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The "Preferential Option for the Poor": An Opportunity and a Challenge for Environmental Decision-Making

Lucia A. Silecchia
ARTICLE

THE "PREFERENTIAL OPTION FOR THE POOR": AN OPPORTUNITY AND A CHALLENGE FOR ENVIRONMENTAL DECISION-MAKING

LUCIA A. SILECCHIA*

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Our heart cannot be at peace while we see our brothers and sisters suffering . . . . To make a concrete response to the appeal of our brothers and sisters in humanity, we must come to grips with

* Professor of Law, The Catholic University of America, Columbus School of Law. I am very grateful to the staff of the St. Thomas Law Journal for the invitation to participate in this Symposium. I am also very thankful to Stephen Young of the Catholic University Law Library for his tireless help and to Elena Sweiger, Columbus School of Law Class of 2009, for her excellent research assistance.
the first of these challenges: solidarity among generations, solidarity between countries and entire continents, so that all human beings may share more equitably in the riches of our planet. This is one of the essential services that people of good will must render to humanity. The earth, in fact, can produce enough to nourish all its inhabitants, on the condition that the rich countries do not keep for themselves what belongs to all. The Church will never tire of reminding everyone that they must take pains to create a human brotherhood that consists of concrete gestures on the part of individuals and of Governments and international Institutions."

I. INTRODUCTION

I want to begin by thanking the St. Thomas Law Journal both for the invitation to participate in this conference and for the selection of such a timely, significant topic for our discussion and reflection. There are many indications that the link between environmental questions and Catholic social teaching is an area that is receiving, and deserves, precisely the new attention that this conference is providing. In a secular sense, of course,

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2. "Catholic social teaching" is itself a term that may require some definition as well. Fr. William Ryan, S.J., defined it as "a formula or a set of principles for reflection to evaluate the framework of society and to provide criteria for prudential judgment and direction for current policy and action." Fr. William Ryan, S.J., The Coady Lectures: Notes on the Development of Catholic Social Teaching (Oct. 24, 2000), available at http://www.coady.stfx.ca/resources/publications/publications_coadylectures_notes.html. He goes on to say that:

[Catholic social teaching] is not a fixed body of teaching and ... it does not provide an infallible or ready answer or solution to any of today's great social, economic, political or ecological problems. Rather, it suggests a framework within which to reflect on these issues and it opens directions or ways of proceeding in making concrete decisions or choices among proposed solutions.

Id.

It is generally said that, although this tradition has its roots in ancient biblical principles, it was in Pope Leo’s landmark encyclical, Rerum Novarum, that the modern social teaching began. Because environmental issues are international and universal in nature rather than local, I will focus my attention primarily on the articulation of Catholic social teaching as it comes from papal encyclicals and Vatican documents intended for a worldwide audience. Indeed, the international perspective of the Church places it in a uniquely independent position to comment on the international implications of environmental woes. However, at times, I will also discuss sources generated by local bishops and national or regional bishops’ conferences, which attempt to apply those universal teachings to local circumstances and needs. In addition, of course, the work of many scholars elaborates on this tradition.

For a succinct introduction to the key themes in Catholic social teaching, see generally Avery Cardinal Dulles, S.J., Catholic Social Teaching and American Law Practice, 30 FORDHAM URB. L.J. 277, 279 (2002). Cardinal Dulles posits that:

[N]o other institution has developed a body of social teaching rivaling that of the Catholic Church, in depth, coherence, and completeness. Unlike the Church's strictly doctrinal teaching, which is addressed specifically to believers, Catholic social teaching is di-
environmental questions dominate popular attention. Political debates, mainstream cinema, celebrity activism and news reports constantly highlight the environmental questions of our day.\(^3\) In a religious sense, there is also new attention being paid to the contributions that religious thinkers of all denominations may make as they tackle the environmental challenges of our times.\(^4\)

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\(^3\) The popularity of the movie *An Inconvenient Truth*, the "green" Academy Awards ceremony, the environmental speeches made by celebrities and the statements of political candidates about their purchase of carbon offsets are but a few examples of the popular, non-academic attention being paid to this field. The recent presentation of the 2007 Nobel Peace Prize to Former Vice President Al Gore and the United Nations' Intergovernmental Panel on Climate Change increased the coverage of "green" issues in the popular press.

\(^4\) Many have commented on the increased role of religious groups in environmental discussions. See, e.g., W. Wade Berryhill, *Creation, Liberation, and Property: Virtues and Values Toward a Theocentric Earth Ethic*, 16 Regent U. L. Rev. 1, 1-2 (2003-04): Religion continues to play a significant role in shaping our attitudes toward nature. . . . [W]e owe a duty to future generations to allow them to inherit a healthy environment. Essential to this obligation is spiritual faith, not the trendy brand of secular humanism espoused by eco-dogmatists seeking environmental justice through means unmoored from centuries-old principles of creation.


In addition, for more academic commentary on the link between ecology and religion, see generally *Covenant for a New Creation: Ethics, Religion and Public Policy* (Carol S. Robb & Carl J. Casebolt eds., 2005) [hereinafter *Ethics, Religion & Public Policy*].

However, for an alternative and largely negative analysis of the intertwining of religion and ecology, see generally Daniel M. Warner, *An Essay on the Market as God: Law, Spirituality, and the Eco-Crisis*, 6 Rutgers J. L. & Religion 1 (2003); see also A. Dan Tarlock, *Environmental Law: Ethics or Science?*, 7 Duke Envtl. L. & Pol'y F. 193, 200 (1996) ("Religion has not been and is unlikely to be a basis for a workable theory of environmentalism. Despite efforts to create a revisionist green theory of stewardship, religion remains more of a cause rather than a solution to environmental problems."); *id.* at 194 ("E)nvironmental law and management should derive their primary political power and legitimacy from science, not ethics."); *id.* at 196 (arguing against "the tendency to respond to the contingencies and uncertainties inherent in environmental science by reclassifying problems as ethical rather than scientific.").
The Catholic tradition has also spoken to these questions. Through a long line of papal encyclicals,5 various pontiffs have addressed the application of basic principles of Catholic social thought to environmental questions both directly and, more often, indirectly.6 In Pope John Paul II’s landmark 1990 Message for the World Day of Peace entitled, as is this conference, “Peace with God the Creator, Peace with All of Creation,”7

5. Unless otherwise noted, all citations to papal encyclicals throughout this paper will be from CATHOLIC SOCIAL THOUGHT: THE DOCUMENTARY HERITAGE (David J. O’Brien & Thomas A. Shannon eds., 1992) [hereinafter THE DOCUMENTARY HERITAGE].

6. For a brief but authoritative overview of the development of Catholic thought with regard to ecological matters with helpful citations to original documents, see generally PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH 197–211 (2005) [hereinafter COMPENDIUM]. This text is also a valuable introduction to Catholic social teaching in general. In addition, see United States Conference of Catholic Bishops Catholic Teaching and Principles [hereinafter USCCB], http://www.usccb.org/sdwp/catholicteaching-principles.html (last visited Mar. 4, 2008), for a brief outline of the basic principles of Catholic social teaching including many of the principles applicable to ecological issues.


environmental concerns were given a spotlight previously unseen in papal documents. It was with that document that environmental concerns truly came into their own as a subject of inquiry separate from more general discussions of Catholic social thinking. It was followed in 2002 by a more detailed Declaration on the Environment, signed by both Pope John Paul II and Patriarch Bartholomew I of Constantinople.

More currently, Pope Benedict XVI has given this issue much attention in his papacy. This may, perhaps, have taken his observers by surprise. Most directly, he followed his predecessor’s example by devoting a significant part of his second and third World Day of Peace Messages to ecological questions, calling his 2007 statement “The Human Person, The Heart of Peace,” and the 2008 statement, “The Human Family, A Com-


More ecumenically, interfaith and interreligious groups have also issued statements pertaining to ecological responsibility. Prominent among these is the Interfaith Council for Environmental Stewardship, Cornwall Declaration on Environmental Stewardship (Feb. 1, 2000) [hereinafter Cornwall Declaration], available at http://conservation.catholic.org/cornwall_declaration.htm.

8. Since then, “for the environment is moving up the Church’s agenda over the past decades. We are re-discovering our rich theology in this area and gaining new insights.” Clifford Letter, supra note 7, at 4.


10. In a previous paper, I explored the environmental thought of Pope Benedict XVI in the years prior to his papacy through the first two years of his pontificate. See generally Lucia A. Sicelchia, Discerning the Environmental Perspective of Pope Benedict XVI, 4 J. CATH. SOC. THOUGHT 227-69 (2007). In addition, an early book of then-Cardinal Ratzinger developed many basic ecological themes nearly two decades before his papacy began. See generally JOSEPH CARDINAL RATZINGER, ‘IN THE BEGINNING’: A CATHOLIC UNDERSTANDING OF THE STORY OF CREATION AND THE FALL (Boniface Ramsey trans., William B. Eerdmans Publ’g Co. 1995) (1986) [hereinafter In the Beginning].


The popular press recently reported that, under Pope Benedict XVI’s leadership, the Vatican City State is to become the world’s first carbon neutral nation, and Pope Benedict XVI himself has been named one of the world’s top religious environmental leaders. More academically, from April 26–27, 2007 the Pontifical Council for Justice and Peace convened an international “Study Seminar on Climate Change and Development,” at the Vatican—the very first of its kind.

In the midst of this attention, it may fairly be asked, what is the unique contribution that the Catholic Church can make to today’s discussion of ecological matters? With so many secular, scientific, economic, political and industrial voices already in the throes of the debate, there is no shortage of expertise on these questions. In light of this, then, what is it that the Catholic Church can contribute that will be productive, helpful and consistent with the Church’s prophetic role to challenge decision-makers to view their work in a proper ethical framework, be faithful to Gospel values and pursue the common good?


14. See Francis X. Rocca, Vatican Takes a Role in Keeping God’s Earth Green: Catholic Church Balances Ecology with Theology, U.S.A. TODAY, July 25, 2007, at 9D (“The Holy See announced this month that it would become the world’s first ‘carbon neutral’ sovereign state by planting trees in a Hungarian national park to offset the carbon-dioxide emissions and energy use of Vatican City.”); id. (“Vatican officials announced that the papal audience hall adjacent to St. Peter’s Basilica would be covered with photovoltaic panels that will make it possible to heat, cool and light the building exclusively with solar power.”).


Pope Benedict XVI has been ranked as one of the top ‘green’ religious leaders by the online environmental magazine Grist. . . . The Pope’s use of an electric-powered popemobile and solar-power-friendly Vatican City helped him land at No. 6 on the list. Grist said that the Pope has been increasingly vocal about the suffering that climate change will cause for the world’s poor.

Id.

16. I was fortunate to be a member of the American delegation to that Study Session, and I was deeply touched by the thoughtful urgency that pervaded our discussions and the desire that the Vatican provide even greater guidance to help shape environmental debates. The papers presented at this Study Session are publically available online at http://www.justpax.it/pcgp/eng/home_eng.html. For a report on the proceedings, see generally Carol Glatz, Mirroring Wider Debate, Vatican Seminar on Global Warming Gets Heated, CATH. NEWS SERV., Apr. 27, 2007, available at http://www.catholic.org/international/international_story.php?id=23925.

17. For an interesting collection of Vatican interventions at United Nations conferences that provides an overview of the Holy See’s statements on many issues discussed in this paper, see generally SERVING THE HUMAN FAMILY: THE HOLY SEE AT THE MAJOR UNITED NATIONS CONFERENCES (Carl J. Marucci ed., 1997).
This paper posits that the traditional "preferential option for the poor" is the unique and, perhaps, most valuable contribution that Catholic social teaching may make to modern discussions of both domestic and international environmental decision-making. This doctrine may be a new source of unity between the Catholic view of environmental ethics and the view posited by many secular environmentalists. Often, these two groups have been at odds with each other or, at the very least, perceived to be at odds with each other over the role of the human both in creation and against creation. By paying new attention to the "preferential option for the poor," a proper understanding of the role of humanity in and toward the environment can be appreciated.

This paper begins by assessing the reason that there must be a Catholic voice in this debate and the limitations on the current popular discussion in this field. After a very brief overview of the "preferential option for the poor," I then trace six traditional Catholic principles of environmental ethics, each of which is inextricably intertwined with the "preferential option for the poor." By exploring how the preferential option comes into play, these six principles can be better understood, and the link between protection of the poor and protection of the environment is better established. Remaining mindful of this link is an essential component to understanding the key values that should be considered in both domestic and international environmental decision-making. Frustratingly—and yet realistically—this doctrine also poses a number of significant challenges, both practical and theoretical, and these I also address and identify as issues in need of further reflection. Nevertheless, the "preferential option for the poor" breaches an important gap and offers a valuable Catholic contribution to environmental decision-making.

18. For discussion of this unique contribution, see generally Walter E. Grazer, Environmental Justice: A Catholic Voice, AM., Jan. 19, 2004, at 12:

The bishops are seeking to create an authentically Catholic voice in the environmental debate, one that focuses on the human person's place in nature and that puts the needs of the poor and vulnerable front and center. This new voice has old roots. The life of St. Francis of Assisi... demonstrated a love for creatures and the poor that can inspire us to find a way to care for both the earth and the wretched of the earth... Too few, however, have reflected his love for both the poor and nature...

19. Fisher-Ogden & Saxer, supra note 4, at 116 ("Secular environmentalists need to recognize that many environmental ethical theories have been influenced by religious values and that people with religious views are their allies and not opponents.").


21. More generally, others have suggested that religious values can play this role. See Fisher-Ogden & Saxer, supra note 4, at 64–65:

Religion could help save the ecology of our planet... [I]n the face of scientific uncertainty, religious values play an important role alongside the traditional cost-benefit analysis... We hope that religious principles will serve as a 'stepping stone' in bridging the gap between human-centered utilitarianism and the environmental moralist approach.
II. THE LIMITS OF THE CURRENT ENVIRONMENTAL DEBATE

We live in an era when environmental concerns garner much attention. Our generation, and the one that follows, will have many important decisions to make that will affect the future of the world environment for many years to come. As Pope Benedict XVI said in a 2007 address to the youth of Loreto:

The future of the planet is entrusted to the new generations, in which there are evident signs of a development that has not always been able to protect the delicate balances of nature. Before it is too late, it is necessary to make courageous decisions that can recreate a strong alliance between humankind and earth.22

Yet, there is much about the state of current environmental discussions that should make observers uneasy about the way in which those decisions will be made. In brief, and of no surprise to anyone, there is a great deal of rancor and partisan bickering rampant in discussions.23 Scientists are accused of bias, advocates are accused of alarmism and the cautious are ridiced as naively complacent.24 The motives of many are suspect, and the general public is overwhelmed with information that may inspire inertia either because it is paralyzingly gloomy or unrealistically positive. As times change, it often seems as if a different environmental concern acquires ce-

Although this paper explores the unique Catholic contribution to this debate, it also seems possible that this will be—and, indeed, has already been—fruitful grounds for inter-religious and ecumenical cooperation.

22. Pope Benedict XVI, Homily of His Holiness Benedict XVI, Plain of Montorso (Sept. 2, 2007) [hereinafter Montorso Homily], available at http://www.vatican.va/holy_father/benedict_xvi/homilies/2007/documents/hf_ben-xvi_hom_20070902_loreto_en.html. He went on to plead that, "[a] decisive 'yes' is needed to protect creation and also a strong commitment to invert those trends which risk leading to irreversibly degrading situations." Id. These comments echo those made over a quarter century ago by the Synod of Bishops who warned:

[M]en are beginning to grasp a new and more radical dimension of unity; for they perceive that their resources, as well as the precious treasures of air and water—with which there cannot be life—and the small delicate biosphere of the whole complex of all life on earth, are not infinite, but on the contrary must be saved and preserved as a unique patrimony belonging to all mankind.


