷ Given that we cannot know about the preferences and tastes of the future, or the technology that will be available, the best we can do is to imagine that they will be much like ourselves. According to Solow’s definition then “...we are entitled to please ourselves...so long as it is not at the expense of future well-being.”¹⁵⁸

This is not therefore “...a claim of equal well-being for the next generation.”¹⁵⁹ In contrast to making a distinction between well-being and agency as Sen does, and between achieved outcomes and the freedom to achieve such outcomes if so desired, the notion of the standard of living used by Solow focuses chiefly on achievement levels and not on overall agency.¹⁶⁰ Sen, although broadly supportive of Solow’s type of analysis, develops another trajectory, where sustainable

¹⁵⁵ Ibid., p. 180

¹⁵⁶ Ibid., p. 181

¹⁵⁷ Anand and Sen, *Human Development and Sustainability*, p. 2035

¹⁵⁸ Solow, *Sustainability: An Economists Perspective*, p. 181

¹⁵⁹ Anand and Sen, *Human Development and Sustainability*, p. 2035

¹⁶⁰ Ingrid Robeyns, “The Capability Approach: A Theoretical Survey” in *Journal of Human Development* 6:1 (March 2005), pp. 93-114, p. 102

development is seen in terms of the expansion of freedom or capability, which will be examined further in chapter four.

From the perspective of environmental ethics, the question might be extended: do standard of living measures include the freedom to live in a stable climate, in a biodiverse world? Solow's model is rooted in the assumption that goods and services are substitutable.¹⁶¹ However, 'natural capital' in the form of biodiversity is not substitutable: an elephant is not a giraffe, a whale is not a dolphin, and the spotted owl once gone is gone forever. The living standard approach asks what can prudently be spent, while at the same time leaving the asset base intact? The question is, where might it find room for conserving a particular stock of natural capital: to continue the monetary metaphor, in a seed bank or in living exchange? The claims of future generations need not be seen only in terms of the standard of living. The claims of future people to certain entitlements, for example clean air, must also be taken seriously. The right to clean air is not so conditional that any substitution can be seen as adequate.¹⁶² Nor should the possibility of increased wealth, happiness, or fortunes of future generation's compromise their "claims" to fresh air: substitutions—even where such substitutions might be counted as adequate in terms of a living standard—do not always balance the account.

Maintaining society's 'stock of capital' may seem an appropriate way in which to secure the living standards of future generations, but only if real losses to the integrity of ecosystems and ecosystems services (ESS), and the extinction of species, are not counted as substitutable. And in any case, in environmental biology, debates around valuing biodiversity have likewise moved on. Environmental conservation can no longer be seen as a luxury to be protected when necessities have been met, or even only in terms of a source of 'services' to the market, the integrity of the human life support system of the planet is under threat.

¹⁶¹ Solow, *Sustainability: An Economists Perspective*, p. 181

¹⁶² Anand and Sen, *Human Development and Sustainability*, p. 2037

2.2.5 Biodiversity, Ecosystems Services (ESS), Non-substitutability

One aspect of 'natural capital' is its non-substitutability. This is nowhere more epitomised than in relation to loss of biodiversity, despite the difficulties in defining biodiversity or finding effective ways of valuing it. It is possible to think of it entirely instrumentally, for example biodiversity "...provides valuable benefits to human society."¹⁶³ In addition to our food which is biological, and to the recreation and aesthetic pleasure that biodiversity provides, "...our medicines are frequently extracted, derived, or inspired by naturally occurring species."¹⁶⁴ Our built environments and our material possessions are also built largely from 'biological materials' that we are as yet unable to synthesise.¹⁶⁵ As Kevin J. O'Brien notes these services that our habitat provides, these "ecosystem services" "...are based upon the diversity of life on earth."¹⁶⁶

And it is functioning ecosystems that contribute to the maintenance of biodiversity: there is a link between habitat loss and biodiversity loss. An ecosystem is "...a dynamic complex of plant, animal and microorganism communities and the non-living environment interacting as a functional unit."¹⁶⁷ In order to find an evaluative tool for appraising the welfare benefits to society from natural resources the term ecosystems services (ESS) was coined in the 1980s. Emerging initially as 'environmental services' in the 1970s, the concept was "...renamed 'ecosystems services' in the mid-1980s, and really gained momentum from 1997 onwards."¹⁶⁸ However, there are multiple strands to the concept of ecosystems services. While there is some convergence between different versions of the concept there are also important distinctions.

¹⁶³ Kevin J. O'Brien, *An Ethics of Biodiversity; Christianity, Ecology, and the Variety of Life*, (Washington, D.D.: Georgetown University Press, 2010), p. 45

¹⁶⁴ O'Brien, *An Ethics of Biodiversity*, p. 45

¹⁶⁵ *Ibid.*, p. 45

¹⁶⁶ *Ibid.*, p. 45

¹⁶⁷ Millennium Ecosystems Assessment 2005 (MA), *Ecosystems and Human Well-Being: Synthesis*, (Washington, D.C.: Island Press, 2005), p. v

¹⁶⁸ Sharachandra Lele, Oliver Springate-Baginski, Roan Lakerveld, Debal Deb, and Prasad Dash, "Ecosystem Services: Origins, Contributions, Pitfalls, and Alternatives" in *Conservation and Society* 11:4 (2013), pp. 343-358, p. 353

The concept is seen variously in terms of “life-support services”, services essential to our survival.

A development of this view, a ‘conservation biology approach’ embraces “...all *indirect* benefits that human beings get from the functioning of ecosystems: soil conservation, water purification, waste assimilation, pollination, hydrological regulation...” but crucially these benefits are viewed as “...distinct from and in addition to the value of biodiversity conservation for its own sake.”¹⁶⁹ A broader version still, an ‘environmental economics approach’ is concerned with the negative impacts and consequences that human actions “...leading to 'resource depletion, pollution, and extinction'” could have on well-being.¹⁷⁰ From this perspective the idea of natural capital, namely “...the stock that generates different kinds of benefit flows: products or goods, indirect benefits or services, and pure conservation (existence or aesthetic) values...” emerged.¹⁷¹

The idea of ‘environmental’ services is yet another approach which highlights “...the abiotic elements in nature.”¹⁷² The Millennium Ecosystem Assessment (MA) is similar to the environmental economics approach but with a broader framework that includes products and existence values respectively as 'provisioning services' and 'cultural services', and in contrast to the environmental services approach has a more limited idea of biodiversity that excludes abiotic resources.¹⁷³ Its definition of ecosystem services (ES) is the generally accepted one at this time. Broadly speaking, ESS are “...the benefits of nature to households, communities and the economy.”¹⁷⁴ They include services that are named as provisioning, regulating, supporting and cultural services.¹⁷⁵ Respectively these are: food, water, timber, and fibre; the regulation of waste, disease, flood, climate, and water quality; soil formation, nutrient

¹⁶⁹ Ibid., p. 344

¹⁷⁰ Ibid., p. 344

¹⁷¹ Ibid., p. 344

¹⁷² Ibid., p. 344

¹⁷³ Ibid., p. 344

¹⁷⁴ James Boyd and Spencer Banzhaf, “What are Ecosystems Services? The Need for Standardized Environmental Accounting Units” in *Ecological Economics* 63 (2007), pp. 616-626, p. 616

¹⁷⁵ MA, *Ecosystems and Human Well-Being: Synthesis*, p. v

recycling, and photosynthesis, and; recreational, 'spiritual', and aesthetic benefits.¹⁷⁶ Viewing these services in this way the ES approach "...takes a 'strong sustainability' position, i.e., it implicitly rejects the standard neoclassical economics argument that human-made capital can indefinitely substitute for natural capital."¹⁷⁷

It is clear that ESS are being consumed at an unsustainable rate.¹⁷⁸ As O'Brien notes, the 2008 report "The Economics of Ecosystems and Biodiversity" argued ecosystems are threatened and degraded because "...they are predominantly public goods with no markets and no prices, so they are rarely detected by our current economic compass."¹⁷⁹ The report's authors argue that we need a new economic compass, one that rethinks subsidies, offers new policies that appropriately address benefits and costs, and that takes a more equitable approach to how the benefits of conservation are shared.¹⁸⁰ The economic price of biodiversity loss far outweighed the cost of the financial crisis of 2008 and poses a greater threat than banking or market failures.¹⁸¹ As O'Brien points out "...to pay attention to the economic value of biodiversity is to see that conserving the Earth's biodiversity is in humanity's economic interest."¹⁸²

However, biodiversity also has value for other reasons. It has didactic value: it can help us understand "...living organisms and the ways they relate to their environments."¹⁸³ O'Brien argues that it teaches us that "...human beings are not separate from the rest of the natural world..." but are "...intricately tied to the biodiversity in which we participate."¹⁸⁴ It also has intrinsic value beyond human interest but as O'Brien argues

¹⁷⁶ Ibid., p. v

¹⁷⁷ Sharachandra et al., *Ecosystem Services: Origins, Contributions, Pitfalls, and Alternatives*, p. 345

¹⁷⁸ TEEB (2010), *The Economics of Ecosystems and Biodiversity Ecological and Economic Foundations*, Pushpam Kumar(ed) (London and Washington: Earthscan, 2010), p. 13 accessed on 22 May 2019 from <http://www.teebweb.org/publication/the-economics-of-ecosystems-and-biodiversity-teeb-ecological-and-economic-foundations/>

¹⁷⁹ As quoted in O'Brien, *An Ethics of Biodiversity*, p. 46

¹⁸⁰ Ibid., p. 46

¹⁸¹ Richard Black, "Nature Loss 'Dwarfs Bank Crisis'" BBC News Website Barcelona 10 October 2008 accessed on 10 December 2019 from <http://news.bbc.co.uk/2/hi/science/nature/7662565.stm>

¹⁸² O'Brien, *An Ethics of Biodiversity*, p. 48

¹⁸³ Ibid., p. 48

¹⁸⁴ Ibid., p. 49

“...to claim that variety of life has value beyond human interest need not necessarily be a claim that the value of biodiversity is *independent* of human interest.”¹⁸⁵ In addition to its intrinsic value, biodiversity is economically, and socially, important. Multiple ESS are necessary to fulfil human well-being in its multiple dimensions. Among the constituents of well-being assessed by the MA are health, good social relations, security, freedom of choice and action, and access to the basic material for a good life, namely: a secure and adequate livelihood; food; shelter; and clothing.

This is perhaps more urgently so in the case of rural households in developing countries because evidence demonstrates that a significant share of their income is derived from ESS. One way in which the livelihoods of asset-poor families rely on ESS for provisioning services is in terms of traditional varieties of seeds that are well adapted to local conditions. In regions that are vulnerable to climactic impacts poorer households choose more resilient seed varieties for their ability to withstand climate fluctuation. In Jeypore in India for instance, where the occurrence of a range of climactic conditions over the course of a crop season—cyclonic conditions, extended periods of drought, and high temperatures—cause stress, genetically resilient landraces of rice are preferable to the higher yielding varieties that cannot withstand harsh weather.¹⁸⁶

It is estimated that 1.6 billion people depend directly on forest ecosystems to some extent, for their environmental income. This “environmental income” could be termed wild income—resources from uncultivated natural systems—and agricultural income—from croplands and pastures.¹⁸⁷ Sen has quoted the findings of the MA, namely that sustainability requires “...effective and efficient institutions that can provide the mechanisms through which concepts of freedom, justice,

¹⁸⁵ Ibid., p. 52

¹⁸⁶ Raphaël Billé, Renaud Lapeyre and Romain Pirard, “Biodiversity conservation and poverty alleviation: a way out of the deadlock?” in *S.A.P.I.E.N.S Surveys and Perspectives Integrating Environment and Society* 5:1 (2012), pp. 1-15, p. 7

¹⁸⁷ Ibid., p. 6

fairness, basic capabilities and equity govern the access to and use of ecosystems services.”¹⁸⁸

Although there are a number of different approaches to ecosystem services management broadly speaking ESS approaches identify, measure, map, and model the stocks and flows of ecosystems services and the possible synergies and trade-offs that may occur among them because of different decisions. The ESS approach is reflected in the MA. The MA assesses the impact of the changes in earth’s biosystems on human well-being.¹⁸⁹ The assessment is carried out through collation, evaluation, and interpretation of existing knowledge, such as that contained in the human development index (HDI) in order to provide what it sees as scientifically credible solutions to questions of policy.¹⁹⁰

In the last fifty years the level of benefits we derive from ESS has declined and there has been a dramatic fall in biodiversity with further declines projected in the coming decades.¹⁹¹ Even since the publication of the MA 2005 the pressure on ESS has intensified. Yet despite declining ESS over the fifty-year time frame covered by the MAs assessment there have been gains in human well-being rather than the expected decline in human well-being from a decrease in the provision of ESS due to ecological degradation and simplification, what has been called the “environmentalist’s paradox”.¹⁹² This appears to contradict the environmentalist expectation, namely that a decline in ESS will result in a decline in human well-being.¹⁹³ This does not appear, from the evidence, to be the case. Globally human well-being has increased. Indeed, evidence does seem to indicate an inverse relationship between a country’s biodiversity, assessed in terms of species abundance, and its

¹⁸⁸ Sen, *Why We Should Preserve the Spotted Owl*, pp. 10-11

¹⁸⁹ MA, *Ecosystems and Human Well-Being: Synthesis*, p. 1

¹⁹⁰ *Ibid.*, p. v

¹⁹¹ TEEB (2010), *The Economics of Ecosystems and Biodiversity*, p. 12

¹⁹² Ciara Raudsepp-Hearne, Garry D. Peterson, Maria Tengo, Elena M. Bennet, Tim Holland, Karina Benessaiah, Graham K. Mac Donald and Laura Pfeifer, “Untangling the Environmentalist’s Paradox: Why is Human Well-being Increasing as Ecosystems Services Degrade?” in *Bioscience* 60:8 (September 2010), pp. 576-589, p. 577

¹⁹³ Raudsepp-Herne et al, *Untangling the Environmentalist’s Paradox*, p. 576

ranking on the HDI.¹⁹⁴ A number of explanations have been put forward to explain the paradox.

2.2.5.1 Explaining the 'Environmental Paradox'

It is argued that the decline of ESS alongside an increase in human well-being may be a case of 'critical dimensions' of well-being being missed, of aspects of loss not fully captured in the HDI.¹⁹⁵ This is precisely the suggestion of one hypothesis proposed to explain the environmentalist's paradox. The environmentalist's paradox is the idea of a mismatch between the decrease in the provision of ESS and an increase in human well-being. One proposed answer suggests that the HDI, on which the MA assessment is partially based, does not capture all elements of human well-being.¹⁹⁶ For example, the HDI does not include measures for freedom, security, justice, leisure or human rights which are critical dimensions of human well-being.¹⁹⁷ However in their assessment of the hypothesis that there are missing dimensions of well-being not accounted for in the HDI, Raudsepp-Herne *et al.* reject this explanation and conclude that it does not in fact explain the paradox: most indicators, they argue, suggest that on average human well-being *is* growing despite losses in ESS.¹⁹⁸

Another hypothesis concerns the weighting of ESS and whether it is impacting the assessment, for example indicating an aggregate gain despite declines in ESS.¹⁹⁹ However, Raudsepp-Herne *et al.* conclude that the benefits of greater provisioning services such as food production do not in fact outweigh the cost of effects from the loss of other ESS.²⁰⁰ And Billé *et al.* explain that advances in food production favour urban populations over the rural poor and undernourishment, they suggest, has likely diminished more in urban settings than in rural ones.²⁰¹ Of the

¹⁹⁴ Billé *et al.*, p. 13

¹⁹⁵ Raudsepp-Herne *et al.*, *Untangling the Environmentalist's Paradox*, p. 578

¹⁹⁶ Billé *et al.*, p. 13

¹⁹⁷ Paul Streeten, "Beyond the Six Veils: Conceptualising and Measuring Poverty" in *Journal of International Affairs* 52:1 (Autumn 1998), pp. 1-31, pp. 19, 20

¹⁹⁸ Raudsepp-Herne *et al.*, *Untangling the Environmentalist's Paradox*, p. 579

¹⁹⁹ *Ibid.*, p. 578

²⁰⁰ *Ibid.*, p. 581

²⁰¹ Billé *et al.*, *Biodiversity Conservation and Poverty Alleviation*, p. 10

795 million people who are currently chronically undernourished (98 percent of who live in developing countries) three quarters live in rural areas. The correlation between national prices and international markets means that the rural poor, without access to these markets, sell their agricultural products at low prices and receive little of the added value.²⁰² The idea that increased food production contributes to the increased human well-being seen over the fifty year timeframe cannot then be a key factor in explaining the environmentalist paradox because increases in food production do not benefit all equally.²⁰³

With regard to another suggested solution—the idea of a time-lag between a decline in ESS and a decline in well-being—Raudsepp-Hearne *et al* argue that “...the food crisis of 2007-2008 illustrates how food, innovation, and time lags are intertwined with the ways people benefit from ecosystems services.”²⁰⁴ Increases in food prices driven by jumps in the price of staple foods like rice, wheat and corn, combined with high oil prices and increased agricultural costs, added to “...the promotion of biofuels by wealthy countries...” contribute to an increase in the cost of food.²⁰⁵ This in turn has a negative impact on the well-being of poor people who spend an inordinate proportion of their income on food.²⁰⁶ In terms of the idea of a time-lag, Raudsepp-Herne *et al.* conclude that improving the clarity with which we predict the future consequences of our actions for ESS is part of the process of resolving the environmentalist’s paradox.²⁰⁷ While we understand the impacts of human influence on the earth systems we have much less understanding of the effects of declining ecosystems on human well-being.

Yet another hypothesis argues that there is a decoupling of human well-being and ESS due to technological and social innovations. However, Raudsepp-Hearne *et al* note that the food crisis also illustrates how “...technological and social innovations, such as biofuels and global

²⁰² *Ibid.*, p. 10

²⁰³ *Ibid.*, p. 10

²⁰⁴ Raudsepp-Herne et al., *Untangling the Environmentalist’s Paradox*, p. 585

²⁰⁵ *Ibid.*, p. 585

²⁰⁶ *Ibid.*, p. 585

²⁰⁷ *Ibid.*, p. 585

trade, can result in decreased human well-being.”²⁰⁸ And while increasing efficiency, due to technological innovation, with which we can benefit from ESS, may potentially reduce our vulnerability, so far technology can only decouple human well-being from the use of ESS partially, and locally.²⁰⁹ Advances achieved through technological innovations can contribute to human well-being despite declining ESS. However, the benefits are not evenly distributed.

Of the four proposed solutions to the question of the environmentalist’s paradox—increasing well-being coinciding with a decrease in ESS—tested by Raudsepp-Hearne *et al* the presence of a time-lag does seem to offer a plausible explanation. They note that “...the existence of a time lag between the destruction of natural capital and the decline in ecosystem service production provides an explanation of the environmentalist paradox...” and while there is uncertainty about aspects of the time-lag it cannot be rejected outright.²¹⁰ Time lags are intertwined with the ways in which we benefit from ecosystems services so that we may continue to see an increase in well-being at the same time that these vital resources are being eroded beyond repair in the human timescale: ‘natural capital’ is non-substitutable. Habitat loss and biodiversity loss are connected: functioning ecosystems are crucial to the maintenance of biodiversity (section 2.2.5).²¹¹ Multiple ESS are required for human well-being, and even more urgently in relation, as was seen, to rural households in developing countries. ESS depend on biodiversity. And in any geological epoch we find a similar level of biodiversity to today and evidence of extinction episodes. The largest—at the end of the Permian period—was rapid by geological timescales. However the Sixth Extinction that is occurring today, is taking place “...at a rate that is 1,000 to 10,000 times greater than the natural rate and ... is not due to natural events as were all previous extinctions.”²¹²

²⁰⁸ *Ibid.*, p. 585

²⁰⁹ *Ibid.*, p. 583

²¹⁰ *Ibid.*, p. 585

²¹¹ MA, *Ecosystems and Human Well-Being: Synthesis*, (Washington, D.C.: Island Press, 2005), p. v

²¹² John Feehan, *The Singing Heart of the World*, (Dublin: The Columba Press, 2010), p. 72

Evidence demonstrates that pre-industrial societies too influenced terrestrial and coastal ecosystems, at local, regional and even continental level. The deterioration of the climate around 3000 years ago meant that the environmental impact of the first farmers in Europe (deforestation), which was held in abeyance while climatic conditions remained warm and dry, eventually resulted in a recession in agriculture. Podsolisation in north-west Europe, including the west of Ireland, led to the formation of peat which prohibited farming, as did massive erosion around the Mediterranean.²¹³ However, their impact on the environment was more generally local and transitory.²¹⁴ This is no longer the case. The onset of the Industrial Era c.1800 ushered in the first phase of what has been termed the Anthropocene (1800-1945).²¹⁵ It denotes a new geological era in the which the planetary system is largely influenced by the ‘unintended consequences’ of human actions.²¹⁶

2.2.5.2 *The Anthropocene: Harnessing an Energy Subsidy from the Deep Past*

The term ‘Anthropocene’ was first coined by Nobel Prize winning chemist Paul Crutzen in 2000. Despite being coined within the a scientific community of Earth Systems science the term has spread, and it is taken to refer to ‘geological time interval’.²¹⁷ The term informally entered the geographical literature where it portrays an image of the “...contemporary global environment dominated by human activity.”²¹⁸

²¹³ John Feehan, *Farming in Ireland: History, Heritage and Environment*, (Dublin: University College Dublin, 2003), p. 21

²¹⁴ Will Steffen, Paul J. Crutzen, John R. McNeill, “The Anthropocene: Are Humans Now Overwhelming the Great Forces of Nature?” in *AMBIO: A Journal of the Human Environment* (Dec 2007), pp. 614-621, p. 616

²¹⁵ Steffen *et al*, *The Anthropocene*, p. 616

²¹⁶ Jan Zalasiewicz, Colin N. Waters, Mark Williams, Colin P. Summerhayes, Martin J. Head and Reinhold Leinfelder, “A General Introduction to the Anthropocene” in Jan Zalasiewicz, Colin N. Waters, Mark Williams, Colin P. Summerhayes (eds) *The Anthropocene as a Geological Time Unit: A Guide to the Scientific Evidence and Current Debate*, (Cambridge: Cambridge University Press, 2019), pp. 2-4, p. 2

²¹⁷ Zalasiewicz *et al.*, *A General Introduction to the Anthropocene*, p. 2

²¹⁸ Jan Zalasiewicz, Mark Williams, Alan Smith, Tiffany L. Barry, Angela L. Coe, Paul R. Bown, Patrick Brenchley, David Cantrill, Andrew Gale, Philip Gibbard, F. John Gregory, Mark W. Hounslow, Andrew C. Kerr, Paul Pearson, Robert Knox, John Powell, Colin Waters, John Marshall, Michael Oates, Peter Rawson, and Philip Stone, “Are We Now Living in the Anthropocene?”, *GSA Today* 18:2 (February 2008), pp. 4-8, p. 4

Steps were taken to formally include the term in the Geological Time Scale, demonstrating the significance of the concept.²¹⁹ This work has been undertaken by the Stratigraphy Commission of the Geological Society of London, signalling their decision to examine the case for formalisation of the term.

To this end the Anthropocene Working Group was established. Chemists Will Steffen and Crutzen, along with environmental historian John R. McNeill, explain that the term ‘Anthropocene’ denotes earth’s transition to a state in which the extent of human activity is such that it rivals the great forces of Nature, rapidly pushing earth towards “...a less biologically diverse, less forested, much warmer...state.”²²⁰ The huge expansion in fossil fuel use—first coal, and later oil and gas—which began with the Industrial Era, made industrialisation central for the earth’s bio-systems. In place of the energy harnessed from wind, water, animals and plants, the release of millions of years of stored carbon in the form of fossil fuels provided a “...massive energy subsidy from the deep past to modern society.”²²¹

In what is defined as the second stage of the Anthropocene—The Great Acceleration (1945- 2015)—the pressure on the global environment has intensified sharply. Atmospheric concentrations of important greenhouse gases have increased substantially, earth is warming rapidly, and the rate of species loss is growing. For example, the Intergovernmental Panel on Climate Change (IPCC) which assesses the physical science basis of climate change as well as impacts, vulnerabilities and adaptation strategies and the mitigation of climate change, warns of the “severe, pervasive and irreversible” impacts, for natural and human systems, of continued anthropogenic greenhouse gas (GHG) emissions and warns that climate change deepens existing threats to earth systems and poses additional risks for humanity,

²¹⁹ Jan Zalasiewicz, Mark Williams, Will Steffen and Paul Crutzen, “The New World of the Anthropocene” in *Environmental Science and Technology* 44 (2010), pp. 2228-2231, p. 2228

²²⁰ Steffen, Crutzen and McNeill, *The Anthropocene: Are Humans Now Overwhelming the Great Forces of Nature?*, p. 614

²²¹ *Ibid.*, p. 616

particularly vulnerable communities and the poor.²²² While the foundations for the second stage of the Anthropocene were laid by the close of the 19th century and the opening of the 20th, it was not until 1945 that the Great Acceleration truly began. The pace of acceleration had slowed somewhat between 1914 and 1945—stalled by political and economic changes—but after 1945 more open trade and capital flows facilitated the reintegration of much of the world economy. This saw “...growth rates reach their highest ever levels in the period from 1950 to 1973.”²²³

The rise of modern environmentalism in the 1960s, which marks the beginning of a major societal concern with our impact on earth, suggests that the conditions which permitted the Great Acceleration have changed, and it can be hoped, in ways that may curtail it.²²⁴ Steffen *et al* suggest that the shift that this concern initiated, marks the beginning of the third stage of the Anthropocene (2015-) in which recognition of our impact on earth's biosystems manifests in decision-making.²²⁵ For example, although they discern three broad philosophical responses to the challenges posed by our impact on earth's biosystems—business-as-usual, mitigation, and geo-engineering options—they argue that while “...improved technology is essential for mitigating global change...change in societal values and individual behaviour will likely be necessary.”²²⁶

2.3 Conclusion

Early environmentalism, operating with assumptions of conflicting visions of land use and grounded in anthropocentric and ecocentric positions, gave expression to an unhelpful dichotomy that influences policy. From an autonomy perspective ecocentrism poses the danger that protections afforded to the human person could be eroded because

²²² See the Intergovernmental Panel on Climate Change, *Climate Change 2014 Impacts, Adaptation, and Vulnerability Synthesis Report Summary for Policymakers*, (Cambridge: Cambridge University Press, 2014)

²²³ Steffen, Crutzen and McNeill, *The Anthropocene: Are Humans Now Overwhelming the Great Forces of Nature?*, pp. 617-618

²²⁴ *Ibid.*, p. 619

²²⁵ *Ibid.*, p. 619

²²⁶ *Ibid.*, p 619

it potentially undermines “...the respect for human dignity which is central to Christian ethics.”²²⁷ It can also ironically blunt human responsibility. Fundamental to Christian anthropology is the privileged role of the human person as God’s ‘steward’ of creation.²²⁸ Yet the levelling of distinctions between the human and non-human ironically negates any moral obligation as stewards. Alarmism in the face of a supposed conflict between the human person and the natural world gives rise to policy that restricts the scope of human freedom. Such is the case with Hardin’s portrayal of the relationship between demographics, resource use, and carrying capacity. Policy derived from his work has had social consequences for those whose lives it impacted. The acceptability of such programmes is only now being tested in China. A more collaborative approach than the coercive one inspired by this exaggerated alarmism leaves space for individuals to exercise their agency.

To later environmentalists, in the wake of the so-called Green Revolution, the task at hand was to address the issues raised by the impact of production, in the context of wilderness rather than agriculture, as brought to light by Carson’s *Silent Spring*. However, the philosophy of productionism was left intact by her critique. Agriculture—the success of which is evaluated in terms of production—which has a huge impact on the environment, was not addressed until sometime later. Productionism persisted in this new era of scientific supremacy. Thompson contends that the answer is in part sociological. Anecdotal evidence suggests that to a large extent agricultural scientists came from farming families.²²⁹ With their uncritical acceptance of productionist values the maximization ethic which they brought to the field was guaranteed to find support with farmers.

Thompson provides a reading of agricultural productionism as a secularised reduction of these earlier doctrines now dislocated from them. And taking production as the sole measure for the evaluation of

²²⁷ Russell, *Autonomy and Food Biotechnology*, p. 176

²²⁸ *Ibid.*, p. 167

²²⁹ Thompson, *The Spirit of the Soil*, Second Edition, p. 82

agriculture the productionist maxim can only be upheld when some costs are externalised. Beyond the productionism versus environmentalism debate, sustainability emerged as a response. Sustainability focused first on the adverse impacts of development on the environment.²³⁰ However concern with the impact of a degraded resource base on the prospects for development soon came to the fore with the recognition of the need to meet the challenges of addressing the externalised costs of the rapid and unrestricted growth delivered by the Green Revolution. This demanded development that was sustainable or sustainable development. The shift from a productionist economic system to the emergence of a new master term—sustainable development—had begun.

Despite the welcome shift it represented, its description by the Brundtland Commission contains a number of ambiguities including most notably its focus on ‘needs’. The satisfaction of “needs” is not sufficient for human well-being: to see people in terms of needs is to frame them as patients rather than agents capable of action.²³¹ In relation to the reformulation of sustainable development by Solow the idea of maintaining society’s stock of capital, as he suggests, is also problematic because in theological terms this is incompatible with the idea of nature as a given rather than as something we create. It is also problematic in that it is an inappropriate way to secure a living standard like our own for future generations because biodiversity is not substitutable. An instrumental reading of biodiversity looks at its value to human societies, measured through ESS. ESS are essential to human well-being and even more urgently so for the rural poor in developing nations. Biodiversity loss poses a threat to rival any we have been presented with before. But in addressing the challenges the transition to sustainability must be just.

For Sen, and later Anand and Sen, as well as for Solow, sustainability is about distributional equity between present and future people. However, the question is what is being distributed: necessities, living

²³⁰ Anand and Sen, *Human Development and Economic Sustainability*, p. 2033

²³¹ Sen, *Why We Should Preserve the Spotted Owl*, pp. 10-11

standards or capability. The alternative offered by Anand and Sen—the breakthrough to ‘human development’—sees sustainability as a matter of distributional equity requiring redistribution to the poor.²³² If we can dismiss the narrative of conflict between the human and the natural world then this need not be seen as detrimental to sustainability. It need not be a case of pitting human interests against care for the environment, especially if we recognise that biodiversity, or the variety of life, indicates that we are not separate to the rest of the natural world but part of it.²³³

Framed as ‘human development’ distributional equity need not clash with the imperative of sustainability.²³⁴ Sen’s work proceeds with the conviction that human development, and distributional equity in the capability for health, nutrition, and education, is an end in itself. The concept of sustainability set out to overcome the dichotomy, to provide an alternative mediating route, and notwithstanding its relative success the idea of sustainable development has been reformulated in Sen’s capability approach. Development is about poverty as well as sustainability and so before turning to Sen’s capability approach in chapter four we will first investigate how development has been envisaged and poverty measured in various models of development, and at the new approach in economics and poverty metrics inaugurated by Sen’s work, in the following chapter.

²³² Indeed, now we are beginning to talk of narrowing the inequality gap as part of economic sustainability.

²³³ O’Brien, *An Ethics of Biodiversity*, p. 49

²³⁴ Anand and Sen, *Human Development and Economic Sustainability*, p. 2038

3 Poverty alleviation and Environmental conservation: a complex of externalities

In this chapter we turn to how development has been envisaged and measured in various models of development, tracing the shift from development measured by GNP, as opposed to GDP, through to a more person-centred approach. Behind this new approach was the shift that Sen inaugurated in economics and poverty metrics: it was groundbreaking and well beyond business-as-usual economic models for development. Sen's capability approach will be examined in more detail in the following chapter. Although there was an inherent concern in political policy with social arrangements from the 1950s, it was economic growth that was seen as an efficient way of achieving a widening range of opportunities.¹ Development economics, which emerged as a subject in its own right after the Second World War, had concentrated chiefly on how to achieve economic growth, specifically to increase GNP.²

GNP—the conventional index of growth for national wealth—was chosen as the significant indicator of development at the launch, in 1961, of the UN General Assembly's "First Development Decade".³ It was envisioned that by the end of that decade favourable investment climates in developing countries would have attracted foreign investment and led to economic growth, growth which would in turn alleviate poverty, in part through various 'trickle-down mechanisms'.⁴ However, by definition GNP does not capture benefits and costs that do not have a price-tag attached to them and so it was the externalities of poverty alleviation and environmental protection—concerns of this thesis—that fell outside the system of calculation. GNP as a measure of

¹ Paul Streeten, "Shifting Fashions in Development Dialogue" in Fukuda-Parr, Sakiko and Kumar, A.K. Shiva (eds) *Readings in Human Development*, (Oxford: Oxford University Press, 2003), pp. 68-81, p. 92

² Amartya Sen, "The Concept of Development" in Chenery, Hollis and Srinivasan, T.N. (eds) *Handbook of Development Economics* Volume I, (The Netherlands: Elsevier, 1998), pp. 10-26, p. 12

³ De Schrijver, *Combating Poverty Through Development: A Mapping of Strategies*, p. 30

⁴ *Ibid.*, p. 30

growth, and thus development, only captured “...means of well-being that happen to be transacted in the market.”⁵ These externalities need a broader accounting framework. Sen’s work on development makes a major breakthrough in relation to this.

Development was, and is still, generally seen in terms of economic “growth” and income is the indicator by which development is judged. However, Sen’s work radically shifted the emphasis from growth measured in terms of income to an expansion of freedom as an indicator of human development.⁶ He questions the implicit assumption that wealth is the means and the end of development. Sen argues that using a capability perspective in poverty analysis improves “...the understanding of the nature and causes of poverty and deprivation by shifting primary attention away from *means* to *ends* that people have reason to pursue.”⁷

This shift gives us a different, and more productive, view of poverty and inequality alleviation, not only in developing countries but also in affluent ones.⁸ Of course it is the case that economic growth is understood by economists and planners not as an end in itself but rather as a “performance test” of development.⁹ It is clear that economic growth, as measured by proxy aggregated figures, is not the entirety of what is meant by development as envisaged even in narrower economics models: the intention is for an educated, healthy and well-nourished population (admittedly understood rather instrumentally as a work-force that is a productive asset for an economy).

Economic growth did not turn out to be the panacea it was initially thought to be, it does not simply eradicate poverty or protect biodiversity, goods that are not counted in market analysis. To capture this the focus shifted from “crude” measures of income to more scarcity-oriented “needs” approaches, as expressed in the basic needs

⁵ Sen, *The Concept of Development*, p. 14

⁶ This has implications and intersections with degrowth and no growth approaches to environmental economics, but which are not the subject of this thesis.

⁷ Sen, *Development as Freedom*, p. 90

⁸ *Ibid.*, p. 20

⁹ Streeten, *Shifting Fashions in Development Dialogue*, p. 92

approach (BNA). This involved a move beyond abstract aggregates like income to a focus on meeting people's basic needs, and this was better able to mobilise support. Yet this approach too had faded into the background by the mid-1980s. Because of the background of the fiscal responses to the debt crisis of the 1980s, it quickly became clear this was too low a bar and too harsh, and this eventually led to a shift in development dialogue that brought the focus back to people once again, to their aspirations, and their choices.

At this time, the World Commission on Environment, known more commonly as the Brundtland Report, was established. It brought together concerns about the environment and global poverty (section 2.2.1), resulting in the concept of sustainable development.¹⁰ Human development was one part of the sustainable development equation, the other was securing natural resources for current and future generations. Poverty alleviation and environmental protection continue to be linked as is seen in the 'poverty-biodiversity' debate.¹¹ The link is often portrayed as mutually reinforcing and negative and is described as a "downward spiral" (section 3.1).¹² This raises the question of whether the conservation of biodiversity is a route to poverty and inequality alleviation. However, the road to poverty and inequality alleviation is also the most pragmatic and shortest route to building capability for population stabilisation and environmental resources conservation, and the route to circular economies.