23. See, e.g., A Plea for Dialogue, supra note 7 ("Much of the debate on global climate change seems polarized and partisan. Science is too often used as a weapon, not as a source of wisdom. Various interests use the airwaves and political process to minimize or exaggerate the challenges we face."); id. ("The common good is built up or diminished by the quality of public debate. . . . Serious dialogue should not be jeopardized by public relations tactics that fan fears or pit nations against one another."); Grazer, supra note 18, at 13 ("[T]he search for the common good is often overwhelmed by powerful competing interests and polarizing claims and tactics.").

24. Vatican Information Service, Environmental Protection is a Moral Imperative, VIS BULLETIN, Sept. 25, 2007 (quoting comment by Msgr. Pietro Parolin, Vatican Under-Secretary for Relations with States to the U.N. General Assembly, in which he warned that, "the results of these scientific assessments, and the remaining uncertainties, should neither be exaggerated nor minimized in the name of politics, ideologies, or self-interest."). The divisive nature of this debate is explored more fully in Jeff Severns Guntzel, Polarization Freezes Global Warming Debate, NAT’L CATH. REP., June 17, 2005, at 2a.
lebrity status, and much of the debate on ecological matters is directed toward that one concern to the exclusion of others. One can easily get the impression that ecological policy is created in “triage” mode, responding to each particular crisis individually, without an overarching, holistic framework for planning.25 Today, for example, concerns about “global warming” have dominated debates,26 perhaps at times to the exclusion of other pressing environmental issues such as access to safe drinking water,27 the healthy use of pesticide, the shortage of effective sanitation and the blight of urban air pollution, to name but a few.

More troubling has been the nearly complete absence of the poor in the debates about the environment and the issues that it raises.28 In the past, the

25. Indeed, modern American environmental law has been created in this way. A brief look at the regulatory regime does not reveal a comprehensive, holistic environmental program. Instead, environmental law is generated sector by sector. Air, water, hazardous wastes, nuclear energy, endangered species, wetlands, pesticides, underground storage tanks, medical wastes and land contamination, to name but a few sectors, are governed by separate regulatory regimes. To some extent, the complexity of each sector would seem to require that each be tackled by its own regulation. Yet, to a certain extent, this reflects the political reality that many of these statutes were passed or strengthened in reaction to pressure brought to bear on Congress when a particular aspect of environmental danger drew attention. While there are advantages to having a sense of urgency created in response to particular situations, this is not always the most effective way to generate a comprehensive environmental program. The international scope of this reactive style of environmental regulation is well documented in James Gustave Speth, International Environmental Law: Can it Deal with the Big Issues?, 28 VT. L. REV. 779, 779 (2003-04) (“[A]round 1980, a decade after the first Earth Day in 1970, a new agenda of global-scale environmental concerns emerged and gained prominence—an agenda that differed sharply from the predominantly domestic one that sparked the modern environmental movement in the late 1960s and early ’70s.”); see also id. at 786:

Another significant feature of the history of the international response to the global change agenda is that the responses have followed closely what we can call the “problem-defined approach.” A biodiversity problem led to a biodiversity convention. The climate change challenge yielded a climate change convention. The real problem may be something more basic like poverty, or fossil fuels, or transportation, or chlorine-based organic chemistry, but the conventions were framed to address the surface worry rather than the deeper problems.


Inadequate access to safe drinking water affects the well being of over one billion persons and more than twice that number have no adequate sanitation. This all too often is the cause of disease, unnecessary suffering, conflicts, poverty and even death. This situation is characterized by countless unacceptable injustices.

environmental movement was often criticized as a movement of the wealthy—those who could afford to be concerned about the “luxury” of conservation. Even as the world now realizes that a clean environment is not a luxury but a necessity, there is still an absence of full participation by the poor in the discussions of important environmental questions. The more complex ecological issues become, the higher the level at which they are addressed—and the further removed these discussions can become from those who are most directly affected.

Yet, in a very real way, the impacts of both environmental problems and the proposed solutions to those problems have a disproportionate impact on the poor of the world. Whether one argues in favor of the status quo or in favor of aggressive environmental mitigation, the impact of both action and inaction will fall largely on the poor, who

Testimony] (“Sadly, the voices and presence of the poor and vulnerable are often missing in the debates and decisions on climate change.”); A Plea for Dialogue, supra note 7 (“The search for the common good and the voices of poor people and poor countries sometimes are neglected.”); id. (“[C]hurch leaders in developing countries . . . fear that affluent nations will mute their voices and ignore their needs.”).

29. See, e.g., Speth, supra note 25, at 789: [T]he poorer countries of the global South have perceived the global environmental agenda as an agenda of the wealthy North, and, indeed, international environmental regimes have typically been pushed by the richer countries. The poorer countries have not only given these concerns a lower priority, they have feared that agreement would undermine their growth potential or impose high costs of compliance.


It is they who live in precarious conditions which increase their vulnerability to harmful natural occurrences and they who are most affected by price increases of natural resources in periods of scarcity and emergency. The need for ethical and moral considerations as regards actions to reduce the risks for those living in poverty cannot be overlooked.

Id.; Carr Testimony, supra note 28, at 4 (“[T]hose who contributed least to climate change will be affected the most; those who face the greatest threats will likely bear the greatest burdens and have the least capacity to cope or escape.”); id. (“Many cite concern for the poor on both sides of this issue. We hope that the poor will not be ignored or misused either in postponing action or choosing policies that harm the poor more than help them, or as excuses not to take action.”); id. (“Ironically, the poor and vulnerable generally contribute much less to the problem but are more likely to pay the price of neglect and delay and bear disproportionate burdens of inaction or unwise actions. We know from bitter experience who is left behind when disaster strikes.”); A Plea for Dialogue, supra note 7:

Inaction and inadequate or misguided responses to climate change will likely place even greater burdens on already desperately poor peoples. Action to mitigate global climate change must be built upon a foundation of social and economic justice that does not put the poor at greater risk or place disproportionate and unfair burdens on developing nations.

seem at times to be spoken of more than spoken to or with in these debates.31

Most troubling to me, however, has been the tendency in environmental debates to debase the value of the human in the natural order. This attack on the human person may take the form of casting mankind as a villain in an environmental crisis.32 It may arise as a, perhaps, well-intended but misguided plea to consider all other elements of creation as having the same dignity as the human.33 It may also take a far more sinister form as advocacy for abusive population control or rampant abortion in poor nations.34

The poor are vulnerable to environmental hazards. Poor families often live on the margins of society: in urban areas where their housing is poor, or in rural areas, where the land is overused, in flood plains or subject to drought. They often live near toxic dumps, where housing is cheaper. Some hold jobs that people of higher incomes would not consider, jobs that expose poorer workers directly to environmental toxins.

31. See Grazer, supra note 18, at 13 ("In debates about the environment, the poor and vulnerable workers are often out of sight and have no voice."); id. ("In these struggles, the voices of the poor are missing."). See also supra note 23 and accompanying text.

32. Environmental Protection is a Moral Imperative, supra note 24 (quoting Msgr. Pietro Parolin's critique of "those who hold up the earth as the only good, and would characterize humanity as an irredeemable threat to the earth, whose population and activity need to be controlled by various drastic means.").

33. See Compendium, supra note 6, at 202:
A correct understanding of the environment prevents the utilitarian reduction of nature to a mere object to be manipulated and exploited. At the same time, it must not absolutize nature and place it above the dignity of the human person himself. In this latter case, one can go so far as to divinize nature or the earth, as can readily be seen in certain ecological movements that seek to gain an internationally guaranteed institutional status for their beliefs. The Magisterium [opposes] a concept of the environment based on ecocentrism and biocentrism.... See also Grazer, supra note 18, at 15:
Extremes need to be resisted. Some espouse an almost divine status for nature, without any reference to the unique dignity of the human person or the need for development. Others embrace a strictly utilitarian view of nature. The church recognizes, on the other hand, that humans are part of nature. It neither divinizes nature nor embraces a materialistic view. No environmental ethic will be satisfactory without a clearer perspective on the place of humans within nature and a better understanding of the moral responsibilities of caring for creation.

34. While "rapid population growth presents special problems and challenges that must be addressed to avoid damage done to the environment and to social development," Renewing the Earth, supra note 7, Catholic teaching has consistently warned that policies to address this complex question may not run counter to human dignity. See, e.g., Pope John Paul II, Address at the Liturgy of the Word (June 12, 1999) (on file with author), critiquing those who "oppose the destruction of the environment while allowing, in the name of comfort and convenience, the slaughter of the unborn and the procured death of the elderly and the infirm, and the carrying out, in the name of progress, of unacceptable interventions...." See also Pope John Paul II, Sollicitudo Rei Socialis (Dec. 30, 1987), in The Documentary Heritage, supra note 5, No. 25 [hereinafter Sollicitudo Rei Socialis]:
[It] is very alarming to see governments in many countries launching systematic campaigns against birth, contrary not only to the cultural and religious identity of the countries themselves but also contrary to the nature of true development. It often happens that these campaigns are the result of pressure and financing coming from abroad, and in some cases they are made a condition for the granting of financial and economic aid and assistance. .... [T]here is an absolute lack of respect for the freedom of choice of the parties involved, men and women often subjected to intolerable pressures .... in order to force them to submit to this new form of oppression. It is the poorest populations which
In all these ways, some current environmental debates seem to run contrary

suffer such mistreatment, and this sometimes leads to a tendency toward a form of
racism. . . .

This link between population and development was explored nearly half a century ago by Pope John XXIII, _Mater et Magistra_ (May 15, 1961), _in The Documentary Heritage, supra_ note 5, Nos. 188–99 [hereinafter _Mater et Magistra_]. He addressed this question with optimism that the resources of the earth would be sufficient to avoid a conflict. He wrote:

[T]he interrelationships on a global scale between the number of births and available resources are such that we can infer grave difficulties in this matter do not arise at present, nor will in the immediate future. . . . Besides, God in his goodness and wisdom has, on the one hand, provided nature with almost inexhaustible productive capacity; and, on the other hand, has endowed man with such ingenuity that, by using suitable means, he can apply nature's resources to the needs and requirements of existence. . . . [M]an should, by the use of his skills and science of every kind, acquire an intimate knowledge of the forces of nature and control them ever more extensively. Moreover, the advances hitherto made in science and technology give almost limitless promise for the future in this matter.

_Id_. at 115, No. 189. This was followed by a warning that "these problems should be posed and resolved in such a way that man does not have recourse to methods and means contrary to his dignity, which are proposed by those persons who think of man and his life solely in material terms." _Id_. at 115, No. 191.

More recent writings have tempered this early optimism with recognition of the limitations inherent in certain resources. See, _e.g._, _Justice in the World, supra_ note 22, at 289:

In the last twenty-five years a hope has spread through the human race that economic growth would bring around such a quantity of goods that it would be possible to feed the hungry at least with the crumbs falling from the table, but this has proved a vain hope in underdeveloped areas and in pockets of poverty in wealthier areas, because of the rapid growth of population and of the labor force, because of rural stagnation and the lack of agrarian reform. . . .

See also Pope John Paul II, _Laborem Exercens_ (Sept. 14, 1981), _in The Documentary Heritage, supra_ note 5, at 352, 353, No. 1 [hereinafter _Laborem Exercens_] (acknowledging "the growing realization that the heritage of nature is limited and that it is being intolerably polluted. . . .").

A similar theme was echoed in Pope John Paul II, _Centesimus Annus_ (May 1, 1991), _in The Documentary Heritage_ 439–88, _supra_ note 5, at 463, No. 33 [hereinafter _Centesimus Annus_].

See, _e.g._, Second Vatican Council, _Gaudium et Spes_ (1965), _in The Documentary Heritage_ 166–237, _supra_ note 5, at 227, No. 87 [hereinafter _Gaudium et Spes_]:

Many people assert that it is absolutely necessary for population growth to be radically reduced everywhere or at least in certain nations. They say this must be done by every possible means and by every kind of government intervention. Hence this Council exhorts all to beware against solutions contradicting the moral law, solutions which have been promoted publicly or privately, and sometimes actually imposed.

_Id._; _Renewing the Earth, supra_ note 7 ("Regrettably, advantaged groups often seem more intent on curbing Third-World births than on restraining the even more voracious consumerism of the developed world. We believe this compounds injustice and increases disrespect for the life of the weakest among us."). _Id._:

Respect for nature ought to encourage policies that promote natural family planning and true responsible parenthood rather than coercive population control programs. . . . How . . . can we protect endangered species and at the same time be callous to the unborn, the elderly, or disabled persons? Is not abortion also a sin against creation? If we turn our backs on our own unborn children, can we truly expect that nature will receive respectful treatment at our hands? The care of the earth will not be advanced by the destruction of human life. . . .

See also _A Plea for Dialogue, supra_ note 7:

Population is not simply about statistics. Behind every demographic number is a precious and irreplaceable human life whose dignity must be respected. The global climate change cannot become just another opportunity for some groups—usually affluent advocates from the developed nations—to blame the problem on population growth in poor countries.
to the dignity that should be accorded to the human person in the consideration of environmental questions.35

What the "preferential option for the poor" may inject into this difficult situation is a framework in which to make environmental decisions. By keeping the status of the poor front and center in environmental decision-making, it may be possible to restore the proper place of the human in environmental questions, while at the same time reaching decisions that often, although concededly not always, will have a beneficial impact on the natural environment itself.36 Making environmental decisions in view of the

See also Rocca, supra note 14, at 9D ("Catholic leaders are leery of any environmental policies that might hold back economic development, and they categorically reject proposals that conflict with church doctrines forbidding artificial birth control and abortion."); Pope Benedict XVI, Address of His Holiness Benedict XVI to the Bishops of Kenya on their "Ad Limina" Visit (Nov. 19, 2007), available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2007/november/documents/hf_ben-xvi_spe_20071119_bishops-kenya_en.html ("[I]t is a matter of great concern that the globalized secular culture is exerting an increasing influence on local communities as a result of campaigns by agencies promoting abortion."); Compendium, supra note 6, at 209:

The close link that exists between the development of the poorest countries, demographic changes and a sustainable use of the environment must not become a pretext for political and economic choices that are at variance with the dignity of the human person... Although it is true that an uneven distribution of the population and of available resources creates obstacles to development and a sustainable use of the environment, it must nonetheless be recognized that demographic growth is fully compatible with an integral and shared development.

35. In fairness, human health, to a certain extent, has always been a factor in environmental decision-making. See, e.g., Alyson C. Flourney, In Search of an Environmental Ethic, 28 Colum. J. Envtl. L. 63, 64 (2003) ("Some thirty years ago, American society awoke to a fundamental flaw in the status quo. Existing patterns of economic activity, law and policy left certain widely-shared values unprotected. In particular, human health and the environment were suffering unprecedented and unacceptable degradation.").

Yet, while this attention to human health is reflected by the regulations actually passed, it still creates unease among some secular environmental ethicists. See id. at 80–81:

Anthropocentric utilitarian ethics suggest that one guiding principle of the good should be to maximize welfare for humans. Incidental protection of non-human nature reflects "the good" only insofar as it advances humans' interests or values. Such an approach is rejected by the majority of environmental philosophers as inherently insufficient to address the problem of human relations with the non-human environment. Nonetheless, an anthropocentric utilitarian ethic is a familiar justification for many regulatory statutes, including many environmental laws. ... [A]n anthropocentric rights-based ethic is an important concept since many of our laws are arguably consistent with such an ethic.

36. See Berryhill, supra note 4, at 5 ("Only upon rekindling a passion for creation with a sense of indignation at the suffering of our neighbors will we be able to see the ecological problem with sober eyes."); id. ("Much rational methodology for governing the allocation of natural resources must be dictated by a respect for creation and a love of neighbor."); The Christian Ecological Imperative, supra note 7, No. 17:

All social justice issues have ecological implications: the case of water is a perfect example of this. ... The cry of the earth and the cry of the poor are one. Ecological harmony cannot exist in a world of unjust social structures; nor can the extreme social inequalities of our current world order result in ecological sustainability.