This chapter will begin then by looking at one of the major instrumental arguments for the alleviation of poverty, namely environmental conservation. It will then trace some of the changes in thinking about development and growth in economic policy including the use of GNP growth as a measure of development, and its shortcomings. It is now considered an inadequate proxy for development but is nevertheless still used extensively in policy. The analysis will follow the shifts in arguments for growth in the course of development thinking including

¹⁰ Dale Jamieson, "Sustainability and Beyond" in *Ecological Economics* 24 (1998), pp. 183-192, p. 183

¹¹ Billé *et al.*, *Biodiversity Conservation and Poverty Alleviation*, p. 2

¹² *Ibid.*, p. 2

the argument for the role of trickle-down mechanisms in tackling poverty, the shift to a needs-based approach, specifically BNA and the move from this to a more person-centered approach, heralded by the eventual arrival of the model of human development. It will then assess issues in the measurement of global poverty: the challenges in defining poverty, and the diverging estimates that give rise to debate on the extent of poverty and its rate of decline.

3.1 Social Poverty and Environmental Losses

Although falling far short from the point of view of distributive justice, it is the case that in the history of development purely instrumental arguments for poverty alleviation have frequently been offered and indeed have sometimes provided practical routes to good policy. Protecting natural resources from further degradation is one such instrumental argument for a commitment to ending poverty.¹³ And the linking of poverty alleviation and environmental protection continues in the ‘poverty-biodiversity’ debate.¹⁴ This debate gives rise to the question of whether “...biodiversity conservation is a route to poverty alleviation, and conversely if poverty alleviation is a route to better biodiversity management.”¹⁵ The pertinent point is that policy to address poverty in developing countries has been driven not just by humanitarian concerns, which are primary, but also by the widespread assumption that poverty and biodiversity are inextricably linked.

The link is often viewed as a mutually reinforcing and negative one, described in terms of a “downward spiral”.¹⁶ The basic structure of this downward spiral takes the following form. The assumption is that there is some aggregate population interacting with the environment, whose livelihood is based exclusively on fragile and depleting environmental resources. This direct causal relationship between poverty and environment feeds a cumulative causal process, where poverty is the

¹³ World Bank, *Poverty and the Environment: Understanding Linkages at the Household Level*, (Washington, D.C.: World Bank, 2008), p. 23

¹⁴ Billé *et al.*, *Biodiversity Conservation and Poverty Alleviation*, p. 2

¹⁵ *Ibid.*, p. 1

¹⁶ World Bank, *Poverty and the Environment*, p. 23

principal cause of environmental change and environmental change is the principal cause of poverty.¹⁷ The asset-poor, who rely on biodiversity, are negatively impacted when biodiversity is degraded, but the relationship is not a simple one.

The assumption of a downward spiral is identified in the World Bank's report on natural resources and household welfare in *Poverty and the Environment: Understanding Linkages at the Household Level*, and the evidence from its review of a number of studies pertinent to this topic.¹⁸ The report finds, from its review, that: environmental income is important for some households not only directly as income but also as a form of insurance—although our understanding of this is limited; that economic growth will not necessarily reduce resource use without major policy measures; that population growth will likely continue to be a contributing factor in resource degradation, and; that "...poverty reduction will not necessarily lead to an improved environment unless specific environmental action is taken."¹⁹

The report has several implications. For example it concludes that "...ensuring that resource-dependent communities have sustainable sources of income from nature is one way to prevent households from experiencing deeper poverty."²⁰ It does not advocate that vulnerable household have their access to these resources blocked, despite the fact that these resources are vulnerable. It suggests rather that households are helped out of poverty when they can rely on nature's bank.²¹ It allows that they can make the most of and at the same time protect those resources, and it encourages the use of productivity increasing technologies and improved local management as some strategies to deliver on this.

However, the report also recognises that there are costs involved in improved resource management that conserves resources and that

¹⁷ Tim Forsyth and Melissa Leech with Ian Scoones, *Poverty and Environment: Priorities for Research and Policy*, (Sussex: Institute of Development Studies, 1998), p. 11

¹⁸ World Bank, *Poverty and the Environment*, p. 24

¹⁹ *Ibid.*, p. 24

²⁰ *Ibid.*, p. 25

²¹ *Ibid.*, p. 25

these costs “...can add additional burdens on local communities and governments...” negatively impacting poverty reduction programmes.²² From this perspective the eradication of poverty is a prerequisite for environmental protection, one strong instrumental argument for poverty alleviation. There are other related aspects to this. While there is a significant overlap between extreme poverty and natural resources or ‘biodiversity hotspots’ the direction and strength of the relationship is not a simple one.²³ Indeed it is possible to conclude that these hotspots remain relatively intact because of local cultural production practices, which are in fact subsistence practices, or because of the way in which local populations manage ‘common pool’ resources, as noted by Nobel Prize winning economist Elinor Ostrom (section 5.3).

There are also other drivers of biodiversity loss: lack of security of tenure; lack of access to other resources; and poor governance issues.²⁴ So while conservation may offer a possible safety net to avoid extreme poverty in the short term, it is only indirectly related to poverty alleviation.²⁵ From their analysis of the research Billé *et al* conclude that given the ‘apparent incompatibility’ between development and poverty eradication on the one hand and biodiversity conservation on the other, “...the priority given to the poverty...” Millennium Development Goal (MDG) needs to be re-examined, and “...fighting against inequalities may be a more efficient way to reconcile human development and biodiversity conservation.”²⁶ They note the dearth of literature on the “...relationships between poverty , inequalities, GDP and biodiversity...” and argue that inequality is “...a significant predictor of biodiversity loss.”²⁷

There are differences in how conservationists, development practitioners, and policy makers view the relationship between the eradication of poverty and biodiversity conservation.²⁸ Some

²² Ibid., p. 25

²³ Billé et al., *Biodiversity Conservation and Poverty Alleviation*, p. 2

²⁴ Billé et al., *Biodiversity Conservation and Poverty Alleviation*, Box 3, p. 15

²⁵ Ibid., p. 14

²⁶ Ibid., p. 16

²⁷ Ibid., Box 3, p. 15

²⁸ Ibid., p. 14

environmentalists make a case for prioritising conservation over poverty alleviation in development policy.²⁹ From their analysis of the literature, Billé *et al.* note that there is “...still a worrying—as far as biodiversity is concerned—lack of evidence that poverty alleviation may be decoupled from growth in the consumption of material goods...” and that in fact development trends in the South are to some extent a game of catch-up in terms of material consumption.³⁰

Indeed, they argue that “...poverty alleviation may...yield better biodiversity conservation only if tied to explicit conservation objectives...” because, quoting the IIED’s Poverty and Conservation Learning Group, “...poverty is only one factor driving biodiversity loss. Reducing poverty will not, necessarily, therefore, lead to biodiversity conservation unless other drivers are also addressed.”³¹ By contrast, in a more negative vein, most famously, and negatively, Holmes Rolston III’s discussion in ‘Feeding People Versus Saving Nature’ is full of implicit assumptions about social conditions that he takes as self-evident. For example he argues that there are three problems when it comes to poverty, namely “...overpopulation, overconsumption, and underdistribution...” and he writes, “...sacrificing nature for development does not solve any of these problems.”³² Without development (distribution and population stabilisation for all) nature will be sacrificed anyway to overconsumption by the few. The stance in that essay reflects the assumption of a downward spiral linking population and resource use in a detrimental relationship when it tells us that marginalised peoples, forced onto marginalised lands, “...find it difficult to plan for the long-term...” and that “...those lands become easily stressed...” both because they are marginal and because of this inability to plan for the future.³³

²⁹ See the discussion the Holmes Rolston III’s *Feeding People Versus Saving Nature*. Holmes Rolston III, “Feeding People Versus Saving Nature” in William Aiken and Hugh La Follette (eds) *World Hunger and Morality*, (New Jersey: Prentice Hall, 1996), pp. 248-267

³⁰ Billé et al., *Biodiversity Conservation and Poverty Alleviation*, p. 14

³¹ *Ibid.*, p. 12

³² Rolston III, *Feeding People Versus Saving Nature*, p. 260

³³ *Ibid.*, p. 254

This orthodox view of the relationship between poverty and biodiversity is also reflected in the Brundtland Commission's argument that poverty is a "...major cause and effect of global environmental problems."³⁴

Although here however this is presented first as an instrumental argument in favour of human development. In this paradigm poor populations were primarily viewed as agents of environmental degradation.³⁵ If they were to invest sufficiently in environmental protection then poverty had to be eradicated.³⁶ Examining this still prevalent understanding of the relationship between poverty and environment more closely may prove informative.

The assumption of a negative correlation between poverty and resource use was stressed too by the UNDP (the UNHD Report 1990 listed poverty as a major threat to the environment), the International Monetary Fund (IMF), and the World Bank.³⁷ The World Bank's World Development Report (WDR) 1992, *Development and the Environment*, acknowledged that the alleviation of poverty was a moral imperative as well as prerequisite for environmental sustainability.³⁸ However the report recognised that because of their fragile and limited resources, ill-defined property rights, and lack of access to credit and insurance, the poor were not in a position to invest heavily in long term sustainable practices.³⁹ The poor in this model were understood as victims of circumstance, but ironically were also taken as agents of more rapid environmental degradation. This raised the issue, highlighted differently and negatively in terms of demographics, by Hardin and others, that the commons might be managed more sustainably with a property rights system.⁴⁰

³⁴ World Commission on Environment and Development, *Our Common Future*, p. 3

³⁵ *Ibid.*, p. 28

³⁶ World Bank, *World Development Report 1992: Development and the Environment*, (Oxford: Oxford University Press, 1992), pp. 30-32

³⁷ United Nations Human Development Programme, *Human Development Report 1990*, (United Nations: New York, 1990), p. 7

³⁸ World Bank, *World Development Report 1992: Development and the Environment*, p. 30

³⁹ *Ibid.*, p. 30

⁴⁰ There are two solutions he offers: central control (government) or private property rights, both of which represent changes in 'property rights' away from the commons model. But this is a misunderstanding of commonage and how it works.

The report identified an instrumental contribution from a property rights system in environmental protection.⁴¹ Land tenure rights, it is argued, are the means by which the poor can be enabled to devote more resources to conservation of the resource base.⁴² Property rights systems have long been seen as a public good that affect economic outcomes through increased investment incentives, facilitation of market transactions, and power relations.⁴³ The International Fund for Agricultural Development (IFAD) also notes that this could also have additional positive impacts: tenure security could contribute to the success of agricultural innovations for climate change mitigation or adaptation.⁴⁴

Land reforms, such as property rights systems, are also promoted by the UN organisations and by governments for the above reasons and for reasons of social development and justice (argued in the 19th century in Europe e.g. Land League in Ireland). Property rights systems have also been advocated externally by donor countries, as well as by pressure groups inside countries. We are also seeing renewed interest in these reforms, motivated by the original concerns to stimulate economic growth by improving land use efficiency, but now to promote sustainable land management (SLM) and reduce poverty. Secure tenure secures people's homes and provides families with an asset that can facilitate access to credit, which contributes to poverty alleviation and encourages new long-term commitments to the resource base. As such they are part of the arsenal in instrumental arguments for addressing poverty with the additional aim of improving conservation of local biodiversity. While more recent World Bank reports do recognise that the link between poverty and resource use is mediated by a number of factors, and is therefore more complicated than that simpler original

⁴¹ The argument for security of tenure for peasant farmers in developing countries differs from Hardin's idea of managing the commons with a property rights system.

⁴² Stein T. Holden, Keijiro Otsuka and Klaus Deininger, "Land Tenure Reforms, Poverty and Natural Resource Management: Conceptual Framework" in Stein T. Holden, Keijiro Otsuka and Klaus Deininger (eds) *Land Tenure Reform in Asia and Africa: Assessing Impacts on Poverty and Natural Resource Managements*, (Basingstoke: Palgrave Macmillan, 2013), pp. 1-26, p. 4

⁴³ Holden et al., *Land Tenure Reforms*, p. 4

⁴⁴ International Fund for Agricultural Development, *Improving Access to Land and Tenure Security*, (Rome: IFAD, 2008), p. 5

approach, this interpretation—the idea of a “downward spiral” linking poverty and environment—persists.⁴⁵ The outlook for the management of degraded ecosystems and poverty reduction, from this position, is pessimistic.

The evidence base however shows a different picture: that local biodiversity in many of the world’s hotspots are damaged as much, or more, by international commercial interests as by the actions of local populations meeting livelihood needs. For example, the production of palm oil as a ‘cash-crop’ for export, and the demands for biofuels and timber products by the industrialised world, is unsustainable but a factor largely bypassed in this debate until very recently.⁴⁶ This is also played down by developing countries looking for international investment to raise GDP, and is minimised by the companies investing. This is happening in Ireland with plans for kelp harvesting in West Cork. Concerns are being voiced about the lack of consultation about the impacts of the activity.⁴⁷ In such cases there is a real conflict, exploit the resource base and develop, or fail to do so and have no funds for development. This is not a new dilemma, nor is it easily squared. Economic incentives are seen by proponents of market-based instruments such as payments for ecosystems services (PES) as essential for conservation.⁴⁸ However these systems are not necessarily straight-forward.

For example, Ecuador is a participant in the global PES system, namely Reducing Emissions from Deforestation and forest Degradation, plus the conservation and enhancement of carbon stocks and the sustainable management of forests (REDD+).⁴⁹ Under this system money transfers are offered for conservation. However, this is not without challenges.

⁴⁵ Ibid., p. 22

⁴⁶ Billé et al., *Biodiversity Conservation and Poverty Alleviation*, pp. 11-12

⁴⁷ Noel Baker, “Local fears overshadow Bantry Bay kelp harvesting project” in *The Irish Examiner*, Tuesday August 8, 2017 accessed on 3 February 2020 from <https://www.irishexaminer.com/viewpoints/analysis/local-fears-overshadow-bantry-bay-kelp-harvesting-project-456566.html>

⁴⁸ Torsten Krause, Wain Collen, and Kimberly A. Nicholas, “Evaluating Safeguards in a Conservation Incentive Program: Participation, Consent, and Benefit Sharing in Indigenous Communities of the Ecuadorian Amazon” in *Ecology and Society* 18:4 (December 2013), pp. 1-16, p. 2

⁴⁹ Krause, Collen, and Nicholas, *Evaluating Safeguards in a Conservation Incentive Program*, p. 2

For example, Ecuador is home to the Yasuní National Park, “...a major protected area within the western Amazon...” but it also relies on “...the oil industry for half of its total export earnings and for over one-third of its annual federal budget.”⁵⁰ A large untapped oilfield, the ITT Block (the Ishpingo, Tambococho, and Tiputini oil fields), lies beneath a mostly intact area of the park.⁵¹

The Ecuadorian government announced the Yasuní-ITT Initiative in 2007 to keep this oil in the ground, foregoing the economic dividends, “...in exchange for financial compensation for the international community or from carbon markets.”⁵² Yet despite being in a protected area of the park, and despite the 2007 government initiative, Yasuní faces threats from oil projects.⁵³ By 2013 the conservation plan had been abandoned.⁵⁴ The Ecuadorian government blames the collapse of the initiative on the failure of the expected funding to materialise.⁵⁵ However a Guardian report from the time notes “...preparations for a U-turn have long been under way and exploration is likely to begin within weeks.”⁵⁶

As to the link between poverty and biodiversity, the evidence does reveal that asset-poor families who rely on aspects of local biodiversity as an insurance mechanism or risk management strategy, something to fall back on in hard times, are disproportionately impacted by the loss of biodiversity.⁵⁷ Evidence also demonstrates that a significant share of the income of rural households in developing countries is derived from ESS that are part of a common inheritance pool, and outside of market mechanisms. Wealthier rural families depend more on employment

⁵⁰ Margot S. Bass, Matt Finer, Clinton N. Jenkins, Holger Kreft, Diego F. Cisneros-Heredia, Shawn F. McCracken, Nigel C. A. Pitman, Peter H. English, Kelly Swing, Gorky Villa, Anthony Di Fiore, Christian C. Voigt, Thomas H. Kunz, “Global Conservation Significance of Ecuador’s Yasuní National Park” in PLoS ONE 5: 1 (January 1 2010), pp. 1-22, p. 2, p. 14

⁵¹ Bass et al., *Global Conservation Significance of Ecuador’s Yasuní National Park*, p. 2

⁵² *Ibid.*, p. 2

⁵³ *Ibid.*, p. 13

⁵⁴ Jonathan Watts, “Ecuador approves Yasuní national park oil drilling in Amazon forest” in The Guardian Friday 16 August 2013 accessed on 14 January 2020 from <https://www.theguardian.com/world/2013/aug/16/ecuador-approves-yasuni-amazon-oil-drilling>

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ Billé et al., *Biodiversity Conservation and Poverty Alleviation*, p. 8

income and on remittances than on local natural resources.⁵⁸ Relatively wealthier households, with more asset holdings, are able to generate higher environmental income. More assets—livestock, access to credit and markets—enhances their capacity to maximize the harvest of natural resources.⁵⁹

The evidence also suggests that overall, the asset-poor depend on open-access “...low-value resources, with lower commercial value.⁶⁰ This dependence is reflected in relation to food security and vulnerability to shocks and stresses.⁶¹ In terms of food security a lack of tenure and limited access to water means that wild plants and animals are often an important supplement to the diet of many poor people. In relation to vulnerability to shocks and stresses the livelihoods of rural asset-poor families are also, additionally, negatively impacted in regions susceptible to climactic shocks—storms, flooding, erosion. The impacts are amplified by coastal erosion and the loss of natural protection. With the degradation of mangroves, coral reefs, and swamp forests that offer protection against storms, cyclones, and monsoon waves, poor households are forced to increase their spending on protection.⁶²

Wildlife provides a source of protein, calories, vitamins, and micronutrients and declining availability negatively impacts nutrition in some countries. The burden of securing food and water in the context of declining availability is also a gender issue. Often this burden falls chiefly on women and so has negative impacts on women's health because of the greater distance they have to travel to find, and carry, food and water.⁶³ In conclusion, it is clear that the relationship between poverty and loss of biodiversity is not a symmetric one. It is the case that poorer households that have fewer opportunities for substitution rely more heavily on ESS, but that does not necessarily implicate poverty in the erosion of biodiversity. It does mean the corollary, that the poor are

⁵⁸ Ibid., p. 7

⁵⁹ Ibid., p. 6

⁶⁰ Ibid., p. 8

⁶¹ Ibid., p. 7

⁶² Ibid., p. 7

⁶³ Ibid., pp. 6-7

more vulnerable when biodiversity, with its potential for environmental income, is eroded.⁶⁴

The assumption of a mutually reinforcing downward spiral between poverty and environmental degradation can also inhibit positive outcomes. It is clear that top-down macroeconomic approaches led by this assumption can both fail to meet livelihood needs locally, and also fail to protect environmental resources where people's livelihoods depend on them.⁶⁵ And such policies can and have made life more difficult for poor people in marginal environments and at the same time made them the scapegoats for habitat depletion, when proportionately they are no such thing.⁶⁶ For example, from a poverty perspective a lack of clean water is a larger environmental problem of more immediacy than the topic of deforestation.⁶⁷ Many of the poorest people in the world lack access to a clean, reliable water source. This has serious health impacts. However, forest protection, as part of a land management system, provides a range of options for the provision of clean water.⁶⁸ And in turn forest protection is more possible for communities who are not scrambling daily for clean water.

Addressing perceived problems at the macro level also often excludes local populations, yet poverty can be exacerbated where people are not included in these macro level schemes. Local communities can and do lessen the impact of environmental change through local institutions that manage the use of environmental resources. This is evident from the work carried out by Ostrom in her analysis of the governance of the commons as we shall see in chapter five. The inclusion of local people, exercising their agency, is both a means to better management and, from the point of view of the capability approach, also 'the end' for development strategies.⁶⁹

⁶⁴ Ibid., pp. 7-8

⁶⁵ Forsyth, Leech and Scoones, *Poverty and Environment*, p. 5

⁶⁶ Ibid., p. 36

⁶⁷ Ibid., p. 34

⁶⁸ Sue Stolton and Nigel Dudley, *Managing Forests for Cleaner Water for Urban Populations*, in Food and Agriculture Organisation of the United Nations accessed on 26 February 2020 from <http://www.fao.org/3/a1598e/a1598e10.htm>

⁶⁹ Forsyth, Leech and Scoones, *Poverty and Environment*, p. 35

The broader recognition of the role of local institutions in mitigating both poverty and environmental damage is a welcome shift from the assumption of a negative downward spiral as a mark of the relationship between poverty and environment. It also gives late but welcome recognition to the crucial institutional forms that can and do already mediate between the so called global and local level. Having discussed the relationship between poverty and biodiversity, I now turn to the question not just of poverty alleviation, but the emergence of more person-centred approaches as the driver of development.

3.1.1 Development and Growth in Economic Policy

From the 1950s the concern with social arrangements turned to the question of development, to a question of a widening the range of human choice.⁷⁰ In the early stages of the development discourse the UN Assembly's *Declaration on Social Progress and Development*, in 1969, did highlight the distinction between economic development and social development. While it did recommend to governments projects for social development the development programme was however eventually left in the hands of economic actors, the Bretton Woods Institutions, the World Bank; the International Monetary Fund (IMF); the World Trade Organisation (WTO); and Organisation for Economic Cooperation and Development (OECD). The primary concern of these international financial institutions (IFIs) is economic development rather than social development. While it is true to say that the purpose of economic growth was already seen by some economists and development planners not as an end in itself but rather as a "performance test" of development, growth and development were at times simply conflated.⁷¹ The convention in early development policy was to measure poverty by looking at GNP, the conventional index of growth for national wealth.⁷²

⁷⁰ Streeten, *Shifting Fashions in Development Dialogue*, p. 92

⁷¹ *Ibid.*, p. 92

⁷² More recently GNP is termed gross national income (GNI).

3.1.2 Gross National Product (GNP): An Inadequate Proxy for Development

GNP focuses on the growth of output per head of population, taken as an indicator of overall economic growth. It sums the market values of some services, plus the values of throughput flows and net investment or current additions to stock.⁷³ In other words, it measures the economy of a particular country as the sum of the output of products and services from that country per head.⁷⁴ Economist Herman Daly argues that GNP fails to distinguish among the three basic magnitudes that are fundamental to the steady state economy, namely: stock; service; and throughput. In a steady state economy stock—all those physical things “...capable of satisfying human wants and subject to ownership...” —is to be maintained at a level sufficient for a life of abundance for current generations and ecologically sustainable for a time into the future, and service— “...the satisfaction experienced when wants are satisfied...” —is to be maximized, while throughput—the “...physical flow of matter-energy from nature's sources...” is to be minimized. However, he argues that in GNP neither eco-services systems nor externalities are counted.⁷⁵

The outcomes it is concerned with are the generation of high income, or the promotion of high consumption.⁷⁶ It has long been known to be an inadequate proxy for development: it masks distribution. So an increased GNP can co-exist with steady rates of poverty and inequality because social and economic arrangements, and political and civil rights, are not included. It is not always linked with the ‘quality of life’ indicators such as those that Sen names, including health or longevity.⁷⁷ Sen of course recognised that if ‘success’ in development cannot be measured by income alone then “quality of life” indicators also need to be included. However, it is the case that “...there is no generally

⁷³ Daly, *The Steady-State Economy*, p. 518

⁷⁴ *Ibid.*, p. 517

⁷⁵ *Ibid.*, p. 517

⁷⁶ Sen, *Development as Freedom*, p. 291

⁷⁷ *Ibid.*, p. 93

accepted definition of 'quality of life'".⁷⁸ In response Sen identified health, education, and longevity as more encompassing proxies for quality of life or at least of the things that contribute to quality of life. The question was, if these are more salient indicators how might they be included in the assessment.

There is for example the well-known dissonance, sometimes positive, sometimes negative, between income per head and life expectancy: the higher per capita GNP of Brazil, Gabon, South Africa, or Namibia does not translate into higher life expectancy for their citizens.⁷⁹ Nor does the lower per capita GNP of Kerala or Sri Lanka equate to lower life expectancy in these countries.⁸⁰ However, as Sen points out, this is not to say that Kerala's success in terms of human development excuses the failure to also raise the level of income.⁸¹ Still, on their own "...incomes can...be rather poor indicators of important components of well-being and quality of life that people have reason to value."⁸²

Sen's and Jean Dreze's early work prompted re-evaluations in relation to indicators and found some outcomes that are better understood now. But there were surprises in the data.⁸³ For example in India between 1990 and 2009, there is an inverse relationship between per capita GNP and improved living standards for large sections of the population.⁸⁴ Despite India's considerably higher per capita income between 1990 and 2009 Bangladesh has overtaken India across a wide range of social indicators.⁸⁵ And this stretches beyond the poorer countries: in North America in relation to the life expectancy rates of African Americans for example.⁸⁶ It is possible that despite living in a country with higher per capita GNP, and having levels of income relatively higher than those in

⁷⁸ Ingrid Robeyns and Robert van der Veen "Sustainable Quality of Life: Conceptual Analysis for a Policy-Relevant Empirical Specification", *Netherlands Environmental Assessment Agency* (MNP), (University of Amsterdam: The Netherlands, 2007), p. 9

⁷⁹ Sen, *Development as Freedom*, p. 47

⁸⁰ *Ibid.*, p. 47

⁸¹ *Ibid.*, p. 48

⁸² *Ibid.*, p. 80

⁸³ Jean Dreze and Amartya Sen, "Putting Growth in its Place" in *Yojana* 56 (2012), p. 35-40

⁸⁴ Dreze and Sen, *Putting Growth in its Place*, p. 36

⁸⁵ *Ibid.*, pp. 36-37

⁸⁶ Sen, *Development as Freedom*, p. 23

poorer countries, some populations have an absolutely shorter life.⁸⁷ Figures for life expectancy and growth presented by Sen demonstrate the contrast.⁸⁸

In his work, in seeking to design new metrics, he makes a connection between life expectancy and the factors which lead to mortality—illness, hunger and morbidity—and this becomes the basis for his argument that life expectancy can act as an approximate measure for quality of life or living conditions. It is here that the significance of the shift inaugurated by Sen can be seen. It is the reach of the income generated by GNP growth, what is done with this additional income, that is crucial.⁸⁹ The significance of economic ‘growth’ lies in what can be achieved with it, how it can contribute to securing these indicators of quality of life.

3.1.3 Going Beyond GNP as a Measure of Development

While there is this need to include variables other than income in the assessment, alternative measures (i.e. health, education, longevity) are not without their problems and Sen acknowledges that “...the need to go beyond the income space does not immediately translate itself into an alternative space of the same degree of articulation.”⁹⁰ Nevertheless, while opulence-orientated metrics are relevant to an assessment of any standard of living they neglect other factors which impact well-being in the long, and even the short, term. This makes them defective and deeply limited.⁹¹ Sen argues, in a reinterpretation of Karl Marx’s concept of commodity fetishism, that while our “success” is often judged materially in terms of opulence, and commodities are valued by the market, commodities are merely means to other ends. What is important is the kind of lives people are able to lead, what they can and cannot be or do.

⁸⁷ Ibid., p. 6

⁸⁸ Amartya Sen, “*Development as Capability Expansion*”, in Keith Griffin and J.B. Knight (eds) *Human Development and the International Strategy Development for the 1990s*, (London: Macmillan Press, 1990), pp. 41-58, p. 3

⁸⁹ Ibid., p. 12

⁹⁰ Amartya Sen “*Social Justice and the Distribution of Income*” in Atkinson, Anthony Barnes and Bourguignon, Francois (eds) *Handbook of Income Distribution*, Volume 1, (The Netherlands: Elsevier, 2007), pp. 59-86, p. 75

⁹¹ Anand and Sen, *Human Development and Economic Sustainability*, pp. 2031

Despite this, the focus throughout the evolution of development thinking was to a large degree on economic growth models and national income accounts, on what could be measured and priced. A number of arguments were offered in support of the emphasis on “growth” which we will now examine. The objective here is not to give a comprehensive account of the history of development economics but to show the turning points that led away from more truncated (if not always ineffective) shifts to a ‘full-blown’ capability approach and the shifts in what ‘growth’ can mean. It is not a choice between degrowth or no growth or exponential growth, but one of circular economies.

3.1.4 Arguments for “Growth” in Development Thinking: Trickle-down Mechanisms; Government Interventions; Building Productive Capacity

Among the most prominent arguments for “growth” in development thinking were the “trickle-down effect”, direct government interventions to disperse the benefits of growth to all members of society (welfare state), and the need to build productive capacity or income first before turning attention to other, social aspects of development. I will look at each of these briefly in turn as they provide insights into the partial possibilities that may be effective in some circumstances, but only if we understand their limits and scope. First, the trickle-down effect was one mechanism by which it was argued growth would spread to all sectors of society as a society became wealthier overall.

And this effect is assumed to be delivered through market forces, not central redistribution, in the following way: the increased demand for labour would deliver higher productivity, higher wages, and then lower prices, and the benefits of growth would spread quickly.⁹² Of course there were skeptics who questioned the assumption that growth is self-evidently benign and highlighted its (negative) potential to concentrate more wealth and income primarily for the rich. Nevertheless, it can

⁹² Streeten, *Shifting Fashions*, p. 93

work under certain circumstances and benefit some workers, the problem was it was assumed to be the only necessary mechanism, leaving behind other sections of the populace.

There is no automatic expansion that spreads out to benefit all sectors of society.⁹³ One question to be addressed was how to include and account for sectors of society with little or no access to the market. However, at the same time it is not necessary to abandon the idea of “growth-mediated” development which is itself a form of trickle-down policy but rather to recognise that it is a partial measure that has scope to improve lives but also has limits.⁹⁴ As the theologian Georges De Schrijver points out, where the benefits of growth do not automatically spread to all sectors of society as the trickle-down effect suggests then other social policies are needed so that rapid economic growth does not simply coincide with increased deprivation and inequality.

Yet there are those who argue that the redistribution of wealth was not neglected, that the “trickle-down” mechanism was not simply used to defend that neglect. The Indian economist T.N. Srinivasan (1933-2018) argued that income was not in fact the primary, or even the sole, measure of development by economists or policy makers. He contends rather that statistical indexes of development were in fact deliberately divided into two groups: one encompassing “quality of life” concepts; the other encompassing economic performance in relation to quality of life.⁹⁵ Nevertheless, while the existence of measures of progress other than economic growth is not in doubt, national income overwhelmingly dominated as a measure of well-being.⁹⁶

And certainly there are many other economists, Dreze and Sen among them, who contend that from its beginnings development economics has in fact been preoccupied with the growth of real income per

⁹³ Dreze and Sen, *Putting Growth in its Place*, p. 36

⁹⁴ Elizabeth A. Staunton, *The Human Development Index: A History, Working Paper Series 127*, (University of Massachusetts Amherst: Political Economy Research Institute, February 2007), p. 12

⁹⁵ T. N. Srinivasan, “Human Development: A New Paradigm or Re-invention of the Wheel?” in *The American Economic Review* 84:2 (May 1994), pp. 238-243, p. 238

⁹⁶ Staunton, *The Human Development Index: A History*, p. 12

capita.⁹⁷ This division of labour need not have been a problem of course, with different aspects feeding into overall governance, but as Sen demonstrates there was both a lack of correlation but also significant concrete divergences between national income and human well-being measures, such as life expectancy at birth.⁹⁸ The levels of human development are therefore contingent on the policy choices countries make and not merely on national income.⁹⁹ The priorities chosen by a society on how to use its income play a fundamental role in the failure of economic growth to have the anticipated “trickle-down” effect.

The second approach, government intervention through growth-mediated development, is the corollary of the first. It is related to good governance and wise use of national income from fast economic growth, especially for social services such as public health care and public education.¹⁰⁰ It does not wait for an increase in economic prosperity before putting in place social services that “...reduce mortality and enhance the quality of life.”¹⁰¹ This approach recognises that the benefits of economic growth are only realised in tandem with the social policies it funds’ and which enable people’s participation in the process of growth. It can be “...an effective route to a very important part of development...” provided we understand its scope and limitations.¹⁰²

And at the same time, although certainly not deliberate, the destructive aspects of rapid economic growth—environmental destruction, and involuntary displacement of communities to make way for development projects such as dams as in the case of the Narmada Dam project in India—are part of such growth-mediated development.¹⁰³ In many countries development policies are a mixture of growth-mediated and social support-led practices. Support-led development “...works through a program of skilful social support of health care, education, and other

⁹⁷ Jean Dreze and Amartya Sen, *India: Economic Development and Social Opportunity*, (Oxford: Oxford University Press, 1998), p. 9

⁹⁸ Sen, *Development as Freedom*, p. 47

⁹⁹ *Ibid.*, p. 47

¹⁰⁰ Dreze and Sen, *Putting Growth in its Place*, p. 36

¹⁰¹ Sen, *Development as Freedom*, p. 46

¹⁰² Dreze and Sen, *Putting Growth in its Place*, p. 36

¹⁰³ *Ibid.*, p. 36

relevant social arrangements...” as exemplified by the state of Kerala.¹⁰⁴ These are often contrasted with (and occur simultaneously alongside) “unaimed opulence”.¹⁰⁵ Some sectors of a society get very disproportionately wealthy very quickly for a variety of reasons, leaving a majority far behind.

This “unaimed opulence”—a term developed by Dreze and Sen—can be described as the indiscriminate pursuit of economic growth without active social policies to deliver development in the sense of improved living standards and enhanced well-being and freedom.¹⁰⁶ It involves the aimless pursuit of economic growth that does not pay sufficient attention to how that growth is distributed or the impact it has on people’s lives.¹⁰⁷ Rapid economic growth can and does coincide with inequality and deprivation. These aspects of the aimless pursuit of economic growth do not pay sufficient attention to how that growth is distributed. For instance, India has witnessed rapid economic growth in a short period of time with substantial increases in per capita national income. However, when we look at the social indicators India is falling behind almost every other South Asian country.¹⁰⁸

Some of these countries have only half the per capita income of India. The rapid growth has funded world-class facilities for the privileged while some aspects of the development this drives excludes the poor and actively represses and disinherits millions of Indian citizens.¹⁰⁹ It has exacerbated inequalities. As an alternative to this unaimed opulence Dreze and Sen argue instead for a comprehensive policy approach which includes growth-mediated development to advance social development.¹¹⁰ They argue that the change in policy priority that is required for this can be achieved through democratic engagement,

¹⁰⁴ Sen, *Development as Freedom*, p. 46

¹⁰⁵ *Ibid.*, p. 36

¹⁰⁶ Dreze and Sen, *Putting Growth in its Place*, p. 36

¹⁰⁷ *Ibid.*, p. 36

¹⁰⁸ *Ibid.*, p. 36

¹⁰⁹ This is the case for example with the continued construction of dams in the name of “development”, which benefit the privileged while damaging the poor. See Dreze and Sen, *Putting Growth in its Place*, p. 38

¹¹⁰ *Ibid.*, pp. 38-39

which itself requires public discussion about development related issues.¹¹¹

The third idea, which is a step away from the social approach, argued that it is crucial to build capital, infrastructure and productive capacity first and that other aspects of development, social and political aspects, must wait until this level of development is achieved. As economist Paul Streeten points out, this meant that the fate of the poor would deliberately not be the focus in the early stages of development. Mahbub ul Haq, while he was Chief Economist in Pakistan in the 1960s, subscribed to the argument that this philosophy of growth must be consciously accepted by the underdeveloped countries, although he did change his views later.¹¹² And it meant that ideas of equitable distribution and the welfare state would have to be suspended until development had taken place thus making these “luxuries” affordable.¹¹³ Yet as we have seen Sen argues that financing these luxuries, through support-led processes, is possible when we look at the economics of relative costs: social services such as health care and education are labour-intensive and are therefore “...relatively inexpensive in poor—and low-wage—economies.”¹¹⁴ In addition, they have other benefits in bringing women into the work-force and in promoting population stabilisation. Nevertheless, the original assumption—guided, it is assumed, by a benevolent ethic—was that after an initial period of increased inequality during which the accumulation of capital would be the objective, there would then be a “golden age” where growth would be coupled with greater equality.¹¹⁵

This argument is reflected in the implicit belief in some development circles that the expansion of basic social opportunities is a luxury that cannot be afforded until these more basic economic development markers have been established. And it has not gone away. For

¹¹¹ Ibid., p. 40

¹¹² Paul Streeten, “Foreword” in A.S. Bhalla, *Uneven Development in the Third World: A Study of China and India*, (London: Macmillan Press, 1995), pp. xvii-xxi, p. xviii

¹¹³ Mahbub ul Haq, *The Strategy of Economic Planning: A Case Study of Pakistan*, (Karachi: Oxford University Press, 1966), p. 30

¹¹⁴ Sen, *Development as Freedom*, pp. 47-48

¹¹⁵ Streeten, *Shifting Fashions*, pp. 93-94

economists subscribing to this argument, and for some liberal philosophers such as Rawls, inequalities are justified if they are a necessary condition for ultimately advancing the conditions of the poor.¹¹⁶ Of course this delayed benefit has to be paid for and the poor would have to make greater sacrifices by tightening their belts until the point at which the growing income would be finally accompanied by greater equality and reduced poverty.¹¹⁷

In the history of development there is evidence to show that the underlying assumptions behind these three approaches turned out not to be universally valid: economic growth did not spread rapidly and widely; for the main part governments did not take actions that were corrective, and; an initial period of mass poverty has not been found to be necessary for the accumulation of savings or investments to raise overall productivity and spread the benefits of increased wealth to the poor in terms of enhanced social services.¹¹⁸ The evidence from many sectors in developing countries, in terms of farming for example, shows the opposite. Investment in large scale farms was seen as a driver of growth. Yet, small farms are equally as productive, or more so, than large farms and small scale farmers saved at least as high a proportion of their income as larger landholders. Moreover, entrepreneurial talent was found not to be restricted only to large firms.¹¹⁹

It is evident now that if these arguments for growth—trickle-down, government intervention to disperse the benefits of growth, and initial inequality followed by a “golden age” of growth and equality—were universally valid, and given the extraordinary level of economic growth that had occurred since WWII measured in terms of GNP, the development process would by now have been a success. However, as de Schrijver points out, the assumption that economic growth would eventually spread its benefits to the rest of society through a network of

¹¹⁶ John Rawls Difference Principle, outlined in *A Theory of Justice*, can be taken as sanctioning just such a strategy. Cf. John Rawls, *A Theory of Justice*, (Massachusetts: Harvard University Press, 1999), p. 53

¹¹⁷ Streeten, *Shifting Fashions*, p. 93

¹¹⁸ *Ibid.*, p. 93

¹¹⁹ *Ibid.*, p. 93

“trickle-down” mechanisms did not come to pass.¹²⁰ Governments did not always act in the best interests of the people but in the interests of the powerful, and development was postponed in favour of first accumulating capital. And as Streeten explains, alongside unprecedented growth, measured in terms of GNP growth, lower income groups often did not benefit at all.¹²¹

This recognition did lead to modifications in the approach from GNP growth to a focus on employment, but these models were applied unevenly. And the reality was that the ‘excess’ of government-policy displaced the rural poor, and mostly disenfranchised small farmers who could not be absorbed into high-income urban industry. The rate of growth of the labour force was more than was expected or ‘required’ by industry, and technology transfer from developed countries to the industrial sector of developing countries was usually labour-saving and so failed to replace older jobs or create new jobs. This model of growth is discussed in detail by Streeten.¹²² Eventually the focus in development thinking shifted from these arguments for growth to a concern with basic needs, as seen in the basic needs approach (BNA).¹²³ These arguments for growth did not hold universally, and gains in productivity went to elites and multi-nationals. A different approach was deemed necessary, an approach that would include those affected in decision-making in relation to what development should deliver for them.

3.2 A Return to the Earlier Objectives of Development: The Basic Needs Approach (BNA)

The basic needs approach (BNA) emerged in the late 1970s and it differs from previous approaches in development in that it makes explicit in its measures the need for community involvement and for self-governing institutions in the planning and execution of projects.¹²⁴ First, the BNA sees the objective of development as to provide the opportunity for a

¹²⁰ De Schrijver, *Combating Poverty*, p. 30

¹²¹ Streeten, *Shifting Fashions*, p. 93

¹²² *Ibid.*, p. 98

¹²³ *Ibid.*, p. 98

¹²⁴ *Ibid.*, p. 97

“full life” to all human beings and presupposes first meeting people’s basic needs. After the tendency in development thinking to get tied up with the economic component of development the BNA once again called attention to the more fundamental concern of development, namely human beings and their needs.¹²⁵ Sen commends this focus of the BNA exactly because it is a rejection of earlier, crude utility-based welfare economics and a commodity-based growth calculus.¹²⁶

Second, BNA moved beyond abstract aggregates such as income, or employment, to consider the specific needs of people. Although these aggregates are important they fail to capture the specific objectives people seek. And although Sen would not list “capabilities” in a hierarchy (as American philosopher Martha C. Nussbaum does, section 4.2.3) he acknowledges that in contrast to an emphasis on abstract aggregates the focus in BNA on nutrition, health, water, sanitation, shelter, education, and other essentials demonstrates its concern with some important aspects of well-being.¹²⁷ Third, in contrast to vaguer, more abstract objectives, BNA has shown itself to better mobilise resources towards development assistance. The idea of meeting basic needs has some characteristics of a public good in that the satisfaction a person gains from knowing that a child’s basic needs for nutrition have been met does not detract from the satisfaction of other people. Therefore, BNA is better able to engender specific support for targeted policies than those that are vaguer such as more downstream emphases on employment or growth.¹²⁸

Fourth, Streeten provides evidence that if basic needs are taken as the starting point, problems that appear to resist a solution otherwise become solvable: the lens of basic needs can clarify problems that seem to be isolated but which are in practice related and this points to how they might be open to solution.¹²⁹ For example, BNA has been viewed as a return to the older objectives of development, namely the needs of

¹²⁵ Ibid., p. 97

¹²⁶ Amartya Sen, *Resources, Values, Development*, (Massachusetts, Cambridge: Harvard University Press, 1994), p. 513

¹²⁷ Ibid., p. 513

¹²⁸ Streeten, *Shifting Fashions*, pp. 97-98

¹²⁹ Ibid., p. 98

the poor.¹³⁰ It appears to bring us back to the original starting point in development theory, to the question of whether or not development is about some set of universal, basic needs that are seen as achievable. In this sense, Streeten argues, BNA was a “home-coming”.¹³¹

This home coming was undertaken because it became more and more clear that the gains in productivity in developing countries were being passed on to multinationals, foreign buyers, or to domestic elites and not to the society as a whole. To tackle poverty, gains must be remunerative for the poor as well as being productive. BNA is not, Sen would argue, simply a return to what was before. It does helpfully shift the focus to deprivations of goods and services and their role in human life, but the gaps that became clear in this shift back to BNA also pointed to a need for a reinterpretation of poverty itself. And this is where Sen’s view of poverty as a capability failure, rather than failure to meet certain basic needs, becomes even more clarifying.¹³²

3.2.1 Criticisms of BNA from a Capability Perspective

Insofar as the BNA approach can capture a wider range of variables it shares some characteristics with the capability approach. It emphasises the importance of nutrition, health, education, shelter, social infrastructure, and participation in civil society.¹³³ However, a basic need or a capability, say a particular level of nutrition, may be achievable through more than just one specific bundle of commodities (which is more the focus of the BNA). The same level of nutrition may be achieved with different combinations of goods and services.¹³⁴ This should be a decision for those involved. Crucially, Sen emphasised the importance of the very freedom to choose between different commodities. If nutritional needs can be satisfied with different bundles of commodities then the freedom to choose between differing bundles is itself important. The choice must be open to debate, not set externally.

¹³⁰ Ibid., p. 98

¹³¹ Ibid., p. 98

¹³² Sen, *Inequality Reexamined*, p. 109

¹³³ Sen, *Resources, Values, Development*, p. 513

¹³⁴ Ibid., pp. 513-514

Sen argues for an analysis that can take account of these complex realities, the contingent circumstances, and the diversities and heterogeneities, that impact the use a person can make of particular commodities and may make a particular bundle of commodities unsuitable or inappropriate. In doing so he distinguishes five broad categories of conversion factors that influence the relation between a particular commodity and the achievement of a functioning and thus the lifestyle a person can enjoy, functionings being those things that together make life valuable—beings and doings such as being nourished, healthy and literate, or being part of a community.¹³⁵ These insights alert us to the significant differences between BNA and capability. BNA is concerned with achieving a minimum level of capabilities. The approach is restricted to those elementary needs which are taken as the necessities for physical survival.¹³⁶ The capability approach works with a different anthropology.

Focusing on basic needs concentrates on establishing and costing the basic essentials necessary for human survival and this is then “delivered” to passive recipients.¹³⁷ “Experts” decide what minimum essentials people “need” and this assumes the same needs for everyone. However, people have different needs, and they value needs differently. As Sen rightly argues, people are not merely passive recipients of aid but agents capable of thinking, choosing and acting in pursuit of the kind of lives they have reason to value.¹³⁸ Given these criticisms of the concept of basic needs it eventually faded into the background in the mid-1980s, a time when aspirations for a people-centred development model, and concerns about freedom, democratic governance, and participation, were also emerging. Fiscal responses to the debt crisis of the 1980s, seen for example in the harshness of the structural adjustment programme, prompted questions about “the human face of

¹³⁵ Robeyns, *The Capability Approach: A Theoretical Survey*, p. 95

¹³⁶ Sen, *Resources, Values, Development*, pp. 513-514

¹³⁷ Streeten, *Shifting Fashions*, p. 99

¹³⁸ Sen, *Resources, Values, Development*, p. 514

adjustment.”¹³⁹ Pollution highlighted the existence of externalities in production which also negatively impact the environment. The time had come for a wider approach in development, to include all aspects of human development, for all people, in both high-income and low-income countries.

These concerns, and others—the role of women, human rights, population, political freedom, empowerment, corruption, peace and culture—began to be incorporated into the development dialogue.¹⁴⁰ Sen’s capability approach would bring the focus back to people once again, to their aspirations, and their choices. It went far beyond narrower views of development as economic growth and of economic growth as a route to poverty eradication. Sen’s alternative to welfarism and utility, Streeten writes, represented an expansion, and a deepening, of the discarded basic needs approach which was seen as being too narrowly focused on the delivery of commodity bundles to passive recipients.¹⁴¹ In Streeten’s words, the age of human development had arrived.¹⁴² Human development is an outworking of Sen’s capability approach.

3.2.2 Human Development

The idea of Human Development (HD), and not merely economic development, was not a new discovery. It is, however, an outworking of Sen’s capability approach, an approach which we will examine further in the next chapter.¹⁴³ Despite a general trend of increased overall opulence vast numbers of people are still denied basic freedoms. When seen in terms of economic poverty the absence of these substantive freedoms denies people the freedom to be adequately nourished,

¹³⁹ Mahbub ul Haq, “The Human Development Paradigm” in Fukuda-Parr, Sakiko and Kumar, A.K. Shiva (eds) *Readings in Human Development*, (Oxford: Oxford University Press, 2003), pp. 17-34, p. 21

¹⁴⁰ Streeten, *Shifting Fashions*, p. 99

¹⁴¹ *Ibid.*, p. 100

¹⁴² *Ibid.*, p. 100

¹⁴³ Sakiko Fukuda-Parr, “Rescuing the Human Development Concept from the HDI: Reflections on a New Agenda” in Sakiko Fukuda-Parr and A.K. Shiva Kumar (eds), *Readings in Human Development*, (Oxford: Oxford University Press, 2003), pp. 117-124, p. 117

clothed or sheltered. In other instances, such unfreedoms are linked to a dearth of public facilities and social care. In these cases, there are no organised arrangements in place to provide epidemiological programmes, or to ensure peace and order in society. In yet other instances unfreedoms arise because of the denial of political liberties and civil rights or from restrictions on participation in social, political and economic life, under authoritarian regimes.¹⁴⁴

Mahbub ul Haq, under whose leadership the first of the United Nations Human Development Reports (UNHDRs) emerged in 1990, points out that human development encompasses all aspects of development—economic growth and international trade, budget deficits and fiscal policy, saving, investment and technology, basic social services and safety nets for the poor.¹⁴⁵ Development, as understood by the UNDP, is now concerned with enlarging people's 'choices' beyond just income to social, cultural, economic, and political choices.¹⁴⁶ It asks whether people participate in economic growth, have access to the opportunities that expanded trade affords, whether technology expands or narrows their choices, whether economic growth is resulting in jobs, whether all people have access to free markets, and whether the options of future generations too are being expanded.¹⁴⁷

The annual reports published by the UNDP have also been shaped by their concern to put core elements of Sen's capability approach to use in monitoring progress in development. Development policy needs to measure the success or failure of poverty reduction strategies. Differing conceptualisations of poverty—the income perspective, the basic needs perspective, and the capability perspective—can lead to divergent accounts of the extent of poverty, and by that route, to better (or worse) realisation of alleviation.¹⁴⁸ Indeed, divergences in the estimates

¹⁴⁴ Ibid., pp. 3-4

¹⁴⁵ Ul Haq, *The Human Development Paradigm*, p. 19

¹⁴⁶ Ibid., p. 17

¹⁴⁷ Ibid., p. 20

¹⁴⁸ Sakiko Fukuda-Parr "The Concept of Human Poverty", in Sakiko Fukuda-Parr and A.K. Shiva Kumar (eds), *Readings in Human Development*, (Oxford: Oxford University Press, 2003), pp. 38-47, pp. 38ff

of global poverty are rooted in questions of definition and monitoring. This raises questions about classification and evaluations of decline.

The divergence in estimates of global poverty is not just a theoretical debate: divergences in the estimates can lead to divergent policy.¹⁴⁹ Estimates for global poverty vary greatly: some show that poverty has declined sharply, others that there have been only modest gains in reducing the proportion of people living in extreme poverty, and in yet others that poverty and inequality have increased.¹⁵⁰ For example, while “...the World Bank estimate for world poverty for 2004 was 970 million...” the estimates of economists Surjit S. Bhalla and Xavier Sala-i-Martin was much lower, ranging from 200-500 million.¹⁵¹ This apparent reduction in levels of poverty allowed Bhalla to write in 2002 that, ironically the first MDG—to eradicate extreme poverty and hunger by 2015—had already been achieved by the time the goal was announced. He therefore argued that resources were being raised in the present to address non-existent poverty in the future.¹⁵²

However, in redesigning the metric to provide a better picture of poverty, the indicator of progress must not be annual per capita income alone because social achievements that contribute to well-being are not captured sufficiently well by a monetary indicator. The metrics must include the relative amount of that income spent on social services such as health and education, and on furthering civil and political liberties. This is where the significance of the Human Development Index (HDI), which includes measures other than income, lies.

¹⁴⁹ Martin Ravillion, “The Debate on Globalisation, Poverty, and Inequality: Why Measurement Matters” in Sudhir Anand, Paul Segal and Joseph E. Stiglitz (eds) *Debates on the Measurement of Global Poverty*, (Oxford: Oxford University Press, 2010), pp. 25-41, p. 26

¹⁵⁰ Ravillion, *The Debate on Globalisation*, p. 25

¹⁵¹ Surjit S. Bhalla, “Raising the Standard: The War on Global Poverty” in Sudhir Anand, Paul Segal and Joseph E. Stiglitz (eds) *Debates on the Measurement of Global Poverty*, (Oxford: Oxford University Press, 2010), pp. 115-142, pp. 115, 116

¹⁵² Surjit S. Bhalla, *Imagine There's No Country: Poverty, Inequality and Growth in the Era of Globalization*, (Washington DC: Institute for International Economics, 2002), pp. 92-93

3.3.3 The Human Development Index (HDI): A Composite Index of Social and Economic Progress

The inclusion of “social achievements” in the calculation is not a rejection of the instrumental value of income in enhancing capability but rather points to the fact that these various achievements are not well captured by a monetary indicator: there is a need for conscious public policy to translate economic growth into the expansion of human choice. From the perspective of the UNDP objective of socioeconomic progress the challenge was to measure social and economic progress in an interrelated way. What emerged was the HDI which sought to include income, as well as life expectancy and literacy, as approximations of socio-economic progress. It specifies a minimum value and an adequate value for each of the three dimensions on a scale from one to zero.¹⁵³ Because it can be disaggregated in a number of ways the HDI can be updated, and it does better reflect social achievements than GNP alone.¹⁵⁴ The HDI highlights the fact that gaps in human development between different nations are more manageable than disparities in income suggest.¹⁵⁵ So while income and human development are linked, the nature of the link is dependent on the development priorities countries choose. Crucially too the indicators can be disaggregated by gender, geographical region, or ethnic group and this has allowed it to highlight relevant policy inputs and to forecast potential problems.

While the HDI was an advance on GNP, and the UNHDRs contributed to a shift in focus from average national income to a broader evaluative framework, the index failed to adequately address human development specifically from the deprivational perspective.¹⁵⁶ This was especially pertinent given that UNHDR 1997 was concerned with the conditions of the poor specifically. And so specific recognition of the need for an index addressing the failure to focus on the poor resulted in the Human

¹⁵³ Having averaged the three we get the average human deprivation index. Subtracted from one, the human deprivation index then gives the human development index. Cf. Streeten, *Six Veils*, p. 20

¹⁵⁴ Ul Haq, *The Birth of the Human Development Index*, p. 130

¹⁵⁵ *Ibid.*, p. 130

¹⁵⁶ *Ibid.*, p. 2

Poverty Index (HPI). The HPI was introduced to supplement the HDI in the 1997 *Human Development Report*. In contrast to the conglomerative approach of the HDI the HPI took a specialist “deprivational” approach. The recognition of the need for an index addressing this, and other failures, contributed to the emergence, more recently, in 2010 of the Multidimensional Poverty Index (MPI).

The MPI acts as a complement to income measures of poverty. This is grounded in the recognition that non-monetary indicators of deprivation are better at capturing and conveying what it actually means to be poor.¹⁵⁷ It was designed by Sabina Alkire and James Foster of the Oxford Poverty and the Human Development Initiative (OPHI) in collaboration with the UNDP’s Human Development Report Office, and draws on the concepts of Sen’s capability approach.¹⁵⁸ It uses the same three dimensions of poverty as the HDI, namely health, education, and standard of living. The MPI uses a set of ten indicators. In the dimension of health, the indicators are nutrition and child mortality; for the dimension of education years of schooling and school attendance are the two indicators; and finally, sanitation, water, electricity, cooking fuel, flooring and assets, rather than GNP, are the six indicators for standard of living.¹⁵⁹ It aims to find a better fit between the phenomenon of poverty, which is multidimensional, and the measures of poverty, which call for the inclusion of different kinds of deprivations into any framework for measuring poverty.¹⁶⁰ As Alkire and Santos explain, the MPI is concerned with the multiple dimensions of poverty, or acute poverty understood as the inability to meet minimum internationally comparable indicators related to both the MDGs and core functionings.¹⁶¹

¹⁵⁷ Sabina Alkire, James Foster, Suman Seth, Maria Emma Santos, Jose Manuel Roche, and Paolo Ballon, *Multidimensional Poverty Analysis and Measurement*, (Oxford: Oxford University Press, 2015), p. 9

¹⁵⁸ Alkire et al, *Multidimensional Poverty Analysis and Measurement*, p.5

¹⁵⁹ *ibid.*, Table 1, p. 12

¹⁶⁰ Amartya Sen, “A Decade of Human Development” in *Journal of Human Development* 1:1 (2000), pp. 17-23p. 17

¹⁶¹ Sabina Alkire and Maria Emma Santos, “Measuring Acute Poverty in the Developing World: Robustness and Scope of the Multidimensional Poverty Index” in *World Development* 59 (2014), pp. 251-274, p. 252

With these changed metrics we can now revisit the question of the diverging estimates of poverty (as seen in those of the World Bank and of economists Bhalla and Sala-i-Martin). Estimates of poverty judged in terms of a monetary value indicate that 787 million people live on less than \$1.90 a day—\$1.90 being the current (2018), updated international poverty line (IPL). In contrast estimates using the MPI indicate that 1.6 billion of our fellow human beings are multidimensionally poor.¹⁶² This comparison illustrates numerically the gap in accounts of poverty that arises when an indirect, income approach alone is chosen as the indicator of poverty. The indirect approach is an income poverty analysis that identifies those who do not have enough income to meet certain needs, however defined. Using this method alone means that any increase in economic growth would indicate progress. This masks the fact that even if the level of a country's income is sufficient for survival this cannot necessarily be taken to mean that the "needs" of all are being met. And this is assuming the concept of "needs" is adequate, or that a pre-defined bundle of goods is the only way to meet the requirements for food, or health.

3.3 Conclusion

In the history of development thinking, it has been the case that in tandem with unprecedented growth, as measured in terms of GNP growth, the poor often did not benefit at all from economic growth.¹⁶³ This is the case for example with the early argument that the benefits of economic growth would eventually spread out to all sectors of society through trickle-down mechanisms. However, the ever-widening gap that marked the divergence between wealth and poverty (an ever-increasing gap) was seen by some as evidence of the failure of the development model of the 1960s with its emphasis on the role of such mechanisms. Rather, the priorities chosen by a society on how to use its income play a fundamental role in the success or failure of economic growth to have

¹⁶² Oxford Poverty and Human Development Initiative (OPHI), Press Release, *Beyond \$1.90 a Day: Why the World Bank is Rethinking the Poor*, (Oxford: OPHI, 1 November 2016)

¹⁶³ Streeten, *Shifting Fashions*, p. 93

the anticipated “trickle-down” effect. None of this is to deny the importance of increased national income. It is rather to note that it is the use made of this income that is crucial in addressing poverty and inequality and advancing truly human development.¹⁶⁴ In terms of economic growth the problem is not that the pursuit of economic prosperity is the central objective of planning and policy. The problem is rather whether the goal of economic growth is taken to be an intermediate goal or the very end of development. Economic prosperity, although important, is merely a means.¹⁶⁵ Human development however is a goal in itself with intrinsic importance that enhances people’s capability to lead lives they have reason to value.¹⁶⁶ Economic growth, measured in terms of national income is a means to this, not the goal itself.

A healthy national income does not automatically translate into prosperity for all. This suggests that annual per capita income alone cannot be the sole indicator of development but that its contribution to furthering crucial social services must also be included in the metric because these services are not well captured by a monetary indicator. The HDI, which includes achievements in life expectancy and literacy, comes into its own here. Bringing to light the gaps in human development between different nations, as it does, demonstrates that there are options, other than just income, that promote human development. The self-declared aim of human development as pursued by the UN is to establish the central place of people, as opposed to an exclusive focus on economic growth, in the process of development. Sen’s approach, an alternative to welfarism and utility, represented an expansion, and a deepening, of the discarded basic needs approach which was seen as being too narrowly focused on the delivery of commodity bundles to passive recipients.¹⁶⁷ The perceived advantages of the BNA over earlier approaches to growth, was its recognition of the broader goal of development, the shift from simple aggregates such as

¹⁶⁴ Ibid., p. 12

¹⁶⁵ Sen, *Development as Capability Expansion*, p. 42

¹⁶⁶ Sen, *Development as Freedom*, p. 18

¹⁶⁷ Streeten, *Shifting Fashions*, p. 100

income to a focus on needs, its hortatory potential in mobilising support for targeted policies, and its organising and integrating potential. Notwithstanding the alternative “full-life” approach to basic needs stressed by some advocates, there is room for a fuller, richer interpretation of “full life” that includes aspects that contribute to a person’s well-being beyond merely meeting their basic needs. The BNA focus on achieving the satisfaction of a minimum level of basic needs was unnecessarily restricted to those elementary needs which are taken as the necessities for physical survival. The capability approach of welfare economist Sen, by contrast, was to bring the focus back to people and their aspirations, was a shift away from the focus on basic needs, and from less comprehensive views of development in terms of economic growth and of economic growth as a straight-forward route to the eradication of poverty. His work has had a considerable influence on the design of poverty metrics. Although poverty measures alone cannot make good policy, good measurement can contribute to the creation of policy that effectively addresses poverty and its eradication. Differences in estimates of global poverty have profound implications for the eradication of poverty. There is a clear danger that if estimates find levels of global poverty to be lower than expected, or if they find that the reduction in poverty is underestimated, a concerted international effort to address poverty may not be prioritised. The concern to address poverty and contribute to the promotion of effective policy provided one of the motivations for the development of the HDI and from there to a multidimensional poverty index. Sen’s capability approach provided the template for these new metrics and inaugurated a major shift in economic and development policy in the 1990s. His capability approach is the focus of the next chapter.

4 Capability: Autonomy in Economic Perspective

Amartya Sen's capability approach has launched a generation of new questions in research and in practice across disciplines. Economic development aims at increasing the quality of life of a population through mechanisms that expand local income and increase employment opportunities. However Sen moved measures of success in development from income and employment metrics to questions of freedoms to do and to be, to capability. As Sen interprets it, capability is the freedom or the opportunity to engage in the activities and actions that a person values, 'beings and doings' such as being nourished, healthy and literate, or being part of a community and participating in society.¹

The capability approach takes 'the freedom to achieve well-being' as key, seeing well-being in terms of the person's "...freedom to achieve various lifestyles."² Sen developed it specifically to offer a broader context for assessing achievements in development than had been traditionally found in economics. The approach is considered a broad framework for evaluating human action.³ Sen's early work on participation would become a central driver for achievements in human development and poverty alleviation. His starting point differs substantially to that of earlier approaches, where the human person was viewed in terms of 'needs'. In contrast, he argues that citizens are responsible agents, who act out of commitment, towards each other and towards their environment.⁴ Along with well-being, Sen is also concerned with agency.

He employs the term 'agent' "...in its older—and "grander" sense—as one who acts and brings about change."⁵ His focus on freedom as "...a principle determinant of individual initiative..." relates to a person's

¹ Ingrid Robeyns, "The Capability Approach: A Theoretical Survey" in *Journal of Human Development* 6:1 (March 2005) pp. 93-114, p. 95

² Sen, *Development as Freedom*, p. 75

³ Ingrid Robeyns, "Capabiltarianism" in *Journal of Human Development and Capabilities* (2016), pp. 1-18, p. 7

⁴ Sen, *Why we Should Preserve the Spotted Owl*, pp. 10-11

⁵ Sen, *Development as Freedom*, p. 19

agency.⁶ In economics Sen's model of capability is considered an alternative third way to both earlier welfarist approaches (well-being of individuals in a society) and other resource-allocation models for managing assets to achieve particular goals.⁷ It is considered to be neither ideologically socialist nor free market.⁸

The approach has had an impact in moral philosophy, in theology (and specifically in CST), in anthropology, in feminist economics, in questions of justice and law, and in the pragmatic development of new metrics and networks of knowledge, as seen in the UNDP's HDI (section 3.3.3), that informs policy in developing and developed countries. Sen's approach has been focused on institutionalising policy for human social development without compromising the natural resource base on which that depends. In his more recent work Sen strongly reiterates that if development targets are to be met a more comprehensive view of the challenges is needed, including the recognition of "...energy use as essential for conquering poverty."⁹

He sees that this means a concerted focus on long term, stable energy production and something that needs appropriate supports and institutional frameworks: in other words "...opportunities for the generation and use of solar power."¹⁰ We are just now seeing an example of this in Ireland. A "...microgeneration support scheme..." is being developed which will allow small producers of 'renewable electricity'—domestic residences and communities—to "...sell the excess [electricity] into the grid."¹¹ This is an instance of subsidiarity in action, with the regulatory system providing the *subsidium* required to support the different levels of society to feed the excess energy they create into the communal grid.

⁶ Ibid., p. 18

⁷ Amartya Sen, "Equality of What?", The Tanner Lecture on Human Values, Stanford University, May 22, 1979, pp. 197-220, p. 197

⁸ Robeyns, *The Capability Approach: A Theoretical Survey*, p. 95

⁹ Amartya Sen, "Energy, Environment, Freedom" in *New Republic* 14:245 (August 25, 2014), pp. 35-39, p. 35

¹⁰ Sen, *Energy, Environment, Freedom*, p. 35

¹¹ Kevin O'Sullivan, "Citizens, businesses, and community groups to be allowed to sell electricity to grid" in *The Irish Times* Thursday January 14th 2021 retrieved from <https://www.irishtimes.com/news/environment/citizens-businesses-and-community-groups-to-be-allowed-sell-electricity-to-grid-1.4457372>

Sen rightly argues for more than unidirectional thinking (top-down solutions) and for broader priorities for environmental planning and energy-related scientific research for the long term. He argues against launching shorter term technologies, for example the nuclear option, as these might fill the gap in the interim but will not serve well in the long term.¹² At the same time, solutions are needed to provide and the necessary emphasis on reducing carbon emissions can only work if it acts to mitigate "...the need for increased power in the poorer countries."¹³

Sen's approach to capability emerged from his criticism of contrasting approaches, specifically classical economics that envisages the human person reductively as merely 'rationally self-interested'. Sen in contrast sought to secure respect for agency in development policy. He qualifies his own approach in relation to the discourse of rights, naming it a goal-rights approach.¹⁴ He distinguishes his position from the absolutist prioritisation of rights over other social goals in the approach of American Robert Nozick.¹⁵ It is the prioritisation of a rights approach—rather than a deontology—that Sen rejects. He argues instead for an alternative to the dichotomy between the 'atomistic individualism' of Nozick who is so focused on rights and the reductionist consequentialism of utilitarian views, that overrides individual freedom in the name of the good of a collective.¹⁶ This is compatible with Kant's approach to autonomy and dignity.

Sen pairs capabilities and rights in his approach, capabilities in the plural describing the substantive freedoms a person does, or does not, have but argues that his own approach does not qualify as a 'theory of justice' for several reasons. As we will see Sen carefully marks out the limits and scope of his position, and this is not a deficiency in his approach. The value in this approach, as Ricoeur sees it, is not at the level of a theory of

¹² Sen, *Energy, Environment, Freedom*, p. 38

¹³Ibid., p. 35

¹⁴ Amartya Sen, "Rights and Agency" in *Philosophy & Public Affairs* 11:1 (Winter, 1982), pp. 3-39, p. 3

¹⁵ Sen, *Development as Freedom*, p. 65

¹⁶ Sen discusses the adequacy, or not, of the "...informational bases of...standard theories of social ethics and justice..." in *Development as Freedom*, Chapter 3.

justice but in the possibilities it offers for comparing competing political programmes or policies.¹⁷ Ricoeur characterises the gap between “rights” and “capabilities” expressed in Sen’s idea of “rights to capabilities” and highlights the need for mutual recognition in bringing capabilities to fruition.¹⁸

Sen’s is not the only capability approach and there is already engagement with the capabilities approach of Martha Nussbaum by CST. Both Sen and Nussbaum employ the language of capability but there are fundamental differences between these two. In the first instance, Sen’s approach uses capability in the singular, while Nussbaum consistently uses ‘capabilities’ to describe her list of ten central capabilities.¹⁹ Moreover, they deal with questions of needs, rights, and justice in distinct ways. And significantly, in contrast to the American philosopher Sen foregoes formulas for assessing well-being in favour of ‘public discussion’ or what he specifically names as ‘open impartiality’.²⁰

This is in contrast to the closed impartiality of the social contract, and to Nussbaum’s vision of the good life in a theory of justice. Open impartiality, Sen argues, permits views from outside a focal group to be part of the assessment of the state of affairs and to be taken into account in policy formation.²¹ It is a procedure for making judgements by taking all participants into account, including those from outside any clearly invested, focal group. Sen also defends ‘open impartiality’ over a vision of the good life that delivers a list of goods as in Nussbaum’s theory of justice. For Sen, the key to the capability approach is to avoid a formulaic, expert derived list of capabilities that predetermine what is to be included in a vision of the good life. In contrast, he prioritises the place of agency in open encounter with others in the determination of the good.

¹⁷ Paul Ricoeur, *The Course of Recognition*, (Massachusetts: Harvard University Press, 2005), p. 148

¹⁸ Ricoeur, *The Course of Recognition*, p. 145

¹⁹ Martha Nussbaum, “Capabilities, Entitlements, Rights: Supplement and Critique” in *Journal of Human Development and Capabilities* 12:1 (February 2011), pp. 23-37, pp. 24-25

²⁰ Amartya Sen, “Open and Closed Impartiality” in *The Journal of Philosophy* 99:9 (September 2002), pp. 445-469, p. 446

²¹ Sen, *Open and Closed Impartiality*, p. 445

This chapter will first sketch the outline of Sen's alternative to utilities or primary goods for assessing progress on development. It will present and analyse two relevant aspects of Sen's approach, his criticism of classical economics in which the human person is viewed reductively as merely 'rationally self-interested', and his qualification of his approach as a goal-rights approach. It will examine his rejection, not of deontology as such, but of the almost complete priority given to some libertarian rights by Nozick, even at the expense of other social goals.

It examines Sen's pairing of capabilities and rights as a criterion of social justice and Ricoeur's positive assessment of the possibilities it offers for comparing competing political programmes or policies, as well as the gap Ricoeur alerts us to between "rights" and "capabilities", and the need for 'mutuality' in realising capabilities in practice. It also examines the role Sen accords to political discussion and debate in determining development priorities in economic policy. Finally, it will assess two approaches to capability, namely Nussbaum's alternative which lists basic capabilities, and Sen's emphasis on open impartiality. It will examine Sen's assertion that exercising their responsible agency, people act out of motivations beyond narrow self-interest and that these motivations and reasons for decision-making uncouple individual welfare and the choice of action, something which Sen describes in terms of 'commitment'.

4.1 An Alternative to the Concentration on Economic Wealth as a Measure of the Level of Development

Sen first presented the key aspects of his capability approach in the 1979 Tanner Lecture *Equality of What?* It was his response to his dissatisfaction with the narrowness of the informational base in models for measuring relative success in development economics. This included three prevailing models: utilitarianism, especially in its classical, Benthamite form of the greatest happiness for the greatest number; what would be called welfarism, state protection of social well-being; and, even the 'difference principle' in the work of Rawls who famously

reappraised welfarism and reinterpreted justice 'as fairness'.²² Sen's approach is a path to development that is an alternative to focusing on utilities or primary goods.

Sen refers to capability as a more appropriate "evaluative space" for a range of purposes.²³ Indeed, it is used as an evaluative tool in assessing both individual well-being and social arrangements as well as in policy design for social change.²⁴ It is also applied in the evaluation of poverty and inequality alleviation and in assessing the average well-being of communities as well as individuals. Ingrid Robeyns, the Chair in Ethics of Institutions at the Ethics Institute of Utrecht University, situates the capability approach firmly in the "liberal" school of thought in political philosophy.²⁵ Here she interprets "liberal" to refer to "...a philosophical tradition that values individual freedom."²⁶ As we have seen however in chapter one, concepts of freedom and autonomy are not homogenous, and we will see in what ways Sen's approach interprets autonomy.