See also Fisher-Ogden & Saxer, supra note 4, at 71–72 ("Without a lucid and universally acceptable understanding of the human relationship to the natural and physical environment, we cannot hope to achieve global environmental policies to prevent the global and cross-cultural occurrence of increasing degradation and loss of our natural resources."); Southern African Bishops' Statement, supra note 7, at 1 ("Environment is not only about landscapes and the survival of endangered animals, but it is also about the life of the people, the conditions in which women and men
long- and short-term consequences for the most vulnerable is both consistent with the primary focus of Catholic social teaching and likely to curb the most egregious harm to creation itself.37

III. THE PREFERENTIAL OPTION FOR THE POOR: A BRIEF OVERVIEW

The joys and the hopes, the griefs and the anxieties of the men of this age, especially those who are poor or in any way afflicted, these too are the joys and hopes, the griefs and anxieties of the followers of Christ.38

Much has been written about the “preferential option for the poor” and what it may entail as we generate policies and decisions that recognize that “[t]he neediest among us have a special claim on our care and compassion.”39 I will not, therefore, dwell too long on this, except to provide some
basic background on the contours of this doctrine so that its relevance to the environmental debate may be clearer.40

At its most basic level, the “preferential option for the poor” has biblical origins in both the Old and New Testaments.41 In the Old Testament, the idea of the jubilee year and the Sabbath tradition had as their goals the restoration of property to the poor and the reestablishment of equity among landowners.42 The theory underlying these traditions was to provide a regular time at which to appraise whether the land itself or the poor on the land

40. For additional background on the preferential option for the poor, see generally Gerald S. Twomey, The “Preferential Option for the Poor,” in Catholic Social Thought from John XXIII to John Paul II (2005); Donald Dorr, Option for the Poor: A Hundred Years of Vatican Social Teaching (1983); The Preferential Option for the Poor (Richard John Neuhaus ed., 1988).

41. The biblical roots of this doctrine are beyond the scope of this paper. For more detailed explication of this link, see generally Richard H. Hiers, Reverence for Life and Environmental Ethics in Biblical Law and Covenant, 13 J.L. & RELIGION 127, 180-82 (1996-98), which offers a detailed analysis of provisions in the books of Deuteronomy and Leviticus that establish obligations to use land to provide for the needs of the poor.

42. The biblical traditions of the jubilee year represented a model of stewardship in which the obligations of both humans and nature were married. See, e.g., Renewing the Earth, supra note 7, § IIA: To curb the abuse of land and of fellow humans, ancient Israel set out legal protections aimed at restoring the original balance between land and people (citation omitted). Every seventh year, the land and people were to rest; nature would be restored by human restraint. And, every seventh day, the Sabbath rest gave relief from unremitting toil to workers and beasts alike.

The jubilee tradition is also discussed at length in Celebrate Life, supra note 7, para. 12: The biblical Sabbath and jubilee (citation omitted) provide a model for an ecological ethic. . . . Every seventh year, the people and the land were to rest and be restored. During the jubilee year, the Sabbath of Sabbaths, the land was to be restored to the original owners who may have lost it through bankruptcy or family misfortune. . . . The biblical jubilee contains what we call today an “eco-justice” message, bringing together a call for social justice among all peoples and right relationship with the land and all creation.

See also Admin. Bd. of the U.S. Catholic Conference, A Jubilee Call for Debt Forgiveness (Apr. 1999) [hereinafter Jubilee Call for Debt Forgiveness], available at http://www.jesuit.ie/jnd/Bishops2.html (“In the Hebrew Scriptures, the jubilee was to be a time to free slaves, to return land to its rightful owners, and to forgive debts. The jubilee was to be both a time of repentance when injustices were put right and the symbolic beginning of a new era.”). The theme of the jubilee year and its implications for ecological matters resurfaced in anticipation of the 2000 Jubilee Year. See generally John Hart, A Jubilee for a New Millennium—Justice for Earth and Peoples of the Land, 43 CATH. RURAL LIFE MAG. 2 (2001).

For a more recent account of the jubilee tradition, see Pope Benedict XVI, Homily of His Holiness Benedict XVI at St. Stephen’s Cathedral (Sept. 9, 2007), http://www.vatican.va/holy_father/benedict_xvi/homilies/2007/documents/hf_ben-xvi_hom_20070909_wien_en.html (linking celebration of the Sabbath with the imperative to consider environmental obligations, saying, “Sunday is also the Church’s weekly feast of creation—the feast of thanksgiving and joy over God’s creation. At a time when creation seems to be endangered in so many ways through human activity, we should consciously advert to this dimension of Sunday too.”).
had suffered a wrong that needed to be corrected. All could then be renewed with a new start. While not perfect, these traditions linked the care of the poor with the care of the land and recognized the need to consider them together and to reexamine obligations to both. Likewise, the plight of the widow and the orphan—the ancient "poor" because of their circumstances—were given particular attention in the Old Testament injunctions regarding the demands of justice. The New Testament roots of the doctrine, of course, arise from the many examples of Christ's identification with the poor and outcast, and his reminders

43. See, e.g., Dorr, supra note 40, at 5 ("The Old Testament leaves us in no doubt that God has a special care for the poor. . . . Time after time, God sent the prophets to protest against . . . injustice and to proclaim his care for the poor."); Jubilee Call for Debt Forgiveness, supra note 42, § II, para. 7 ("Scripture tells us that one way to judge the moral character of society is to look at how widows and orphans are treated. The preferential option for the poor incorporates this scriptural theme into Catholic ethical reflection."); Justice in the World, supra note 22, at 293 ("In the Old Testament God reveals himself to us as the liberator of the oppressed and the defender of the poor, demanding from man faith in him and justice toward man's neighbor."); Hiers, supra note 41, at 180 (discussing Old Testament commands to care for widows and orphans).

44. See, e.g., Pope Leo XIII, Rerum Novarum (May 15, 1891), in The Documentary Heritage, supra note 5, at 23, No. 20 [hereinafter Rerum Novarum] ("God himself seems to incline more to those who suffer evil; for Jesus Christ calls the poor blessed; he lovingly invites those in labor and grief to come to him for solace; and he displays the tenderest charity to the lowly and oppressed."); Justice in the World, supra note 22, at 293 ("In his preaching [Christ] proclaimed the fatherhood of God toward all men and the intervention of God's justice on behalf of the needy and the oppressed."); Pope Benedict XVI, Address of His Holiness Benedict XVI to the Directors, Medical Staff, the Sick, and Their Relatives at the "San Mateo" Polyclinic in Pavia (Apr. 22, 2007), http://www.vatican.va/holy_father/benedict_xvi/speeches/2007/april/documents/hf_ben-xvi_spe_20070422_ospedale-pavia_en.html ("The Church, following the example of her Lord, always expresses a special preference for the suffering and . . . sees Christ himself in the suffering. . . ."); Compendium, supra note 6, at 80 ("The Church's love for the poor is inspired by the Gospel of the Beatitudes, by the poverty of Jesus and his attention to the poor."); Ryan, supra note 2, para. 15 ("In the Church's early tradition we find that the rich were believed to have been given wealth or power or property so that they could perform ministry to the poor, for the love of Christ. Christ was always seen as identifying himself with the poor.").

In addition, the "preferential option" has been identified as an element of Marian spirituality. See, e.g., What is Happening?, supra note 7, at 7 ("We Filipino have a deep devotion to Mary. We turn to her for help and protection in time of need. We know that she is on the side of the poor and those who are rejected.").

In a recent address to priests and religious in Austria, Pope Benedict XVI addressed Christ's identification with the poor as he explained:

Jesus Christ, who was rich with the very richness of God, became poor for our sake. . . . He emptied himself; he humbled himself and became obedient even to death. . . . The one who himself became poor called the poor "blessed." Saint Luke, in his version of the Beatitudes, makes us understand that this statement—calling the poor blessed—certainly refers to the poor, the truly poor, in Israel at that time, where a sharp distinction existed between rich and poor. But Saint Matthew, in his version of the Beatitudes, explains to us that material poverty alone is not enough to ensure God's closeness, since the heart can be hard and filled with lust for riches. Matthew . . . lets us understand that in any case God is particularly close to the poor.

that whatever is done to and for the "least" is done to and for God himself. 45

More recently, this "preferential option" has become a theme in more modern encyclicals. It was addressed, albeit in a largely indirect way, in the first modern encyclical, Rerum Novarum itself. 46 It has been more fully developed in Rerum Novarum's progeny, 47 most notably in Pope John Paul II's Sollicitudo Rei Socialis. 48 In Sollicitudo Rei Socialis, Pope John Paul II explained the option by saying:

This is an option, or a special form of primacy in the exercise of Christian charity, to which the whole tradition of the Church bears witness. It affects the life of each Christian inasmuch as he or she seeks to imitate the life of Christ, but it applies equally to

45. See Matthew 25:40 ("Amen, I say to you, whatever you did for one of these least brothers of mine, you did for me.").

46. Rerum Novarum, supra note 44, at 14–39. Although devoted primarily to labor relations, it is easy to see how that would lead to a discussion of poverty. Indeed, the encyclical itself begins with a critique of "the enormous fortunes of individuals and the poverty of the masses." Id. at 14; see also id. at 28, No. 29:

[W]hen there is question of protecting the rights of individuals, the poor and helpless have a claim to special consideration. The richer populations have many ways of protecting themselves . . . those who are badly off have no resources of their own to fall back upon, and must chiefly rely upon the assistance of the State.

For further commentary on the theme of poverty in Rerum Novarum, see, for example, Dorr, supra note 40, at 11 (calling Rerum Novarum "a cry of protest against the exploitation of poor workers."); id. at 12 ("Leo XIII intended his encyclical to be a major intervention in defence of the poor."); id. ("[T]his first of the social encyclicals must be seen as a very significant move of the Church towards the side of the poor."); id. at 253:

Rerum Novarum was the first major step by the Vatican towards putting the Church on the side of the poor and the working class . . . . But Leo failed to make a clear option in favour of the poor. He wished for changes in the economic order; but he was not prepared to approve of the kind of political activity that would be likely to bring such changes about.

Id. at 15:

It would be overstating the case to claim that Rerum Novarum represents or calls for "an option for the poor" in the sense in which that term is generally understood today; but it indicates a particular concern for the poor and it can now be seen as a major step on the road which eventually led to such an option.

47. See, e.g., Pope Pius XI, Quadragesimo Anno (May 15, 1931), in The Documentary Heritage, supra note 5, at 42, 47, No. 25 [hereinafter Quadragesimo Anno] ("It is the duty of rulers to protect the community and its various parts, but in protecting the rights of individuals they must have special regard for the infirm and needy."); Pope John XXIII, Pacem in Terris (Apr. 11, 1963), in The Documentary Heritage, supra note 5, at 131, 140, No. 56 [hereinafter Pacem in Terris]:

[E]very civil authority must take pains to promote the common good of all, without preference for any single citizen or civic group, . . . Considerations of justice and equity, however, can at times demand that those involved in civil government give more attention to the less fortunate members of the community, since they are less able to defend their rights and to assert their legitimate claims.

Pope Paul VI, Octogesima Adveniens (May 14, 1971), in The Documentary Heritage, supra note 5, at 265, 273, No. 23 [hereinafter Octogesima Adveniens] ("In teaching us charity, the Gospel instructs us in the preferential respect due to the poor and the special situation they have in society: the more fortunate should renounce some of their rights so as to place their goods more generously at the service of others.").

48. Sollicitudo Rei Socialis, supra note 34.
our social responsibilities and hence to our manner of living, and to the logical decisions to be made concerning the ownership and use of goods.

Today . . . given the worldwide dimension which the social question has assumed, this love of preference for the poor . . . cannot but embrace the immense multitudes of the hungry, the needy, the homeless, those without medical care and . . . those without hope of a better future . . . To ignore them would mean becoming like the "rich man" who pretended not to know the beggar Lazurus lying at his gate (footnote omitted).

Our daily life as well as our decisions in the political and economic fields must be marked by these realities.49

The "preferential option for the poor" doctrine attained a higher profile in the 1970s and 1980s when it was discussed among theologians and bishops of Latin America.50 As it became more frequently discussed, it has not been without controversy.51 Because it became intertwined with the more controversial "liberation theology," it was sometimes met with a cautious reception.52 It has also been downplayed at times because it is seen by some to advocate a distinction that may result in resentment among classes.53

49. Id. at 425, No. 42.

50. See, e.g., Twomey, supra note 40, at 23:

While the formal concept of the "preferential option for the poor" emerged in church discourse from within the Latin American context only in the early 1970s, it quickly spread and became more widely embraced as an apt metaphor to focus attention on the official teaching of the Church as a defense of the poor and powerless in society and an encouragement to them in the struggle for justice.

See also id. at 132 ("Increasingly, the Latin American Church began to take the side of the oppressed, and felt compelled to make this option for the poor on the basis of a new reading of the biblically-based claims of faith in the historical Jesus.").

51. See, e.g., id. at 19 ("Paradoxically, the option for the poor served both to unite and divide the Church.").

52. See, e.g., id. at 18:

While the term, the "preferential option for the poor" was originally coined by the partisans of liberation theology to bolster their own theological enterprise, it was soon [sic] gained currency as both episcopal and papal teaching offices sought to legitimize its use within mainstream Catholic social thought. The protracted conflicts that shadowed the option for the poor revolved around its modes of interpretation and proper implementation.

53. See, e.g., John Paul II and the Option for the Poor, supra note 40, at 333–34:

Regarding the specific appropriation of the term "preferential option for the poor," John Paul II deliberately avoided its use during the early years of his pontificate. He perceived it as a source of potential divisiveness within the Church and society, and as identified too closely with partisan interests and ideologies such as Marxism . . . [F]ear of the development of a "parallel church" emanating from within base communities fueled concern within certain Vatican circles that the term had been interpreted as a quasi-class alignment, vis-à-vis, pitting the poor against the rich. This led to the standard Vatican practice of substituting the phrases "preferential love" or "love of preference of the poor" in place of "preferential option for the poor" in official documents, deliberately avoiding the latter phrase in writings and allocutions issued during John Paul's early pontificate.

See also Adam K. Butman, Note, Bridging the Gap: A Catholic Perspective on Global Trade as a Tool of Development, 21 NOTRE DAME J.L. ETHICS & PUB. POL'y 263, 280 (2007) ("Sometimes misunderstood, the option for the poor means neither that rich and middle-class people are unim-
addition, it is an unsettling doctrine in that it often demands governmental or societal action rather than solely changes in personal morality.\textsuperscript{54} However, in spite of its difficult history, the “preferential option for the poor” is now a generally accepted component of modern Catholic social teaching.\textsuperscript{55}

The heart of this “option” is the notion that, while we are called to love all and not to love exclusively one group over another, those who are poor have a “special claim” both to love and compassion, as well as to the material goods of the world.\textsuperscript{56} When the “common good” and “universal destination of goods” are discussed, the poor must be given special consideration.\textsuperscript{57} While this “poverty” traditionally refers to those who are

54. See, e.g., Dorr, supra note 40, at 3:
What it involves is a response to the structural injustice that characterizes our world. The word ‘option’ suggests a personal choice. While continuing to put emphasis on this personal aspect, I would want to insist that the choice in question is not essentially an act of private asceticism or even of face-to-face compassion for a poor person. It is specifically a response at the level of the wider society as a whole, a response to the unjust ordering of society.

See also id. at 130 (“[I]t may easily come about that genuine commitment to the overcoming of absolute poverty gives rise to a truly radical questioning of the kind of society we have developed.”).

Rumors of the death of the ‘option for the poor’ in Latin American Catholicism have, it appears, been greatly exaggerated. . . . Though no one has explicitly used the phrase ‘liberation theology,’ several of the bishops have strenuously defended the ‘preferential option for the poor,’ the signature concept of the liberation theology movement, citing Pope Benedict XVI’s affirmation . . . that this option is implied in the church’s faith in Christ ‘who became poor for us.’