Sen's focus is on the individual, who has or has not the capability, to lead the kind of life 'they have reason to value'.²⁷ For Sen, freedom is fundamental to conceptualising development and as he puts it freedom is both the "primary end" and the "principle means" of development.²⁸ There is no sequence in means and ends, it is not a question of economic development first, with political and social freedoms to follow. This is what he means by means and end, development as freedom is the objective of the process and the mechanism for its achievement. The focus is on the kind of life persons actually manage to achieve—not merely the measurement of means available—and it is this that informs the evaluation of social arrangements.²⁹

Despite sharing the concern for the centrality of the individual with others who also offer models of justice in the context of political

²² Sen, *Development as Freedom*, p. 59. For his critique of these approaches see his 1979 Tanner Lecture *Equality of What?* and *Development as Freedom*, pp. 56ff

²³ Sen, *Development as Freedom*, p. 74

²⁴ Robeyns, *The Capability Approach*, p. 94

²⁵ *Ibid.*, p. 95

²⁶ *Ibid.*, p. 95

²⁷ Sen, *Development as Freedom*, p. 18

²⁸ *Ibid.*, p. 36

²⁹ Sen, *The Concept of Development*, p. 15

liberalism, Sen defines his approach in contrast to them. Significantly he compares his work to that of the philosopher Rawls. Sen does not follow Rawls' in his focus on primary goods, but like Rawls he does argue for the priority of free choice. This leads to an emphasis on individual capabilities as an objective—what people choose to be or do rather than goods they might have, as a measure of development.³⁰ Sen differs from Rawls however in the way in which he distinguishes well-being freedom from agency freedom, and this will be discussed in section 4.2.1.2.

The objectives of development, within and between countries, extend well beyond economic growth.³¹ Sen proposes capability as an evaluative space to capture 'other than income' measures, for two reasons, first because aggregate income for a country is blind to distribution and second because the link between level of income and well-being is not linear. Income is but one means by which people pursue their goals and live in freedom (lives they have reason to value). His approach provides an alternative approach to measures that concentrate on economic wealth as a measure of the level of development.³² In contrast to income or utility as measures for evaluating relative success in development economics Sen's approach looks at the entirety of the social and institutional context in judging well-being.

He not only includes, but emphasises, non-utility information in the assessment including "...the substantive freedoms—the capabilities—to choose a life one has reason to value."³³ He argues that neither utilities nor primary goods are the appropriate "space" for evaluative purposes and must be supplemented with additional data.³⁴ This is where he parts company with earlier welfare approaches, not because he does not support the distribution of resources that welfare implements, but because of their exclusive focus on utility and their exclusion of non-

³⁰ Frances Stewart and Severine Deneulin, "Amartya Sen's Contribution to Development Thinking" *Studies in International Comparative Development* (Summer 2002) 37:2, pp. 61-70, p. 62

³¹ Sen, *Social Justice and the Distribution of Income*, p. 73

³² Sen, *Development as Freedom*, p. 86

³³ *Ibid.*, p. 74

³⁴ *Ibid.*, p. 74

utility information, an exclusion he finds “counter-intuitive” and unacceptable.³⁵

He also rejects the utilitarian attempt to reduce preferences to “...just one homogenous “good thing” ...” such as pleasure or happiness by which to evaluate welfare.³⁶ This reduction, he argues, denies “...our humanity as reasoning creatures.”³⁷ In the utilitarian formula utility information is taken as the basis of evaluation. Freedom, rights, or quality of life (QOL) concepts are not directly included in the evaluation. In addition, and crucially, “...the aggregative framework of utilitarianism has no interest in—or sensitivity to—the actual *distribution* of utilities, since the concentration is entirely on the total utility of everyone taken together.”³⁸

Also, in contrast to utilitarianism’s maximisation of the sum total of utilities Sen argues that to commit to a specific formula of relative weighting such as this, or any other formula, as the standard for the just society would pose an unnecessary restriction on the space for democratic decision-making.³⁹ He suggests, rather, that the significance of ideas of justice lies in their identification of manifest injustice on which it is possible to have reasoned agreement.⁴⁰ And as he has stated often his approach is not a full theory of justice but rather a “goals-rights” system. His system operates pragmatically with a presumption to justice as its background context.

4.1.1 Capability as a “goals-rights” system

In contrasting his approach with a theory of justice Sen usefully explains what he takes to be the elements of a full theory of justice. He says that “...a theory of justice, or more generally an adequate theory of normative collective choice, has to be alive both to the fairness of the processes involved and to the equity and efficiency of the substantive

³⁵ Ibid., p. 56

³⁶ Ibid., p. 77

³⁷ Ibid., p. 77

³⁸ Ibid., p. 57

³⁹ Ibid., pp. 286-287

⁴⁰ Ibid., pp. 286-287

opportunities that people can enjoy.”⁴¹ The procedural components are crucial to a theory of justice: for example the principle of non-discrimination affirms “...respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”⁴² In contrast his capability approach is in the foreground of that background of procedures where “...capabilities are characteristics of individual advantages...” but “...they fall short of telling us enough about the fairness or equity of the processes involved.”⁴³ The capability approach therefore does not define the procedural components so it does not claim to be a theory of justice. And it is worth noting here also, it does not specify an aggregative principle such as that found in utilitarianism, namely the greatest happiness or utility for the greatest number.⁴⁴ A theory of justice is therefore beyond the scope of the approach, and utility approaches are too minimal and indeed act as a constraint on achieving the possibility of development.

His approach is not only a rejection of these positions but offers an alternative route. He points out that goal-rights systems are an alternative to welfarist consequentialism and what he calls constraint-based deontology, both of which are “...inadequate because of their failure to deal with certain important types of interdependences present in moral problems.”⁴⁵ Goal-rights systems on the other hand incorporate, among other things, “...some types of rights in the evaluation of states of affairs and which gives these rights influence on the choice of actions through the evaluation of consequent states of affairs”.⁴⁶ This may appear to be a rejection of deontology outright by Sen, but that would be too easy a conclusion since his work is also indebted to Kant’s concept of autonomy. Sen is resisting the too easy colonisation of one level of deliberation by another, of development economics by a theory of justice and rights. Sen is not arguing against a

⁴¹ Amartya Sen, “Elements of a Theory of Human Rights” in *Philosophy and Public Affairs* 32:4 (2004), pp. 315-356, p. 337

⁴² Charter of the United Nations, Articles 1 (3), 13 (b), 55 (c) and 76 (c) accessed on 17 July 2018 from <http://www.un.org/en/sections/un-charter-full-text/index.html>

⁴³ Sen, *Elements of a Theory of Human Rights*, p. 336

⁴⁴ Robeyns, *The Capability Approach*, p. 96

⁴⁵ Sen, *Rights and Agency*, p. 3

⁴⁶ *Ibid.*, p. 3

Kantian deontology or indeed against Ricoeur's interpretation of deontology, as I argue below but rather locating his capability approach at a different level of argumentation.

He is clear that agency gives us responsibilities and obligations and that capability as a power to act is related to the demands of duty, or what can be called deontological demands.⁴⁷ This power is part of the normative aspect of capabilities.⁴⁸ There are duties that come from the asymmetries in our ability to act or be acted upon and this informs his approach to human development.⁴⁹ Moving from rights to correlative duties Sen also argues that because freedoms are important we have reason to ask what we can do to help each other in securing or defending them.⁵⁰ And in relation to the freedoms that underlie human rights and their violation or non-fulfilment, he argues that even when we ourselves are not responsible for the violation, we are required to consider what we can do to protect rights or to help in the achievement of these freedoms.⁵¹ There is a duty, as he describes it, to give reasonable consideration to act.⁵²

However this does not entail compulsory action in every single situation.⁵³ He argues that the demands of reasonable consideration of what one can sensibly do to help secure rights and their underlying freedoms must be assessed in light of the importance of the freedoms involved compared to other claims on action, compared to other freedoms, and in terms of the various other concerns a person has.⁵⁴ In giving reasonable consideration to what one can do we have to assess the circumstances of specific cases and this entails asking how important the freedoms and rights in question are compared to other rights and

⁴⁷ Amartya Sen, "Justice: Subsidiarity and Capabilities", in *Nobel Lectures Lombardy* (Milan: Europolis Lombardia, 2012), p. 14

⁴⁸ Sen, *Justice: Subsidiarity and Capabilities*, p. 14

⁴⁹ Sen, *Why We Should Preserve the Spotted Owl*

⁵⁰ Sen, *Elements of a Theory of Human Rights*, p. 339

⁵¹ Amartya Sen, *The Idea of Justice*, (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2009), p. 372

⁵² Sen, *Elements of a Theory of Human Rights*, p. 339

⁵³ *Ibid.*, p. 339

⁵⁴ *Ibid.*, p. 339

freedoms and assessing how effective action either alone or with other agents will be, and how any shared actions should be distributed.⁵⁵

Nevertheless, the obligation to undertake such scrutiny is not for all that an empty requirement. Despite being what Sen calls a “loosely specified obligation” this does not equate to having no obligation at all.⁵⁶ Loosely specified obligations, he writes, belong to “...the important category of duties that Immanuel Kant called “imperfect obligations””.⁵⁷ He argues that “...in this understanding, imperfect obligations are ethical requirements that stretch beyond the fully delineated duties, the “perfect obligations”, that specific persons may have to perform particular acts.”⁵⁸ Loosely specified, imperfect, or indirect obligations correlate, in the same way as perfect obligations, with the recognition of rights: the difference is in “...the nature and form of the obligations, not in the general correspondence between rights and obligations, which apply in the same way to imperfect as well as perfect obligations.”⁵⁹

Rather than assuming we owe nothing to others, the duty for reasonable consideration can offer a basis for “...a more comprehensive line of ethical reasoning...” in determining what we owe to others.⁶⁰ He argues that “...if one is in a plausible position to do something effective ...then one does have an obligation to consider doing just that.”⁶¹ There is, then, a concept of duty at work in Sen’s approach despite his rejection of the “constraint-based deontological approach” of Nozick (section 4.1.2). He also applies this to human relations to other species. He argues that because of our agency and our asymmetrical relationship with other species we have a duty towards them: some of our reasons for conservation are based on our “fiduciary” responsibility, and on our values.⁶²

⁵⁵ Ibid., p. 341

⁵⁶ Ibid., p. 341

⁵⁷ Ibid., p. 341

⁵⁸ Ibid., p. 341

⁵⁹ Ibid., p. 341

⁶⁰ Ibid., p. 340

⁶¹ Ibid., pp. 340-341

⁶² Sen, *Why We Should Preserve the Spotted Owl*

Sen explains that a goal-rights system “...permits the inclusion of right-based considerations in the goals themselves (and thus permits its direct use in the evaluation of outcomes and consequences), but it does not exclude the use of instrumental considerations as well.”⁶³ So although it takes a “goal-included” view of rights, a goal-rights system does not downplay the instrumental importance of rights for an intrinsic view of rights. On the other hand, he is also not advocating the violation of rights in favour of goals. It is clear that the violation of a right may lead to a worse outcome even if it realises the more immediate goal. Rather, what he wants to make clear is that the violation of a right may also have a negative impact on other objectives, including other goal-rights. This has its corollary in Sen’s assertion that instrumental freedoms—political freedoms, social opportunities, economic facilities—strengthen and reinforce each other.⁶⁴ The violation of a particular right, for example freedom of speech, is not just the violation of this right but is also a constraint on the ability of the poor to demand corrective action from the state to remedy their situation.

Conversely, freedom of speech and assembly allows people to gather and advocate for rights, an example of collective agency being used in service of tackling inequalities. Sen argues that goal-rights therefore can be fruitfully characterised as the relation between a person, and a freedom, or capability, to which that person has a right, such as the capability to be nourished or to move around without harm.⁶⁵ This is in contrast to the view of rights as a relation between two parties where one has a claim on the other as in the contractual approach of Rawls. Sen argues that many political philosophers, in particular utilitarian’s, deny that rights can have intrinsic, and possibly pre-legal, value.⁶⁶

I will close this section by pointing to a well-documented example from Sen’s work illustrating his goals-rights approach with its implicit anthropology, his work in the area of demographics. He argues that images of impending doom presenting the “population problem” as a

⁶³ Sen, *Rights and Agency*, p. 16

⁶⁴ Sen, *Development as Freedom*, p. 38

⁶⁵ Sen, *Rights and Agency*, p. 16

⁶⁶ Sen, *Development as Freedom*, p. 211

source of danger motivates calls for coercion as a solution to the perceived dangers of population growth.⁶⁷ In the case of reproductive rights, if seen in solely instrumental (utilitarian) terms, some dubious coercive practices would be normalised. Sen cites Jeremy Bentham (1748-1832) as his counter position. Bentham as the founder of modern utilitarianism, rejected the idea of intrinsic rights and considered them only in instrumental terms, that they play a role in objectives including the promotion of aggregate utility.⁶⁸ In Benthamite terms the fulfilment or violation of a right would always turn on its consequences and judged by aggregate utility coercion in reproductive rights would be one option among many, admissible if it appeared to achieve a sought-after objective.⁶⁹

Where the focus is solely on outcome, important freedoms are ignored. For Sen aggregate utility is not enough.⁷⁰ The eternal problem with utilitarianism—the lack of knowledge in judging outcomes—arises again here. Coercion in reproduction undermines capability, the very capability that can address the problem. What drove population stabilisation across the world was not coercion but development of a particular kind, that recognises the freedom of the human person as a rational, not a passive, agent.⁷¹ Rights, which are rooted in this anthropology implicit in his work, often have to be preserved against the background of demands in favour of the majority and “...its grand gains in utility.”⁷² At other times however Sen appears to argue against duties, in that he argues against the political rights of individuals always and necessarily taking precedence over other social considerations, as we shall see in his rejection of Nozick’s formulation. In doing so Sen

⁶⁷ Sen, *Population: Delusion and Reality*, p. 454

⁶⁸ Sen, *Development as Freedom*, p. 211

⁶⁹ *Ibid.*, pp. 211-212

⁷⁰ *Ibid.*, p. 212

⁷¹ Female education has a significant bearing on fertility rates. The opportunity for education, which expands women’s choice is associated not only with reduced birth rates but with the enhancement of capabilities. The evidence supports a link between female education and lower fertility rates. The recognition of women’s property rights, the ability to earn an independent income and involvement in activities external to their domestic context also contribute. Female literacy and labour force participation—elements of social development—are statistically significant to the reduction in fertility. Cf. Sen, *Development as Freedom*, pp. 226-227

⁷² *Ibid.*, p. 212

points to a general confusion between duty and rights that needs some further comment in relation to development ethics.

4.1.2 A Confusion of Deontology and Libertarian Rights?

Nozick builds on the work of Rawls. And Sen's analysis of Nozick's approach is related to the way in which he differentiates his work from that of Rawls. Sen interprets Nozick's approach to be atomistic, indeed a libertarian formulation that is an "uncompromising construction" of Rawls "priority of liberty".⁷³ Nozick overstates, Sen would argue, certain rights as having almost complete priority over social goals, including the removal of deprivation.⁷⁴ Sen questions whether the extensive libertarian rights advocated by Nozick should have to be respected as obligations.⁷⁵ What Sen specifically wants to avoid, in his rejection, is the almost complete priority accorded to certain classes of rights over other social goals in Nozick's approach.

Libertarianism argues—using the language of rights—for the prioritization of certain freedoms. For example property rights must not be violated regardless of the consequences that emerge from them because they are valued at a higher level than other things that we may also find desirable such as well-being or equity of opportunities for all.⁷⁶ Sen wants to avoid the need to choose one or the other of these two options. He argues instead for a consequential system that incorporates the fulfilment of rights among other goals. It shares with utilitarianism a consequentialist approach (but differs from it in not confining attention to utility consequences only), and it shares with a libertarian system the attachment of intrinsic importance to rights (but differs from it in where it deploys those arguments to concrete cases and their consequences).⁷⁷

Sen is not alone in being critical of atomistic approaches to rights: the Kantian ethicist, the autonomy approach, and indeed other schools of ethics, would also be critical. Many critics of Kant do argue that

⁷³ *Ibid.*, p. 63

⁷⁴ *Ibid.*, pp. 63, 65

⁷⁵ *Ibid.*, p. 60

⁷⁶ *Ibid.*, p. 64

⁷⁷ *Ibid.*, p. 212

atomism is inherent in Kant's interpretation of autonomy, but that is not justified. German philosopher and theologian Heiner Bielefeldt argues that "...from a Kantian perspective, rights of freedom are...not, in an abstract sense, prior to duty."⁷⁸ The goal-rights system, Sen argues, retains the pragmatic concern with consequences without making 'outcome' the sole criteria for judging the states of affairs.⁷⁹ It also recognises the intrinsic importance of individual rights without relating those to other social goals. He argues that in contrast to the positions which he rejects, his capability-rights system incorporates the fulfilment of rights among other goals in order to overcome the dichotomy between reductionist consequentialisms and libertarian interpretations of deontology that view social duties as an indefensible constraint to freedom.⁸⁰ Sen offers his approach instead as a 'criterion' for social justice.

4.2 Pairing "Capabilities and Rights": A Criterion for Social Justice

Sen pairs rights and capabilities in his approach in a self-conscious way that also departs from classic approaches to anthropology in economics. Ricoeur argues that this is in welcome contrast to the model of *Homo economicus* which can often involve a distorted view of the human agent.⁸¹ Sen wants to take account, in his economic model, of the idea that as rational agents people are capable of exercising their agency towards considerations other than their own narrow self-interest. Ricoeur therefore applauds Sen's pairing of rights and capabilities in relation to respect for persons for several reasons.⁸² Sen's pairing of capabilities and rights, he argues, is valuable as a criterion of social justice, in particular, because it allows decision makers to compare competing political programmes or policies in concrete ways.⁸³ The

⁷⁸ Heiner Bielefeldt, "Autonomy and Republicanism: Immanuel Kant's Philosophy of Freedom" in *Political Theory* 25:4 (August 1997), pp. 524-558, p. 527

⁷⁹ Sen, *Rights and Agency*, p. 15

⁸⁰ Sen, *Rights and Agency*, p. 3

⁸¹ Ricoeur, *The Course of Recognition*, p. 142

⁸² *Ibid.*, p. 141

⁸³ *Ibid.*, p. 148

focus on the freedom of the individual brings to light the notion of the rights that transforms abstract or aspirational freedoms into tangible opportunities.⁸⁴ Sen keeps in focus both negative freedom, the absence of interference, and positive freedom, the freedom to act. Ricoeur agrees that in its negative aspect liberty is rightly understood as the absence of interference with the individual, most usually by the state.⁸⁵ First generation rights—civil liberties such as freedom of speech, opinion, and assembly—are understood in terms of negative liberty.⁸⁶ However in its positive sense liberty concerns the freedom to act and includes everything a person can or cannot accomplish.⁸⁷ The freedom to act is expressed in different forms. In its minimal form it is expressed in the ability to survive, and “...the capacity to exist and to act turns out to be inseparable from those liberties ensured by political and juridical structures.”⁸⁸

The theological ethicist, Hille Haker notes for example that the point of political practices or actions “...is that they must secure the possibility of recognition and respect of the inter-agents.”⁸⁹ She argues, also borrowing from Ricoeur,

The mutual recognition of agents *as* agents matters as ethical underpinning of the political, i.e. the capability to respond to the other in their aiming for a good life and the accountability for one’s actions complement each other, being played out in the different spheres of personal, civil, and political interaction and practices.⁹⁰

She continues, quoting Ricoeur, that this is “...aiming at the good life, with and for others, in just institutions...” (his “little ethics”) which is not a political but an ethical endeavour.⁹¹

⁸⁴ Ibid., p. 142

⁸⁵ Ibid., p. 143

⁸⁶ Ibid., p. 143

⁸⁷ Ibid., p. 143

⁸⁸ Ibid., p. 146

⁸⁹ Hille Haker, “No Space. Nowhere: Refugees and the Problem of Human Rights in Arendt and Ricoeur” in *Études Ricoeuriennes / Ricoeur Studies* 8:2 (2017), pp. 22-45, p. 30

⁹⁰ Haker, *No Space. Nowhere*, p. 30

⁹¹ Ibid., p. 30

In contrast to negative freedom, positive freedom also includes second-generation rights—social and economic rights. Ricoeur argues that Sen’s insight, that the idea of capabilities must be incorporated into the agenda for economic action—his advocacy of “rights to certain capabilities”—is a most noteworthy contribution.⁹² It is the evaluation of situations rather than of utility that leads to the pairing of rights and capabilities and is closer to being able to map the behavior of economic agents. A gap remains however, a gap between “...the descriptive status of capability and the normative status of a right.”⁹³ For this reason Ricoeur makes an important distinction: *capability*, he writes, belongs to “...philosophical anthropology...rights to the philosophy of law.”⁹⁴ Further, “...the notion of *capabilities* belongs to a distinctive province of the recognition of persons, that of self-recognition...the concept of *rights*...to a further step, that of mutual recognition.”⁹⁵

4.2.1 Capability Theory and Mutual Recognition

Ricoeur places these two—capability and rights—together under the more “encompassing” term, “recognition”, as two distinctive but related steps in the same process.⁹⁶ The word capabilities, Ricoeur argues, “...belongs to the lexicon of human action.”⁹⁷ The term denotes “...the kind of power that we claim to be able to exercise.”⁹⁸ Ricoeur makes the distinction clear in an example. A capability for speech, for the capacity of being able to say, does involve the individual capacity for speech. But at the same time, it also involves others because “...the speech produced by someone is a speech act addressed to someone else.”⁹⁹ Mutual recognition registers that aspect, the need to be recognised, and is what brings self-recognition to realisation.

⁹² Ricoeur, *The Course of Recognition*, p. 143

⁹³ Paul Ricoeur, “Capabilities and Rights” in Severine Deneulin, Mathias Nebel, and Nicholas Sagovsky (eds), *Transforming Unjust Structures*, (The Netherlands: Springer, 2006), pp. 17-25, p. 22

⁹⁴ Ricoeur, *Capabilities and Rights*, p. 17

⁹⁵ *Ibid.*, p. 17

⁹⁶ *Ibid.*, p. 17

⁹⁷ *Ibid.*, p. 17

⁹⁸ *Ibid.*, p. 17

⁹⁹ Ricoeur, *The Course of Recognition*, p. 196

Because it involves others mutual recognition requires the mediations of institutions, with the intention that they provide stability and security for self and mutual recognition.¹⁰⁰ Ricoeur argues crucially that “...Sen’s contribution as an economist...is having associated the idea of freedom on the one hand with a life choice and on the other with collective responsibility.”¹⁰¹ There is a link between capability (which he interprets as self-recognition) and the involvement of others positively or negatively (which he interprets as mutual recognition). He argues,

Contrary to the utilitarian tradition that bases this evaluation on results already accomplished, themselves reduced to utility, it is in terms of the liberty to accomplish things, as an extension of positive liberty, that Sen bases social evaluation—for example, of competing policies. In this way, individual liberty understood as a life choice becomes a social responsibility.¹⁰²

Ricoeur at the same time does argue that there remains a gap between this approach and a fully normative account of social relations. The gap is between a capability as some need that requires recognition and a fully normative model that involves a right that is to be fulfilled. Ricoeur proposes mutual recognition to bridge that gap. It is the case that Sen calls for organised advocacy and agitation in securing individual rights or freedoms, making rights a collective responsibility, but he does not specifically address that link between the individual and the community, that here Ricoeur calls mutual recognition.

Ricoeur applauds Sen’s contribution in having linked individual freedom, as capability, with collective responsibility in his evaluative framework.¹⁰³ The exercise of freedom to choose demands collective responsibility to secure individual freedom in its negative and its positive forms.¹⁰⁴ In Sen’s work on famines, and its demonstration of the need to protect the capacity to act in its most minimal form which is the ability to survive, Ricoeur points out that Sen is correct to say that the

¹⁰⁰ Ricoeur, *Capabilities and Rights*, p. 18

¹⁰¹ Ricoeur, *The Course of Recognition*, p. 143

¹⁰² *Ibid.*, p. 145

¹⁰³ *Ibid.*, p. 143

¹⁰⁴ *Ibid.*, p. 144

protection of negative liberty is in vain if the minimal capacity to act is not protected.¹⁰⁵ The capacity to exist, and to act, is inseparable from the freedoms that are guaranteed by political and juridical structures.¹⁰⁶

This positive interpretation of his achievements by Ricoeur aside, Sen himself readily admits that his approach is not a complete theory of justice: it does not deliver procedural components that inform fairness, and it does not specify an aggregative principle.¹⁰⁷ Nor, he argues, is the capability approach a formula for judging interpersonal advantage. Although it assesses well-being in terms of capability to function, there is quite deliberately no specific formula for making interpersonal comparisons of welfare.¹⁰⁸ Sen's approach explicitly avoids applying a specific formula (such as Rawls' Difference Principle) for judging advantage. He foregoes formulas for the selection of capabilities in favour of leaving open the space for democratic decision-making because of his commitment to what he calls "open impartiality" as the process mechanism by which "...the viewpoints of others, whether or not belonging to some group of which one is specifically a member, receive adequate attention."¹⁰⁹

4.2.1.1 Foregoing Formulas in Favour of "Open Impartiality"

Open impartiality allows the perspectives of those other than a particular focal group, perspectives not subject to those of the focal group, to be taken into account in policy formation. This open impartiality he contrasts with the closed impartiality of the social contract. The social contract approach invokes only the views of those within the focal group, clear partners in the contractual relationship, and has no mechanism for including views external to the focal group.¹¹⁰ He acknowledges that contractual approaches can overcome partiality to vested interests but they do not overcome the biases of the group

¹⁰⁵ Ibid., p. 146

¹⁰⁶ Ibid., p. 146

¹⁰⁷ Robeyns, *The Capability Approach: A Theoretical Survey*, p. 9

¹⁰⁸ Sen, *Development as Freedom*, p. 286

¹⁰⁹ Sen, *Open and Closed Impartiality*, p. 446

¹¹⁰ Ibid., p. 445

itself.¹¹¹ What is taken as “normal” in “...an insulated society may not be able to survive a broad-based and less limited examination once the parochial gut reactions are replaced by critical scrutiny.”¹¹²

For example, extreme inequalities often persist because they are seen as inevitable, and analytical arguments as well as empirical evidence are required in bringing biases to light. Although speaking in the context of human rights, Sen argues that we must distinguish between “...the values that are dominantly favoured in a society...and the values that could be expected to gain wider adherence and support when open discussion is allowed.”¹¹³ There is a difference between “widespread acceptability” and pre-existing “ubiquitous acceptance” of inequalities.¹¹⁴ Public discussion is central in debating the conventional wisdom and acknowledging injustice.¹¹⁵

Sen argues that Adam Smith’s ‘impartial spectator’, a device to be applied in judging our own conduct, is a more universal concept than Rawls’s ‘veil of ignorance’. Smith’s “impartial spectator” is a device by which to invoke disinterested, fair judgements from a perspective outside the focal group. This is contrasted with Rawls “original position” which confines impartial assessment “...only to members of the focal group under a “veil of ignorance” and thus does not provide any “...guarantee against being swayed by local group prejudices.”¹¹⁶ This is a more universal concept than the ‘veil of ignorance’ because it questions “...the soundness of reasoning alienated from the way things look to others—far, as well as near.”¹¹⁷ This is not to deny that there are also similarities between elements of Rawls reasoning and open impartiality.¹¹⁸

Nevertheless there are differences with respect to borders and this is relevant to the scope of Sen’s approach. Sen argues that “...there is no

¹¹¹ Ibid., p. 447

¹¹² Sen, *Elements of a Theory of Human Rights*, p. 355

¹¹³ Ibid., p. 354

¹¹⁴ Ibid., p. 354

¹¹⁵ Sen, *Development as Freedom*, p.287

¹¹⁶ Sen, *Open and Closed Impartiality*, pp. 447-448

¹¹⁷ Ibid., p. 450

¹¹⁸ Ibid., p. 454-456

particular reason to presume that interactive communication and public engagement can only be sought..." with the boundaries of a nation.¹¹⁹ In fact the possibility of such communication across borders is, he argues, in need of reassertion.¹²⁰ This is especially so in light of challenges and threats that recognise no borders. He does emphasise individual freedom and initiative as the building blocks of development, but he effectively makes interrelated agency rather than individualised agency crucial in challenging current conditions. And this is crucial because the shared recognition of injustice may at times be dependent on, and need, open public debate and discussion. It is in this framing that he locates his interpretation of agency freedom and social choice.

4.2.1.2 Agency Freedom and Social Choice: The Role of Political Discussion and Debate in Determining Development Priorities in Economic Policy

Social choice, Sen explains, is broadly speaking the problem of how to arrive at "...coherent aggregative judgements about...society given the diversity of preferences, concerns, and predicaments of the different individuals *within* the society."¹²¹ Many economists are wary of emphasising the crucial role of political discussion and debate in determining development priorities in economic policy. And this caution is not unfounded, it stems from concern about the nature of social choice theory.¹²² Flavio Comim argues that social choice theory is the overarching evaluation framework for Sen who, unlike many economists, is willing to defend the possibility of social choice even when others are less hopeful about the possibilities for collective decision-making.¹²³ Sen's approach to social choice involves "...the

¹¹⁹ Ibid., p. 457

¹²⁰ Ibid., pp. 457-458

¹²¹ Amartya Sen, "The Possibility of Social Choice" in *The American Economic Review* 89: 3 (June 1999), pp. 349-378, p. 349

¹²² This is in light of the findings of economist Kenneth Arrow in his work on social choice theory. Sen argues not only for the need for social choice, for participation in public debate, but for the very necessity of such debate.

¹²³ Flavio Comim, *Beyond the HDI? Assessing Alternative Measures of Human Development from a Capability Perspective*, Background Paper, (New York: UNDP Human Development Report Office, 2017), p. 5. Social choice theory is concerned with how collective judgements and decisions are made using different procedures, among them voting, and making normative social assessments. It aims to determine how individual preferences can be aggregated into social preferences. Cf. Amartya Sen, *Rationality and Freedom*, (Harvard: First Harvard University Press, 2002), p. 68

choice of informational spaces in assessing social possibilities and welfare judgements.”¹²⁴

Sen persists because the ‘act of choice’ is essential for characterising the concept of freedom. This makes it clearly different from mere liberty. He is concerned with what he calls ‘appropriate reasoned scrutiny’ and with the irreducibility that can remain in the context of conflicting arguments.¹²⁵ Sen defends the possibility of common commitment, in “... the ability of different people from different cultures to share many common values and to agree on some common commitments.”¹²⁶ And he argues that we are capable of exercising our agency towards considerations other than our own self-interest.¹²⁷ There are some similarities here with Hollenbach’s concept of ‘intellectual solidarity’ in the common good tradition, where social solidarity is involved with the human person’s capacity for ‘practical wisdom’.

Sen’s insistence on recognising the ability of people from different cultures to share, and to agree, and to disagree, on many common values is one of the strengths of this approach from the point of view of philosophical and theological ethics. However, two issues remain underdetermined in his approach, both of which are related to the principle of subsidiarity: the first is that capability theory does not expand on a principle of mediation between the individual self and the social (and political) in its concept of open impartiality. The second is that in the context of a plurality of visions of the good life capability theory also leaves out a concept of the role of conviction, which is more than commitment, in this mediation. Philosopher Todd S. Mei traces the connections between open impartiality and mutual recognition in Sen and Ricoeur. In pinpointing these issues the question of recognising the possible multiple levels of mutuality between people, groups, and institutions can be elaborated on.

¹²⁴ Comim, *Beyond the HDI? Assessing Alternative Measures of Human Development from a Capability Perspective*, p 5

¹²⁵ *Ibid.*, p. 4

¹²⁶ Sen, *Development as Freedom*, p. 244

¹²⁷ Sen, *Why Exactly is Commitment Important for Rationality?*, p. 12

4.2.2 Amartya Sen's 'Open Impartiality' or Paul Ricoeur's 'Mutual Recognition'?

In Sen's approach to the intersubjective aspects of public deliberation he recognises the existence of a plurality of models of development, some of which conflict. However his approach has been criticised for seeming to play down this aspect, in the sense that he is too positive about the capacity for an 'open impartiality'.¹²⁸ Mei does argue that Sen is not blind to vested interests and offers "...a comparative account of impartiality in which difference and individual perspective are taken seriously..." but he also agrees this theory of impartiality is problematic.¹²⁹ Mei suggests that Ricoeur's theory of impartiality offers an avenue for developing Sen's approach, as "...an alternative to the resolution of conflicts within the domain of distributive justice."¹³⁰

It seems clear that Sen and Ricoeur both share some interpretations of impartiality, for example that it "... requires the ability of one group to place itself in the other's position."¹³¹ Sen frames it within a project of 'agreement'.¹³² For Sen this ability to position oneself in the place of another aims at "...the delineation of objective reasons that anyone occupying that position cannot reject."¹³³ Mei argues that in taking seriously the place of different perspectives, Sen is already skeptical of theories of justice that assume a 'uniformity of principles', a universality he deems unnecessary and insufficient.¹³⁴ Sen defends a mechanism that can be described as an "...objective standpoint built on shared reasons..." (with 'shared reasons' being Mei's term rather than Sen's) that can be found through participants 'working out' their differences.¹³⁵

Because different perspectives are to be included "...Sen uses the concept of positional objectivity to explain how objectivity is present in

¹²⁸ Mei, *Are Reasons Enough? Sen and Ricoeur on the Idea of Impartiality*, p. 1

¹²⁹ *Ibid.*, p. 2

¹³⁰ *Ibid.*, p. 4

¹³¹ *Ibid.*, p. 18

¹³² *Ibid.*, p. 5

¹³³ *Ibid.*, p. 18

¹³⁴ *Ibid.*, p. 6

¹³⁵ *Ibid.*, p. 18

individual perspective.”¹³⁶ Positional objectivity or position-dependent objectivity from “...several positions is “not so much a ‘view from nowhere’, but a ‘view of no one in particular’.”¹³⁷ Sen also recognises that a focal group may be influenced by “systematic illusions” which may appear to be impartial when viewed from inside.¹³⁸ Therefore he argues that this ‘closed impartiality’ necessitates an open and impartial perspective from outside the focal group. This can combat what he calls ‘procedural parochialism (the prejudices of the focal group), inclusionary incoherence (exclusion of others), and exclusionary neglect (neglect of those outside the focal group and affected by its decisions).¹³⁹

These are the three traits of closed impartiality, prejudices that work to exclude others and neglect those outside the group, that he seeks to mitigate in arguing for an ‘open impartiality’. This is intended to facilitate a process by which competing reasons can be scrutinised and fairness optimised.¹⁴⁰ This is a comparative form of assessment that aims at moving from general reasons to impartial reasons, and is an instance of reason itself because in bringing impartial reasons to light they have to be explained “...in a way that others can follow.”¹⁴¹ This is how, Mei argues, Sen refrains from universal truth claims by the application of impartial assessments to specific situations. Differences are settled by consensus not by universal truth claims that apply to the whole community in its entirety.¹⁴²

However Mei, points out, “...Sen’s attempt to mute universal claims through a comparative approach leaves the role of convictions unaddressed.”¹⁴³ Here convictions are ‘ethical convictions’.¹⁴⁴ Mei argues that Sen’s assumption that shared reasons are enough to engender understanding in situations of conflict is unconvincing or

¹³⁶ Cf. Amartya Sen, “Positional Objectivity” in *Philosophy and Public Affairs* 22:2 (Spring 1993), pp. 126-145, p. 129, quoted in Mei, *Are Reasons Enough? Sen and Ricoeur on the Idea of Impartiality*, p. 6

¹³⁷ Mei, *Are Reasons Enough? Sen and Ricoeur on the Idea of Impartiality*, p. 6

¹³⁸ *Ibid.*, p. 7

¹³⁹ Cf. Mei, *Are Reasons Enough? Sen and Ricoeur on the Idea of Impartiality*, p. 7

¹⁴⁰ *Ibid.*, p. 7

¹⁴¹ *Ibid.*, p. 7

¹⁴² *Ibid.*, p. 8

¹⁴³ *Ibid.*, p. 9

¹⁴⁴ *Ibid.*, p. 3

incomplete at least. Although Sen deliberately leaves “...the category of the normative broad...” because he recognises the complexity involved, Mei suggests that “...given the diversity of normative values, some of these values are not easily or readily translated into reasons that would have a wide public acceptability.”¹⁴⁵ Sen’s approach, Mei concludes, does not resolve problems that are rooted deeply in “...socially and historically determined normative values” and so he turns to Ricoeur’s interpretation of this question.¹⁴⁶

Ricoeur’s theory of impartiality, Mei argues, has a different starting point, Ricoeur interprets impartiality not as ‘an objective standpoint’ but as inter-subjective, as “...a willingness towards mutuality.”¹⁴⁷ Here Mei translates mutuality as a “...broad ethical concept that is defined, motivated, and justified by one’s own moral tradition.”¹⁴⁸ It presupposes a commitment to respect and to be responsible towards ‘an other’.¹⁴⁹ This shift in focus is rooted in Ricoeur’s understanding of convictions as prior to reasons.¹⁵⁰ A theory of impartiality needs to take account of convictions, and not to ‘bracket’ them out as irrelevant.¹⁵¹ This is a strength of Ricoeur’s interpretation, “...it does not attempt to redescribe convictions as that which are opposed to reason but instead as a major component of our rationalizing process.”¹⁵²

The implications for deliberation are significant. Sen tends to see convictions as something to be discarded if there is an absence of a standard of justification. In contrast, Ricoeur sees them in terms of commitment to the values and meaning of one’s ethical order while at the same time seeing the need for this to be argued for and justified as situations of conflict emerge.¹⁵³ In Sen’s conception of commitment, Mei argues, even if guided by altruism the relation to others concerns

¹⁴⁵ *Ibid.*, p. 9

¹⁴⁶ *Ibid.*, p. 2

¹⁴⁷ *Ibid.*, p. 4

¹⁴⁸ *Ibid.*, p. 4

¹⁴⁹ *Ibid.*, p. 4

¹⁵⁰ *Ibid.*, pp. 4-5

¹⁵¹ *Ibid.*, p. 5

¹⁵² *Ibid.*, p. 5

¹⁵³ *Ibid.*, p. 14

their welfare rather than their beliefs.¹⁵⁴ It leaves out an important aspect of inter-subjectivity that is crucial for social ethics. Mei concludes that what is required is a level of ‘hospitality’ that engages with the ethical order of another so that the complexities underlying the acceptance of their convictions as authoritative can be understood.¹⁵⁵ And this “shared understanding” is more than a consensus.

For Ricoeur, Mei writes, objectivity is impossible so impartiality as mutuality (rather than as open impartiality) is better seen as “...an intersubjective standpoint potentially leading to an ongoing “shared understanding”.”¹⁵⁶ An open impartiality perspective can rise to the consideration of commitments as we have seen in Sen’s capability theory, to an ‘altruism’ that takes responsibility in the context of asymmetries of possibilities (section 4.2.1). However, Mei argues that Sen’s formulation of commitment is ‘overly narrow’.¹⁵⁷ He contends that just like the aim to distinguish and separate good and bad forms of reasoning, so too there is a parallel move to see “...beliefs like convictions as those things which need to be discarded if they lack a certain standard of justification.”¹⁵⁸ For Ricoeur however, convictions are always ‘considered convictions’, expressing commitment to values and meaning, the normative content of which has significance for the focal group, but which is to be “...worked out and justified practically...” and historically.¹⁵⁹ Convictions are criteria for making prudent choices, but they are not ‘identical’ to justifications for between the two is “...a process of critical revision...” where convictions are revised from within one’s ethical order, and through argumentation in one’s own tradition.¹⁶⁰ And this validation of a principle as universal, through argumentation, does not secure its universality unconditionally: it is

¹⁵⁴ Ibid., p. 13

¹⁵⁵ Ibid., p. 23

¹⁵⁶ Ibid., p. 18

¹⁵⁷ Ibid., p. 13

¹⁵⁸ Ibid., p. 14

¹⁵⁹ Ibid., p. 14

¹⁶⁰ Ibid., p. 15

always subject to testing in new situations.¹⁶¹ This is the kind of 'universality' the autonomy approach claims.

Convictions therefore are "...never certain forms of knowing..." rather they involve "...a mode of communication which does not stake itself upon a claim to finality."¹⁶² Without what Ricoeur calls an "act of confidence" in which we engage the other person in debate our claims to social dialogue and cooperation would be hollow.¹⁶³ Mei argues, it is because of this that Ricoeur's is a more convincing notion of impartiality than Sen's.¹⁶⁴ For Ricoeur our ability to place ourselves in the position of the other presupposes "...a mutuality of understanding."¹⁶⁵ So mutuality is 'prior' to impartiality. And this very need to engage impartially, Mei argues, is an 'ethical good'. The demand for impartiality, which is part of our ethical order, in turn allows us to rise above 'parochial limitations', to identify 'exceptions to the norm', which assist in the revision of convictions.¹⁶⁶

One additional aspect of Ricoeur's approach to impartiality is crucial here, the link between impartiality and imputability. It is because of imputability that impartiality is possible: without it we would not be able to recognise situations of conflict that call for impartiality.¹⁶⁷

Imputability, Ricoeur argues, is the capability to be responsible, to be accountable.¹⁶⁸ The self-reflexive nature of imputability brings events and action under consideration which has the effect of "...integrating oneself within one's community..." because it implies a commitment to "...the authority of the community's ethical order."¹⁶⁹ Ethical action impacts on others and so implies "...a demand placed on self-imputation to recognise the ethical standing of others beyond one's community..."

¹⁶¹ Ibid., p. 16

¹⁶² Ibid., pp. 17-18

¹⁶³ Ibid., p. 18

¹⁶⁴ Ibid., p. 18

¹⁶⁵ Ibid., p. 18

¹⁶⁶ Ibid., p. 19

¹⁶⁷ Ibid., p. 19

¹⁶⁸ Paul Ricoeur, "Ethics and Human Capability: A Response" in John Wall, William Schweiker, and W. David Hall (eds), *Paul Ricoeur and Contemporary Moral Thought*, (New York and London: Routledge, 2002), pp. 279-290, p. 286

¹⁶⁹ Mei, *Are Reasons Enough? Sen and Ricoeur on the Idea of Impartiality*, p. 20

and towards difference.¹⁷⁰ This possibility is not guaranteed and this is why Ricoeur stresses the ‘deliberative’ aspect of ‘ethical decision-making’.¹⁷¹ Ricoeur writes, “...the search for the choice appropriate to the situation is to recognise oneself as being enjoined to live well with and for others.”¹⁷²

Mei argues, seeing impartiality through the lens of the normative framework Ricoeur describes a ‘just distance’ that “...allows for communication.”¹⁷³ It calls for deliberation in accommodating the other, against a background of a ‘shared understanding’.¹⁷⁴ This is aimed at more than shared reasons. Rather it calls for understanding of the traditions involved, by the parties involved, because we cannot assume ‘simple commensurability’ between the “...languages through which each party articulates his or her view.”¹⁷⁵ Mei argues that ‘shared understanding’ requires more than “...countering one reason with another, more sufficient one in the process of debate...” because this does not adequately account for how convictions work historically and culturally. A ‘consensus of reasons’ is therefore not sufficient for a theory of distributive justice aimed at offering solutions to conflicts.¹⁷⁶

This raises one more additional aspect of Ricoeur’s approach, namely, that to engage with the ethical order of another in such a way as to understand “...the complexities by which specific beliefs are seen as authoritative...” requires ‘hospitality’.¹⁷⁷ This background conviction acknowledges that finding resolutions to conflicts may be a ‘complex and laborious’ task.¹⁷⁸ A less rigorous alternative might be sought of course, but could pose a greater threat in that it could “...create an illusion by which we think that we can represent another’s convictions

¹⁷⁰ Ibid., p. 20

¹⁷¹ Ibid., p. 20

¹⁷² Paul Ricoeur, *Oneself as Another*, translated by Kathleen Blamey, (Chicago: The University of Chicago Press, 1992), p. 352 quoted in Mei, *Are Reasons Enough? Sen and Ricoeur on the Idea of Impartiality*, p. 20

¹⁷³ Mei, *Are Reasons Enough? Sen and Ricoeur on the Idea of Impartiality*, p. 21

¹⁷⁴ Ibid., p. 21

¹⁷⁵ Ibid., p. 21

¹⁷⁶ Ibid., p. 23

¹⁷⁷ Ibid., p. 23

¹⁷⁸ Ibid., p. 23

and ethical order by a meta-or neutral language.”¹⁷⁹ And so a social theory based on capability, is better elaborated as a ‘willingness to mutuality’ than as an ‘open impartiality’. Sen stresses the value of political discussion and debate and sees this open impartiality as an alternative to Nussbaum’s ‘fixed’ list of basic capabilities which, for Sen, closes off the space for participation.

4.2.3 Listing Basic Capabilities as an alternative to Open Impartiality

Nussbaum’s capabilities approach offers an explicit, “fixed” list of combined capabilities necessary for flourishing. The list functions as a catalogue of the different elements of a flourishing life and the central human functional capabilities are life; bodily health; bodily integrity; senses, imagination and thought, emotions; practical reason; affiliation; other species; play, and control over one’s environment.¹⁸⁰ She subscribes to the idea of a definitive list of functionings that constitute good human living, and is indebted in part to Aristotelian approaches in philosophy. Sen in contrast foregoes the selection of specific and universalisable indicators in favour of an evaluative exercise, an exercise that is always, and in an ongoing way, to be undertaken by individuals in society. Although he rejects the idea of a list of central capabilities Sen does have moral criteria for assessing well-being.

Sen defines capability in terms of what a person manages to ‘achieve’, the kind of life they lead, and what they succeed in ‘doing and being’.¹⁸¹ For example, he contrasts being ‘well-off’ with having ‘well-being’. Being well-off, he writes, is related to the concept of opulence. It is about how rich the person is and about what goods and services she can buy. It refers to “...a person’s command over things outside.”¹⁸² Having well-being, in contrast he argues, is not “...a person’s command over things

¹⁷⁹ Ibid., p. 23

¹⁸⁰ Martha Nussbaum, *Women and Human Development: The Capabilities Approach*, (Cambridge: Cambridge University Press, 2000), p. 283

¹⁸¹ Amartya Sen, “Well-Being, Agency and Freedom: The Dewey Lectures 1984” in *The Journal of Philosophy* 82:4 (April 1985), pp. 169-221, p. 195

¹⁸² Sen, *Well-Being, Agency and Freedom*, p. 195

outside..." herself but "...something in her that she achieves. What kind of a life is she leading? What does she succeed in doing and in being?"¹⁸³

Nussbaum uses the notion of capabilities in the plural defining capabilities as human entitlements ('functional capabilities'), and envisages them as a supplement to rights language.¹⁸⁴ Nussbaum describes her version of capability as "...one species of human rights approach."¹⁸⁵ She argues that it acts as a supplement to, and critique of, the long-standing intellectual scepticism about human rights. Bentham was already dismissing the idea of natural rights in the 1790s, as Sen points out.¹⁸⁶ Nussbaum argues that people are sceptical about human rights because they disagree about the basis of universal rights claims: are persons bearers of rights because they exhibit rationality, or sentience, or life?

In her version of capability, rights are based not on empirical characteristics but on a shared human dignity.¹⁸⁷ She then compiles, as a corollary of that, a list of ten central capabilities which she argues are "...fundamental entitlements inherent in the very idea of minimum social justice, or a life worthy of dignity."¹⁸⁸ Dignity, she argues, demands that people be able to use their fundamental human capacities. An absence of the capabilities she deems as part of the list results in a life not "...worthy of human dignity."¹⁸⁹

Despite the implication in that statement that dignity might be lost when it is not recognised she does argue that her list of capabilities is for the sake of dignity, and is not empirical, not rooted in the demonstration of rationality or any other human property.¹⁹⁰ In reverting to the language of dignity Nussbaum is claiming to avoid problems she sees (erroneously) coming from Kant's interpretation of autonomy (misinterpreting him as using rationality empirically). Marcus Düwell

¹⁸³ Ibid., p. 195

¹⁸⁴ Nussbaum, *Capabilities, Entitlements, Rights: Supplement and Critique*, p. 23

¹⁸⁵ Ibid., p. 24

¹⁸⁶ Sen, *Elements of a theory of Human Rights*, p. 316

¹⁸⁷ Nussbaum, *Capabilities, Entitlements, Rights: Supplement and Critique*, p. 25

¹⁸⁸ Ibid., pp. 24-25

¹⁸⁹ Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*, (Cambridge, MA: The Belknap Press of Harvard University Press, 2006), p. 78

¹⁹⁰ Nussbaum, *Capabilities, Entitlements, Rights: Supplement and Critique*, p. 25

writes that Nussbaum champions a conception of dignity that bears no relation to Kant's concept of personhood.¹⁹¹ And Junker-Kenny writes that contrary to Nussbaum's critique, in Kant the philosophical basis for human dignity is found in "...the unconditional character of freedom..." not in rationality as she argues.¹⁹²

It is the capability, and not the actuality, for morality that is fundamental.¹⁹³ Kant's insistence on the unconditional character of obligation speaks to the scope of morality.¹⁹⁴ The implication is that human beings cannot be excluded from the ranks of personhood: all human beings are accorded human dignity because of their capability for morality, and not its actualisation in cognitive achievement.¹⁹⁵ Dignity is not at our disposal. In the European context philosophers of the Kantian school would argue that one can fail to recognise and vindicate a person's dignity, but it is not for others to confer.

For Nussbaum too these entitlements belong to people because of their human dignity and are thus independent "...of and prior to membership in a state."¹⁹⁶ She has a different starting point in Aristotle rather than Kant, but Nussbaum's and Sen's approaches are both universalist, in the sense that the prepolitical indicates that rights come from the bottom up at least. However, Nussbaum, like Rawls but unlike Sen, speaks of borders, implying limits to the scope of concern to within borders, reflecting a closed impartiality. For Sen, the state provision of the services that underpin the social basis for the achievement of human capabilities, and the expansion of human freedom that this enables, applies to all people everywhere. In this sense he is universalist.

¹⁹¹ Marcus Düwell, "Needs, Capacities and Morality: On Problems of the Liberal in Dealing with the Life Sciences" in Marcus Düwell, Christoph Rehmann-Sutter and Dietmar Meith (eds), *The Contingent Nature of Life: Bioethics and the Limits of Human Existence*, (Netherlands: Springer, 2008), pp. 119-130, p. 127

¹⁹² Junker-Kenny, *Does Dignity need a Theological Foundation?*, p. 61

¹⁹³ Maureen Junker-Kenny, "Genes and the Self: Anthropological Questions to the Human Genome Project" in Celia Deane-Drummond (ed), *Brave New World: Theology, Ethics and the Human Genome*, (London and New York: T & T Clark LTD, 2003), pp. 116-144, p. 125

¹⁹⁴ Maureen Junker-Kenny, "Valuing the Priceless: Christian Convictions in Public Debate as a Critical Resource and as 'Delaying Veto'" (J. Habermas)", in *Studies in Christian Ethics* 18:1 (April 2005), pp. 43-56, p. 48

¹⁹⁵ Junker-Kenny, *Genes and the Self*, p. 125

¹⁹⁶ *Ibid.*, p.25

Nussbaum argues for prioritising locally, with the state bearing responsibility for securing the central capabilities domestically. She expresses a perspective on the justification of her central human capabilities that exhibits similarities to Rawls' concept of reflective equilibrium in liberal democracies.¹⁹⁷ She does consider the well-being of people in other nations. However, she argues that "...the view that one should always view the good of humanity as a whole as one's goal, giving that priority over local and national goals... is not my view."¹⁹⁸ Rather she specifies well-being in relation to a 'balance' between international claims and those of local or personal ties.¹⁹⁹ This is in contrast to the general universalism of Sen. The general universalism of his capability approach is not confined to states, and freedom is not an empirical concept. His approach reframes economics on those terms, and we now turn to his programme of reinterpretation of development not as economic growth but as freedom, and his focus on agency.

4.3 Responsible Agency: Beyond Narrow "Self-interest"

Sen develops his broader focus initially under the title of his pivotal text *Development as Freedom* (1999). Freedom, he writes, is the organising principle of that book.²⁰⁰ And although there may be more to development than freedom, for Sen freedom is fundamental to conceptualising development. There are, he argues, "...two distinct reasons for the crucial importance of individual freedom in the concept of development, related respectively to evaluation and effectiveness."²⁰¹ The success of society is to be evaluated by the substantive freedom of the members of the society in question, capacity to do the things a person 'values' is crucial to their overall freedom.²⁰² Sen distinguishes between well-being freedom and agency freedom.

¹⁹⁷ Nussbaum, *Women and Human Development: The Capabilities Approach*, p. 101

¹⁹⁸ Martha Craven Nussbaum, "Climate Change: Why Theories of Justice Matter" in *Chicago Journal of International Law* 13:2 (Winter 2013), pp. 469-488, pp. 473, 474

¹⁹⁹ Nussbaum, *Climate Change: Why Theories of Justice Matter*, p. 474 and *Women and Human Development*, p. 101

²⁰⁰ Sen, *Development as Freedom*, p. 244

²⁰¹ *Ibid.*, p. 18

²⁰² *Ibid.*, p. 18

Well-being freedom is related to the assessment of advantage and the capability to have various functionings and related achievements. In this sense it is concrete, it is the actualised. Agency freedom concerns “...what a person is free to do and achieve in pursuit of whatever goals and values he or she regards as important.”²⁰³ Agency freedom, in contrast to well-being freedom, is potential, it requires the appropriate support if it is to be realised. Agency freedom is marked by an “open conditionality” insofar as it relates to the freedom to achieve what the person, as a responsible agent, values.²⁰⁴ Although this does not mean that anything at all that the person decides she should achieve must for that reason be attained, she is also a responsible agent.²⁰⁵

Sen’s approach to development argues that both the well-being of people and people’s responsible agency—and their freedom to exercise it—must be recognised.²⁰⁶ The agency aspect of freedom also relates to the assessment of what a person can do in line with their conception of the good, the good for them individually, or for others. Being able to do good for another, or others, does not always necessarily work to the person’s advantage.²⁰⁷ This leaves room not only for the actualised but also for imagined alternatives, alternatives beyond obvious narrow self-interest. And Sen argues that as agents with the freedom to decide what to value our values extend well beyond the fulfilment of basic needs.²⁰⁸

Not all our decisions are geared towards our own well-being, doing more for others can lead to a reduction in well-being: and so an increase in agency freedom can go alongside a reduction in personal well-being. There are examples of this in development work of course. Volunteers extend themselves for a cause which is more important to them than a narrow self-interest. They may even “...volunteer for causes that do not advance their own well-being, such as protecting the rights or improving the conditions of vulnerable groups or conserving ecosystems,

²⁰³ Sen, *Well-Being, Agency and Freedom*, p. 203

²⁰⁴ *Ibid.*, p. 204

²⁰⁵ *Ibid.*, pp. 203-204

²⁰⁶ *Ibid.*, p. 204

²⁰⁷ Sen, *Development as Freedom*, p.206

²⁰⁸ Sen, *Why We Should Preserve the Spotted Owl*,

<https://www.lrb.co.uk/v26/n03/amartya-sen/why-we-should-preserve-the-spotted-owl>

landmarks or historical monuments.”²⁰⁹ A gain in agency freedom can occur at the same time as a net loss in well-being freedom and both aspects demand attention.²¹⁰

These two aspects of freedom, well-being freedom and agency freedom, are important in different ways, most relevantly that in terms of well-being freedom a person is viewed as a “beneficiary” and in terms of agency freedom as a “doer” and a “judge”.²¹¹ Sen argues that “...the role of a person as an “agent” is fundamentally distinct from (though not independent of) the role of the same person as a “patient”.”²¹² This implies a much greater participatory role for people, both women and men. As many who have written on the implications of his work have noted, for example in feminist economics, this has crucial implications for women and their participatory capabilities in their own societies. In his discussion on “Women’s Agency and Social Change” in *Development as Freedom*, Sen notes that the empowerment of women, through the enhancement of women’s agency, impacts not just their own lives, which is already an advantage, but also a range of other social variables, and influences, among other things, “...environmental priorities.”²¹³ The “...reach and power of women’s agency...”, he writes, extends beyond female well-being.”²¹⁴ It impacts fertility rates, the mortality rates of children, influences social change, and it is positively related to the conservation of natural resources.²¹⁵ Emancipation for women is itself a priority, but at the same time the additional instrumental value of that should not be lost in the discussions about inequality alleviation generally.

This attention to both well-being and agency is another way that Sen conceptualises his conviction that the human person is not merely a patient with needs but an agent with abilities. Sen’s is a broader

²⁰⁹ United Nations Development Programme, *Human Development Report 2016: Development for Everyone*, (New York: United Nations Development Programme, 2016), p. 87 accessed on 25 September 2018 from <http://hdr.undp.org/sites/default/files/chapter3.pdf>

²¹⁰ Sen, *Well-Being, Agency and Freedom*, p. 207

²¹¹ *Ibid.*, p. 208

²¹² Sen, *Development as Freedom*, p. 190

²¹³ *Ibid.*, p. 193

²¹⁴ *Ibid.*, p. 202

²¹⁵ *Ibid.*, pp. 197, 202

conception of the human person than that standardly applied in economic analysis. The view of the human person there—as narrowly “rational economic” person—is less comprehensive than this. Assumptions in economic theory suggest that an individual’s welfare is dependent only on their own interest, the maximization of their own welfare, and pursuit of their own goals, but this falls short of key components in Sen’s model.²¹⁶ Sen shifts the focus from self-interest to the idea of ‘commitment’.

4.3.1 Rationality and Commitment

Rational choice theory leaves out important motivations and reasons for decision making in economics. Empirical evidence shows that concrete behaviour does depart from the systematic maximisation of narrow goals and objectives.²¹⁷ People do not rule out the role of sympathy towards others, or the incorporation of considerations such as the welfare of others into their own objectives, but rather will incorporate restraints on their own goals by recognition of the goals of others as motivations for their behaviour.²¹⁸ As social beings—competent and reflective—we can contemplate others’ lives.²¹⁹ Citizens are agents acting responsibly, and Sen takes up this analysis under the heading of ‘commitment’.

Sen interprets commitment as that which is the basis for behaviour that recognises the goals and welfare of others beyond self-interest.

Commitment is the uncoupling of individual welfare and the choice of action that he also observes in practice. It can modify an individual’s goals and alter reasoned choice through the recognition that there are other people in society with their own goals.²²⁰ He argues that “...the admission of committed behavior within a theory of rationality... enriches our conceptual understanding...” and underpins the model of

²¹⁶ For a discussion of rational choice theory in economics see Sen’s *Why Exactly is Commitment Important for Rationality?*

²¹⁷ Sen, *Rationality and Freedom*, p. 28

²¹⁸ Sen, *Why Exactly is Commitment Important?*, p. 6

²¹⁹ Sen, *Development as Freedom*, p. 282

²²⁰ Sen, *Why Exactly is Commitment Important for Rationality*, p. 7

rational economic individual.²²¹ Analysing behaviour through the commitment lens also gives a better explanation of concrete behaviour than the confining view of the human person as (what I shall call) a self-interested maximiser.²²²

This more comprehensive view of the human person can be taken to mean that the shared recognition of injustice is legitimately included in policy options in open public debate. For example extreme inequalities often persist because conventional wisdom sees them as inevitable. Feminist economics has highlighted this in relation to ‘gender mainstreaming’, which self-consciously looks beyond the given ‘male’ lifecycle model to show the importance of certain freedoms which had gone unrecognised previously in mainstream models, such as the freedom to earn income outside the home.²²³ Analytical arguments, as well as empirical evidence, can bring biases to light.²²⁴

In applying this approach to pro-environmental action Sen observes that “...we can have many reasons for our conservational efforts—not all of which are parasitic on our own living standards and some of which turn precisely on our sense of values and our fiduciary responsibility.”²²⁵ Sen outlines the analogy made by Gautama Buddha about the asymmetry of power between a mother and infant, and the responsibility such power places on us. The responsibility of a mother toward her child arises “...because she can do things to influence the child’s life, positively or negatively, that the child itself cannot do.”²²⁶ This is a responsibility that arises precisely because of the mothers’ greater power in the relationship. And this agency aspect of freedom places deontological demands on us.²²⁷

Sen argues that because “...a capability is the power to do something, the accountability that emanates from our capability—our power—is a

²²¹ Ibid., p. 10

²²² Ibid., p. 10

²²³ Sen, *Human Rights and Capabilities*, p. 60

²²⁴ Sen, *Development as Freedom*, p. 287

²²⁵ Sen, *Why Exactly is Commitment Important for Rationality?*, p. 12

²²⁶ Ibid., p. 12

²²⁷ Sen, *Why We Should Preserve the Spotted Owl*, pp. 10-11

part of the normative perspective of capabilities.”²²⁸ This is imputability and there are two aspects to this capability according to Ricoeur—the normative and the subjective—and there is the common moral experience which connects them and this is formalised by Kant.²²⁹ The normative side of imputability implies that action has already been interpreted and evaluated in terms of what is allowed and what is not. The subjective side “...implies a subject who puts himself or herself under the rule of the norm.”²³⁰ How the subjective aspect of imputability plays out, what the subject who puts themselves under the rule of the norm does, depends on “rational motives” for action.

Although Kant considered only one motive, namely respect, Ricoeur suggests an enlargement of the field of moral feelings—feelings concerning indignation, shame, courage, and admiration have to do with dignity, that is, with “...a kind of immediate recognition of the dignity of a moral subject.”²³¹ Sen, in his analysis of commitment and the asymmetry in relationships in economics, the science of choice, interprets rational choice (where the subjective aspect of imputability operates) as implicitly rooted in an anthropology that is informed by the normative aspects of imputability. Rather than excluding morality from rational choice theory he recognises that morality is rightfully relevant in economics. Sen’s framework operates, sometimes implicitly, sometimes more explicitly, with an anthropology of capability, not needs, and of open impartiality that is open to normative claims. It is not merely confined to questions of well-being or individual rights.²³² Agency implies freedom but also dignity, rights, responsibilities, and obligations. In contrast to the standard view in economics Sen keeps the human subject, in his application of economic policy, open to this full range of motivations for human behaviour.

²²⁸ Sen, *Justice: Subsidiarity and Capabilities*, p. 14

²²⁹ Ricoeur, *Ethics and Human Capability: A Response*, pp. 85-86

²³⁰ *Ibid.*, p. 286

²³¹ *Ibid.*, p. 287

²³² *Ibid.*, p. 14

4.5 Conclusion

Sen's approach to development is one focused on capability not a needs-opulence calculation. Like Rawls' Sen is concerned with the priority of free choice however he rejects Rawls focus on primary goods, in favour of capability, or what people are free to choose to be or do.²³³ His approach also contrasts with the utilitarian attempt to reduce preferences to one homogenous "good thing" such as pleasure or happiness by which to evaluate welfare.²³⁴ This reduction, Sen argues, denies "...our humanity as reasoning creatures."²³⁵ Sen is not arguing against 'reason' but the idea that 'reason' is simply 'self-interested'.

A capability is a power to act, and the accountability that comes from this power is part of the normative aspect of capabilities. The concern with human freedom in Sen's approach brings to the fore the insight that social opportunities, along with political and civil rights are important in their own right, as well as being instrumentally important, and belong with any assessment of social arrangements. His capability approach has secured a respect for the human person in society. Sen argues that citizens are responsible *agents*, who act out of commitment, towards others and the environment, rather than out of narrow self-interest alone.²³⁶ This coheres with the key insights of the autonomy approach. The focus on agency demands that people be seen as active agents, not as passive recipients.

Sen's insistence on recognising the ability of people from different cultures to share, agree, and disagree, on many common values is one of the strengths of his approach from the point of view of philosophical and theological ethics. He would argue that selecting and cementing a "canonical list" of capabilities, such as that developed by Nussbaum, represents the diminution of public reasoning. The differences between Nussbaum and Sen reflect opposite claims in relation to the scope of concern for well-being and participation that mirror their respective

²³³ Stewart and Deneulin, *Amartya Sen's Contribution to Development Thinking*, p. 62

²³⁴ Sen, *Development as Freedom*, p. 77

²³⁵ *Ibid.*, p. 77

²³⁶ Sen, *Why We Should Preserve the Spotted Owl*, pp. 10-11

antecedents, Aristotle and Kant. Reflecting the influence of Kant, or Kantian approaches to autonomy, on his philosophy, Sen argues that in a capability approach each person must be treated as a holder of a set of capabilities. A surprising assertion for an economist whose discipline usually operates with an anthropology of rational self-interested individuals.

There is a difference in the scope for participation too: defining and setting a fixed expert list of capabilities can short circuit the step in deliberation that involves public reasoning. Sen leaves open the space for creative participation in determining priorities. This leaves more room for additional achievements to be included as they arise from public discussion, as objectives are achieved and replaced by new ones, and as the formation of social values and new networks of knowledge give rise to shifts in social structures.²³⁷ Recognising the plurality of the public sphere, his capability approach allows different visions of the good to play a role in determining what constitutes the good life.

Nussbaum, like Rawls, speaks of confining concern for others to within the borders of a nation. In contrast to this restriction Sen is in favour of 'open impartiality'.²³⁸

However, in this emphasis on 'open impartiality' the normative and the subjective are not always distinguished. Sen's comparative account of impartiality takes difference seriously.²³⁹ And for both Sen and Ricoeur impartiality is about one group being able to place itself in the position of another.²⁴⁰ However, Sen frames this in terms of 'agreement' while Ricoeur frames it in terms of 'mutuality'.²⁴¹ And Sen's attempt to keep universal claims at bay through the use of a comparative approach, fails to address the role of convictions.²⁴² For Ricoeur convictions are always 'considered convictions' that require ongoing argumentation in newly emerging situations. And because ethical actions affect others outside

²³⁷ Sen, *Development as Freedom*, p. 287

²³⁸ Sen, *Elements of a Theory of Human Rights*, p. 356

²³⁹ *Ibid.*, p. 2

²⁴⁰ *Ibid.*, p. 18

²⁴¹ *Ibid.*, p. 5

²⁴² *Ibid.*, p. 9

one's community their ethical standing must be considered.²⁴³

However, this willingness is not guaranteed. Therefore Ricoeur focuses on the deliberative aspect of ethical decision-making as seen in his 'little ethics' and the desire to live well together. Capabilities do not concern only self-recognition but require the mutual recognition that brings self-recognition to fruition and this implies that open impartiality requires the mediation of institutions that provide stability and security.²⁴⁴ This mutuality is more concretely identified and secured through subsidiaric processes.

²⁴³ Ibid., p. 20

²⁴⁴ Ricoeur, *Capabilities and Rights*, p. 18

5 Subsidiarity in the Social Encyclicals and as an Organising Principle in Social Ethics

Subsidiarity is a principle of social organisation.¹ It originated as a “...social principle in natural law approaches in Catholic social teaching and is formulated with respect to civil society.”² It remains an important element of the ‘common good’ in the Catholic social tradition being one of two principles that belong to the outworking of that tradition, the other being solidarity. The common good tradition begins with the premise that the human person has inherent value and inalienable dignity. And subsidiarity, as a part of the development of that tradition “...first of all describes the primacy of the individual over the community, and secondly the priority of the smaller unit over the bigger one.”³ It is person-centred rather than merely pragmatic, and at the same time, despite being orientated toward the flourishing of the individual it is not atomistic, rather it interprets personhood as always also socially located.⁴

As a principle of social philosophy subsidiarity first emerged in the Papal encyclicals of the Roman Catholic Church, specifically the ‘social encyclicals’, beginning with *Rerum Novarum: On Capital and Labour* (1891). Forty years later it was more explicitly elaborated on in *Quadragesimo Anno: On Reconstruction of the Social Order* (1931), and further elaborated or applied in encyclicals in the twentieth century.⁵ It has also been explicitly invoked in Pope Francis’ encyclical *Laudato Si’: On Care for Our Common Home* (2015) in his concern with “global environmental deterioration”.⁶ Notwithstanding the nuances and

¹ I will not take up here the question of whether or not the principle applies to the Church itself. For a relatively recent discussion on that topic see Michael Bohnke, “Comments on the Validity of the Principle of Subsidiarity” in *ET Studies* 5:1 (2014) pp. 57-73

² Bohnke, *Comments on the Validity of the Principle of Subsidiarity*, p. 60

³ *Ibid.*, p. 60

⁴ Paolo G. Carozza, “Subsidiarity as a Structural Principle of Human Rights Law” in *The American Journal of International Law* 97:38 (2003), pp. 38-79, p. 42

⁵ Cathriona Russell, “Burden-Sharing in a Changing Climate: Which Principles can Theologians Endorse?” In *Studies in Christian Ethics* 24:67 (2011), pp. 67-76, p. 71

⁶ The principle is stressed again in Pope Francis’ most recent encyclical, *Fratelli Tutti: On Fraternity and Social Friendship*.

difference in the approach to freedom in these encyclicals, they do reflect the concern with the defence and promotion of the dignity of the human person that Pope John Paul II argued justifies the involvement of the Catholic Church in social and economic matters.⁷ The social encyclicals represent an important strand in Catholic social teaching—which itself can be located in the broader complex of CST, or Catholic social ethics—and which address social and economic issues.⁸ It has historical antecedents in the writings of the Patristic era and the early Church Fathers. It is traced back to classical Greece by Chantal Millon-Delsol. It has also been linked to Althusius in his work on the secular federal state.⁹ The intellectual history of subsidiarity also now extends beyond the use of the idea of subsidiarity by Leo XIII in the nineteenth century or its definitive formulation by Pius XI in the twentieth century. Subsidiarity as a named concept now operates outside of the theological context in several domains. Apart from its expression in the social encyclicals, and outside its origins in Catholic social teaching, the principle is also operative in the political sphere, notably in the European Union (EU). It was introduced into the European Community (EC) by the Treaty on European Union (TEU) which established the European Economic Community (EEC) in 1957.¹⁰ Subsidiarity has also been proposed as a structural principle for international human rights law, and this chapter examines the work of Paolo G. Carozza on this topic, not in an effort to be comprehensive in relation to the principle in all domains but to see how it has been proposed and how it functions as a

⁷ Pope Saint John Paul II, *Sollicitudo Rei Socialis: On Social Concern*, 30 December 1987, paragraph 47 accessed on 15 August 2017 http://w2.vatican.va/content/john...ii/.../hf_jp-ii_enc_30121987_sollicitudo-rei-socialis.html

⁸ Charles E. Curran, “The Reception of Catholic Social and Economic Teaching in the United States” in Kenneth R. Himes (ed) *Modern Catholic Social Teaching*, (Washington D.C.: Georgetown University Press), pp.469-492, p. 469

⁹ For discussions related to these antecedents see Chantal Millon-Delsol, *L'État Subsidiare: Ingérence et Non-ingérence de L'Etat: Le Principe de Subsidiarité aux Fondements de L'Histoire Européenne*, (Paris: Presses Universitaires de France, 1992) as noted by Ken Endo, “The Principle of Subsidiarity from Johannes Althusius to Jacques Delors” in *Hokkaido* 44:6 (1994), pp. 652-553

¹⁰ Keon Lenaerts, “The Principle of Subsidiarity and The Environment in The European Union: Keeping the Balance of Federalism” in *Fordham International Law Journal* 17 (1994), pp.846-895, p. 852

social principle.¹¹ Carozza bases his account of subsidiarity, as a structural principle of international human rights law, on “...the existence of a very deep consonance between the underlying premises regarding persons and communities in the idea of human rights and in the idea of subsidiarity.”¹² This highlights the need for explicit mechanisms that function to connect the rights of persons and of communities. An application of the principle to international human rights law, Carozza argues, helps to mediate between the individual and the community. I argue that the principle is as pertinent to implementing law and policy in relation to the complex environmental challenges that require mediation and integration at different levels of action, at the local, regional, and international level. These two examples demonstrate its complex outworking as an organising principle and provide lessons for decision making in environmental ethics and economics with which the chapter closes.