See also John Paul II and the Option for the Poor, supra note 40, at 327–28 (“John Paul proposed that unjust distribution of wealth and engrained, structural injustice require the Church’s spirited advocacy for—and in defense of—the rights of the poor.”); id. at 360–61 (“John Paul II demonstrated a breakthrough by his appropriation of the term ‘preferential option for the poor’ for the final time in a major Church document in his May of 1991 social encyclical, Centesimus Annus; its application was both unambiguous and definitive.”); Twomey, supra note 40, at 34 (“The preferential option for the poor, with all of its practical difficulties and its pastoral and theological implications, emerged as one of the most important contributions to the life of the Roman Catholic Church that emanated from the theology of liberation and from the Church in developing lands.”); id. at 272:

The ongoing process of listening, awareness, and dialogue that marked the development of the . . . ‘preferential option for the poor’ achieved a depth of maturity and . . . official acceptance during the pontificate of John Paul II that ensured it of a secure place within . . . official Catholic social doctrine.

But see John Paul II and the Option for the Poor, supra note 40, at 365:
While the Compendium of the Social Doctrine of the Church issued by the Pontifical Council Iustitia et Pax—and published during the final days of Pope John Paul II’s papacy—included the term “preferential option for the poor” only once—and failed to index it within the 181 pages of references—the phrase merited a bold-faced listing under the sub-heading “The Universal Destination of Goods and the Preferential Option for the Poor” within the body of the text . . .

56. See supra note 38.
57. The recent “Compendium of the Social Doctrine of the Church” noted:
The principle of the universal destination of goods requires that the poor, the marginalized and in all cases those whose living conditions interfere with their proper growth
materially poor, it is also often extended to include those who are poor in power and those who suffer the poverty of illness, loneliness, lack of dignity, absence of hope and, in some circumstances, lack of spiritual richness.58 Others have argued that “poverty” should also include non-humans, and that the earth itself or non-human creation should be given a “preferential option.”59 I would not go this far, because including those who are not human would expand the scope of this doctrine beyond recognition. Instead, I believe that this doctrine should retain its traditional focus on the poor of humanity and that doing so does not limit its usefulness in discussions of environmental ethics.

should be the focus of particular concern. To this end, the preferential option for the poor should be reaffirmed in all its force. COMPENDIUM, supra note 6, at 79, No. 182. For a more extensive discussion of the relationship between the concept of the “common good” and Christianity, see generally JOHN B. COBB, JR., SUSTAINING THE COMMON GOOD: A CHRISTIAN PERSPECTIVE ON THE GLOBAL ECONOMY (1994).

58. Spiritual poverty was of particular concern to Pope John Paul II who feared “material poverty and underdevelopment in the South, and the moral and spiritual poverty ... in the North.” Twomey, supra note 40, at 232–33 (footnote omitted).

Gaudium et Spes adopted a broader than typical view of those to whom the preferential option should extend. It taught:

In our times a special obligation binds us to make ourselves the neighbor of absolutely every person, and of actively helping him when he comes across our path, whether he be an old person abandoned by all, a foreign laborer unjustly looked down upon, a refugee, a child born of an unlawful union and wrongly suffering for a sin he did not commit, or a hungry person who disturbs our conscience. ... Gaudium et Spes, supra note 34, at 182, No. 27; See also Octogesima Adveniens, supra note 47, at 271, No. 15:

The Church directs her attention to these new “poor”—the handicapped and the maladjusted, the old, different groups of those on the fringe of society, and so on—in order to recognize them, help them, defend their place and dignity in a society hardened by competition and the attraction of success.

See also Laborem Exercens, supra note 34, at 363, No. 8 (“[T]he ‘poor’ appear under various forms; they appear in various places at various times; in many cases they appear as a result of the violation of the dignity of human work. ...”). Pope John Paul II commented on the wide range of indici a of poverty when he explained:

[T]he picture ... would be incomplete if one failed to add to the “economic and social indices” of underdevelopment other indices which are equally negative and indeed even more disturbing, beginning with the cultural level. These are illiteracy, the difficulty or impossibility of obtaining higher education, the inability to share in the building of one’s own nation, the various forms of exploitation and of economic, social, political and even religious oppression of the individual and his or her rights, discrimination of every type, especially the exceptionally odious form based on difference of race.

Sollicitudo Rei Socialis, supra note 34, at 402, No. 15. See also id. at 403, No. 15:

[T]here are many other forms of poverty ... [i]he denial or limitation of human rights— as for example the right to religious freedom, the right to share in the building of society, the freedom to organize and to form unions, or to take initiatives in economic matters—do these not impoverish the human person as much as, or even more than, the deprivation of material goods? And is development which does not take into account the full affirmation of these rights really development on the human level?

59. For an overview of the theory behind applying the “preferential option” in this context, see generally JAMES CONLON, GEO-JUSTICE: A PREFERENTIAL OPTION FOR THE EARTH (1990). This theory is also discussed in the context of the so-called “deep ecology” movement.
This doctrine requires both solidarity with and outreach to the poor.\textsuperscript{60} It demands both a careful discerning of who is poor and what goods they require for a dignified and equitable life. It also requires the will to use the gifts of prudence and reason to ensure that these needs are met. Although the doctrine provides no guidance as to precisely how this is to be accomplished in specific situations, it does propose that honoring this option is a moral obligation of both individuals and nations.\textsuperscript{61} That is, it calls nations and the international community to revisit the root causes of poverty and to treat both the symptoms and causes of that poverty. Moreover, it mandates that giving priority to the needs of the poor is a matter of justice rather than charity, and thus it is, ironically, a requirement and not “optional” in decision-making.\textsuperscript{62}

\textsuperscript{60} Pope Benedict XVI, Address of His Holiness Benedict XVI at the Meeting and Celebration of Vespers with the Bishops of Brazil (May 11, 2007) [hereinafter Vespers Address], available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2007/may/documents/hf_ben-xvi_spe_20070511_bishops-brazil_en.html:

The poor living in the outskirts of the cities or the countryside need to feel that the Church is close to them, providing for their most urgent needs, defending their rights and working together with them to build a society founded on justice and peace. The Gospel is addressed in a special way to the poor. . . .

\textsuperscript{61} See Water, An Essential Element for Life, supra note 30, § I, para. 2 (“[T]he concept of ‘family of nations’ recalls that responsibility for the destiny of the less favored countries rests also with those more richly blessed. In a family, every member is responsible for each and every other member, the suffering of one becomes the suffering of all.”).

\textsuperscript{62} This aspect of the preferential option has not been entirely consistent. Pope Leo XIII, in fact, articulated a different perspective when he wrote:

\textsuperscript{[N]o one is commanded to distribute to others that which is required for his own necessities and those of his household; nor even to give away what is reasonably required to keep up becomingly his condition in life. . . . But when necessity has been supplied . . . it is a duty to give to the indigent out of that which is left over. . . . It is a duty, not of justice (except in extreme cases), but of Christian Charity—a duty which is not enforced by human law. But the laws and judgment of men must give place to the laws and judgment of Christ, the true God; who in many ways urges on his followers the practice of almsgiving. . . .

Rerum Novarum, supra note 44, at 22–23, No. 19. Yet, later in that same document, solicitude for the poor is framed more concretely in the language of duty, when Pope Leo XIII writes:

Justice, therefore, demands that the interests of the poorer populations be carefully watched over by the administration, so that they who contribute so largely to the advantage of the community may themselves share in the benefit they create—that being housed, clothed, and enabled to support life, they may find their existence less hard and more endurable.

Id. at 27, No. 27.

This tension between “justice” and “charity” persists in later pronouncements as well. In Mater et Magistra, the particular attention to the needs of the poor is presented as a demand on governments. “It often happens that in one and the same country citizens enjoy different degrees of wealth and social advancement. . . . Where such is the case, justice and equity demand that the government make efforts either to remove or to minimize imbalances of this sort.” Mater et Magistra, supra note 34, at 109, No. 150.

However, the focus on the nature of obligations to the poor changed subtly in Gaudium et Spes, supra note 34, at 213, No. 69 (“[M]en are obliged to come to the relief of the poor, and to do so not merely out of their superfluous goods. If a person is in extreme necessity, he has the right to take from the riches of others what he himself needs.”).
Today, on the worldwide stage, the growing gap between rich and poor and the increase in globalization make the “preferential option for the poor” more relevant than ever.63 As Pope Benedict XVI recently observed, “[t]his has to be emphasized all the more in today’s rapidly changing world, in which our responsibility towards the poor emerges with ever greater clarity and urgency.”64 He lamented, “[i]n the face of the terrible challenge of poverty afflicting so much of the world’s population, indifference and self-centered isolation stand in stark contrast to the ‘gaze’ of Christ.”65

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63. This gap is not a recent papal observation. In his Mater et Magistra, Pope John XXIII lamented:

[I]f one considers the social and economic advances made in a growing number of countries, he will quickly discern increasingly pronounced imbalances: first, between agriculture on the one hand and industry and the services on the other; between the more and the less developed regions within countries; and, finally, on a worldwide scale, between countries with differing economic resources and development. 

Mater et Magistra, supra note 34, at 91, No. 48; see also Gaudium et Spes, supra note 34, at 168, No. 4 (“Never has the human race enjoyed such an abundance of wealth, resources, and economic power. Yet a huge proportion of the world’s citizens is still tormented by hunger and poverty, while countless numbers suffer from total illiteracy.”); id. at 209, No. 63:

While an enormous mass of people still lacks the absolute necessities of life, some, even in less advanced countries, live sumptuously or squander wealth. Luxury and misery rub shoulders. . . . [M]any are deprived of almost all possibility of acting on their own initiative and responsibility, and often subsist in living and working conditions unworthy of human beings.

See also Pope Paul VI, Populorum Progressio (March 26, 1967), in The Documentary Heritage, supra note 5, at 241–42, No. 8 [hereinafter Populorum Progressio] (“[R]ich peoples enjoy rapid growth whereas the poor develop slowly. The imbalance is on the increase: some produce a surplus of foodstuffs, others cruelly lack them and see their exports made uncertain.”); id. at 247, No. 29 (“We must make haste. Too many are suffering, and the distance is growing that separates the progress of some and the stagnation, not to say the regression, of others.”); Octogesima Adveniens, supra note 47, at 266–66, No. 2:

Flagrant inequalities exist in the economic, cultural, and political development of the nations: while some regions are heavily industrialized, others are still at the agricultural stage; while some countries enjoy prosperity, others are struggling against starvation; while some peoples have a high standard of culture, others are still engaged in eliminating illiteracy.

A similar theme was developed in Laborem Exercens, supra note 34, at 375, No. 17 (“The gap between most of the richest countries and the poorest ones is not diminishing or being stabilized, but is increasing more and more to the detriment, obviously, of the poor countries.”); Sollicitudo Rei Socialis, supra note 34, at 399, No. 8 (“We are therefore faced . . . with a serious problem of unequal distribution of the means of subsistence originally meant for everybody, and thus also an unequal distribution of the benefits deriving from them.”); id. at 402, No. 14 (“The pace of progress in the developed and developing countries in recent years has differed, and this serves to widen the distances. . . . [T]he developing countries, especially the poorest of them, find themselves in a situation of very serious delay.”).


65. Id.; see also Gaudium et Spes, supra note 34, at 181–82, No. 27 (“[E]veryone must consider his every neighbor without exception as another self, taking into account first of all his life and the means necessary to living it with dignity, so as not to imitate the rich man who had no concern for the poor man Lazarus.”).
IV. Implications of the "Preferential Option" for Catholic Social Teaching on the Environment

Man is suddenly becoming aware that by an ill-considered exploitation of nature he risks destroying it and becoming in his turn the victim of this degradation. Not only is the material environment becoming a permanent menace—pollution and refuse, new illnesses and absolute destructive capacity—but the human framework is no longer under man's control, thus creating an environment for tomorrow which may well be intolerable. This is a widespread social problem which concerns the entire human family. The Christian must turn to these new perceptions in order to take on responsibility, together with the rest of men, for a destiny which from now on is shared by all.66

Traditionally, the "preferential option for the poor" has been discussed in light of economic policy. It has focused largely on how to make decisions that will ensure that poor people have access to those essential economic resources that will allow them to live a life of hopeful dignity and security.67

In light of this traditional economic focus, how might the option enlighten the Catholic contribution to the ecological debate? How might it serve as a valuable addition to the discussions? How might it unite those who sincerely seek the good of the global commons and those who wish to ensure that long-term justice and dignity for humanity is preserved? Ironically, the words "economic" and "ecology" have the identical Greek root "oiko," meaning "house."68 This suggests an intimate inextricable connection between these two concerns.

Pope Benedict XVI himself recently warned that these two goals—economic well-being and ecological well-being—cannot be separated if either is to be fully achieved:

[H]umanity, if it truly desires peace, must be increasingly conscious of the links between natural ecology, or respect for nature, and human ecology. Experience shows that disregard for the environment always harms human coexistence, and vice versa. It becomes more and more evident that there is an inseparable link between peace with creation and peace among men.69

67. See supra notes 46-53 and accompanying text.
68. See RANDOM HOUSE WEBSTER'S COLLEGE DICTIONARY 416-17 (1999). Both terms refer, therefore, to the management of the "home" which surrounds humanity. Pope Benedict XVI commented on this recently when he noted, "The family needs a home, a fit environment . . . For the human family, this home is the earth, the environment that God the Creator has given us to inhabit with creativity and responsibility." A Community of Peace, supra note 13, para. 7.

69. The Heart of Peace, supra note 12, para. 8; see also Renewing the Earth, supra note 7, § IIIB, para. 1("Respect for nature and respect for human life are inextricably related."); What is Happening?, supra note 7, at 6 ("[W]e must recognize that the commitment to work for justice and to preserve the integrity of creation are two inseparable dimensions of our Christian vocation...")
The "preferential option for the poor" is intertwined with every principle of Catholic social teaching on the environment and, therefore, can play a very valuable role in clarifying each of these principles.\(^{70}\)

As it has developed over time, Catholic teaching on the environment has proposed a framework of basic principles to govern complex ecological questions.\(^{71}\) Although these basic themes may be articulated and enumerated in different ways, six essential principles emerge from biblical injunctions\(^{72}\) and decades of social teaching. In brief, these principles are:

A. Human life and dignity must remain at the forefront of any consideration of environmental questions;\(^{73}\)

B. Stewardship is the appropriate model for human care for the environment;\(^{74}\)

C. Obligations to future generations must influence environmental decision-making;\(^{75}\)

D. In the spirit of subsidiarity, environmental decision-making must take place at the appropriate level;\(^{76}\)

to work for the coming of the kingdom of God in our times.";); Jubilee Call for Debt Forgiveness, supra note 42, § 2, para. 9 ("[T]he pope intimately links caring for creation with human welfare."). For an economic analysis of this question, see, for example, Kishor Thanawala, Is There Injustice in the International Economy?, 28 INT'L J. OF SOC. ECON. 10 (2001); Robert F. Blomquist, Globocopragmatism: How to Think (And How Not to Think) About Trade and the Environment, 55 U. KAN. L. REV. 129 (2006).

70. Dewane Intervention, supra note 26, para. 3 ("There is ... an ethical obligation incumbent on all individuals and societies ... to assure that all activity is oriented towards the common good, with special care and consideration for the poor."); Cornwall Declaration, supra note 7, § 2, para. 3 ("Sound environmental stewardship must attend both to the demands of human well being and to a divine call for human beings to exercise caring dominion over the earth. It affirms that human well being and the integrity of creation are not only compatible but also dynamically interdependent realities."). This link was also noted by Pope John Paul II who praised the "greater realization of the limits of available resources, and of the need to respect the integrity and the cycles of nature and to take them into account when planning for development, rather than sacrificing them to certain demographic ideas about the latter." Sollicitudo Rei Socialis, supra note 34, at 411, No. 26; see also id. at 419, No. 34 ("A true concept of development cannot ignore the use of the elements of nature, the renewability of resources and the consequences of haphazard industrialization.").


72. See, e.g., The Christian Ecological Imperative, supra note 7, para. 6 ("The bible ... teaches about an equitable distribution of resources, ... This insistence on justice is often directed towards distributing the bounty of the earth and providing for those who are marginalized.").