This chapter will first trace the conditions under which subsidiarity was initially invoked in CST. The context is that of the social problems of the nineteenth century, specifically in relation to the rights and obligations of labour and capital. RN first responds by addressing the responsibilities of the state in relation to this social problem. This is elaborated on in QA and here subsidiarity becomes a principle for social organisation. By now the context had changed and with rising totalitarianism in Europe there was a need to temper the stress on the responsibilities of the state and to stress the non-intervention aspect of the principle. The integration of support from the state for the common good and non-interference to protect the rights of the individual, families and communities is part of the evolution of this principle and is the background to all later social encyclicals. In light of the challenge facing us from a warming climate in the twenty-first century the analysis in this chapter shifts forward from origins to current expressions, from a focus on the pre-Vatican II encyclicals to its rearticulation and application in the recent Papal encyclical *Laudato Si’: On Care for our Common Home* (LS).

¹¹ Carozza, *Subsidiarity as a Structural Principle of Human Rights Law*, p. 56

¹² Paolo G. Carozza, “The Problematic Applicability of Subsidiarity to International Law and Institutions” in *The American Journal of Jurisprudence* 61:1 (2016), pp. 51-67, p. 53

Section two of this chapter will then examine the concretising of subsidiarity as an organisational principle first in the political sphere, specifically in the EU. Secondly it will then examine an example of an approach as applied to international law and international cooperation in human rights that explicitly demonstrates its outworking. This is intended to show the implications and complexity involved in applying the principle in practice in social institutions and does not aim at a comprehensive study of the operation of subsidiarity in these domains.

Thirdly, it will then identify the subsidiaric elements developed in the domain of economics in relation to natural resource management, specifically in the natural resource economics of Elinor Ostrom, and the capability approach of welfare economist Sen. This analysis uncovers the implicit subsidiaric elements that need articulation and elaboration in the working of complex social arrangements in the context of a plurality of visions for social arrangements. A sharper and more explicit focus on the subsidiaric elements, however named, is a necessary part of the implementation of development policy at all levels. This serves as an additional component to the capability approach not as an added step but rather as a key part—that continues to need articulation and new institutional forms—of a social ethics for sustainable development.

5.1 Subsidiarity and The Social Encyclicals

Rerum Novarum: On Capital and Labour (RN), under Pope Leo XIII, is the first of the social encyclicals, so named because they comment on and respond to the “social problem” of the nineteenth century—the social change and disruption wrought by the industrial revolution.¹³ This social shift initially was generally more concentrated in England, nevertheless the new economic base made the industrial revolution a European phenomenon and it gave rise to serious challenges for European society. Chief among the problems of industrialisation was the conflict between the conditions and wages of workers and the excesses of capitalism.¹⁴

¹³ Rodger Charles, S.J., *Catholic Social Witness and Teaching: The Catholic Tradition from Genesis to Centesimus Annus*, Volume 2, (Herefordshire: Gracewing, 1998), p. 4

¹⁴ Charles, *Catholic Social Witness and Teaching*, Volume 2, p. 4

RN sought to counter the socialism of that time, which had its own counter-proposal to capitalism, seeing specifically a danger to society in calls for the abolition of private property, as well as in the anarchic strain in the movement that at times led to violence during protests.¹⁵

Although no section of RN is devoted specifically to a sustained description of social conditions, the encyclical reflects the views of contemporary “social” Catholicism on the social arrangements at that time. It is because of this concern with prevailing social conditions that RN is considered to be the first of the social encyclicals. In this section I will characterise the context out of which this encyclical emerged and to which it sought to respond, and the social issues it sought to address. The commitments that lay behind the development of the principle may not have been entirely new, but the context gave shape to their articulation in a new way. These concerns remain relevant now and come into focus anew in the most recent encyclical on the environment, *Laudato Si'*, in relation to an additional concern for the common good that includes care for the fundamental conditions for human life and society.

5.1.1 The Context for *Rerum Novarum: On Capital and Labour* (1891)

Notwithstanding the distributive gains which eventually accrued from economic development in the mid-19th century—for example, the substantial increase in general living conditions by the 1850s and 1860s—rapid social change had created many problems.¹⁶ Two decades of accelerated economic growth beginning in Britain the 1850s gave rise to an economic boom that provided a step up to the more industrialised nations across Europe. As professor emeritus of historical theology Paul Misner explains, countries or regions where agriculture, industry, and service could support each other, that had access to markets for their goods, and that could employ the workforce more productively because

¹⁵ Rodger Charles, S.J., *Catholic Social Witness and Teaching: The Catholic Tradition from Genesis to Centesimus Annus*, Volume 1, (Herefordshire: Gracewing, 1998), p. 319

¹⁶ Paul Misner, *Social Catholicism in Europe: From the Onset of Industrialisation to the First World War*, (London: Darton, Longman & Todd Ltd, 1991), p. 101

of technological innovations, were well placed to take advantage of the accelerated growth during this period.¹⁷ This expansion, like so many others since, lasted only for a few decades. A downturn in 1869 led to sluggish growth from 1873 to the 1890s. As goods became cheaper—because they were produced and distributed ever more efficiently—deflation took hold and ushered in what is referred to as the great depression of the nineteenth century.¹⁸

Conditions for workers at most mills and factories in Britain were dire. The misery this brought in its wake could not be seen as just the tragic outcome of natural processes, the selfishness of employers was also a factor and was resisted. There were those who argued that notwithstanding the cycles of bust and boom profits could be made while treating workers fairly. And there were notable examples of this, the manufacturer and social reformer Robert Owen, whose factory system curtailed the recruitment of the youngest children, encouraged some level of schooling for older children, and treated adult workers in a more humane way than other factory owners. This, argues Rodger Charles, was because of this commitment to human dignity, and yet his factory was at the same time profitable, despite his own later descent into poverty.¹⁹ For a majority of workers however conditions were dire and as recession dragged on the lack of progress in their lot saw them resort more frequently to strikes, and riots.²⁰

The second cycle of industrial growth had already begun by the time of Pope Leo XIII's papacy. It gave rise to a new mode of production—the factory system—and a range of innovations: precision manufacture and assembly-line production; the internal-combustion engine and automotive devices; organic chemistry and synthetics; and electrical power and motors.²¹ The changes in the structure and techniques of production, and the far-reaching social and economic consequences this

¹⁷ Misner, *Social Catholicism in Europe*, p. 101

¹⁸ *Ibid.*, p. 102

¹⁹ Charles, *Christian Social Witness and Teaching: The Catholic Tradition From Genesis to Centesimus Annus*, Volume 1, p. 321

²⁰ Misner, *Social Catholicism in Europe*, p. 191

²¹ David S. Landes, *The Unbound Prometheus: technological change and industrial development in Western Europe from 1750 to the present*, (Cambridge: Cambridge University Press, 2008), pp. 41 and 235

brought, completely altered European social structure, life and thought.²² This is the beginning of what is now called the Great Acceleration (section 2.2.5.2). The mechanics of industrial production rather than those of agriculture now regulated the social structure of the new society that emerged.²³ This created for the first time a situation in which the majority of people lived in urban centres and worked in factories where their labour was treated as a commodity.²⁴ This shift, which continued across the globe in the following century, is reinterpreted in *Laudato Si'* as the time of a significant change in gear, that it labels as 'rapidification' (LS, 18) in the development of new technologies seemingly no longer dependent on biotic systems for energy and other inputs.

This was not the concern of RN in 1891 however, it was registering instead a related but also distinct and significant change in emphasis: where human labour was merely instrumental to the production of wealth.²⁵ Although there would eventually be some benefits for many from industrialisation, and calls for minimal education that would eventually be heeded, for early factory workers conditions were brutal, and worse for women and children.²⁶ Nevertheless, the meagre wages and long working hours endured by workers were considered crucial to the creation of wealth and yet they did not benefit them, and this even as it was also clear that the introduction of legislation which offered some protection to workers did not lead to the expected economic disaster.²⁷ In the absence of the right to organise and with no protection under the law workers were unable to negotiate with employers on an equal footing.²⁸ In recognition of the unequal power relations between workers and employers RN supported workers in endorsing their

²² Alan S. Milward and S.B. Saul, *The Economic Development of Continental Europe 1780-1870*, (London: George Allen and Unwin Ltd, 1973), p. 28

²³ Milward and Saul, *Economic Development*, p. 28

²⁴ Charles, *Catholic Social Witness and Teaching*, Volume 1, pp. 371-372

²⁵ Michael J. White, "Homo Laborans: Work in Modern Catholic Social Thought" in *Villanova Law Review* 58: 3 (Dec 2013), pp. 455-470, p. 457

²⁶ The cotton and linen mills worked thousands of women and girls in hot and humid conditions, for half the wage of a male worker, denying them the space for any activity other than work, least of all basic education. Cf. Misner, *Social Catholicism*, p. 27

²⁷ Charles, *Catholic Social Witness and Teaching*, Volume 1, pp. 295-296

²⁸ *Ibid.*, pp. 293-295

grievances against unscrupulous employers. This formed the background to the 'social problem' that was the context in which Leo XIII wrote RN.

5.1.1.1 State intervention in a Social Problem

RN addressed the question of what role the state should play in finding a solution to the social problem (RN, 31). The response it provided was to endorse limited, justified state intervention. RN saw the state's role as being to assist workers while also supporting the economic system that provided livelihoods.²⁹ The state should: provide protection for workers against 'unbridled capitalism'; endorse guaranteed just wages and the freedom of workers to organise in order to secure collective bargaining; be committed to both public well-being and private prosperity; and assist its citizens with what is required in pursuit of these objectives.³⁰ These protections are still defended today in the context of emerging and developing economies and they are also being newly eroded in so called advanced capitalist societies.

Misner writes that in supporting workers in their efforts to represent their claims against their employers RN sought to avoid the so-called 'antagonism of the classes' that was found in some strands of socialism, but it did acknowledge its existence, and located the blame for this antagonism with the greed of a few very rich capitalists.³¹ At the very beginning of the encyclical it is implied that the unjust conditions imposed on workers is the result of the "...greed of unchecked competition" (RN, 3). For example, RN argued that,

The hiring of labour and the conduct of trade are concentrated in the hands of comparatively few; so that a small number of

²⁹ However, as Johan Verstraeten writes, "...official Catholic social teaching tries to harmonize two different perspective..." on capitalism and the economy in that it offers a "...cautious endorsement of the free market... [while criticising] capitalism in so far as it leads to a concentration of economic power." Cf. Johan Verstraeten, "Rethinking the Economy, A Matter of Love or Justice? The Case of the Compendium of the Social Doctrine of the Church and the Encyclical of Caritas in Veritate" in Luiz Carlos Susin and Erik Borgman (eds), *The Economy and Religion*, Concilium 2011/5, (London: SCM Press, 2011), pp. 92-102, p. 92

³⁰ Carozza, *Subsidiarity as a Structural Principle*, p. 41

³¹ Misner, *Social Catholicism in Europe: From the Onset of Industrialisation to the First World War*, p. 15

very rich men have been able to lay upon...the labouring poor a yoke little better than that of slavery itself.³²

RN also argued against the abuse of the private ownership of productive goods while at the same time it condemned socialism and anarchism and defended private property (RN, 4-15). The solution to the social problem was seen by socialists to lie in the abolition of private property, something RN rejected as a response. It reiterated the understanding of private property as “sacred and inviolable” (RN, 46). RN was concerned with other, less socially disruptive, or revolutionary solutions. But this endorsement of private property did not drown out the antipathy to unfettered economic liberalism.³³

The classical natural law tradition understood the right to private property to be based on human nature. The moral theologian Charles E. Curran describes this as rooted in the human need for permanent and stable possession of private property to fulfil our ends.³⁴ And in relation to property and labour, without this right people would not have the motivation to exert their skills and labour and in turn the source of wealth would cease to exist. Charles too argues that because RN recognised that people have the right to dispose of their earnings as they please it argued that the state must not take away private property, as the socialist alternative was read as calling for.³⁵ What is of significance here is that these problems have not disappeared but in some instances, in some societies, persist.

RN also argued that the right to private property is subordinate to the concept of ‘the universal destination of goods’.³⁶ This poses constraints on the greed of unchecked competition and also has its roots in the

³² Pope Leo XIII, *Rerum Novarum: The Condition of Labour*, 15 May, 1891 paragraph 3, accessed on 18 August 2018 from http://w2.vatican.va/content/Leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html

³³ Misner, *Social Catholicism in Europe: From the Onset of Industrialisation to the First World War*, p. 215

³⁴ Charles E. Curran, *Catholic Social Teaching: A Historical, Theological and Ethical Analysis*, (Washington, D.C.: Georgetown University Press, 2002), p. 26

³⁵ Charles, *Catholic Social Witness and Teaching: The Catholic Tradition from Genesis to Centesimus Annus*, Volume 2, pp. 16-17

³⁶ Manfred Spieker, “The Universal Destination of Goods—The Ethics of Property in the Theory of a Christian Society” in *Journal of Markets and Morality* 8:2 (Autumn 2005) pp. 333-354, p. 348

concept of the common good.³⁷ Charles writes that Pius XI would later clarify this, explaining that there is a difference in the tradition of the church between “...the right to own and the right to use.”³⁸ Johan Verstraeten, professor of ethics at Leuven, explains that in contrast to any “...possessive, individualistic interpretation of work and property...” the definition of work in CST is as that which is undertaken with and for others, in cooperation towards a common goal.³⁹ Private property serves the dignity of the human person in relation to their work rather than being an end in itself. The solution to the “social problem” according to RN lay not in the abolition of private property but in widespread ownership, which, it argued, should be facilitated by law (RN, 46).

Interpreted in that light the support for private property is understood to underscore the principle of human dignity (RN, 40). RN champions the development of associations to safeguard and advance the interests of workers (RN, 54), and calls for state intervention where needed, to support workers in attaining just working conditions conducive to a better social order (RN, 36). The question of government intervention or interference was a much-debated topical issue among social Catholics, and others, at this time.⁴⁰ RN, not surprisingly perhaps, elaborates on this question (RN, 31).

5.1.1.2 Interference or Non-intervention: Tensions in Social Organisation

In addressing the responsibilities of the state in relation to the social problem RN does not refer to any particular form of government. Rather it begins from an understanding of the state as that entity whose institutions conform to right reason and natural law (RN, 32). Nor does CST demand that the state take any particular form of political organisation, although in principle it does reject totalitarianism and any

³⁷ Johan Verstraeten, “A Ringing Endorsement of Capitalism?” in Linda Hogan (ed) *Applied Ethics in a World Church*, (Maryknoll, New York: Orbis Books, 2008), pp. 54-72, p. 57

³⁸ Charles, *Catholic Social Witness and Teaching: The Catholic Tradition from Genesis to Centesimus Annus*, Volume 2, p. 64

³⁹ Verstraeten, *A Ringing Endorsement of Capitalism?*, p. 55

⁴⁰ Misner, *Social Catholicism in Europe: From the Onset of Industrialisation to the First World War*, p. 215

system that abandons individuals to the arbitrary power of the market.⁴¹ As a consequence the state may equally well take the form of a majoritarian democracy, a monarchy, or a parliamentary system provided it fulfils its role of providing for the common good. In RN this is specified as promoting the well-being and the interests of workers—urban and rural—as well as employers, and acting with distributive justice towards every class (RN, 31-33). The state’s role is to distribute its duties and claims on society in such a way as to avoid exploiting or sacrificing any one group for the advantage of another.⁴²

At the same time there are also clear limits set to the state’s role in intervention: it must not “...undertake more, nor proceed further, than is required” (RN, 36). In relation to law for example RN argues that limits to state intervention must be

Determined by the nature of the occasion which calls for the law’s interference—the principle being that the law must not undertake more, nor proceed further, than is required for the remedy of the evil or the removal of the mischief (RN, 36).

The paragraph quoted here demonstrates one of the most fundamental, inherent tensions in social organisation that the principle of subsidiarity was to later mediate between: intervention on the one hand and non-interference on the other.⁴³ Subsidiarity helps to identify the limits of intervention by recognising and presupposing spheres of activity belonging to the supplemental social groups and institutions of society. This has several implications, but it is clear that to avoid the undue interference of the state it is preferable that societies or boards—societies for mutual help, benevolent foundations, and institutions providing for the welfare of different groups—mediate between the individual and the state (RN, 45, 48). This is an endorsement of civil society, which is not confined to the relationships between the state and the individual. Private associations, being subsidiary to the state—but retaining a certain independence from it—are recognised as better

⁴¹ Carozza, *Subsidiarity as a Structural Principle*, p. 44

⁴² Misner, *Social Catholicism in Europe: From the Onset of Industrialisation to the First World War*, p. 215

⁴³ Carozza, *Subsidiarity as a Structural Principle*, p. 41

placed to assist at different levels of cooperation. RN in its time offered, as a solution to the social problem, voluntary trade associations, inspired by a corporatist approach, formed as private associations or Christian trade unions.⁴⁴ This provides a preliminary sketch of what would later be formally known, in the 1931 encyclical QA as “subsidiarity”.⁴⁵

5.1.2 A New Context—*Quadragesimo Anno: On Reconstruction of the Social Order* (1931)

Quadragesimo Anno: On Reconstruction of the Social Order (QA) was a social encyclical of Pope Pius XI, and as its name implies was written on the fortieth anniversary of RN. It continued the reinterpretation initiated by Leo XIII in taking up the social question as an issue in its own right. It argued specifically that changed conditions and new needs made a more precise application of Leo XIII’s teaching necessary (QA, 40).⁴⁶ The changed social conditions were the spectre of rising totalitarianism, and the weakened international economic situation in the wake of World War I. This threat of rising totalitarianism necessitated a different emphasis than that expressed in RN. Limits on the intervention of the higher authority in the affairs of individuals or smaller organisations were more heavily stressed in QA in response.

Subsidiarity was expanded on to become a ‘principle of social philosophy’ to guide social organisation (QA, 79). What is very relevant to this thesis is the argument that the encyclical makes about social institutions: that it is because of what it characterised as the loss of the rich and highly developed social life marked by the older structure of social governance, that the modern nation state finds itself now responsible for all the functions once undertaken by various associations. This older complex structure was as a result “overwhelmed” and “crushed” (QA,78). This left the individual, social life, and the State itself deeply impoverished, to the point where there

⁴⁴ Misner, *Social Catholicism in Europe: From the Onset of Industrialisation to the First World War*, p. 217

⁴⁵ *Ibid.*, p. 217

⁴⁶ Christine Firer Hinze, “Commentary on *Quadragesimo Anno* (After Forty Years)” in Kenneth R. Himes (ed) *Modern Catholic Social Teaching*, (Washington, D.C.: Georgetown University Press), pp. 151-174, p. 153

was now only individuals and the State (QA, 78). There was, QA argued, a need for structural reform and it is at this point that the encyclical refines the formulation of subsidiarity, quoted here in full,

As history abundantly proves, it is true that on account of changed conditions many things which were done by small associations in former times cannot be done now save by large associations. Still, that most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy: Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help to the members of the body social, and never destroy and absorb them.

The supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly. Thereby the State will more freely, powerfully, and effectively do all those things that belong to it alone because it alone can do them: directing, watching, urging, restraining, as occasion requires, and necessity demands. Therefore, those in power should be sure that the more perfectly a graduated order is kept among the various associations, in observance of the principle of "subsidiary function," the stronger social authority and effectiveness will be the happier and more prosperous the condition of the State (QA, 79-80).

This formulation of the principle provided the starting point for all its further uses and adaptations.⁴⁷ It prescribed the role of the State—to direct, watch, urge and restrain, as occasion requires, and necessity demands—in terms of its own interests and to improve its efficiency and

⁴⁷ Carozza, *Subsidiarity as a Structural Principle*, p. 41

strength by easing its burdens.⁴⁸ And it also protects the autonomy of the smaller associations in society. Smaller entities should be free to perform those tasks that they can accomplish by themselves and this places a limit on the intervention of the higher authority. This has implications for the possibilities and the danger posed to state sovereignty internally or externally, for integrating national and international cooperation, a theme I will take up in section 5.2.2 in relation to the distinction between a subsidiarity-oriented view of human rights and in international law, a sovereignty-oriented one.

The limitation put on the higher entity reflects the emphasis of QA on non-interference, expressing primarily the negative character of subsidiarity: freedom from interference.⁴⁹ However, QA also thematises the positive interpretation of subsidiarity: intervention by a larger organisation is appropriate where the lower organisation cannot by itself achieve its goal.⁵⁰ Justifying intervention, the positive interpretation of subsidiarity is at the root of the principle's name: the supplement or *subsidium* that the principle points to is to support without destroying initiative.⁵¹

In its application in the EU it is the non-interventionist interpretation of subsidiarity in the political and juridical context that is highlighted in political governance. It is most often the negative aspect of subsidiarity that is stressed, securing the independence of states within the union, or in the case of Germany, states within a federation. The encyclical emphasised the limits to state intervention more so than focusing on its duties.⁵² Nevertheless it framed intervention as an obligation, in service of the common good of all, and this served to highlight and to emphasise social justice (and the idea of the common good).⁵³

⁴⁸ Ken Endo, "The Principle of Subsidiarity: From Johannes Althusius to Jacques Delors" in *Hokkaido Law Review* (31 March 1994), 44:6 pp. 662-553, p. 622

⁴⁹ *Ibid.*, p. 623

⁵⁰ *Ibid.*, pp.642-641

⁵¹ Carozza, *Subsidiarity as a Structural Principle*, p. 44

⁵² Endo, *The Principle of Subsidiarity*, p. 623

⁵³ Firer Hinze, *Commentary on Quadragesimo Anno (After Forty Years)*, p. 167

5.1.2.1 Social Justice in *Quadragesimo Anno*

The term “social justice” which itself has an ancient pedigree, was chosen in place of “legal” or “general” justice, as a directive principle of social institutions promoted in QA (QA, 88). Russell F. Hittinger writes that the term was favoured because “legal” justice had become confused with the idea of obedience to the positive law of the state (commutative or criminal law).⁵⁴ Otherwise, he argues, the state would become the sole agent of social justice, required to compel others to consider their actions in terms of the common good, with the common good in turn being understood as “...exclusively the order of the state”.⁵⁵ He concludes that given what was read as an urgent need to defend “...an organic pluralism of society...” Pius XI replaced the one term ‘legal justice’ with the other ‘social justice’.⁵⁶

While the term is used on a number of occasions in QA it is described more fully in Pius XI’s even later encyclical of 1937, *Divini Redemptoris: On Atheistic Communism* (DR). There social justice is more clearly specified in terms of the fundamental and necessary set of conditions whereby each member of society contributes to, and enjoys, all the necessities for the common good. We find that “...besides commutative justice, there is also social justice with its own set of obligations...” and that the essence of it is “...to demand for each individual all that is necessary for the common good” (DR, 51). It is impossible,

To care for the social organism and the good of society as a unit unless each single part and each individual member—that is to say each individual ...in the dignity of...human personality—is supplied with all that is necessary for the exercise of...social functions. (DR, 52)

⁵⁴ Russell F. Hittinger, “The Coherence of the Four Basic Principles of Catholic Social Doctrine: An Interpretation” in Archer, Margaret S. and Donati, Pierpaola (eds) *Pursuing the Common Good: How Solidarity and Subsidiarity Can Work Together*, (The Pontifical Academy of Social Sciences, Acta 14: Vatican City, 2008), pp. 75-123, pp. 117-118 accessed on 19 June 2019 from <http://www.pass.va/content/dam/scienze-sociali/pdf/acta14/acta14-hittinger.pdf>

⁵⁵ Ibid., p. 118

⁵⁶ Ibid., p. 118

QA also argued that social justice must be supplemented by social 'charity', or love (QA, 88, 137). And these connections set the scene for the relationships that will be developed subsequently by Pope John Paul II between social justice, solidarity and the common good.⁵⁷

One of the important aspects of this venture into QA is that of the place of, and governance of, the market in society. QA argued that the market—understood as economic life, free and independent of public authority—must be “strongly curbed and wisely ruled” (QA, 88).

Christine Firer Hinze, in her commentary on QA, argues that economics and morality are inextricably linked but separate.⁵⁸ She writes, “...economic science can identify attainable material means and ends, but morally attuned reason deduces the goal and point of the whole economic order.”⁵⁹ Economic goals are properly seen, from such an analysis, as a *means* to our highest good (QA, 41-43).⁶⁰ The encyclical did not see markets or even free competition of itself as a bad thing, but interpreted them as servants of a just social order.

5.1.2.2 A Just Social Order and the Economy

QA also acknowledged the link between social justice and the functioning of markets. A weakened international economic situation brought with it financial instability and issues of social and economic injustice. Economic power, QA argues, is concentrated in the hands of a few who control credit and regulate its flow. This generates conflict in a number of areas, namely in the struggle for economic supremacy itself, the fight for supremacy of the State to facilitate the use of its resources and authority, and the conflict between States in the interest of advancing their own interests and in the struggle to gain the ascendancy in political controversies (QA, 108).

In contrast, the purposes of social economy are achieved when,

⁵⁷ Firer Hinze, *Commentary on Quadragesimo Anno (After Forty Years)*, p. 167

⁵⁸ *Ibid.*, p. 157

⁵⁹ *Ibid.*, p. 157

⁶⁰ *Ibid.*, p. 157

All and each are supplied with all the goods that the wealth and resources of nature, technical achievement, and the social organisation of economic life can furnish. And these goods ought indeed to be enough both to meet the demands of necessity and decent comfort and to advance people to that happier and fuller condition of life, which, when it is wisely cared for, is not only no hindrance to virtue but helps greatly. (QA, 75)

The conclusion is that the ordering of economic affairs cannot be left to free competition (QA, 88).⁶¹ Leaving people to the arbitrary rules of a free market, where only the strongest survive, leads to intolerable inequities. QA argues,

Free competition, while justified and certainly useful provided it is kept within certain limits, clearly cannot direct economic life... economic life [must] be again subjected to and governed by a true and effective directing principle... Loftier and nobler [than free competition] principles—social justice and social charity—must, therefore, be sought... the institutions themselves of peoples and, particularly those of all social life, ought to be penetrated with this justice, and it is most necessary that it be truly effective, that is, establish a juridical and social order which will, as it were, give form and shape to all economic life. Social charity, moreover, ought to be as the soul of this order, an order which public authority ought to be ever ready effectively to protect and defend. It will be able to do this the more easily as it rids itself of those burdens which, as We have stated above, are not properly its own. (QA, 88).

The purpose of economic life is not easy gains or quick profits (QA, 132). It is rather to supply the necessities of life. It is the role of the State, QA asserts, to protect and defend such a social order (QA, 88). The remedies to the social discord, according to QA, are then to: avoid the twin evils of individualism and collectivism; take into consideration in economic

⁶¹ Ibid., p. 161

affairs the individual and social character of capital and ownership, of work and labour; have strict commutative justice in labour-capital relations; have State regulation of free competition and economic monopolies in matters falling within its area of competence, and; have the public institutions of nations work together in service of the common good (QA, 110). The production, acquisition and use of wealth are to be governed by standards of equity and just distribution (QA, 136). And so it can be said that the articulation of subsidiarity as a principle of social organisation in these encyclicals reflects the social contexts of their day. They stress intervention but non-interference, and a just social order where wealth is governed by principles of just and equitable distribution.

Almost a century later the context for Pope Francis' encyclical—*Laudato Si': On Care for our Common Home* (2015)—reflects a different but related context. The problems of labour and capital have not gone away, but added to that are new problems for economic growth, not only the question of distributive justice but of production itself. Now the problem has complexified: the negative externalities of the industrial revolution continue in that societies are still marked by social inequality, and by exclusion from the market. Added to this is the realisation of the irreversible loss of the natural resource base on which all human life and on which prosperity is built. The new social challenges, LS argues, even more than before need “community networks” (LS, 219).

In the intervening century, the increasing “internationalisation” of burdens and the externalising of environmental costs expose different vulnerabilities and undermine resilience. LS takes up these questions and makes explicit use of the principle of subsidiarity, applying it to this new context and also expanding it, calling for a reimagining of state sovereignty in which “...relations between states must be respectful of each other's sovereignty, but must also lay down mutually agreed means of averting regional disasters which would eventually affect everyone...” (LS, 173), and for international regulatory norms capable of imposing regulations to curb the damaging actions of powerful companies or countries (LS, 173).

5.1.3 A 'rapidified' context—*Laudato Si': On Care for our Common Home* (2015)

The social context that informs LS differs in important ways from the earlier encyclicals in that it also concerns “global environmental deterioration” and all that this entails for “our common home” (LS, 3). The “rapidification” of modern life that accompanies the continued acceleration of change, the encyclical argues, is not necessarily oriented to the common good, the earlier concern of the social encyclicals. But the achievement of the common good is also now complexified by the goals of sustainable development (LS, 13). LS explicitly invokes the principle of subsidiarity in addressing the environmental challenges we face in tandem with an endorsement of human rights and the emerging language of integral development. It argues that,

Underlying the principle of the common good is respect for the human person as such, endowed with basic and inalienable rights ordered to his or her integral development. It has also to do with the overall welfare of society and the development of a variety of intermediate groups, applying the principle of subsidiarity. (LS, 157)

LS describes subsidiarity as a principle which “...grants freedom to develop the capabilities present at every level of society, while also demanding a stronger sense of responsibility for the common good from those who wield greater power” (LS, 196). And the scope is broader than state arrangements, LS argues that more ‘local’ authorities are not always capable of effective intervention so enforceable, international agreements are urgently needed (LS, 173). While states respect each other’s sovereignty, subsidiarity implies that a broader reach needs to be in play. Averting regional problems that would eventually affect everyone requires agreement at a regional level. Curbing the damaging actions of powerful companies or countries implies international regulatory norms capable of imposing regulations (LS, 173). This entails not relegating but reimagining state sovereignty. It also necessitates the development of international strategies and agreed systems of

governance for the global commons (LS, 174, 175). And although working out practice at these levels might be complex the principle of subsidiarity, at least in theory, secures autonomy to the greatest degree at all levels.

The encyclical describes the transnational nature of the economic and financial sectors, which has been accompanied by a weakening in the power of nations-states in the context of climate change. In light of this, the encyclical argues, “...it is essential to devise stronger and more efficiently organised international institutions, with functionaries who are appointed fairly by agreement among national governments, and empowered to impose sanctions” (LS, 175). LS cites principle seven of the United Nations Conference on Environment and Development, which met in Rio de Janeiro in June 1992, namely that the Parties to the Convention, countries signing the Convention, acknowledge the need for cooperation and participation in the response to climate change “...in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions.”⁶² LS calls for “...common and differentiated responsibilities...” to address the challenges we are experiencing (LS, 52). The Rio Declaration of 1992 links responsibilities with capability, and LS reiterates this.

The Parties to the Convention acknowledge the need for cooperation and participation to a proportionate degree, depending on their contribution to the problem and their relative ability to address it. LS describes this as bringing together the whole human family in seeking “sustainable and integral development” (LS, 13) and “a new and universal solidarity” which includes,

A new dialogue about how we are shaping the future of our planet...a conversation which includes everyone, since the environmental challenge we are undergoing, and its human roots, concern and affect us all. (LS, 196)

⁶² United Nations, *Framework Convention on Climate Change* FCCC/INFORMAL/84 GE.05-6220 (E) 200705 accessed on 6 August 2019 from <https://unfccc.int/resource/docs/convkp/conveng.pdf>

LS also recognises that there are examples of a plurality of good practices at the level of intermediate institutions. For instance, it notes that the development of cooperatives to secure renewable energy and ensure self-sufficiency demonstrates that while the existing world order has so far failed to assume its responsibilities, smaller bodies—local groups, and individuals—are already addressing the issues (LS, 179). Their actions instil a sense of responsibility, community, and solidarity. A major insight of the encyclical is to see how the principle of subsidiarity helps to make sense of and connect with related ecological insights: the need for a particularity to match conditions and not a one size fits all response. As we see in LS, the tradition seeks to continue to work out the possibilities and implications of CST in relevant ways that match the lived social experience of time and place. Action at different levels—subsidiarity in action—makes for tailored responses to problems as they manifest locally.

5.2 Subsidiarity as an Organisational Principle in Social Ethics

Outside its origins, subsidiarity has been concretised in the political sphere, in the EU, where it operates as an organisational principle, although admittedly with a more limited application. The function of subsidiarity in the EU is as an alternative to the impasse of pitting the supra national authority of the Union against that of the sovereign member states.⁶³ It is not about ‘global’ government but rather cooperation at all levels. Its application in this context demonstrates how it works with complexity in social institutions. Subsidiarity has the potential to mediate pathways between actors at different social scales. It is pertinent to implementing policy in relation to the complex challenges, including environmental challenges, that require mediation and integration at the local, regional and international level.

⁶³ Carozza, *Subsidiarity as a Structural Principle*, p. 51

5.2.1 An Organising Principle in the EU

In the political sphere subsidiarity is employed in the European Union (EU) as an organising principle that is intended to mediate between the autonomy of sovereign member states and of the supranational authority of the union.⁶⁴ Its function in the EU is as an alternative to the impasse of pitting the supra national authority of the Union against the sovereign members: it secures against central government and supports cooperation at all levels. The principle was introduced into EU constitutional law via the Maastricht Treaty—the 1991 amendment of the Treaty on European Union (TEU). Here it was seen as a mediator between “integration and proximity.”⁶⁵ It facilitated political compromise in relation to institutional power.⁶⁶ Its application in this new context was a response to the transformation in the balance of power between the Union and the member states.⁶⁷ In that way it serves to delineate spheres of competence so that the Union is freed to accomplish its aims more effectively but without damaging the initiative of local authorities.⁶⁸ It defined the common ground on which an increasingly centralised bureaucratised system secured mechanisms so that contexts at regional and other levels of locality were taken seriously.⁶⁹ Carozza argues that it also retains its original intent, in claiming that the political community has a duty to intervene to assist smaller associations, providing a basis in principle for justifying intervention and assistance.⁷⁰

The appropriation of the principle through the Maastricht Treaty heralded a new stage in the development of the EU, with the intention being to allow deeper integration but without, it was argued, the unwarranted disadvantages of centralisation.⁷¹ Prior to its introduction

⁶⁴ *Ibid.*, p. 51

⁶⁵ Lenaerts, *The Principle of Subsidiarity and the Environment: Keeping the Balance of Federalism*, p. 848

⁶⁶ Carozza, *Subsidiarity as a Structural Principle*, p. 51

⁶⁷ *Ibid.*, p. 51

⁶⁸ *Ibid.*, p. 44

⁶⁹ *Ibid.*, footnote 68, p. 50

⁷⁰ *Ibid.*, p. 63

⁷¹ Lenaerts, *The Principle of Subsidiarity and the Environment: Keeping the Balance of Federalism*, p. 848

into the EU in 1991 it had been invoked in the German Federal Republic just after WWII, in 1949.⁷² The objectives of the TEU were sustainable social and economic progress; the establishment of economic and monetary union; the implementation of a common foreign and security policy, and the strengthening and protection of the rights of citizens of its member states. However these integrating objectives were also subordinated to the duty to respect the principle of subsidiarity in its negative aspect, whereby the burden of proof is on the EU to demonstrate that it is better placed to address a particular issue, rather than on member states to show why they should retain competence over those issues, as defined in Article 3B of the Treaty establishing the European Community.⁷³ The application of subsidiarity is described in the following terms,

The Community shall act within the limits of the powers conferred upon it by this treaty and of the objectives assigned to it therein. In areas which do not fall within its exclusive competence, the community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the community.

Any action by the Community shall not go beyond what is necessary to achieve the objectives of this treaty.⁷⁴

Andrew Jordan and Tim Jeppesen also argue that Article 3B contains three concepts that expand on its application and meaning: the principle of the attribution of powers; the test of necessity, and the principle of proportionality, or the intensity test.⁷⁵ The first, the attribution of powers, implies that the Union will take action only where it can reach

⁷² Carozza, *Subsidiarity as a Structural Principle*, p. 40

⁷³ Andrew Jordan and Tim Jeppesen, "EU Environmental Policy: Adapting to the Principle of Subsidiarity" in *European Environment* 10 (2000) 64-74, p. 67

⁷⁴ The European Council, *The Treaty on European Union*, (Luxemburg: Office for Official Publications of the European Communities, 1992), pp. 13-14

⁷⁵ Jordan and Jeppesen, *EU Environmental Policy*, p. 67

the desired objective more effectively than a member state.⁷⁶ The second concept, application of the principle of subsidiarity and the *necessity test* is particularly interesting to this analysis: the Community must only intervene where the necessary action cannot be effectively achieved by a Member State, and this requires advance assessment, “...an assessment of the need for EU action...”, in other words, it cannot just be taken as given.⁷⁷ The third concept expressed the principle of proportionality, which limits the intervention, and suggests that the Community must not intervene beyond what is required to achieve the objective in question. Article 3B reflects the negative aspect of subsidiarity.

The positive aspect of subsidiarity—an obligation to intervene—is applied to the exclusive competences of the Community, areas where the EU alone can legislate. EU wide monetary policy is considered one such instance.⁷⁸ The negative aspect—noninterference—is applied to concurrent competences, or shared competences, areas such as internal markets or social policy.⁷⁹ In terms of the environment this means there is the potential for the principle to be applied in international agreements on the environment. It is a principle with the potential to help embed central decisions in more fitting ways in regional contexts.

In terms of classifying reasons to justify the intervention of higher organisations there are a number of criteria, as outlined by Ken Endo.⁸⁰ One of the criteria that is most of interest to this project is that of effectiveness (over mere efficiency). The criterion of efficiency is well known, and is reflected in Article 72 of the Grundgesetz, the Constitution of the federal German republic. This criterion looks at the achievement of an objective without wasting time or energy: it asks whether it is more efficient for the Community to act as one in meeting some objective rather than for individual member states to take separate actions. The effectiveness criterion “...focuses upon the extent

⁷⁶ *Ibid.*, p. 67

⁷⁷ The German definition of the concept emphasised “effectiveness” and the English position focused on “necessity” of action.

⁷⁸ Endo, *The Principle of Subsidiarity*, p. 577

⁷⁹ *Ibid.*, p. 598

⁸⁰ *Ibid.*, pp. 638-635

to which the intended result is attained.”⁸¹ The goal of co-operation is to achieve an objective without wasting time or energy: efficiencies in the system are to be welcomed (all else being equal).⁸² These criteria are relevant to cross-boundary effects of policy.⁸³ One well-traced example is air and water pollution which have cross-boundary dimensions: the actions in one country can prejudice the interests of people outside that country and such problems can rarely be solved by individual actions.⁸⁴

This interpretation and application of the principle of subsidiarity has had a parallel interpretation in development economics in particular in the work of the economist Sabine Alkire. She argues that responsibility for international debt relief lies squarely with the IFIs precisely because they are the only institutions capable of most effectively influencing the outcomes.⁸⁵ The architecture of international debt relief clearly cannot be addressed by individuals, civil society or states alone because it is so crippling that it submerges all counter moves made in the name of poverty alleviation. These larger organisations have the unique technical and the political ability to address this issue, no one else can do it effectively and so they also have the unique responsibility to do so. And if they are unwilling to do it themselves then, Alkire argues, the responsibility to cooperate with other agencies in order to achieve this also remains with them.⁸⁶ Subsidiarity remains in this example, crucially, an obligation on the higher authority—a responsibility to act to ensure that the smaller associations of society achieve their ends—and not the imposition of a restriction on freedom. In a similar way, centralised EU directives on water or air quality need infrastructural and financial support to concretise them.

However, the principle is not always considered an adequate legal tool to guarantee that the Community does not encroach unnecessarily upon member states. Jordan and Jeppesen argue that the term has been left

⁸¹ Ibid., p. 636

⁸² Ibid., p. 636

⁸³ Ibid., p. 636

⁸⁴ Ibid., pp. 637-634

⁸⁵ Sabine Alkire, “When Responsibilities Conflict: A Natural Law Analysis of Debt Forgiveness, Poverty Reduction and Economic Stability” in *Studies in Christian Ethics* 14: 65 (April 2001), pp. 65-80, p. 73

⁸⁶ Alkire, *When Responsibilities Conflict*, p. 73

“...tantalisingly ill defined – a principle ‘to suit any vision’ of European integration.”⁸⁷ It is understood as a general principle of conceptual and rhetorical mediation”⁸⁸ However, from the context of this thesis this is not necessarily interpreted as a disadvantage, rather it could be said that the principle works as a mediating principle because the outcome is not settled in advance, it leaves open the space for the discussion on possible outcomes. While the EU is not governed by the principles of international law as such, it is a constitutional system of sorts. Its political and legal position lies at the junction of constitutional and international law.⁸⁹ It has developed relationships of solidarity too between national and supranational actors, institutions, and norms. This highlights the possibilities subsidiarity offers as a structural principle for international law in the area of human rights.

Carozza also wants to claim much more for this principle than a minimalist commitment to decentralisation, or a mediating principle. He understands it as a principle that carries some or all of the commitments of CST and in this work reframes it as a structural principle in human rights law. He argues, as it will be seen, that the advantage of subsidiarity “...as a structural principle of international human rights law is that it integrates international, domestic, and subnational levels of social order on the basis of a substantive vision of human dignity and freedom, while encouraging and protecting pluralism among them.”⁹⁰

5.2.2 Subsidiarity as a Structural Principle in International Human Rights Law

Carozza argues that given the ‘convergences’ between the idea of subsidiarity and of human rights: a personalistic understanding of the individual as socially situated; a particular understanding of human agency; the recognition of the need not only for freedom from harm but also for an “affirmative” form of support where necessary; and their vision of society as constituted by a wide variety of social groupings

⁸⁷ Jordan and Jeppesen, *EU Environmental Policy*, p. 67

⁸⁸ Carozza, *Subsidiarity as a Structural Principle*, p. 40

⁸⁹ *Ibid.*, pp. 56-57

⁹⁰ *Ibid.*, p. 40

within which and through which persons and communities seek to realise for themselves a wide variety of goods...” it is hardly surprising to find subsidiarity ‘inscribed’ in positive law and international human rights.⁹¹ Subsidiarity, in CST, and international human rights, has an implicit shared vision of society, he argues, because both understand society to be “...constituted by a wide variety of social groupings.”⁹² Carozza contends that subsidiarity’s orientation towards “...the structural problems of unity and difference in a multinational context...” means that it can be regarded as a structural principle.⁹³ The principle acts as an interpretive lens when reading the different ways states implement policy that the state has endorsed: viewing the application of human rights in state policy “...through the lens of subsidiarity gives them a coherence with one another and with the overall structure of human rights as a whole.”⁹⁴

International human rights law involves commitments that have to fit the context, that have to be worked out or concretised at national or regional level. This is because the international human rights instruments enshrine rights in terms of the individual human person, while at the same time recognising the social dimensions of human life. They are concerned with individual dignity but do not imply an “existential loneliness”.⁹⁵ The freedom championed is not only negative freedom, it entails also positive freedom, the freedom to act. This is similar to what he calls the thick understanding of subsidiarity which thinks of social ordering in relation to human agency, rather than needs. Individuals and communities ‘act’ and ‘participate’ to secure their own good. Carozza argues that they are not simply “...passive recipients of material benefits provided to them or beneficiaries of decisions made by others for them.”⁹⁶

In relation to the so-called second generation rights—economic, social and cultural rights—or for example in relation to education, there is

⁹¹ Carozza, *The Problematic Applicability of Subsidiarity*, p. 54

⁹² *Ibid.*, p. 54

⁹³ Carozza, *Subsidiarity as a Structural Principle*, pp. 39, 49

⁹⁴ *Ibid.*, p. 54

⁹⁵ *Ibid.*, p. 46

⁹⁶ Carozza, *The Problematic Applicability of Subsidiarity to International Law*, p. 54

clear recognition that what is crucial is the capacity to act, and not merely freedom from interference.⁹⁷ Similarly, the freedom to be well-nourished requires affirmative conditions rather than the absence of interference.⁹⁸ It is well recognised that the protection of negative liberty so jealously guarded in libertarianism is in vain if positive liberty, such as the minimal capacity to act, is not also protected.⁹⁹ Even the first generation rights—civil and political rights to freedom of speech and assembly—that are classically understood in terms of restraints on the state, require affirmative conditions.¹⁰⁰ These are concerns with the institutional framing and context that have been raised in human rights discourse and across all domains: in economics, in politics, and in environmental policy making.

As has been said subsidiarity recognises the nested authorities and the need for intervention to support and assist the smaller associations where they cannot achieve their ends on their own, without prescribing a particular model of government.¹⁰¹ In the domain of human rights law, but also in agreements on environmental policy, how might the relationships between authorities be understood? This is the crucial question of how international rights are related to state sovereignty. In the first instance Carozza argues from below, he does not begin with the question of whether state sovereignty must cede power to harmonisation and intervention. Rather, he asks whether human rights could be achieved at the local level, and if not what assistance the larger association must provide to allow the smaller unit to perform its function.¹⁰²

In that way he describes the process of implementation in subsidiaric terms. Integration is the goal, but integration that upholds the autonomy of the smaller unit. The obligation being highlighted is one of

⁹⁷ Carozza, *Subsidiarity as a Structural Principle*, p. 48

⁹⁸ *Ibid.*, p. 48

⁹⁹ Ricoeur, *The Course of Recognition*, p. 146

¹⁰⁰ Carozza, *Subsidiarity as a Structural Principle*, pp. 47-48

¹⁰¹ For example, in the search for solutions to the “social problem” of the nineteenth century Leo XIII did not define any particular system beyond the stipulation that it conform to “right reason and natural law” (RN, 32).

¹⁰² Carozza, *Subsidiarity as a Structural Principle*, p. 66

intervening “without interference”.¹⁰³ He describes the subsidiarity-oriented understanding of international human rights as different from what he calls the current sovereignty based approach and points out that in the EU subsidiarity acts as “...an alternative to the impasse of pitting the sovereign member state against the Union’s supranational authority.”¹⁰⁴

He argues for example that in contrast to a sovereignty based understanding of international human rights law, a subsidiarity-based approach, such as that which he is taking, offers a different understanding of how states are structured in the international human rights system: it does not view them as independent autonomous actors but as equals, as constitutive of one another rather than in competition. The sovereignty-based approach, he argues, assumes two things about states and interprets these as weaknesses to be overcome. The first is that from a sovereignty-based perspective it is assumed that there is too much reliance on domestic legal systems to give normative content to human rights and to supervise and implement them. The second assumption is that domestic law serves as a necessary ‘protection’ against the encroachment of external norms that are “...inimical to local integrity and self-governance.”¹⁰⁵ These both pose challenges to mediation or integration between international agreements and local autonomy.¹⁰⁶

Taking a subsidiarity-oriented approach to international human rights law focuses not on whether state sovereignty must give way to harmonisation with the larger union but on the assistance required from the larger community to enable the smaller community to achieve its aim. Rather than pitting national interest against the demands of international regulations in terms of human rights, this approach would instead place an obligation on the larger community to assist the most appropriate local level, or smaller community, in taking on its role in achieving them. Carozza says that “...from the perspective of

¹⁰³ Ibid., p. 66

¹⁰⁴ Ibid., p. 66

¹⁰⁵ Ibid., p. 66

¹⁰⁶ Ibid., pp. 66-67

subsidiarity...the system should *both* rely primarily on the most local body capable of giving meaning and effect to human rights *and* accord authority and responsibility to larger, more comprehensive bodies, to intervene so as to assist the realisation of human rights.”¹⁰⁷

In addition to the different views of how states are structured in the international human rights system Carozza also points to other differences between a sovereignty-based and a subsidiarity-based approach to international human rights law. These difference are seen in the space left for different actors; in the recognition of pluralism; and in the potential to better integrate the dignity and freedom of the human person with international law.¹⁰⁸ In brief, a subsidiarity-based approach to human rights gets beyond the dualism of states and the international community and includes a range of levels of association, sub-national and supranational.¹⁰⁹ It is not only the state that supports and respects human rights: intermediary bodies are involved in this task for better or for worse. At the more local level intermediary bodies contribute to building respect for human rights while at the suprastate level the ‘accommodation’ of diversity brings together regional and national human rights systems to help achieve universal norms.¹¹⁰ A subsidiarity-based approach is reflected in the plurality of authoritative juridical structures.¹¹¹

Another distinction between the two approaches is the recognition of pluralism implicit in a subsidiaric approach. There is an uneasy tension, Carozza argues, between local diversity and the universalising tendencies of international human rights. For example, as Hollenbach argues the understanding of diversity in subsidiarity is not based on a ‘tolerance of difference’, this is an inadequate stance in an interconnected world (section 1.3.2).¹¹² Subsidiarity is based instead on “...a genuine pluralism in the understanding and pursuit of a unified

¹⁰⁷ Ibid., p. 67

¹⁰⁸ Ibid., p. 66

¹⁰⁹ Ibid., p. 67

¹¹⁰ Ibid., p. 67

¹¹¹ Ibid., p. 67

¹¹² Hollenbach, *The Common Good*, pp. 32ff

good.”¹¹³ It recognises and defends an idea of social life as oriented towards the dignity of the socially oriented individual. This paradox—difference and unity—means that subsidiarity aims at least to overcome the challenge of grounding the international order on a shared set of commitments while also resisting succumbing to authoritarianism. It aims to accommodate both the aspiration to a universal reach in human rights, and the autonomy of states and other intermediate bodies.¹¹⁴

Finally, Carozza claims the international human rights system is more aligned to the premises of subsidiarity than it is to sovereignty. Because both subsidiarity and international human rights law are not separate from the broader concept of the common good, subsidiarity offers at least a working principle for integrating the concern with the order of states, and the welfare of individuals.¹¹⁵ Carozza may be too positive about the parallels between subsidiarity and international human rights law. Nevertheless, a subsidiarity-based approach to human rights points to the shared set of commitments that international human rights law and subsidiarity approaches have, and to the recognition of mutuality between states.

These commitments have to be worked out at the different levels, or what one economist names different “scales” in order to fit local circumstances and it is for this reason that Carozza posits subsidiarity as a structural principle of international human rights law—because it does not play off unity and difference.¹¹⁶ Action at both higher and lower “scales” is the topic of the following, final section where I will examine the subsidiarity elements in the natural resource economics of Elinor Ostrom before returning to Sen. This is important for assessing the potential in applying a subsidiarity lens in economics in its relation to distributive justice. Ostrom was awarded the Nobel Prize for Economic Sciences in 2009, an award given to Sen in 1998 for his contribution to welfare economics. Ostrom was the first woman to receive this prize,

¹¹³ Carozza, *Subsidiarity as a Structural Principle*, p. 67

¹¹⁴ *Ibid.*, p. 68

¹¹⁵ Carozza, *Subsidiarity as a Structural Principle*, p. 68

¹¹⁶ *Ibid.*, pp. 39, 49

awarded for her analysis of economic governance and the commons, and ‘action at multiple scales’.¹¹⁷

5.2.3 Action at Multiple Scales: Elinor Ostrom’s Polycentrism in Natural Resource Economics

Ostrom’s work in economic governance demonstrates that action at all scales is not only a response to, but can also initiate and make concrete, the process of addressing climate change, acting as a driver of action at both higher and lower scales. She argues that averting global climate change—a goal which she calls a global “public good”—is a collective-action problem at the global scale.¹¹⁸ Here she intends to convey the idea that it is part of the public good discourse that the benefits of action are shared even if the costs are not or that millions can affect and benefit from a reduction in GHG emissions regardless of whether they pay the associated costs.¹¹⁹ The problem she addresses with her approach is the presumption that only institutional arrangements at the international level are the appropriate way to address the issue and are the starting point for change.¹²⁰ Ostrom’s work demonstrates that this is only in part the case, it is a limited assessment. If, as she argues, any international agreements need to be made concrete at all levels then ‘all-level’ integrated responses are the rest of the picture.

Ostrom argues that there are multiple examples of efforts at different scales, for a complex of economic, social, and environmental reasons, to reduce GHG emissions, even if the focus is so often more on the need for international policy.¹²¹ And the ‘global’ perspective need not erode this (public goods are non-rivalrous and non-excludable, hence her use

¹¹⁷ Nobel Prize Organisation. Nobel Prizes and Laureates. Accessed on 10 March 2020 from <https://www.nobelprize.org/prizes/economic-sciences>

¹¹⁸ There is a field of study that compares and contrasts the common good tradition and the discourse on public goods. See for example Severine Deneulin and Nicholas Townsend, “Public Goods, Global Public Goods and the Common Good” in *International Journal of Social Economics* 34 (January 2007), pp. 19-36

¹¹⁹ Elinor Ostrom, “Nested Externalities and Polycentric Institutions: Must we Wait for Global Solutions to Climate Change before taking action at other Scales?”, in *Economic Theory* 49:2 (February 2010), pp. 353-369, p. 354

¹²⁰ Ostrom, *Nested Externalities*, p. 355

¹²¹ *Ibid.*, p. 357

of the term). It can be said that there is no 'global' governance as such but there is international cooperation on issues that affect all societies. The Paris Agreement has galvanised the international community at the international level but even if the implementation is slow and cumbersome shifts have already begun at more 'local' levels.

Indeed evidence shows that action by a range of governance units, at multiple scales, are taking climate change seriously and are working to reduce the threat it poses. Ostrom's analysis points us to the myriad multi-level, or 'polycentric', approaches being undertaken. She argues that these actions, at multiple scales, help make actions at the 'global' scale more effective, and suggests that "...global solutions are not guaranteed to be effective without this "... variety of efforts at national, regional, and local levels."¹²² She does not suggest that high level responses are not a necessity, but Ostrom cautions against the blanket presumption, a prominent part of climate change negotiations, that a high level international agreement alone will deliver.

Like Sen's work in development economics, Ostrom's work has influenced resource management economics in significant instances. Much of her work focused on fisheries and she provides good examples of practical outcomes for policy formation from which to assess her analysis. For example, she argues that the problems facing the Common Fisheries Policy (CFP) in the EU—as well as fisheries policies adopted by other large-scale units—demonstrate the failure of large-scale units of governance alone in developing effective resource-related policies.¹²³ This is not just relative to the size of the problem (at the level of the community) but to the relative scale of the response (the implementation is particular to the local context and conditions).

This is part of the difficulty of securing any shared policy to be enacted in very different contexts across the Union and is where the Union has often evoked the principle of subsidiarity, which allowed for member states to enact principles appropriately in the context of local conditions. But complex systems of managing and monitoring introduce

¹²² *Ibid.*, p. 354

¹²³ *Ibid.*, p. 361

new problems related to data gathering, to subsidies and to a lack of stake-holder involvement for many reasons.¹²⁴ She argues that there are “externalities at multiple scales” and that these are ‘nested’, and so in institutionalising shared policy the more appropriate foundation for the analysis is at these multiple scales, for example in efforts to reduce the threat of climate change.¹²⁵

Ostrom’s nested externalities are so named because they refer firstly to the actions at multiple scales (nested) and secondly to the impact of these actions on the benefits or costs for agents operating at other scales (externalities). So in relation to climate mitigation and adaptation Ostrom argues that “...continuing to wait without investing in efforts at multiple scales may defeat the possibilities of significant abatements and mitigations in enough time to prevent tragic disasters.”¹²⁶ And at the same time in relation to the management of ‘common pool resources’ she also warns that well intentioned policy needs to be proofed for nested externalities, because it does not operate in isolation. High-level policy can drive efficient, but far from effective, processes.

Carbon trading is one such example. In terms of policy proofing for nested externalities Ostrom points to the EU Emissions Trading Scheme (EU-ETS) as an instance of global policy being broken up into individual actions. This scheme reflects the vision of the carbon market proposed in the Kyoto Protocol. Operators of industrial plants involved in the scheme received emissions allowances under a single EU-wide cap. Unused allowances could be saved and offset against future needs or sold to another company.¹²⁷ This is a ‘negative’ outcome of the process. Emissions trading policy has some efficiency benefits but is not effective. Offsetting is a short term solution, but the long-term requires a reduction in emissions. Reducing emissions is key.

Another example from her work in relation to forestry serves to further illustrate the need for policy proofing. A policy that places restrictions on felling for commercial use, for example for timber, would stimulate an

¹²⁴ Ibid., p. 361

¹²⁵ Ibid., p. 354

¹²⁶ Ibid., p. 354

¹²⁷ Ibid., p. 361

increase in prices.¹²⁸ This “market-leakage” could lead to the intensification of production in some areas and reforestation (with its attendant land use implications) or it could incentivise the clearing of forests for timber in the absence of other regulation.¹²⁹ She shows how, on their own, restrictions may not achieve the desired effect. And this ‘proofing’ needs investment in new networks of knowledge and expertise, skilled personnel to assess and certify whether a project meets its targets.¹³⁰

Approaches that provide benefits at multiple scales of action Ostrom calls ‘polycentric’.¹³¹ A polycentric system, she explains, involves “...multiple public and private organisations at multiple scales [that] jointly affect collective costs and benefits.”¹³² This analysis of system management emerged against a background of economic analysis of US and European governance systems composed of large numbers of small, medium and large-scale units in the 1950s. Ostrom tells us that the evidence uncovered by researchers found that “...although action at the higher levels was an essential part of effective governance actions at more local scales were also *necessary*.”¹³³ Given that a monopoly government was not found to be more efficient than a system with units at multiple scales Ostrom argues that in the search for solutions to global climate threats the call for global solutions alone must be rethought.¹³⁴

She also argues that this efficiency and effectiveness is not rooted merely in a better recognition of an appropriate practical scale. The core elements of successful collective action are in fact trust and reciprocity. It is co-operation, ingenuity and creativity that mark the successful long term management of “common-pool resources” especially in informal

¹²⁸ Ibid., p. 364

¹²⁹ Ibid., p. 364

¹³⁰ Ibid., p. 365

¹³¹ For example, here in Ireland the Policy Coherence for Development process demonstrates that while governments attempt to draft domestic agricultural policy coherent with their development objectives it is the case that there are impacts from OECD agricultural policy reform which are unevenly felt among different countries. Cf. Alan Matthews and Thomas Giblin, Policy Coherence, *Agriculture and Development*, IIS Discussion Paper 112, January 2006, (Dublin: Trinity College, 2006)

¹³² Ostrom, *Nested Externalities*, p. 355

¹³³ Ibid., p. 356

¹³⁴ Ibid., p. 356

institutional arrangements which are at play in everyday issues. Pessimistic models of common pool resource management miss or even squander this potential for co-operation and ignore the ingenuity and creativity of those involved, who have managed such resources wisely and sometimes for many generations.¹³⁵ Ostrom concludes,

Building a strong commitment to finding ways of reducing individual emissions is an important element for coping with climate change. Building such a commitment can be more effectively undertaken in small-to medium-scale governance units that are linked together through information networks and monitoring at all levels, global policies are indeed necessary, but they are not sufficient.¹³⁶

Ostrom's view of the use of a common-pool resource approach, rather than a privatisation approach, contrasts sharply with earlier and overly influential philosophies on the management of the commons. In particular she argues that the by now famous and much propagated approach of biologist Garret Hardin in his *Tragedy of the Commons* exemplifies an alarmist response to concerns about food supply, income levels and threats to the environment that undermine the trust and reciprocity evident in practice. Hardin argued, with others, about the "scarcity" argument of Thomas Malthus, and on the view of the destruction of "unmanaged commons" by William Forster Lloyd—that the destruction of natural resources that are freely open to all is inevitable because the inherent logic of this system remorselessly generates this very "tragedy".¹³⁷ Hardin's social analysis, Ostrom argues, was also rooted in assumptions drawn from ecological science and it often groundlessly projected concepts from that onto his social and economic analysis.

For Hardin, the individual is locked into a system that impels him to increase consumption in a purely self-interested way in a world of

¹³⁵ Elinor Ostrom, "Beyond Markets and States: Polycentric Governance of Complex Economic Systems" in *American Economic Review* 100:3 (June 2010) 641-672, p. 649

¹³⁶ Ostrom, *Nested Externalities*, p. 366

¹³⁷ Garret Hardin, "The Tragedy of the Commons" in *Science* (13 December 1968) 162:3859, pp. 1243-1248, p. 1244

limited resources.¹³⁸ This stance is definitively and convincingly challenged by Ostrom's work. She argues, contra Hardin, that the capacity or incapacity of individuals and groups to alter the variables that affect their use of common pool resources is not set in stone.¹³⁹ It does not follow a pattern simply laid down by models of cycles of resource use observed in ecology. Social and economic analysis is not a subset of the ecological sciences, even if they should be informed by them.

5.2.4 Subsidiaric Elements in the Capability Approach of Welfare Economist Amartya Sen

Neither the principle of subsidiarity, nor an equivalent, is explicit in Sen's work. However, subsidiaric processes are evident in his capability approach. I would argue that these are implicit there in part because his underlying ethics is indebted to commitments that are also evident in the 'common good' approach. For example, in contrast to the often minimal view of the human agent in economics his capability approach works with a broader anthropology that interprets the human person as an individual agent but not one isolated from their social context who seeks to simply maximise their self-interested choice.¹⁴⁰ Although he does not start with the language of human dignity the core concern in Sen's capability approach is the scope for agency. His concern in *Development as Freedom* is with the "agency aspect" of the person.¹⁴¹ His approach does not operate with the standard conception of the person in rational choice theory: rather he argues that we act out of motivations other than self-interest.¹⁴²

His work, I would argue, exhibits three characteristics of a subsidiaric approach, and these are reflected in the roles he assigns to: individual agency; intermediate associations, and the state. He does interpret

¹³⁸ Hardin, *The Tragedy of the Commons*, p. 1244

¹³⁹ Ostrom, *Beyond Markets and States*, p. 648

¹⁴⁰ Sen, *Development as Freedom*, p. 18

¹⁴¹ *Ibid.*, p. 18

¹⁴² Sen, *Why Exactly is Commitment Important for Rationality*, p. 10

individual initiative as a prime mover and ‘end’ of development, and it is the central focus for measuring the relative success of development policy. Secondly, he makes individual freedom a social responsibility involving a range of intermediate organisations. These intermediate organisations are well placed to assist individuals by acting in support of certain basic claims seen as human rights or capabilities.¹⁴³ Sen argues that advocacy is the “recognition route” to securing freedoms, and is distinct from the “legislative route”.¹⁴⁴ This advocacy is not the preserve of dedicated human rights organisations alone, he recognises that there are a range of intermediate actors involved.

Finally, Sen’s capability approach addresses the need for the provision of social services in the context of national and international economic policy—and in this he does not confine his approach to national borders. This contrasts with Rawls, and Nussbaum (section 4.2.3) who confine deliberations to the borders of a nation or restrict the model of political liberalism to state actors.¹⁴⁵ Sen argues instead that the impartiality required by Rawlsian “objectivity” in ethics cannot be confined within the borders of a nation.¹⁴⁶

Sen’s approach to development attends to national and international economic policy. In this sense it is universalist. He emphasises the role of growth-mediated development—the wise use of national income from rapid economic growth—for the provision of social services such as public health care and public education which in turn provide resources for development. Apart from the role of the state in provisioning services arising from the need for basic capabilities he also argues that there is a ‘public goods’ argument for going beyond the market mechanism to secure the kind of goods that have to be provided together by a society, goods such as public health care or environmental goods.¹⁴⁷ This represents a third level of subsidiarity in his work.

¹⁴³ Sen, *Elements of a Theory of Human Rights*, p. 344

¹⁴⁴ *Ibid.*, p. 343

¹⁴⁵ In looking to secure capabilities Nussbaum favours an account of political justification akin to Rawls reflective equilibrium. See Nussbaum, *Women and Human Development: The Capabilities Approach*, p. 101

¹⁴⁶ Sen, *Elements of a Theory of Human Rights*, p. 356

¹⁴⁷ Sen, *Development as Freedom*, pp. 128-129

In addition to exhibiting subsidiaric elements I would argue that in its insistence on the need for more, not less, avenues for creative participation in determining priorities and selecting which capabilities to expand, Sen's capability approach embodies the objective, upheld in the common good tradition that principles, values, and goals are not a given but need to be worked out experientially and historically.¹⁴⁸ In light of the ongoing and unfinished exchange of evidence in the formation of values and priorities Sen chooses to forego a specific formula for selecting which capabilities to expand in favour of public debate and open discussion.¹⁴⁹ Fixing, 'externally', a list of definitive capabilities is also limiting, as prevailing social conditions vary and this impacts what is prioritised. So although this thesis argues that his approach to mediating social conflicts needs a concept of subsidiarity—understood in terms of a 'willingness to mutuality'—his insistence on concretising freedoms, even to the point of rejecting definitive lists of 'basic capabilities', is a measure of his commitment to freedom in this subsidiaric vein, freedom at the level of the individual but as a socially dependent person, thus taking into consideration the social dimensions of human life.

5.3 Conclusion

This chapter traced the history and application of subsidiarity in Catholic Social Teaching, specifically the emergence and application of the principle in response to the social issues of the day in three social encyclicals, *Rerum Novarum*, *Quadragesimo Anno*, and *Laudato Si'*. The issue RN sought to address was the social change and disruption wrought by the industrial revolution, and the rights and obligations of labour and capital in addressing the consequent issues.¹⁵⁰ The new context in which QA was written was rising totalitarianism and the need to place limits on the intervention of the higher authority (the state in this case) in the affairs of individuals or smaller organisations. With this

¹⁴⁸ Cahill, *Genetics, Individualism, and the Common Good*, p. 124

¹⁴⁹ Mei, *Are Reasons Enough? Sen and Ricoeur on the Idea of Impartiality*, p. 246

¹⁵⁰ Charles, *Catholic Social Witness and Teaching: The Catholic Tradition from Genesis to Centesimus Annus*, Volume 2, p. 4

came an emphasis on non-intervention. The current 'rapidified' context of LS is "global environmental deterioration" and its implications for "our common home" (LS, 3). LS argues that shared international agreements are required where more 'local' authorities cannot effectively act. In LS, an implication of thinking in terms of subsidiarity is that those who wield greater power have a greater responsibility for acting for the common good (LS, 196). The encyclical shows us how subsidiarity can clarify, and cohere with, insights in ecological thinking, such as the need for solutions that are not one size fits all but that they match conditions locally.

Beyond the context of its development and ongoing application in CST subsidiarity is concretised in the political sphere, in the EU. Here the principle has a more limited application closer to the idea of decentralisation. In the EU, the principle was intended to mediate between the supranational authority of the EU and the autonomy of sovereign member states.¹⁵¹ As applied in the EU, subsidiarity implies that the EU may take action only where it can do so more effectively than a member state, and this must pass the necessity test. It may not just be taken as given that the supranational authority is better placed to act, and any such intervention must be limited only to what is required to achieve the particular objective.¹⁵² In other words, in some instances, where it is more efficient to do so, the EU or the community as a whole, may take action rather than individual member states undertaking action separately.

From this perspective subsidiarity is not intended as a restriction on freedom but is rather an obligation on the higher authority to support the smaller associations of society to achieve their objectives. In terms of shared environmental problems this means that centralised directives may be necessary, and that local initiatives that require infrastructural and financial support to concretise them must be provided for by the larger authority. This is coherent with the interpretation of the principle in LS. LS argues that agreement at a regional level may be required in

¹⁵¹ Carozza, *Subsidiarity as a Structural Principle*, p. 51

¹⁵² Jordan and Jeppesen, *EU Environmental Policy*, p. 67

order to address more local problems that would eventually impact everyone. This entails a reimagining or reframing of state sovereignty. While establishing practice at these levels might be complex, subsidiarity so understood aims to secure autonomy at all levels and to the greatest degree possible. Some authors, for example Jordan and Jeppesen, see subsidiarity in the EU as ill-defined and too open to reinterpretation. Others insist that it can act as a mediating principle, not without attendant risks perhaps, precisely because it leaves open the space for the discussion on possible outcomes rather than settling the outcome in advance. Indeed, this aspect of the principle operates implicitly in Sen's capability approach which also leaves space for discussion.

Subsidiarity has also been proposed by Carozza as a structural principle for the implementation of international human rights law. He understands it as more than a mediating principle, and endorses it because it carries many of the commitments of CST. One could question whether Carozza might be too positive about the potential in this application. Nevertheless his subsidiarity-based approach to human rights law points to a number of relevant reinterpretations: the presumption of mutuality (not antagonism) between states; the complexity of implementing change even with agreement in principle; ruling out sacrificing the individual for a collective goal; and the limits of human rights discourse and legal instruments. Carozza also notes an uneasy tension between the universalising tendencies of international human rights and local diversity which, he argues, relates to the genuine pluralism in the understanding and pursuit of a unified good in subsidiarity. The principle puts centre stage a recognition of 'unity and difference' and because of this has the ability to keep relating the two, and so contributes to providing avenues for the implementation of human rights law. The mediation that subsidiarity provides is reflected in the plurality of authoritative juridical structures.¹⁵³ From the analysis of subsidiarity in international cooperation in human rights we see the complexity it acknowledges in applying shared principles in practice.

¹⁵³ Carozza, *Subsidiarity as a Structural Principle*, p. 67

Finally, subsidiaric elements also operate implicitly in the domain of economics, as seen specifically in Ostrom's natural resource economics and in Sen's capability approach to development. Ostrom's approach addresses the presumption that higher level institutional arrangements are the most appropriate way to address climate change.¹⁵⁴ Her analysis points to the many actions at multiple scales—polycentrism—being undertaken. An 'all-level' integrated response can create synergies to tackle what is a collective-action problem. It demonstrates that oversimplification of a response to a problem is not an advantage but rather a drawback. Ostrom is advocating a 'complexification' in calling for action at multiple scales, not for its own sake but because complex problems need a complex of responses. This is why subsidiarity has a crucial role to play in our response to climate change.

Subsidiaric processes are also evident in Sen's capability approach, seen in the roles he assigns to individual agency, to intermediate associations, and to the state, in his model of development. His commitments in capability theory, such as his focus on agency, led to a model of sustainable development that keeps central individual freedom, but needs an explicitly articulated social ethic. Ricoeur reads Sen's approach to capability as a worthy component of a normative theory, interpreting his emphasis on rights to capabilities (section 4.2) as belonging to the sphere of mutual recognition.¹⁵⁵ However, what remains underdetermined in Sen's approach is a principle of mediation between self and mutual recognition.

¹⁵⁴ Ostrom, *Nested Externalities*, p. 355

¹⁵⁵ Ricoeur, *Capabilities and Rights*, p. 17

6 Autonomy, Capability and Subsidiarity: Key to a Social Ethics for Sustainability

The concluding chapter draws in the elements of the thesis which brought together the autonomy approach in theological ethics and Sen's capability approach to development, and applied the integrating framework of the autonomy position to the evaluation of approaches to sustainable development for social ethics. It found that an ethics of freedom made concrete through capability building needs a mediating principle. This principle is subsidiarity. The structure of the thesis was therefore autonomy in chapter one, and because development is about poverty as well as sustainability, sustainable development and poverty were in focus in chapters two and three. Chapter four turned to Sen's capability approach, and chapter five to subsidiarity.