73. See discussion in section IV.A, infra, and Ecological Guidance for the 21st Century, supra note 20, at 733–43.


76. See discussion in section IV.D, infra, and Ecological Guidance for the 21st Century, supra note 20, at 752–56.
E. The right to private property and the mandate to use property for the common good must both be respected and balanced in environmental policies;\textsuperscript{77} and

F. Environmental concerns are moral concerns which require radical rethinking of consumerism and materialism among those who enjoy material well-being.\textsuperscript{78}

Each of these ecological principles embraces the “preferential option for the poor” in a different way. By understanding this link, and demanding that it be respected in decision-making, Catholic social teaching may make its unique, humanistic and morally cohesive contribution.

A. Human Life and Dignity Must Remain at the Forefront of Any Consideration of Environmental Questions

This first principle clearly implicates the “preferential option for the poor” and lies at the heart of Catholic social teaching on all issues, not just ecological ones.\textsuperscript{79} Many popular arguments suggest that humanity has no

\textsuperscript{77} See discussion in section IV.E, infra, and Ecological Guidance for the 21st Century, supra note 20, at 756–59.

\textsuperscript{78} See discussion in section IV.F, infra, and Ecological Guidance for the 21st Century, supra note 20, at 759–61.

\textsuperscript{79} This is a theme that has been articulated many times in discussions of Catholic social teaching on ecology. One of the clearest statements of this theme can be found in the remarks made by the papal nuncio at the opening of the landmark 1992 United Nations Conference on Environment and Development, often called the “Rio Conference” after its host city, Rio de Janeiro. There, it was said:

The Catholic Church approaches both the care and protection of the environment and all questions regarding development from the point of view of the human person. It is the conviction of the Holy See . . . that all ecological programmes and all developmental initiatives must respect the full dignity and freedom of whomever might be affected by such programmes. . . . For the ultimate purpose of environmental and developmental programmes is to enhance the quality of human life, to place creation in the fullest way possible at the service of the human family. . . . The word “environment” itself means “that which surrounds.” This very definition postulates the existence of a center around which the environment exists. That center is the human being, the only creature in this world who is not only capable of being conscious of itself and its surroundings, but is gifted with the intelligence to explore, the sagacity to utilize, and is ultimately responsible for its choices and the consequences of those choices.


See also Celebrate Life, supra note 7, para. 7 (“Ecological crisis impacts on life, including human life. For Christians and all human beings, this must be a priority concern.”); Vespers Address, supra note 60, § 7 (“A vision of the economy and social problems from the perspective of the Church’s social teaching should always bring us to consider things from the viewpoint of human dignity, which transcends the simple interplay of economic factors.”); Third Water Forum Contribution, supra note 27, § 2, para. 2 (“Respect for life and the dignity of the human person must be the ultimate guiding norm for all development policy, including environmental policy.”); Jubilee Call for Debt Forgiveness, supra note 42, § 2 (“The foundation of our moral concern lies in a fundamental respect for the life and dignity of every person. Each individual is created in the image of God.”); Peace with All of Creation, supra note 7, No. 7:

The most profound and serious indication of the moral implications underlying the ecological problem is the lack of respect for life evident in many of the patterns of environ-
special status in creation. In fact, some argue that an anthropocentric vision of the natural world, attributed to the Judeo-Christian tradition, has been and remains the root cause of today’s environmental problems.

However, placing the human on a par with other creatures and inanimate elements of creation misunderstands the unique status of the human in creation. Catholic social teaching has consistently posited that it is only the human who is made in the image and likeness of God. Upon the creation mental pollution. Often, the interests of production prevail over concern for the dignity of workers, while economic interests take priority over the good of individuals and even entire peoples. In these cases, pollution or environmental destruction is the result of an unnatural and reductionist vision which at times leads to a genuine contempt for man.

80. See, e.g., Lannan, supra note 4, at 368:

Some ecologists and theologians have criticized the notion that humanity is more important than the rest of creation. . . . These critics condemn the ‘anthropocentrism’ . . . . Others have criticized the idea of humanity’s stewardship over nature as an ‘uneconomic’ approach that is not sufficiently egalitarian in its distribution of power, value, and control among the components of nature.

81. See, e.g., Hiers, supra note 41, at 130 (“In recent years, many morally serious writers have urged that Judaism and Christianity are to be blamed for the contemporary environmental crisis because religious and non-religious people throughout the world . . . allowed themselves to be guided by . . . biblical mandates.”). Pope Benedict XVI himself commented on this viewpoint when he said:

One particular word of the creation account requires a special interpretation. . . . “Subdue the earth.” For some time this phrase has come to be more and more the starting point for attacks against Christianity. Christianity, which is said to bear the guilt for the whole tragedy of our era, contradicts itself through the grace-less consequences of this phrase.

of man and woman, God pronounced them "very good" and gave them dominion over the created world. Unfortunately, over time this unique status of humanity has been misread to condone an unlimited dominion over creation, thus leading to an irresponsible use and abuse of the natural world.

This is not corrected by degrading the status of humanity. Indeed, it is "by heightening the centrality of the human person, not by denying it, by stressing the responsibility of the human person for creation, not by denying

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God . . . invites people to participate in divine creativity. Thus, humans have a unique role. In the physical universe, they alone are consciously able to be caretakers of creation. . . . They are created in the image and likeness of God and are commissioned as stewards of God's created and beautiful universe.

See also Declaration on the Environment, supra note 9, para. 3:

At the centre of the whole of creation, [God] placed us, human beings, with our inalienable human dignity. Although we share many features with the rest of the living beings, Almighty God went further with us and gave us an immortal soul, the source of self-awareness and freedom, endowments that make us in His image and likeness.

84. Genesis 1:26-31. Prof. John Nagle has called this grant of dominion "a notoriously difficult passage for environmentalists." Nagle, supra note 80, at 1224.
85. Pope Benedict XVI, Homily of His Holiness Benedict XVI at the Opening Mass of the 11th Ordinary General Assembly of the Synod of Bishops (Oct. 2, 2005), available at http://www.vatican.va/holy_father/benedict_xvi/homilies/2005/documents/hf_ben-xvi_hom_20051002_opening-synod-bishops_en.html ("We men and women, to whom creation is as it were entrusted for its management, have usurped it. We ourselves want to dominate it in the first person and by ourselves. We want unlimited possession of the world and of our own lives.").
86. See, e.g., Pope Benedict XVI, Address of His Holiness Benedict XVI to the Members of the Pontifical Academy of Sciences and the Pontifical Academy of Social Sciences (Nov. 21, 2005), available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2005/november/documents/hf_ben-xvi_spe_20051121_academies_en.html:

Human beings are part of nature and, yet, as free subjects who have moral and spiritual values, they transcend nature. This anthropological reality is an integral part of Christian thought, and responds directly to the attempts to abolish the boundary between human sciences and natural sciences, often proposed in contemporary society. . . . God created man and woman in his own image and likeness and granted them a superior dignity and a shared mission towards the whole of creation.

See also In The Beginning, supra note 10, at 48 ("[T]o the question as to what distinguishes the human being from an animal, as to what is specifically different about human beings, the answer has to be that they are the beings that God made capable of thinking and praying."); Cornwall Declaration, supra note 7, § 1, para. 2:

[R]omanticism of nature leads some to deify nature or oppose human dominion over creation. Our position . . . views human stewardship that unlocks the potential in creation for all the earth's inhabitants as good. Humanity alone of the created order is capable of developing other resources and can thus enrich creation. . . . Human life, therefore, must be cherished and allowed to flourish.

See also Dewane Intervention, supra note 26, para. 5:

True mitigation and adaptation [to climate change] can be realized only when human beings are placed at the center of concerns for sustainable development. The human person occupies a distinctive place within creation. Only by heightening the centrality of the human person, not by denying it . . . are we better able to promote and preserve a healthy climate for all, especially the most [poor and] vulnerable. . . . Complementary to this is the inalienable dignity of each and every human person. While the human person is part of the ecosystem, the person is distinct. We alone are free to make choices, even sacrifices, to plan for the future—for future generations—and to take steps to implement them.
it, that we shall be [better] able to promote and preserve a sound environment for all."

What is required is a reaffirmation of the central dignity of the human person, while simultaneously expanding the groups of humans to whom this dignity is meaningfully extended. If human life and dignity remain at the forefront in environmental decision-making, then the life and dignity of the world’s poorest should be central.

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87. KEENAN, supra note 4, at 51.
88. See Latin American Inaugural Address, supra note 82 ("As in all areas of human activity, globalization . . . must be led by ethics, placing everything at the service of the human person, created in the image and likeness of God."); Pope Benedict XVI, Meeting With the Diplomatic Corps to the Republic of Turkey: Address of the Holy Father (Nov. 28, 2006), available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2006/11/documents/hf_ben-xvi_spe_20061128_diplomatic-corps_en.html:

The voice of the Church on the diplomatic scene is always characterized by the Gospel commitment to serve the cause of humanity, and I would be failing in this fundamental obligation if I did not remind you of the need always to place human dignity at the very heart of our concerns. See also id. ("[The Church] wishes to make her voice heard in international debate, so that man’s fundamental dignity, especially that of the weakest, may always be honoured."); 2006 Lenten Message, supra note 64, para. 5 ("[T]he Church today considers it her duty to ask political leaders and those with economic and financial power to promote development based on respect for the dignity of every man and woman."); KEENAN, supra note 4, at 14 ("There can be no doubt; the human person stands out from the rest of created beings. While all of creation bears the mark of its Creator, in the biblical accounts there is an urgent and consistent insistence on the remarkable distinctiveness of this last act of creation."); Pope Benedict XVI, Letter of His Holiness Benedict XVI to Cardinal Walter Kasper on the Occasion of the Second Conference on Peace and Tolerance Organized by the Ecumenical Patriarchate of Constantinople in Conjunction with the Appeal of Conscience Foundation (Nov. 4, 2005), available at http://www.vatican.va/holy_father/benedict_xvi/letters/2005/documents/hf_ben-xvi_let_20051104_kasper-istanbul_en.html ("[A]t the heart of the economic, social and cultural development of each community [must be] a proper respect for life and for the dignity of every human person. A healthy society always promotes respect for the inviolable and inalienable rights of all people."); Peace With All of Creation, supra note 7, No. 7 ("Respect for life, and above all for the dignity of the human person, is the ultimate guiding norm for any sound economic, industrial, or scientific progress."); Cindy Wooden, Pope: Ecology Key to Teaching Youths About Christian Morality, CATH. NEWS SERV., July 27, 2007, para. 13, available at http://www.catholic.org/international/international_story.php?id=24837 (quoting Pope Benedict XVI’s recent comment that "We must not only care for the earth, but we must respect one another. . . . Only with absolute respect for this creature of God, this image of God which is man, only with respect for living together on this earth can we move forward."); Gaudium et Spes, supra note 34, at 181, No. 26 ([T]here is a growing awareness of the exalted dignity proper to the human person, since he stands above all things. . . ."). For further discussion of Pope Benedict XVI’s writings on this theme, see generally Environmental Perspective of Pope Benedict XVI, supra note 10, at 250–57.

89. See Rio Statement of Archbishop Martino, supra note 79, § 3 (warning that, in considering environmental questions, “the poor not be singled out as if, by their very existence, they were the cause, rather than the victims, of the lack of development and of environmental degradation."); Berryhill, supra note 4, at 40 ("The search for a sound worldwide ecological policy must not be allowed to deteriorate into a war between those with and without resources, with sides chosen based on nationality, race, or religion. Sound environmental policies must be structured to benefit the poorer peoples of developing nations."); Pope Benedict XVI, Angelus (July 29, 2007), available at http://www.vatican.va/holy_father/benedict_xvi/angelsus/2007/documents/hf_ben-xvi_ang_20070729_en.html (urging policies that “[respect] the environment and [are] ever mindful of the most disadvantaged populations. . . ."); God Saw It Was Good, supra note 7, para. 19:
Practically speaking, this requires that the impact of non-action and continued pollution be assessed from the perspective of those most likely to be harmed by continued conduct harming the environment. Whether this means considering the coastal dwellers whose livelihood may be affected if sea levels rise, or the urban poor whose health may be jeopardized by traditional air pollution, or those suffering the environmental consequences of war, or the rural poor who will suffer the negative health consequences of dangerous pesticide use, it is these whose concerns should be considered in decision making. It follows that if difficult decisions are made to benefit Jesus opened up to us a new living based not upon consumption, but upon prudent use of the goods of this world with a special concern for the poor. Response to the poor and to those too often exploited ought today to include a new sensitivity to and a greater ecological consciousness of the current state of nature itself. See also Columbia River Watershed Pastoral Letter, supra note 7, at 19: The poor suffer more than other segments of the population from job loss, low wages, poor working conditions and environmental degradation. The Church, in the spirit of Christ, exercises a preferential, but not exclusive, option for the poor; that is, we are called as a people to help them acquire justice, respect, and an inherent sense of dignity, and to participate in transforming economic and political structures to create a just society and a sustainable environment.

In addition to the increased impact of environmental harm on poorer nations, those poorer communities may also be precisely the ones least likely to manage the risks associated with "ordinary" natural disasters and unexpected weather. See generally Nathan E. Hultman, Worth More than Good Advice: Lessons of Hurricane Katrina for Development in a Changing Climate, 11 Geo. Pub. Pol’y Rev. 47 (2006); Roger Few, Flooding, Vulnerability and Coping Strategies: Local Responses to a Global Threat, 3 Progress in Dev. Studies 43-58 n.l (2003).

91. Peace with All of Creation, supra note 7, No. 12 ("Today, any form of war on a global scale would lead to incalculable ecological damage. But even local or regional wars, however limited, not only destroy human life and social structures, but also damage the land, ruining crops and vegetation as well as poisoning the soil and water."); Renewing the Earth, supra note 7, § III(H)(i) ("[W]ar represents a serious threat to the environment. . . . The pursuit of peace . . . ought to be an environmental priority because the earth itself bears . . . the scars of war."); Cardinal Renato Raffaele Martino, Intervention by the Holy See at the “Special Event” of F.A.O. On the Realization of the Human Right to Food (Nov. 4, 2006) [hereinafter Human Right to Food], available at http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20061104_fao-event_en.html ("Wars not only bring poverty, they also breed famine by forcing massive displacements of peoples and render their land either unsafe or unsuitable for growing food."); What is Happening?, supra note 7, para. 5 ("We know that a nuclear war would turn the whole earth into a fireball and render the planet inhospitable to life."); Justice in the World, supra note 22, at 289:

The arms race is a threat to . . . life; it makes poor peoples and individuals yet more miserable, while making richer those already powerful; it creates a continuous danger of conflagration, and in the case of nuclear arms, it threatens to destroy all life from the face of the earth.

92. See Carol S. Robb with Carl J. Casebolt, Introduction, in 1 ETHICS, RELIGION & PUBLIC POLICY, supra note 4, at 2 ("Racial-ethnic communities and the poor pay the price of the polluting
the circumstances in which these vulnerable groups find themselves, the natural environment will often—but, concededly, not always—also benefit.93

Catholic social teaching requires an understanding that protection of the natural environment is required if we are truly to respect the human dignity of those who will be harmed by environmental degradation. Thus, working toward authentically humane conditions for the poorest of the world will ultimately enhance our ability to treat the environment with proper respect. As the American Catholic bishops have warned:

The web of life is one. Our mistreatment of the natural world diminishes our own dignity and sacredness, not only because we are destroying resources that future generations of humans need, but because we are engaging in actions that contradict what it means to be human. Our tradition calls us to protect the life and dignity of the human person, and it is increasingly clear that this task cannot be separated from the care and defense of all of creation.94

Making the situation a bit more complex, however, is that the impact of environmental mitigation must also be assessed from the perspective of the poor.95 For example, if expensive environmental controls are imposed, it must be asked who will bear the cost of those controls. This is true whether the mitigation proposed is a national statute or an international

93. See, e.g., Southern African Bishops' Statement, supra note 7, para. 3–4, condemning: ... the serious injustices perpetrated against poor people through the deterioration of the environment. We have learnt ... about the massive health problems millions of people are facing as a result of the dumping of hazardous waste next to their homes. Such waste is contaminating the air and poisoning water supplies. We have learnt how overcrowding in poor restricted living conditions has resulted in the violation of nature in both rural and urban areas. Overgrazing the land and cutting down trees for energy and industrial purposes are some of the causes for our massive soil erosion. Workers in mines, industries and farms have become ill, some have even died as a result of exposure to chemicals.

94. Renewing the Earth, supra note 7. See also Pope Benedict XVI, Letter of His Holiness Benedict XVI to the Ecumenical Patriarch of Constantinople on the Occasion of the Seventh Symposium of the Religion, Science and the Environment Movement (Sept. 1, 2007), available at http://www.vatican.va/holy_father/benedict_xvi/letters/2007/documents/hf_ben-xvi_let_20070901 _symposium-environment_en.html (expressing "hope for a deepening global recognition of the vital relationship between the ecology of the human person and the ecology of nature" and noting that "consequences of disregard for the environment cannot be limited to an immediate area or populus because they always harm human coexistence, and thus betray human dignity. ... "); Australian Bishops Statement, supra note 7, § 5 ("Australian studies are now demonstrating the links between environmental quality and public health.");

95. Cornwall Declaration, supra note 7, para. 7 ("Public policies to combat exaggerated risks can dangerously delay or reverse the economic development necessary to improve not only human life but also human stewardship of the environment. The poor ... are often forced to suffer longer in poverty with its attendant high rates of malnutrition, disease, and mortality; as a consequence, they are often the most injured by such misguided, though well-intended, policies.").
agreement. It must be asked whether these costs will be fairly passed along to those able to absorb the costs, or whether they will burden those who are least able to absorb these costs due to higher prices for essential goods, burdensome taxes or layoffs of lower-income workers. If the harm to the poor will be significant, certain mitigation efforts should not be undertaken. More hopefully, however, greater creativity and the wise use of technology may lead to ways in which the negative impact of mitigation can be reduced.

In addition, respect for human dignity requires that the needs of the poor for short-term relief must be kept in mind even as long-term solutions to environmental problems are sought. As will be discussed below, the needs of future generations must be weighed in environmental decision-making, and, ideally, long-term solutions remain the ultimate goal of sound environmental decision-making. However, impoverished people do not live in the long-term; rather, they have immediate short-term needs if they are to live with dignity and access to the very basic goods necessary to sustain life. For example, “inadequate access to safe drinking water affects the well-being of over one billion people, and 2.4 billion persons lack access to adequate sanitation.” While this need for water sanitation and sewage treatment may lack the “glamour” factor that garners attention for other environmental issues, this is an immediate and urgent concern. True justice

96. This is a concern raised articulately by many secular commentators as well. See, e.g., Victor B. Flatt, Saving the Lost Sheep: Bringing Environmental Values Back into the Fold with a New EPA Decisionmaking Paradigm, 74 WASH. L. REV. 1, 29 (1999), observing that:

In considering the human impacts of various proposals on vehicular restrictions, one would likely pay attention to the needs of lower socio-economic groups for vehicular travel. Much of the pollution from automobiles comes from older models, which are more likely to be used by members of lower socio-economic groups. Therefore, controlling pollution by reducing allowances for older automobiles without compensation may be very cost effective, but unpalatable for its distributive effects on society.

97. See Carr Testimony, supra note 28, § 4 (“Low-income communities and countries have the same right as we do to economic and social development to overcome poverty and need help in ways that do not harm the environment and contribute to a worsening of global climate change.”); see also Australian Bishops Statement, supra note 7, § 4(3):

The deadly links between environmental degradation, poverty and human ill health are undeniable. The 2.8 billion people who struggle to survive on less than $2 per day suffer the most from exposure to dirty water, polluted air, poor sanitation and hazardous waste. Every year between five and six million people in developing countries die from waterborne diseases and air pollution. In Australia, people living in remote indigenous communities or residential areas close to heavy industry are the most vulnerable to sickness caused by environmental factors and pollution.

98. The Christian Ecological Imperative, supra note 7. The Vatican has itself paid recent attention to water quality issues. See generally Angelina Sciolla, Vatican, Scientists Consider World Water Rights, Sci. & THEOLOGY News, Jan. 18, 2006 (reporting on a November 2005 meeting of the Pontifical Academy of Sciences to discuss “Water and the Environment” and access to safe drinking water); John Thavis, Scientists, Ethicists Say Water is Essential Resource of the Future, CATH. NEWS Serv., Nov. 15, 2005, available at http://www.catholicnews.com/data/stories/cns/0506530.htm (also discussing the “Water and the Environment” conference); Montorso Homily, supra note 22, para. 8 (calling water “a very precious good which, if it is not shared fairly and peacefully, will unfortunately become a cause of harsh tensions and bitter conflicts”).
thus requires that short-term environmental remediation remain on a parallel track with the long-term projects for which the wealthier may have the luxury of greater patience.

These two goals are not mutually exclusive by any means. In setting priorities, however, the immediate needs of impoverished people must constantly be given the attention they deserve. The ecological situation must be viewed holistically and not sector-by-sector so that there can be a more realistic sense of intended and unintended side-effects of any environmental mitigation efforts undertaken or foregone.

B. Stewardship is the Appropriate Model for Human Care for the Environment

Humanity has been entrusted with creation and commanded to use the goods of the earth as faithful stewards, exercising what Pope Benedict XVI recently called “our royal vocation as stewards of the created order.” In a very real sense, “[s]afeguarding creation requires us to live responsibly within it, rather than manage creation as though we are outside it.” However, this role of stewardship has not always been exercised faithfully.

99. Pope Benedict XVI, General Audience (Aug. 29, 2007), available at http://www.vatican.va/holy_father/benedict_xvi/audiences/2007/documents/hf_ben-xvi_aud_20070829_en.html. Pope Benedict then went on to speak of “our responsibility to cultivate our inner beauty, which is a participation in the uncreated beauty of the Creator.” Id. Pope John Paul II also spoke extensively of the stewardship model. See, e.g., Pope John Paul II, General Audience (Jan. 17, 2001), available at http://www.vatican.va/holy_father/john_paul_ii/audiences/2001/documents/hf_jp-ii_aud_20010117_en.html [hereinafter Jan. 17, 2001 Audience] (“The human creature receives a mission to govern creation in order to make all its potential shine. It is a delegation granted at the very origins of creation. . . .”); Declaration on the Environment, supra note 9, No. 4 (“Our mortality and our weakness of judgment together warn us not to take irreversible actions with what we choose to regard as our property during our brief stay on this earth. We have not been entrusted with unlimited power over creation, we are only stewards of the common heritage.”).

100. Renewing the Earth, supra note 7. See also What is Happening?, supra note 7, § 6 (“Human beings are not alien to this community. God intended this land for us, his special creatures, but not so that we might destroy it and turn it into a wasteland.”).

101. Peace with All of Creation, supra note 7, No. 3 (“Made in the image and likeness of God, Adam and Eve were to have exercised their dominion over the earth . . . with wisdom and love. Instead, they destroyed the existing harmony by deliberately going against the Creator’s plan, that is by choosing to sin. This resulted not only in man’s alienation from himself, in death and fratricide, but also in the earth’s ‘rebellion’ against him.”); Celebrate Life, supra note 7 (“Part of human sin has been to see ourselves as separate from the rest of creation, seeing the natural world only as a source of profit and personal gain.”); Pope Benedict XVI, Angelus (July 22, 2007), available at http://www.vatican.va/holy_father/benedict_xvi/angelus/2007/documents/hf_ben-xvi_ang_20070722_en.html (“[W]hen people live in peace with God and one another, the earth truly resembles a ‘paradise.’ Unfortunately, sin ruins ever anew this divine project, causing division and introducing death into the world.”); Jan. 17, 2001 Audience, supra note 99, No. 3 (“[I]f
Much has been written about how poor stewardship has harmed creation in the physical sense, but to what extent does the stewardship model of environmental responsibility implicate the "preferential option for the poor"?

A steward is one charged with managing property in the way desired by the master whom the steward is bound to serve. That is, "man must imitate God's goodness and love." A thoughtful reflection on how God, the Creator, would manage his creation would lead to the conclusion that he would honor his biblical promise to "hear the cry of the poor" and manage creation in a way that would ensure that the weakest have access to the essential goods of the earth.

As Pope Benedict XVI recently noted, "life is a stewardship of the goods received from God, which is why each one is responsible for the other." Thus, when considering stewardship in light of the option for the

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103. Partnership for the Future, supra note 7, para. 6 ("[T]he use of [the word] 'dominion' in Genesis does not imply unrestrained exploitation; rather, it is a term describing a 'representative' and how that person is to behave on behalf of the One who sends the representative. . . . We are God's representatives. Therefore we are to treat nature as the Creator would, not for our own selfish consumption but for the good of all creation."); Jan. 17, 2001 Audience, supra note 99, No. 3 ("Man's lordship, however, is not 'absolute, but ministerial: it is a real reflection of the unique and infinite lordship of God. Hence man must exercise it with wisdom and love.'" (quoting Evangelium Vitae)); Clifford Letter, supra note 7, § 2 ("God appointed Adam and Eve to be the stewards of his creation. Man and woman were to care for the earth with wisdom and love. They were not the absolute owners; they were stewards to carry out the Creator's will. One wonders how the Creator would assess our overall performance as stewards."); Sollicitudo Rei Socialis, supra note 34, at 414 ¶ 30 ("The task is 'to have dominion'. . . . This is to be accomplished within the framework of obedience to the divine law. . . ."); God Saw It Was Good, supra note 7, para. 11 ("To be made in God's image and likeness means, among other things, being called to cooperate with God in the care of his creation. To have dominion, far from being a license to exploit and use the earth for selfish purposes, is to accept a sacred trust given to all humans to be responsible stewards of all that God has made."); Nagle, supra note 80, at 1226–27 ("Dominion as kingship reflects the just, righteous rule that God expected of Israelite kings. Dominion as servanthood imitates the way in which God provides for creation. . . . Dominion as stewardship posits that God is the owner of creation who has asked us to serve as a trustee. . . .").

104. Pope Benedict XVI, General Audience (Aug. 22, 2007), available at http://www.vatican.va/holy_father/benedict_xvi/audiences/2007/documents/hf_ben-xvi_aud_20070822_en.html. See also IN THE BEGINNING, supra note 10, at 34 ("The Creator's directive to humankind means that it is supposed to look after the world as God's creation, and to do so in accordance with the rhythm and the logic of creation."); A Community of Peace, supra note 13, No. 7 ("We need to care for the environment: it has been entrusted to men and women to be protected and cultivated with responsible freedom, with the good of all as a constant guiding criterion.").
poor, several things come to mind as decisions are to be made. Most fundamentally is the traditional concern that creation be managed well and wisely because it is a gift from the Creator. Stewardship also requires that the steward manage with the heart of the master—a master who himself placed the needs of the least first. Hence, “[s]tewards, as caretakers of the things of God, are called to use wisely and distribute justly the goods of God’s earth to meet the needs of God’s children.” When making environmental decisions as stewards, all are called to make those decisions with a view to what God himself would do.

Proper stewardship requires respect for both the interconnectedness of all of nature and for the bond between humans and nature. By looking to the “preferential option for the poor” as a guiding principle for exercising stewardship, two dangers can be avoided. Those stewards who are not inclined to respect nature for its own sake can find in the preferential option the impetus to be good stewards if solely to serve humanity. Likewise, those stewards who may be inclined to over-romanticize nature and devalue the human can find in this preferential option the reminder to keep human

106. See, e.g., Gaudium et Spes, supra note 34, at 185–86, No. 34: For man, created to God’s image, received a mandate to subject to himself the earth and all that it contains, and to govern the world with justice and holiness, a mandate to relate himself and the totality of things to him who was to be acknowledged as the Lord and Creator of all. Thus, by the subjection of all things to man, the name of God would be wonderful in all the earth.


108. Pope John Paul II commented on this aspect of human responsibility when he wrote that “through the mandate received from his creator to subdue, to dominate, the earth ... man, every human being, reflects the very action of the creator of the universe. Laborem Exercens, supra note 34, at 356, ¶ 4. He went on to explain:

The expression “subdue the earth” has an immense range. It means all the resources that the earth (and indirectly the visible world) contains and which, through the conscious activity of man, can be discovered and used for his ends. ... These words, placed at the beginning of the Bible, never cease to be relevant. They embrace equally the past ages of civilization and economy, as also the whole of modern reality and future phases of development ....

109. This interconnectedness of all creation was recognized by Pope John Paul II, who warned, “we cannot interfere in one area of the ecosystem, without paying due attention to both the consequences of such interference in other areas and to the well-being of future generations.” Peace with All of Creation, supra note 7, No. 6. See also id. No. 7 (“[D]elicate ecological balances are upset by the uncontrolled destruction of animal and plant life .... ”); Celebrate Life, supra note 7, para. 21 (“The fate of the natural world and human life are fully intertwined. Ecological destruction harms human life, and human social injustice inevitably has ecological consequences.”); The Christian Ecological Imperative, supra note 7, para. 7 (“[T]he common good should be conceived as the sustenance and flourishing of life for all beings and for future generations.”); id. at para. 14 (“All serious solutions to the ecological crisis demand that human beings change our thinking, relationships and behaviours in order to recognize the interconnectedness of all creation.”); Pope Benedict XVI, Address of His Holiness Benedict XVI at His Meeting with Youth of Sao Paulo, para. 2 (May 10, 2007), available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2007/may/documents/hf_ben-xvi_spe_20070510_youth-brazil_en.html. (“The devastation of the environment in the Amazon Basin and the threats against the human dignity of peoples living within that region call for greater commitment in the different areas of activity than society tends to recognize.”).
needs in mind. Of course, if the steward is disinclined to either respect nature or value the human, then this notion of stewardship will have little value. When informed by the “preferential option for the poor,” however, stewards who seek to act in good faith are given a broader range of values to weigh and interests to consider than they otherwise might have if their sole obligation was to nature or to humanity.

C. Obligations to Future Generations Must Influence Environmental Decision-Making

People of good will on all sides of environmental debates acknowledge that “generations yet unborn will bear the cost for our failure to act today.”110 In a very real way, this may be where the challenge of responding to the needs of the poor is greatest. This obligation to future generations requires that the interests of those yet unborn be given due weight in environmental decision-making, even when those future generations obviously cannot speak for themselves.111 At the very least, considering these interests

110. Renewing the Earth, supra note 7, para. 7. See also Declaration on the Environment, supra note 9, No. 6 (“W)e must frankly admit that humankind is entitled to something better than what we see around us. We and, much more, our children and future generations are entitled to a better world, a world free from degradation, violence and bloodshed, a world of generosity and love.”); Centesimus Annus, supra note 34, at 467, No. 37 (“H)umanity today must be conscious of its duties and obligations toward future generations.”); KEENAN, supra note 4, at 47 (“The environmental question can leave no one indifferent. It affects every individual on this planet as well as the good of future generations.”).