6.1 Autonomy: Recognising Human Freedom in Sustainable Development

In the autonomy approach in theological ethics—an approach that can be called 'principled autonomy'—the question of moral obligation is justified philosophically: human freedom is understood in terms of the capability for moral self-government. And as has been argued in chapter one this position takes Kant's idea of the autonomy of the human person, and his CI, as its philosophical counterpart.¹ This approach is also concerned with a rapprochement of the right and the good in the Christian context.² In applying this framework to environmental ethics this thesis took the less common starting point than that of many ecotheologies that assume that an autonomy approach in environmental ethics is irredeemably individualistic and (excessively) anthropocentric, and so deeply unsuitable for an environmental ethics.³ In keeping with the self-understanding of the autonomy school of ethics this thesis argued that the deontological framework that protects the

¹ Russell, *Autonomy and Food Biotechnology in Theological Ethics*, p. 69

² *Ibid.*, p. 69

³ *Ibid.*, p. 140

individual from violation by others or for the sake of the collective, rather than being the obstacle to sustainability is actually the ground from which an environmental ethics can be shared.⁴ A social ethics that defends human dignity seeks to develop practical responses to environmental problems that in the past, in some approaches, denied human freedom and to instead recognise and build capability, recognising human dignity and agency as irreducible. This changes how we view the human person and the possibility of interrelated approaches to 'care for our common home'.⁵ The scope of this ethical reflection is universal, in that sense it is on the 'worldwide scale'.⁶ The recognition that we as moral subjects owe to others is rooted not in their belonging to the same particular community as us but rather because of their "...equally original freedom."⁷ An autonomy approach provides a framework for re-evaluating how human agency has been interpreted in models of development. This 'universal' approach however always needs to be concretised in practice in place and time. Mieth elaborates on ways in which this process of concretisation is also reflected back in rereading's of Kant's CI, reinterpreting it in light of an expanded anthropology that recognises the human person as 'embodied' as well as 'free'.

In contrast to some approaches in Christian ethics, in the autonomy approach ethics does not refer to 'society' as distinct from 'church' in its framing of social ethics.⁸ Theological ethics is done in the context of a variety of conceptions of the good in pluralist societies. There is a recognition that it is no longer possible to assume the existence of God as 'anchor' of a universal system of ethics or to call on universal arguments when there is no shared basis for those arguments, for example where human rights or democracy is rejected as part of the good.⁹ At the same time, from an autonomy approach, ethics is not conceived of as only "...ethical exchanges between particular world

⁴ Ibid., pp. 124-125

⁵ Junker-Kenny, *Approaches to Theological Ethics*, p. 166

⁶ Ibid., p. 54

⁷ Ibid., p. 54

⁸ Ibid., p. 100

⁹ Ibid., p. 140

views...” but also involves justifying a ‘universal level’ by arguing for the “...the principle of human dignity in concrete matters of justice.”¹⁰ This is more than a minimal ethic of ‘overlapping consensus’ which in any case is not guaranteed to emerge.¹¹

In this framework the boundary between theological and philosophical justification is respected, and the starting point is the recognition of human dignity and freedom which can be shared and argued for intersubjectively.¹² In terms of the distinctive aspects of the Christian context, outlined by Auer and extended by Meith, the ‘motivation’ it provides can ‘challenge the lowering of benchmarks’ in ethics. What is being defended is human dignity, expressed here as the “...moral experience of obligation which a person makes in her internal freedom” and this is more than “...a merely legal understanding of a reciprocity of rights”.¹³ As Christoph Hübenenthal writes, morality reduced to utility or mere legality eschews “...the idea of a categorical ought, of universal justice, or definitive meaning...” but this is something argued for the autonomy approach.¹⁴

At the same time, relating theological ethics to philosophical discourse is an open-ended task.¹⁵ And the Catholic social tradition is one of public debate and social action in a process of continuous reinterpretation.¹⁶ This continuous process of interpretation is necessary not least because, in relation to Kantian morality, “...one’s maxims may turn out to be insufficient in concrete situations that pose new requirements: they may have to be revised or given up if ...” they are no longer generalisable.¹⁷ CST too has “...a heuristic method of ‘scrutinizing the signs of the times’ ...” in light of the Gospel, interpreting society as based on solidarity and motivating action beyond mere ‘self-interest’.¹⁸ This

¹⁰ Ibid., p. 139

¹¹ Ibid., p. 140

¹² Ibid., p. 140

¹³ Ibid., p. 145

¹⁴ Cf. Junker-Kenny, *Approaches to Theological Ethics*, p. 145

¹⁵ Junker-Kenny, *Approaches to Theological Ethics*, p. 145

¹⁶ Cf. Junker-Kenny, *Approaches to Theological Ethics*, p. 143

¹⁷ Junker-Kenny, *Approaches to Theological Ethics*, pp. 156-157

¹⁸ Ibid., p. 143

appeal is found in the social encyclicals, and reiterated in *Laudato Si'* which is addressed to 'all men and women of goodwill' (LS, 3).

This process of reinterpretation is evident in the autonomy approach and these elements are shared by Hollenbach's 'sustained endeavour' to relate CST to 'contemporary philosophical discourses on justice and to international human rights instruments'.¹⁹ Hollenbach's reformulation of the common good in terms of human rights promotes it as dialogue or as deliberation through engagement with others. This deliberation is undertaken in a context of mutual recognition where citizens are able to exercise freedom of religion, assembly, association, and speech in dialogue with others, and where, despite religious or cultural differences, a common life can emerge.

This thesis looked at models of sustainable development through the lens of an autonomy framework, which is in dialogue with CST, to evaluate their commitment to human agency. Brundtland's classical definition and Solow's elaboration of it, which focus respectively on needs and on the living standard, are solid beginnings but have limitations in terms of what they leave out about current and future generations. Sen's focus on agency in capability theory culminated in a model of sustainable development that makes individual freedom both the means and the end of development.

This commitment has parallels with those of CST as a social tradition of public debate and social action.²⁰ Sen's approach to the human agent in economics provides a more comprehensive view than that of neo-classical economics. He interprets the human person as a socially situated individual agent capable of acting out of motivations beyond mere self-interest, in the interest of others and of the planet, and this is relevant to the achievement of sustainability.²¹ However, there is a gap in Sen's capability approach in terms of social ethics. He argues that differences can be settled by consensus and offers a comparative form

¹⁹ Ibid., p. 145

²⁰ Cf. Junker-Kenny, *Approaches to Theological Ethics*, p. 143

²¹ Sen, *Development as Freedom*, p. 18

of assessment through which reasons can be scrutinised and fairness optimised.²²

So although he thematises convictions, in that he registers that they exist and influence peoples choices, he leaves aside the role of convictions.²³ From the perspective of the autonomy approach convictions cannot be 'bracketed' out as irrelevant, they are not something to be simply discarded if there is an absence of a standard of justification.²⁴ This issue is taken up by Ricoeur who argues for "...a more hospitable engagement..." with others.²⁵ Ricoeur recognises convictions, always as considered convictions, as an expression of commitment to values and meaning that have normative significance for the focal group involved, but which need to be "...worked out and justified practically..." and historically.²⁶ The interpretation reflects not a desire for greater 'objectivity' but a 'willingness to mutuality'. This analysis points to the need for greater articulation of a principle of mediation between self and mutual recognition in capability, a principle of subsidiarity. The principle of subsidiarity offers a way of better accounting for market externalities—social poverty and exclusion, and anthropogenic damage to the earth systems on which we depend—key concerns that drove Sen's approach, through new pathways and mechanisms for securing these for the common good.

6.1.1 Human Development on a Sustainable Planet

As we have seen, the discourse of sustainability emerged as a response to the productionism versus environmentalism debate, which is far from settled but has taken a new trajectory since Brundtland. It originated in a concern to mitigate the adverse impacts of development—to which the international community was obligated—at all levels, on the environment.²⁷ Despite the welcome shift it represented, its classic definition by the Brundtland Commission was itself the source of a

²² Mei, *Are Reasons Enough? Sen and Ricoeur on the Idea of Impartiality*, pp. 7-8

²³ *Ibid.*, p. 9

²⁴ *Ibid.*, p. 5

²⁵ *Ibid.*, p. 18

²⁶ *Ibid.*, p. 14

²⁷ Anand and Sen, *Human Development and Economic Sustainability*, p. 2033

number of ambiguities. In focusing on the satisfaction of “needs” its implicit anthropology saw people as passive recipients rather than agents capable of action.²⁸ Reformulations of sustainable development like that of Solow were well intended and aimed to improve on this approach, in Solow’s case in arguing for maintaining society’s stock of capital.

However, this revealed a weakness in the definition from the other direction, from the perspective of environmental protection. In terms of practical outcomes it relies too heavily on the assumption that all ‘goods’ are substitutable: that is simply not the case for ‘natural capital’ and in relation to biodiversity. Even ‘instrumentalist’ readings of biodiversity (for example the ecosystem services approach), which looks at the value of biodiversity to human societies, register this limit. In philosophical terms this approach does consider the long-term in referring to future generations, but it remains overly ‘needs’ or ‘living standard’ based. From the perspective of human dignity and environmental stewardship in theology it is a step in the right direction, even if it falls short on an appreciation for the integrity of creation itself, as also having a value, and a future integrity, in its own right. Sen’s work, in shifting the debate to a question of human freedom, takes seriously the human person as a capable agent, finite, embodied and social.

6.1.2 A Capability Perspective in Poverty Analysis

The externalities of poverty alleviation and environmental protection fall outside the standard system of calculation in market analysis in economics. They need a broader accounting framework and the shift Sen’s work inaugurated in economics and poverty metrics was groundbreaking. It moved the focus away from growth measured in terms of income to the expansion of freedom as an indicator of human development.²⁹ The assumption that increased economic growth would in turn alleviate poverty, in part through ‘trickle-down mechanisms’ was

²⁸ Sen, *Why We Should Preserve the Spotted Owl*, pp. 10-11

²⁹ Sen, *The Concept of Development*, p. 12

not well founded for the poorest, even in relatively wealthy societies.³⁰

The challenges in the measurement of global poverty: problems in defining poverty; diverging estimates of poverty and poverty alleviation; debate on the extent of poverty and its rate of decline; all had implications for policy and outcomes. If rates of poverty are estimated as being lower than expected this affects the allocation of resources to tackle poverty and impacts negatively on concerted international effort to address poverty.

Sen's work was crucial in the redesign of the metrics for capturing poverty. The indicator of progress is no longer annual per capita income alone but included proxies for education and health. These non-monetary indicators of deprivation, which he sought to develop in light of his commitment to human freedom, are better at capturing and conveying what it means to be poor.³¹ The new metrics also include 'social achievements' that are not well captured by a monetary indicator, and which require conscious public policy to translate economic growth into these achievements in health and education. Applying a capability perspective in poverty analysis instead of taking a purely income or opulence-oriented approach provided valuable insights into the nature and causes of poverty and deprivation.³² It also opened a door beyond the 'need' versus 'opulence' impasse in anthropology and away from a race to consume non-renewables for growth to rethinking what it means to live 'lives we have reason to value' which could include broader conceptions of embodied existence.

6.1.3 The Capability of the Agent

Sen's work proceeds with the conviction that human development is an end in itself and does not 'serve' the economy. His capability approach focuses on human development as distributional equity in the capability for health, nutrition, and education. In his more recent work he does more explicitly acknowledge that the objectives of development and of

³⁰ De Schrijver, *Combating Poverty Through Development*, p. 30

³¹ Alkire et al., *Multidimensional Poverty Analysis and Measurement*, p. 9

³² Sen, *Development as Freedom*, p. 90

securing environmental protection are often interpreted as simply being in conflict. But he argues that is this an overly simplistic assumption and he has prompted a growing research programme that has left this simple dichotomy behind, working instead with the presupposition that distributional equity does not clash with the imperative of sustainability.³³

He also argues that the development of human capabilities, delivered through improved education, health and nutrition are not only intrinsically, but also instrumentally, important for sustainability.³⁴ Freedom is the “primary end” and the “principal means” of development Sen argues, and “sustainable freedoms” are not incidental but fundamental to achieving sustainable development.³⁵ The popular assumption that current environmental crises are all the result of population pressure ignores other factors which impact negatively on the environment.

What limits creative solutions in developing countries is lack of investment in sustainable agriculture and in good education for all. And the evidence, as we have already seen, is that building capability through female education, employment opportunities and property rights is not only effective in stabilising fertility rates, beyond this it enhances the real freedoms women have. The expansion of these freedoms in turn contributes to economic development. The isolationist view of the causes of deprivation, which takes fertility levels as a major factor in poverty (and the implication that poverty in turn impacts environment negatively) fails to address the social, economic and political factors which affect deprivation.³⁶ If fertility rates are the issue, then as Sen demonstrates, female education has a significant role to play in lowering fertility, if that is indeed what is aimed for.

However, in the short term it is local environmental problems, rather than demography, which pose an imminent threat to the populations

³³ Anand and Sen, *Human Development and Economic Sustainability*, p. 2038

³⁴ *Ibid.*, p. 2038

³⁵ Sen, *Why We Should Save the Spotted Owl*, pp. 10-11

³⁶ Amartya Sen, “Population: Delusion and Reality?”, in David Keller (ed) *Environmental Ethics: The Big Questions*, (United Kingdom, Wiley-Blackwell, 2010), pp. 454- 469, p. 462

involved, and female empowerment has a critical role to play here too. Indeed, as Sen notes, there is a disproportionate, positive payback from investing in 'impoverished providers'.³⁷ These "...vulnerable agents on whom others depend..." often have "...slender control of resources but heavy commitments to meet others' needs."³⁸ While they are "...impoverished...they are often providers...[and] others who are yet more vulnerable depend on them for protection."³⁹

Sen's view of the human person then is more comprehensive than that standardly applied in classical economics. It recognises a much greater role for citizens as agents, in addressing the unprecedented, shared environmental problems we face. His view also keeps open the full range of motivations for human behaviour rather than restricting it to mere self-interest. His capability approach also views the determination of what is acceptable in society as an ongoing task: it demands that principles, values, and goals be worked out experientially and historically. This is why he rejects a fixed list of basic capabilities, in contrast to Nussbaum. Sen's approach does not restrict the determination of what counts to a fixed list (although he does recognise the necessity of such a list in very particular circumstances). In addition, in Sen's approach, the demand for distributive justice is not confined to within borders but is cosmopolitan. His positive assessment of the possibility of common commitments is contrary to that of economists who are less positive about the possibilities for agreement (social choice) in determining development priorities in economic policy. This is one of the strengths of his approach from a theological ethics perspective. This is especially significant in relation to the environmental problems faced by all of humanity that are not restricted to distinct geographical regions and so not only benefit from, but also require, communication and engagement across borders.

His model of open impartiality in social ethics has correspondences with Hollenbach's idea of intellectual solidarity in his revised natural law

³⁷ Onora O'Neill, "Justice, Gender, and International Boundaries" in *British Journal of Political Science* 20:4 (October 1990), pp. 439-459, p. 456

³⁸ O'Neill, *Justice, Gender, and International Boundaries* p. 457

³⁹ *Ibid.*, p. 440

approach. Hollenbach, coming from that tradition, also argues for a complex set of distinctions and interactions between the individual, civil society, and the state, and his approach to solidarity also has implicitly at work, as part of its origins, the related principle of subsidiarity. This mediation between the individual and society in Sen's work is elaborated on in Hollenbach's social ethics. Hollenbach brings into focus many layers of action in civil society and a recognition of different institutional forms.

When seen from the perspective of solidarity, which implies subsidiarity as a principle of social organisation, religious communities and traditions of interpretation make important contributions to the public domain.⁴⁰ In his concept of open impartiality Sen's capability theory however does not expand on a principle of mediation between self and the social and political spheres in his defence of agency at all levels. However, it does lean more towards what Ricoeur means by 'willingness to mutuality'. Nevertheless, from the perspective of human dignity securing freedoms requires the stability and security that mediating institutions provide, and this becomes more urgent in the context of changes wrought by climate change and biodiversity loss. From the perspective of 'global' solidarity we get a principle of cohesion in poverty alleviation, from the perspective of the 'local', subsidiarity is the principle of particularisation.

6.1.4 Subsidiarity: Making Sustainability Concrete in Time and Place-appropriate Ways

Subsidiarity implies the need for greater integration in tackling the challenges of international co-operation on shared key environmental goals. Centralised directives are a necessary ingredient, already the Paris accord has altered the macro framework for economic policy. The local level where initiatives require infrastructural and financial support to concretise them and the level of the larger authority that would provide this support are less easily connected. Establishing new 'pro-environmental' practices at different levels involves a complex of relationships. The principle of subsidiarity explicitly brings this into

⁴⁰ Hollenbach, *The Common Good and Christian Ethics*, p. 166

policy and research proposals, in that it aims to re-secure the commitment to autonomy at all levels and to the greatest extent possible.

It also recognises that responding to complex interrelated questions does not mean simply giving way to harmonisation but that it is an exchange in resource and expertise at interrelated levels.⁴¹ Conditions vary from place to place and a solution that works in one region will not necessarily be appropriate or effective in another. In its application in *Laudato Si'* there are clear examples of how the principle applies in that it recognises that responses are particular. There is no one size fits all centralising ethic but rather one that hopes to best match local conditions most appropriately.

In its application as a structural principle for international human rights law by Carozza we see also a presumption of mutuality, rather than antagonism, between states in this case. This highlights the complexity of implementing change even with agreement in principle, on human rights for example. This is pertinent also in CST analysis because the achievement of the common good is also now complexified by the goals of sustainable development (LS, 13). Subsidiarity keeps to the fore 'unity and difference' and because of this has the ability to keep relating the two as involved with each other at the same time, not sequentially.

This can contribute to locating avenues for the implementation of regulations regarding shared environmental problems. While establishing practice at the various levels might be complex, subsidiarity aims to secure autonomy at all levels and to the greatest degree possible, so that the 'whole human family' is included in seeking "sustainable and integral development" (LS, 13). Action at different levels, subsidiarity in action, provides tailored responses to problems as they manifest locally. This is an example of the tradition working out the possibilities and implications of CST in ways that cohere with the lived social experience of time and place.

⁴¹ Carozza, *Subsidiarity as a Structural Principle*, p. 67

6.2 Conclusion—A Social Ethics for Sustainability: Autonomy, Capability, and Subsidiarity

In this thesis, autonomy, capability, and subsidiarity are interrelated as the three key pillars for sustainability—as a normative concept—in social ethics. Sustainability as a normative concept aims to engender a society that supports individual well-being, societies, the biosphere on which those societies depend, and indeed all systems impacted by human activity including the upper atmosphere and space. Clarification of the normative aspects of any claim that a process, model, or action makes to be sustainable are never complete. Any model or approach has the potential to exclude the interests of some human populations, of all of humanity, or of related biological or physical systems. The gap in the discourse of sustainability is precisely the ongoing difficulty of negotiating the interests of the individual and the community (present and future) at the same time: and of not confining these negotiations to questions of needs satisfaction, or standards of living but to negotiate these interests in ways that reflect an ‘expanded’ anthropology. The question of how to mediate between the freedom of the individual and the demands of the common good is not an entirely new question in social ethics, and it has long been an issue central to the Catholic social tradition and in particular the common good tradition. However, it is applied anew here in the context of threats to the earth systems that support our societies and in light of the complex nature of defining, addressing, and integrating these multiple concerns.

The goal of securing the sustainability of non-renewable resources is often interpreted as being in conflict with the objectives of well-being for all. Poverty eradication is seen as an urgent humanitarian concern. As a goal of the international community it carries with it an implicit commitment to distributive justice, and is usually interpreted as an objective to be achieved through ‘development’. Yet not all models of development are equal, from the perspective of the capability approach poverty alleviation is not enough to secure sustainability. What stabilises development is inequality alleviation. Environmentalists

question whether and where the commitment to development is compatible with local, regional, or planetary environmental sustainability.⁴² In addition, questions of development are not confined to so-called developing countries, they also apply to the seemingly endless drive for permanent economic growth in developed economies.⁴³ Given the conflicting interpretations and unhelpful rhetoric about demography, poverty alleviation, climate change and biodiversity loss it would appear that there is a need for what Junker-Kenny calls “critical ethical companionship” to assess the accuracy of claims that there is a necessary conflict between development and conservation.⁴⁴ It is only when these claims have been accurately assessed that we can integrate key commitments in environmental ethics: respect for the dignity of each human person while ensuring a just framework for access to, and conservative use of, non-renewable resources.⁴⁵

Recognising that we are agents, capable of commitment as well as rationality, is a key insight of Amartya Sen’s approach to development economics. He initiated a new trajectory in development that applies the commitment to dignity to the practice of economics. And in that way brings to light possibilities in practice that both reflect a comprehensive view of autonomy and interdependence across all societies, and the recognition of human sociality, fallibility and finitude as legitimate aspects of economic decision making and not luxuries to be added on after prosperity has been achieved. In Meith’s theological rereading of the categorical imperative we see “...human freedom, rather than rational nature as such, as the basis of human dignity.”⁴⁶ In Sen’s work in economics this includes the freedom to make decisions as a citizen and not just as a consumer, and to do so in light of a complex set of

⁴² Russell, *Autonomy and Food Biotechnology in Theological Ethics*, p. 192

⁴³ *Ibid.*, p. 148

⁴⁴ Maureen Junker-Kenny discusses the contribution of ethics as a critical resource for valuing the priceless in the face of market categories and points out that given the irreversibility of some decisions there is a crucial need for “critical ethical companionship”. I would argue for such critical ethical companionship in the development of an inclusive environmental ethic for sustainability. Cf. Maureen Junker-Kenny, “Valuing the Priceless: Christian Convictions in Public Debate as a Critical Resource and as ‘Delaying Veto’” (J. Habermas) in *Studies in Christian Ethics* 18:1 (April 1, 2005), pp. 43-56, p. 44

⁴⁵ Russell, *Autonomy and Food Biotechnology in Theological Ethics*, p. 148

⁴⁶ *Ibid.*, p. 124

commitments that include the well-being of our fellow human beings, of other creatures, and of the biosphere itself.

The capability approach profoundly changed the way in which development was to be evaluated and has had a lasting effect on development in practice. The objectives of development, at its best, are participatory, not beneficent, and driven by local initiative. The expectation is that they will be supported from 'above' by governmental or international frameworks but driven by societies themselves at all levels. It no longer focuses only on an anthropology of needs (or its counterpart opulence) as a measure of success. Sen made this breakthrough in economics at a crucial time in the history of thinking sustainability. I think that it is also possible to say that in making 'living lives we have reason to value' the driving philosophy, Sen was invoking a social ethics well known to the catholic social tradition, where solidarity (commitment for Sen) and its counterpart subsidiarity were put to work in social ethics.

Working explicitly with a subsidiaric framework would mean that local populations are not just supported as participants in efforts to address issues that affect their communities. But that development programmes would explicitly seek to identify alternatives that provide a better match for conditions 'locally' (however locally is defined), rather than imposing macro-level approaches that worked under different conditions elsewhere, or assuming that incoming experts know best what fits. As we have seen in Carozza's discussions on subsidiarity and international human rights law (section 5.2.2) intermediate bodies may have more complete information about a problem than distant authorities, they may be more aware of the legitimacy of decisions in their state, and crucially they may have more legitimacy with those who are impacted than a distant supranational authority. However, where there are gaps—limited expertise or lack of capacity—a subsidiaric approach would help identify those gaps and the necessary additional resources, in terms of technology, scale, or finances needed, and which can be provided by the closest level with the ability to do so.

Local, intermediate groups can be more flexible and can react quickly when there are issues on the ground, mobilizing resources locally to address context specific problems, they have local knowledge which a higher authority is missing, and may be seen as more legitimate by those involved than a centralised authority without specific knowledge of a region. All things being equal, local institutions, properly supported, can mitigate poverty and environmental damage, and promote development and crucially act as mediators between the local and the global.

However, subsidiarity is not simply about the devolution of authority to the local level. It is not about the decentralisation of decision-making power. It is the case that in the EU it does have a more limited application closer to the idea of decentralisation.⁴⁷ Nevertheless, it does not pitch the local against the regional or assume that local institutions necessarily serve the common good more fully than global institutions. It does not give priority to one locality over another. Rather it can have a heuristic function, helping to determine which level *is* the most local, the closest to the individual. The principle demands serious deliberation on which level is best equipped to reach a particular objective.⁴⁸

Subsidiarity does not assume that there is a simple linear flow of power from institutions to individuals and back again. Rather, it recognises the need for support at all levels of society as we have seen in its definition in QA and repeated here in brief again, arguing that it is “...gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community...[because]...every social activity ought of its very nature to furnish help to the members of the body social, and never destroy and absorb them (QA 79).

As understood in its origins in CST, it argues for the most appropriate level at which to lever assistance, at which level the problem is presenting and at which it needs to be addressed. It implies that the common good recognises that there are intermediate institutions with different spheres of influence, exercising different responsibilities.⁴⁹ It

⁴⁷ Carozza, *Subsidiarity as a Structural Principle*, p. 51

⁴⁸ *Ibid.*, p. 79

⁴⁹ Russell, *Autonomy and Food Biotechnology*, pp. 114-119

recognises “...a rich variety of contexts for relationship and fulfilment in the pursuit of the diverse ends of a fully human life.”⁵⁰ It respects the dignity and integrity of the individual person while also recognising that the individual is a social being and that dignity requires and includes association with others.⁵¹ As Carozza writes, it is a “...model of fulfilment through relationship and assistance...” that extends beyond the individual to the various levels of social organisation.⁵²

⁵⁰ Carozza, *Subsidiarity as a Structural Principle*, pp. 46-47

⁵¹ The philosopher Paul Ricoeur argues that self-esteem, which he relates to the ethical aim of the good life, is not concrete without reference to all aspects of the ethical aim. Self-esteem, along with self-respect, is required for selfhood. Therefore we need ethics and morality, and crucially we need others. Cf. Paul Ricoeur, *Oneself As Another*, (Chicago: Chicago University press, 1992), pp. 180

⁵² Carozza, *Subsidiarity as a Structural Principle*, p. 43

7 Autonomy, Capability, Subsidiarity: A Nested Key to Sustainability in Five Dimensions

This research addresses the discourse of sustainability from the perspective of a social ethics that begins from a moral commitment to human freedom and flourishing, on a shared but imminently threatened planet. In theological terms this translates as a commitment to the dignity of every person before God and to the integrity of creation. In the opening chapter I outlined the difference that the theological 'context' can and has made in this research, both in reframing and analysing the debates, and as part of the impetus for the research in the first place. Working in partnership with a wide range of learning groups in the adult and community education sector in Ireland I witnessed the positive impact of participation in adult and community education schemes on individuals themselves, on their families, and on the wider community. With support that upholds local initiative, participants can be 'agents' of their own development and in turn contribute in new ways to their communities. My return to academic education to explore discourses and find avenues to express and engender such change has been fruitful, and I found the language of dignity and subsidiarity creative starting points for turning indignation against injustice into policy for change.

This research allowed me to apply the insights from my working life to the wider question of sustainability that faces all societies and economies, and to investigate possibilities that focus on people as agents of their own development and on the integrity of creation. While I began not from the assumption that the theological context brings additional 'content' that cannot be worked out on philosophical grounds, I return now to the question of what difference it does bring to the research. The five aspects I claimed for the theological context are that it can intensify our moral sensitivities, motivate us to action, help us to uncover or discover what is morally relevant (its heuristic potential),

help to integrate sources in ethical deliberation, and finally it can relativise the deliberation.¹

I am aware that I am following in the footsteps of those theologians who have argued for this approach in theological ethics for good reasons, and who have modified and expanded on it—Alfons Auer, Maureen Junker-Kenny, Dietmar Mieth and others. Auer’s original arguments settled the debate about what was specifically Christian in Christian ethics in a particular direction: that it is the context as opposed to the content that makes Christian ethics distinctive. Auer began with two dimensions: motivation and incentive.² This interpretation was notably expanded on by Dietmar Meith. He includes these two original dimensions (that theological commitments intensify and motivate our response to ethical issues as they arise). He also adds three more dimensions to draw out further aspects of this framing: he adds heuristic potential, a specific focus on integrating sources across many disciplines. Finally, he argues that a faith context, or our commitments, relativise ethical imperatives. This last dimension, especially, acknowledges the scope and limits of ethics in relation to social life, that not everything in anthropology is ethics.

In concluding this thesis I return to each of these dimensions in order, to both locate them in the relation to the questions they helped me to raise, and to draw out their role in developing a three-pillared approach for a social ethics of sustainability. First, a faith context can intensify our moral sensitivities, alerting us to the complexity of life, to the uniqueness of ‘each created individual’, as well as promoting the recognition of “...all natural life beyond its value for human needs.”³ As Kevin O’Brien points out (section 2.2.5), biodiversity can be seen to have an instrumental value for humanity, but this does not exhaust its significance. Contemplative or creation-centred approaches emphasise and prioritise the interconnectedness of all life and all creation. As part of human life and community creation is experienced as given, having

¹ Russell, *Autonomy and Food Biotechnology in Environmental Ethics*, p. 267

² MacNamara, *Faith and Ethics*, pp. 44-45

³ Russell, *Autonomy and Food Biotechnology in Theological Ethics*, p. 267

spontaneity of its own—not something we create or simply manipulate. In that sense it can be thought of as having intrinsic value of its own.⁴

It is the case that often an emphasis on intrinsic value weakens the case for conservation decision-making. A “comparative concept of value” is precisely what is required in some conservation decision-making.⁵

Where there is competition for limited funds and resources, intrinsic value rarely insulates conservation decision-making from the pressures of these competing demands.⁶ However, that does not mean that all valuing is confined to the narrowly instrumental. From the perspective of a creation faith a focus on nature as creation can intensify our moral sensitivities in proenvironmental ways: shifting from a ‘success calculation’ to a relational approach that does justice to the wonders of biodiversity, interpreted also as the good creation.

Second, the context of faith can also motivate action, even in the face of the apocalyptic pessimism of some approaches where, for example, people are seen only as a threat to their environment and coercive solutions are simplistically presumed to be both necessary and effective. We have seen this in the past where alarmist responses to resource supplies led to coercive policies in the search for effective solutions (section 2.1.1). These policies not only restricted the scope of freedom, a loss itself, but also had long-lasting, negative social consequences (2.1.1). These proposed solutions are not easily relegated to history. They continue to divide the discourse, even though the stance has been softened somewhat in recent years. The faith context provides the motivation to continue to look for responses that are in keeping with the dignity of the human person, and this in tandem with the intensification of our moral sensitivities. It does not relegate indignance at injustice to a luxury. As we have seen in this thesis Paul Ricoeur refers to that which motivates us towards mutuality, and Hollenbach describes it as intellectual solidarity.

⁴ O’Brien, *An Ethics of Biodiversity*, p. 51

⁵ Lynn A. Maguire and James Justus, “Why Intrinsic Value is a Poor Basis for Conservation Decisions” in *BioScience* 58:10 (November 2008), pp. 910-911, p. 910

⁶ Maguire and Justus, *Why Intrinsic Value is a Poor Basis for Conservation Decisions*, p. 910

Third, in terms of its heuristic potential the context of faith helps us to look for, discover, and make common cause with good practices and these are not confined to theology, the church, or faith perspectives alone. It alerts us to the fact that there are no simple dichotomies, but rather complexities with which we must work. That complexity that is part of social relationships is reflected in the context that led to the development of the principle of subsidiarity. We see a parallel in Elinor Ostrom's polycentrism in natural resource economics and it is exemplified in Sen's capability approach to development as freedom. Such models take account of the 'pathologies' of technocratic societies and seek routes to concretising alternatives reflexively and without oversimplifying the limits and scope of their own disciplines. These approaches also already exhibit subsidiaric elements (matching local conditions, however local is understood since it changes for different kinds of problem solving) that can be strengthened by solidarity in working through their synergies.⁷ As is evident from Ostrom's work, macro level schemes to address particular problems often exclude local populations, making these schemes more difficult to manage and less likely to succeed in the long-term (section 5.2.3). Local agents exercising their own initiative, and benefitting from this, offer more sustainable ways to manage the use of environmental resources at the closest level.

The capability approach makes evaluating the free exercise of human agency a measure of the success of a programme. Human freedom is both the 'means' and 'ends' of development.⁸ This is in contrast to other development initiatives where there was a dismal assessment of local populations, often assuming erroneously a detrimental impact on their environment. The heuristic dimension can help us revisit and discern the "mistakes of past paradigms" and is an example of interpreting the past so as to "enlighten current perspectives."⁹ It also points towards supporting those economic models that may run on instrumental

⁷ Subsidiarity too is a 'heuristic principle' in the sense that it directs policy to explicitly identify the most appropriate level(s) for action in different domains.

⁸ Sen, *Development as Freedom*, pp. 36ff

⁹ Russell, *Autonomy and Food Biotechnology in Theological Ethics*, p. 269

principles but are aware of themselves as serving society and sustainable economies and are dialogue partners for theology.

Fourth, this framework in ethics also specifically makes the integration of sources across disciplines a key element of any model or research programme. It takes other disciplines seriously, not as add-ons, but as partners and best critics and engages with philosophical schools of ethics. Meith's theological reformulation of Kant's categorical imperative is an example both of the starting point of this approach in theological ethics and an elaboration of it in philosophical terms and for environmental ethics. His rereading of the CI integrates different disciplines—ethics, the natural sciences—while it is rooted in an appreciation for all creation (section 1.1.3).¹⁰ An autonomy approach explicitly prioritises the ability to integrate insights from other disciplines, such as economics, as part of its self-understanding. From an autonomy perspective this integration and engagement characterises the “interdisciplinary task of theological ethics” which seeks to understand the methods and enquiry of different approaches, to “...introduce them to each other, and to direct them into fruitful conversations.”¹¹ It “...takes seriously the insights of its faith tradition and of the human sciences in the context of Christian practice.”¹²

Finally, autonomy in theological ethics also relativises ethics, without ignoring or relegating ethical questions.¹³ What is implied here is that it alerts us to the question of the flourishing life which includes, but is more than, ‘right’ or ‘good’ living. And it also raises questions of ‘transcendence and meaning’ beyond mere settling of emancipatory questions.¹⁴ It highlights, as Hollenbach does, that life is worth living and that community involves living together despite the difficulties, despite the fact that the world is not perfect, despite the fact that we may not always reach agreement. From a faith perspective Meith notes, the sermon on the mount, and other Gospel maxims, are about ‘more than

¹⁰ Ibid., p. 141

¹¹ Junker-Kenny, *Approaches to Theological Ethics*, p. 2

¹² Russell, *Autonomy and Food Biotechnology in Theological Ethics*, p. 134

¹³ Ibid., p. 134

¹⁴ Ibid., p. 271

morality'.¹⁵ This conviction is reflected in Ricoeur's approach to impartiality too, that objectivity in ethics is not the last word but is built on an already valuable and priceless intersubjectivity, a 'willingness to mutuality' (section 4.2.2).¹⁶

Hollenbach asks whether engagement with those holding different views of the good life could give us important insights, whether "...deliberation about how we should live together [could] be mutually enriching and lead to a better public life for all."¹⁷ He notes that the pursuit of the common good in a pluralist world is at the same time universalist but also dialogic because "...it seeks engagement with others across the boundaries of traditions as itself part of the human good (section 1.3.3)."¹⁸ Indeed, "...one of the key elements in the common good for a community or society...is the good of being a community or society at all."¹⁹ He discusses at length the importance of 'intellectual solidarity' in our efforts at identifying 'the good life.' The human community is pluralistic and culturally diverse. Diversity, be it cultural, religious, or ethical, is not an insurmountable obstacle to engagement in a common life aimed at the good but is already a good in building that community of solidarity, whether or not it leads to agreement or consensus.

Autonomy in theological ethics motivates us, then, to take an approach that seeks out responses that are in keeping with the dignity of the human person and that do justice to the wonders of biodiversity, and that in doing so we look for and engage with good dialogue partners. It alerts us to the fact that we have to live together despite the difficulties, despite the complexities, despite the fact that the world is not perfect, acknowledging that we may not always reach agreement, but that behind such engagement there is already a priceless intersubjectivity.

¹⁵ Mieth, *Autonomy of Ethics—Neutrality of the Gospel*, p. 39

¹⁶ Ricoeur, *Oneself as Another*, p. 172

¹⁷ Hollenbach, *The Common Good*, p. 33

¹⁸ *Ibid.*, p. 153

¹⁹ *Ibid.*, p. 9

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