111. See Mater et Magistra, supra note 34, at 97, No. 79 (urging economic development be done in such a way as “to ensure the advantages of a more humane way of existence not merely subserve the present generation but have regard for future generations as well.”); Gaudium et Spes, supra note 34, at 213–14, No. 70 (urging decision-makers to “look out for the future and establish a proper balance between the needs of present-day consumption, both individual and collective, and the necessity of distributing goods on behalf of the coming generation.”); Pope Benedict XVI, Common Declaration by His Holiness Benedict XVI and Patriarch Bartholomew I, No. 6, (Nov. 30, 2006), available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2006/november/documents/hF_ben-xvi_spe_20061130_dichiarazione-comune_en.html (“As religious leaders, we consider it one of our duties to encourage and to support all efforts made to protect God’s creation, and to bequeath to future generations a world in which they will be able to live.”); Berryhill, supra note 4, at 8 (“Principles of stewardship and trusteeship further dictate that each generation should take into account the interests of future generations.”); Carr Testimony, supra note 28, at 3 (“Our response to climate change should demonstrate our commitment to future generations.”); A Plea for Dialogue, supra note 7, para. 19 (“The common good calls us to extend our concern to future generations.”); What is Happening?, supra note 7, at 5 (“God, who created this beautiful land, will hold us responsible for plundering it and leaving it desolate. So will future generations of Filipinos.”); Celebrate Life, supra note 7, para. 29 (“Our Christian ethic needs to expand to include an intergenerational ethic . . . .”); Australian Bishops Statement, supra note 7, at 9 (“Structural changes will often need an international framework, but our responsibility for one another is not only international, it is intergenerational—we have a sacred duty to ensure that the world that future generations inherit continues to reflect the glory of God.”); Populorum Progressio, supra note 63, at 244, No. 17 (“We have inherited from past generations, and we have benefited from the work of our contemporaries: for this reason we have obligations toward all, and we cannot refuse to interest ourselves in those who will come after us to enlarge the human family.”).
should provide decision-makers with necessary practice in weighing the interests of those who are not “at the table” when and where decisions are made.\(^{112}\)

More importantly, the need to weigh soberly our obligations to those who follow us requires that sustainable human development become a priority in planning.\(^{113}\) Discounting or ignoring those who follow has been labeled by some to be “contempocentrism.”\(^{114}\)

Those who find themselves in the most desperate of circumstances may, quite rationally, deplete the resources that surround them to meet the urgent necessities of feeding and clothing their families and to eke a living

\(^{112}\) This, of course, often includes those people and nations who are the poorest.

\(^{113}\) 2006 Common Declaration, supra note 82, para. 10 (“[W]e appeal to social leaders and to all people of good will to engage in a reasonable and respectful stewardship of creation, so that it may be correctly administered in a spirit of solidarity, especially for the sake of peoples afflicted by famine, so as to bequeath to future generations a world that is truly inhabitable for everyone.”); A Community of Peace, supra note 13, No. 7 (“[F]uture generations also have the right to reap [nature’s] benefits and to exhibit towards nature the same responsible freedom that we claim for ourselves.”); H.E. Mons. Renato Raffaele Martino, Statement to the United Nations on Item 98F, para. 13 (Nov. 28, 2001) (on file with the author), available at http://www.vatican.va/roman_curia/secretariat_state/documents/rc_seg-st_doc_20011128_martino-item98f_en.html (“Knowledge is the only true inexhaustible resource that assures a sustainable environment and development and . . . only knowledge, together with an ethical sense of our relationship with the environment, can help to guide our efforts today and for future generations.”); Rio Statement of Archbishop Martino, supra note 79, para. 20 (“A serious and concerted effort aimed at protecting the environment and at promoting development will not be possible without directly addressing the structural forms of poverty that exist throughout the world.”); Renewing the Earth, supra note 7, para. 4 (“Environmental issues are also linked to other basic problems . . . . To ensure the survival of a healthy planet, then, we must not only establish a sustainable economy but must also labor for justice both within and among nations. We must seek a society where economic life and environmental commitment work together to protect and to enhance life on this planet.”).

For a thoughtful analysis of long-term sustainable development from a religious perspective, see generally JOHN E. CARROLL, SUSTAINABILITY AND SPIRITUALITY (2004) and IAN HORE-LACY, RESPONSIBLE DOMINION: A CHRISTIAN APPROACH TO SUSTAINABLE DEVELOPMENT (2006).

\(^{114}\) See Speth, supra note 25, at 784 (“Contempocentrism is the habit of thought that discounts the future in favor of the present. Like anthropocentrism, it is another form of self-centeredness. Contempocentrism is at war with one of the two central propositions of environmental ethics: the proposition that we have duties to future generations. . . .”).

In a fascinating article, Prof. Cass R. Sunstein compares the reactions of Americans to the dangers of terrorism and climate change and offers the following explanation as to why the interest of future generations tend to be discounted in the setting of environmental priorities:

[C]urrent citizens may turn out to be unwilling to pay a great deal to help those who will follow them. Perhaps current citizens are rationally discounting the future, believing that harms in fifty years do not deserve the same attention as harms today. Perhaps citizens are assuming that if risks will not be incurred for several or many decades, they might not be incurred at all, simply because technological advances will provide a solution. Perhaps they are using an implausibly high discount rate to assess future benefits. Perhaps they are being unrealistically optimistic, or reducing cognitive dissonance. . . .

Cass R. Sunstein, On the Divergent American Reactions to Terrorism and Climate Change, 107 COLUM. L. REV. 503, 531 (2007); see also IN THE BEGINNING, supra note 10, at 34 (“Our age is the first to experience that hideous narcissism that cuts itself off from both past and future and that is preoccupied exclusively with its own present.”).
out of tired soil or an inefficient old plant. However, the temptation to focus solely on easy short-term “band-aids” is to be avoided. As Pope John Paul II feared:

[Proper ecological balance will not be found without directly addressing the structural forms of poverty that exist throughout the world. Rural poverty and unjust land distribution in many countries . . . have led to subsistence farming and to the exhaustion of the soil. Once their land yields no more, many farmers move on to clear new land, thus accelerating uncontrolled deforestation, or they settle in urban centres which lack the infrastructure to receive them. Likewise, some heavily indebted countries are destroying their natural heritage, at the price of irreparable ecological imbalances, in order to develop new products for export . . . [I]t would be wrong to assign responsibility to the poor alone for the negative environmental consequences of their actions. Rather, the poor, to whom the earth is entrusted no less than to others, must be enabled to find a way out of their poverty.]

115. Striking this balance is not an easy task. See Renewing the Earth, supra note 7, para. 62 (“The ecological crisis . . . challenges us to extend our love to future generations and to the flourishing of all earth’s creatures. But neither our duties to future generations nor our tending of the garden entrusted to our care ought to diminish our love for the present members of the human family, especially the poor and the disadvantaged.”).  
116. See Berryhill, supra note 4, at 42 (“Pollution control is either overlooked or given a very limited role in the development projects because these concerns are outweighed by the positive economics designed to enhance the quality of life for the poor.”).  
117. Peace With All of Creation, supra note 7, No. 11. Similar fears were articulated by the United States bishops, who warned:

[In most countries today, including our own, it is the poor and the powerless who most directly bear the burden of current environmental carelessness. Their lands and neighborhoods are more likely to be polluted or to host toxic waste dumps, their water to be undrinkable, their children to be harmed. Too often, the structure of sacrifice involved in environmental remedies seems to exact a high price from the poor and from workers. Small farmers, industrial workers, lumberjacks, watermen, rubber-tappers, for example, shoulder much of the weight of economic adjustment. Caught in a spiral of poverty and environmental degradation, poor people suffer acutely from the loss of soil fertility, pollution of rivers and urban streets, and the destruction of forest resources. Overcrowding and unequal land distribution often force them to overwork the soil, clear the forests, or migrate to marginal land. Their efforts to eke out a bare existence adds in its own way to environmental degradation and not infrequently to disaster for themselves and others who are equally poor.]

Renewing the Earth, supra note 7, para. 7. See also id. (“[T]he poor suffer most directly from environmental decline and have the least access to relief from their suffering. Indigenous peoples die with their forests and grasslands. In Bhopal and Chernobyl, it was the urban poor and working people who suffered the most immediate and intense contamination.”); id. para. 44 (“[W]orkers cannot be asked to make sacrifices to improve the environment without concrete support from the broader community. Where jobs are lost, society must help in the process of economic conversion, so that not only the earth but also workers and their families are protected.”); A Plea for Dialogue, supra note 7, para. 27 (“Many of the poor . . . live in degrading and desperate situations that often lead them to adopt environmentally harmful agricultural and industrial practices. In many cases, the heavy debt burdens, lack of trade opportunities, and economic inequities in the global market add to the environmental strains of the poorer countries. Developing countries have the right to economic development that can help lift people out of dire poverty.”); Jubilee Call for Debt Forgiveness, supra note 42, para. 25 (“The debt burden can lead to environmental degradation if
Properly considering future generations requires a high degree of sacrificial restraint. The needs of the present need not be abandoned, but the needs of those to follow must be given their due weight. As a property teacher, I appreciate the analogy of one commentator who provided a practical, familiar framework for analyzing whether the interests of the future generations are properly weighed. He suggested that a useful approach is to use the analogy of a life tenancy and consider ourselves to be life tenants in creation rather than its holders in fee simple absolute. Thus, "[a]lthough the life tenant is allowed . . . to use and enjoy the benefit of the asset over his life, the corpus is to remain intact for use and enjoyment of future interest holders. The future interest holders are protected by the law of waste. . . ."

This analogy has much to say about the way in which consideration of future generations can best be accomplished. Use of the earth’s resources is permitted, but waste—the very thing which most harms the poor—is to be avoided if future generations are to be treated with the dignity they deserve. Thus, when weighing our obligations to future generations, decision-makers may be well advised to ask themselves:

– Are renewable resources relied on whenever possible?

the need to generate hard currency through exports in order to make debt repayments results in intensified or reckless use of natural resources. Over-emphasizing export-oriented sectors such as logging, mining, or mono-cropping, for example, can result in depleted soils, denuded forests, exhausted fisheries, and polluted waters.

118. Philip Pulella, Listen to Earth, Pope Says in Environmental Plea, Reuters, July 25, 2007, available at http://in.reuters.com/article/worldNews/idINIndia-28652020070725 (quoting Pope Benedict XVI’s reflection that “obedience to the voice of the Earth is more important for our future happiness . . . than the desires of the moment.”); Partnership for the Future, supra note 7, at 3 (“Many of the decisions we must make will mean for many of us a reduction in consuming and being more intentional in our lifestyle choices.”).

119. Fellow property teacher, Professor Wade Berryhill, of the University of Richmond’s Law School.

120. Berryhill, supra note 4, at 47-48.

121. Id. The model of a “trust” is also a way of envisioning the rights of future generations. See Dulles, supra note 2, at 281 (“It is urgent for us to become more conscious that the resources of creation are given to us in trust, to be preserved for the use and enjoyment of all peoples, including future generations.”); Nagle, supra note 80, at 1227-28 (“Like other trustees, people should not act to further their own best interests, but instead to best serve the owner.”).

122. Legally, “waste” is defined as:

An abuse or destructive use of property by one in rightful possession. . . . A destructive or material alteration or deterioration of the freehold. . . . An unreasonable or improper use, abuse, mismanagement, or omission of duty touching real estate by one rightfully in possession, which results in its substantial injury. Any unlawful act or omission of duty on the part of the tenant which results in permanent injury to the inheritance. . . . The term implies neglect or misconduct resulting in material damage to or loss of property but does not include ordinary depreciation of property due to . . . normal use. Black’s Law Dictionary 1425 (5th ed. 1979). The application of this definition to ecological obligations should be obvious: “normal use” to satisfy current needs is not waste, while “improper use, abuse, mismanagement” is.

123. Pope John Paul II commented on the link between renewability, vel non, and obligations to future generations when he warned, “natural resources are limited; some are not, as it is said, renewable. Using them as if they were inexhaustible, with absolute dominion, seriously endangers
Is sufficient research being done to identify potential new sources of renewable resources and more efficient use of non-renewable ones?

Do these new sources have negative side-effects now or in the future?

Are technological advances that can lead to more efficient use of resources being shared generously with those who most need them?

Is a distinction made between those environmental harms that are short-term and those that are irreversible? Are these harms assessed with scientific honesty, free from political biases and economic self-interest?

Procedurally, who is charged with representing the future generations so they have at least theoretical "standing" in environmental debates?

How is this representation accomplished in light of what may be an inherent conflict of interest?

As Pope Benedict XVI recently acknowledged, this last question is a difficult one, and one worthy of much lay attention:

Humanity today is rightly concerned about the ecological balance of tomorrow. It is important for assessments in this regard to be carried out prudently, in dialogue with experts and people of wisdom, uninhibited by ideological pressure to draw hasty conclusions, and above all with the aim of reaching agreement on a model of sustainable development. . . Prudence does not mean failing to accept responsibilities and postponing decisions; it means being committed to making joint decisions after pondering responsibly the road to be taken, decisions aimed at strengthening that covenant between human beings and the environment, which should mirror the creative love of God. . . .

**D. In the Spirit of Subsidiarity, Environmental Decision-Making Must be Made at the Appropriate Level**

This principle requires that those charged with decision-making in the environmental fields—as well as others—assess the proper level at which decisions should be made. The traditional Catholic articulation of this principle is the statement that decisions should not be made by a higher authority when there is a lower authority that is capable of making that

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their availability not only for the present generation but above all for generations to come." *Sollicitudo Rei Socialis*, supra note 34, at 418, No. 34.

decision. Conversely, if a lower-level entity is not capable of accomplishing the task, then higher entities are required to do so.

In the environmental arena, there are decisions to be made and actions to be taken that are very local. Thus, localities are to be intimately involved in making those decisions. Likewise, there is a role to be played by non-governmental, private entities and individuals—an involvement much encouraged in Catholic teaching. At the same time, it is obvious to all that the nature of ecological problems means that the international community is often required to act via global initiatives if complex problems are to be tackled.

See generally Dulles, supra note 2, at 280–81:

Society is to be as free as possible, encouraging individuals and smaller groups to exercise their initiative rather than rely for all things on the authority of the State. The higher agency intervenes only at the point where the problems become too great for lower or smaller bodies to handle. . . . On the other hand, the principle of subsidiarity makes provision for the intervention of the higher authority of the State where required for the sake of the common good.

A classic formulation of this doctrine can be found in Quadragesimo Anno, supra note 47, at 60, No. 79, in which Pope Pius XI explains:

It is indeed true . . . that owing to the change in social conditions, much that was formerly done by small bodies can nowadays be accomplished only by large organizations. Nevertheless, it is a fundamental principle of social philosophy, fixed and unchangeable, that one should not withdraw from individuals and commit to the community what they can accomplish by their own enterprise and industry. So, too, it is an injustice and at the same time a grave evil and a disturbance of right order to transfer to the larger and higher collectivity functions which can be performed and provided for by lesser and subordinate bodies.

See also Centesimus Annus, supra note 34, at 476, No. 48:

[The principle of subsidiarity must be respected: a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good.]

See Pope Benedict XVI, Message of His Holiness Benedict XVI to the Director General of the Food and Agriculture Organization for the Celebration of World Food Day, para. 6 (Oct. 16, 2006) [hereinafter 2006 World Food Day Statement], available at http://www.vatican.va/holy_father/benedict_xvi/messages/food/documents/hf_ben-xvi_mess_20061016_world-food-day-2006_en.html (“Local communities need to be involved in choices and decisions concerning land use, since farmland is being diverted increasingly to other purposes, often with damaging effects on the environment and the long-term viability of the land.”); Third Water Forum Contribution, supra note 27, at 4 (“The principle of subsidiarity acknowledges that decisions and management responsibilities pertaining to water should take place at the lowest appropriate level. While the water issue is global in scope, it is at the local level where decisive action can best be taken.”); Columbia River Watershed Pastoral Letter, supra note 7, at 19 (“Local community members are often most knowledgeable about local ecosystem dynamics. Such citizens are best able, sometimes with necessary technical assistance, to initiate community-based and community-oriented ecologically sustainable economic development, and to suggest areas of individual and community sacrifices to conserve resources for the common good.”).

Ryan, supra note 2, para. 7 (“This principle [of subsidiarity] balances the power between the individual and community. It calls for a pluralistic structuring of power in society. That is, human society is more than government; it is the thousands of voluntary and corporate associations that make up civil society.”).

See A Plea for Dialogue, supra note 7, para. 15 (“Responses to global climate change should reflect our interdependence and common responsibility for the future of our planet. Indi-
The "preferential option for the poor" can be linked with the notion of subsidiarity on both sides of the "lower level" and "higher level" continuum. On the lowest level, the "preferential option for the poor" requires that impoverished individuals and communities play a role in assessing the ecological harms they are suffering and the potential remedies available at the local level. The ecosystems of the world are, indeed, global. However the local variety of resources and limitations requires decision-makers to pay attention to the voices of those who actually live in those areas affected by environmental harm. Failure to do so is not only unwise from an ecological perspective, but it is also an affront to the dignity of those who may often be in the best position to know their own needs. A paternalistic or descending exclusion of the local poor from the decision-making that affects them can not only deter ecological progress, but may also contribute to the global economic and political problems that transcend the borders of individual States; hence their solution cannot be found solely on the national level.

The concepts of an ordered universe and a common heritage both point to the necessity of a more internationally coordinated approach to the management of the earth's goods. In many cases the effects of ecological problems transcend the borders of individual States; hence their solution cannot be found solely on the national level. "The oft-cited process of globalization cannot be halted, yet it is an urgent task and a great responsibility of politics to regulate and limit globalization, so that it will not occur at the expense of the poorer nations and of the poor in wealthier nations, and prove detrimental to future generations."; Compendium, supra note 6, at 203, No. 466 (calling environmental problems "a responsibility that must mature on the basis of the global dimension of the present ecological crisis and the consequent necessity to meet it on a worldwide level, since all beings are interdependent in the universal order established by the Creator"); id. at 209, No. 48 ("Modern ecological problems are of a planetary dimension and can be effectively resolved only through international cooperation capable of guaranteeing greater coordination in the use of the earth’s resources.").

See, e.g., Water, An Essential Element for Life, supra note 30, para. 24 ("Marginalized groups within the community need to be consulted about appropriate solutions to their needs. Traditional knowledge can be vital in planning water resources. More highly technological solutions can often ignore local knowledge regarding terrain and climate and more importantly the human component. Respect for the principal of subsidiarity should, therefore, be a part of all water management policy."); see also Pope Benedict XVI, Message of His Holiness Benedict XVI to Mr. Jacques Diouf, Director General of FAO on the Occasion of World Food Day 2007, para. 3 (Oct. 4, 2007), available at http://www.vatican.va/holy_father/benedict_xvi/messages/food/documents/hf_ben-xvi_mes_20071004_world-food-day-2007_en.html (urging that those working to eradicate hunger "take into account the cycles and rhythm of nature known to inhabitants of rural areas, thus protecting the traditional customs of the indigenous communities, leaving aside egotistical and exclusively economic motivations").
real or apparent lack of political power that contributes to the very poverty they experience.

Likewise, it cannot be forgotten that the poor themselves have obligations to do what is possible to address environmental harms. In today’s world, “the ecological crisis has assumed such proportions as to be the responsibility of everyone.” The temptation, therefore, to rely on large-scale or international initiatives should not overshadow the legitimate and necessary role that can and should be played by the poor. The “preferential option” is not an exemption for the poor from responsibility nor an invitation to passivity and inertia. Quite the contrary. It requires that poor people be a principle force in improving their situation. Anything else is contrary to human dignity and responsibility. As Sollicitudo Rei Socialis warned with respect to international development generally:

131. See, e.g., Pope Benedict XVI, Address of His Holiness Benedict XVI to H.E. Mr. Ivan Guillermo Ricon Urdaneta, Ambassador of the Bolivarian Republic of Venezuela to the Holy See, para. 6 (Aug. 25, 2005), available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2005/august/documents/hf_ben-xvi_spe_20050825_ambassador-venezuela_en.html (“Venezuela has been wonderfully endowed by the Creator with natural resources. This brings with it the responsibility to cultivate and care for the gifts received . . . so that all its inhabitants may have the possibility of living with the dignity that befits human beings. In this task, no one may feel exempt from active collaboration, especially in cases of poverty or social marginalization.”); A Plea for Dialogue, supra note 7, para. 28 (“Developing and poorer nations must have a genuine place at the negotiating table. Genuine participation for those most affected is a moral and political necessity for advancing the common good.”); Ryan, supra note 2, para. 28 (“Christians must have a preferential option for the poor, and this option requires that they work for changes in unjust political, economic, and social structures, a task in which the poor themselves are the first agents of change.”); Celebrate Life, supra note 7, para. 24 (“An authentic understanding of development needs to include all, especially the poor and marginalized, and to address all the different dimensions of human flourishing over both the short and long term.”); Dorr, supra note 40, at 156: Being on the side of the poor in their cry for justice must surely involve encouraging them to find effective ways to ensure that their voice is really heard. The encyclical lays so much stress on the value of collaboration of rich and poor, and on the duty of those ‘at the top’ to initiate this, that it does not pay enough attention to what the poor can and should do.

See also id. at 230 (“The Church must also encourage the poor to see themselves as the primary agents of change.”); id. at 238 (“Almost everybody has some degree of complicity in these injustices — the well-off who protect their own interests at the cost of the poor, and the poor themselves who often remain sunk in apathy.”); id. at 275 (“The poor are being recognised as the most important agents of social change. In view of the inspiring vision that now permeates Catholic social teaching, they can no longer be seen as passive recipients of alms; they are . . . the makers and subjects of their own history . . . .”).

132. Peace With All of Creation, supra note 7, No. 15. See also Declaration on the Environment, supra note 9, No. 12 (“Religions, governments and institutions are faced by many different situations; but on the basis of the principle of subsidiarity all of them can take on some tasks, some part of the shared effort.”).

133. Pope John XXIII spoke of the fact that human dignity requires the participation of all in their own authentic development. He wrote that those advancing economic development “should have this goal in mind, that citizens in less developed countries . . . feel themselves to be the ones chiefly responsible for their own progress. For a citizen has a sense of his own dignity when he contributes the major share to progress in his own affairs.” Mater et Magistra, supra note 34, at 109, No. 151. See also Pacem in Terris, supra note 47, at 150, No. 123 (stating that developing countries “must realize that they are primarily responsible, and . . . they are the principal artisans
Development demands above all a spirit of initiative on the part of the countries which need it. Each of them must act in accordance with its own responsibilities, not expecting everything from the more favored countries, and acting in collaboration with others in the same situation. Each must discover and use to the best advantage its own areas of freedom. Each must make itself capable of initiatives responding to its own needs as a society. Each must likewise realize its true needs, as well as the rights and duties which oblige it to respond to them. The development of peoples begins and is most appropriately accomplished in the dedication of each person to its own development, in collaboration with others.\textsuperscript{134}

At the same time, the “preferential option for the poor” requires that the international community become involved when there is an ecological harm that cannot be resolved at a local or individual level. The doctrine itself does not offer a clear blueprint for determining what issues these might be; however, the briefest of reflections suggests that these issues might include those that involve multiple nations, those that require expensive solutions beyond the economic ability of an affected country, or those that demand technical expertise unavailable within an individual nation. The “preferential option for the poor” requires that when the international organizations do act, they act with respect for impoverished nations and with priority given to those neediest nations. In this way, the “preferential option for the poor” should inform the way in which subsidiarity is considered in the environmental decision-making process. As Pope John XXIII explained while discussing economic development:

[C]ivil authorities in pursuing their interests not only must not harm others, but must join their plans and forces whenever the efforts of an individual government cannot achieve its desired goals; but in the execution of such common efforts, great care must be taken lest what helps some nations should injure others.\textsuperscript{135}

\begin{enumerate}
\item[E. \textit{The Right to Private Property and the Mandate to Use Property for the Common Good Must Both be Respected in Environmental Policies}}
\end{enumerate}

A fifth principle guiding Catholic teaching on ecological matters requires a proper and nuanced understanding of property rights. The first of

\begin{enumerate}
\item[134.] Sollicitudo Rei Socialis, supra note 34, at 427, No. 44.
\item[135.] Pacem in Terris, supra note 47, at 147, No. 99.
\end{enumerate}
the modern encyclicals were very much concerned with property issues—with a particular focus on how this affected labor relations and class distinctions. Much has been written about how the Catholic tradition condemns both socialism and unbridled capitalism as both can lead to distinct dangers. However, the responsible use of property and a correct understanding of it can inform ecological discussions and the "preferential option for the poor" both domestically as well as internationally. While this view of property had its historical origins with regard to real property (i.e., land and its resources), in our modern world it also applies to talent and technology.

136. See generally Rerum Novarum, supra note 44, passim.
137. Indeed, socialism was a primary object of critique in the very first modern encyclical, Rerum Novarum itself. There, Pope Leo XIII warned:

Socialists, working on the poor man's envy of the rich, endeavor to destroy private property, and maintain that individual possessions should become the common property of all, to be administered by the State or municipal bodies. They hold that, by thus transferring property from private persons to the community, the present evil state of things will be set to rights, because each citizen will then have his equal share of whatever there is to enjoy. But their proposals are so clearly futile for all practical purposes, that if they were carried out the workingman himself would be among the first to suffer. Moreover, they are emphatically unjust, because they would rob the lawful possessor, bring the State into a sphere that is not its own, and cause complete confusion in the community.

Rerum Novarum, supra note 44, at 15, No. 3.

138. See, e.g., Quadragesimo Anno, supra note 47, at 62, No. 88 ("[T]he proper ordering of economic affairs cannot be left to the free play of rugged competition . . . . Free competition, however though justified and quite useful within certain limits, cannot be an adequate controlling principle in economic affairs.").

139. See, e.g., Sollicitudo Rei Socialis, supra note 34, at 407, No. 21 ("[T]he Church's social doctrine adopts a critical attitude toward both liberal capitalism and Marxist collectivism.").

140. See Water, An Essential Element for Life, supra note 30, § II, para. 1 ("As a good of creation, water is destined for all human beings and their communities. God intended the earth and all it contains for the use of all, so that all created things would be shared fairly by humankind under the guidance of justice tempered by charity. . . . Water is a universal common good, a common good of the entire human family. Its benefits are meant for all and not only for those who live in countries where water is abundant, well managed, and well distributed."); Latin American Inaugural Address, supra note 82, § 2, para. 4 ("[T]he liberal economy of some Latin American countries must take account of equity, because of the ever increasing sectors of society that find themselves oppressed by immense poverty or even despoiled of their own natural resources.").

141. Pope Benedict XVI, Message of His Holiness Pope Benedict XVI for the Celebration of the World Day of Peace (January 1, 2006), available at http://www.vatican.va/holy_father/benedict_xvi/messages/peace/documents/hf_ben-xvi_message ("God is love which saves, a loving Father who wants to see his children look upon one another as brothers and sisters, working responsibly to place their various talents at the service of the common good of the human family."); Populorum Progressio, supra note 63, at 251, No. 48 ("[G]iven the increasing needs of the underdeveloped countries, it should be considered quite normal for an advanced country to devote a part of its production to meet their needs, and to train teachers, engineers, technicians, and scholars prepared to put their knowledge and their skills at the disposal of less fortunate peoples.").

142. See Water, An Essential Element for Life, supra note 30, para. 6 ("Developing countries require the necessary know-how and technology along with developmental assistance of a scale sufficient to address major projects needed to guarantee access to safe water and sanitation for
The Catholic social tradition repeatedly affirms the right to private property.\footnote{\textsuperscript{143}} Thus, this respect for private property should give decision-makers much pause when considering any measures that would directly or indirectly take private property, its value, or the rights to economic initiatives from private owners.\footnote{\textsuperscript{144}} Out of respect for those who are the poorest, private property ownership must be recognized for what it is: one of the surest ways to provide families with a means to support themselves and plan for their long-term security.\footnote{\textsuperscript{145}} Thus, a hard look must be given to present and future generations."; Rio Statement of Archbishop Martino, \textit{supra} note 79, para. 17 ("For developing nations, at times rich in natural resources, the acquisition and use of new technologies is a clear necessity. Only an equitable global sharing of technology will make possible the process of sustainable development."); Global Climate Change, \textit{supra} note 7, para. 8 (urging "much greater assistance to the developing nations, particularly in providing economic development assistance to enable poorer countries to adopt state-of-the-art technology"); \textit{A Plea for Dialogue, supra} note 7, para. 27 ("Wealthier industrialized nations have the resources, know-how, and entrepreneurship to produce more efficient cars and cleaner industries. These countries need to share these emerging technologies with the less-developed countries and assume more of the financial responsibility that would enable poorer countries to afford them."); \textit{Compendium, supra} note 6, at 78, No. 179 ("New technological and scientific knowledge must be placed at the service of mankind's primary needs . . . .") (italics in original).

\textit{See also Pacem in Terris, supra} note 47, at 145, No. 88 ("[I]t can happen that one country surpasses another in scientific progress, culture, and economic development. But this superiority, far from permitting it to rule others unjustly, imposes the obligation to make a greater contribution to the general development of the people.").

\textit{See Rerum Novarum, supra} note 44, at 16, No. 5 ("[E]very man has by nature the right to possess property as his own. This is one of the chief points of distinction between man and the animal creation."); \textit{id.} at 16, No. 6 ("[M]an can possess not only the fruits of the earth, but the earth itself; for of the products of the earth he can make provision for the future."); \textit{id.} at 17, No. 8 (calling private property "preeminently in conformity with human nature, and . . . conducing in the most unmistakable manner to the peace and tranquility of human life"); \textit{A Plea for Dialogue, supra} note 7, para. 16 ("Stewardship . . . requires freedom to act. Significant aspects of this stewardship include the right to private initiative, the ownership of property, and the exercise of responsible freedom in the economic sector."); \textit{Compendium, supra} note 6, at 77, No. 176 ("Private property is an essential element of an authentically social and democratic economic policy, and is the guarantee of a correct social order. The Church's social doctrine requires that ownership of goods be accessible to all, so that all may become, in at least some measure, owners . . . .") (italics in original); cf. \textit{Columbia River Watershed Pastoral Letter, supra} note 7, at 17 ("The right to own and use private property is not seen as an absolute individual right; this right must be exercised responsibly for the benefit of the owner and the community as a whole. Property must be used wisely as a trust from God to the civil owner.").

\textit{See Sollicitudo Rei Socialis, supra} note 34, at 403, No. 15 (italics in original):

[i]t is today's world . . . the right of economic initiative is often suppressed. Yet it is a right which is important not only for the individual but also for the common good. Experience shows us that the denial of this right, or its limitation in the name of an alleged "equality" of everyone in society, diminishes, or in practice absolutely destroys the spirit of initiative. . . . As a consequence, there arises not so much a true equality as a "leveling down." In the place of creative initiative there appears passivity, dependence and submission to the bureaucratic apparatus.

those systems in which land is owned by a limited few or those systems in which property rights are violated to such an extent that those who do own property are not secure in it.

At the same time, this view of private property is tempered with an equally consistent teaching that there is a common or "universal" destination of goods, which demands that "in the right of private property there

("[P]rivate property is justified . . . because it affords each person the scope necessary to provide for the needs of his or her family. [It] is an aspect of personal freedom.").

146. One of the most comprehensive Vatican statements on land distribution issues is to be found in Better Distribution of Land, supra note 145. This document explores the political, moral, social and historical aspects of land distribution patterns.

147. Adding an additional layer of complexity to the property rights discussion is the unique relationship that may exist in developing countries between indigenous peoples and the land. See, e.g., Better Distribution of Land, supra note 145, No. 11: [V]arious forms of economic activity based on the use of natural resources have steadily expanded into land traditionally occupied by indigenous populations. In most cases, the rights of the indigenous inhabitants have been ignored when the expansion of large-scale agricultural concerns, the establishment of hydroelectric plants and the exploitation of mineral resources, and of oil and timber . . . have been decided, planned and implemented. [T]he property rights upheld by the law are in conflict with the right of use of the soil deriving from an occupation and ownership of the land the origins of which are lost in memory. In the culture and spirituality of indigenous populations, land is seen as the basis of every value and as the unifying factor that nourishes their identity. However, when the first great landholdings were formed, these peoples lost the legal right to ownership of land on which they had lived for centuries, which means that they can now be dispossessed without warning . . . . Indigenous populations can also run the absurd but very real risk of being seen as "invaders" of their own land.

But see id. at No. 39 ("Defence and development of community ownership [by indigenous people] ought not to blind us to the fact that this type of ownership is bound to change. Any action aimed purely at guaranteeing its preservation would run the risk of binding it to the past and thus destroying it.").

148. See Gaudium et Spes, supra note 34, at 212–13, No. 69 ("God intended the earth and all that it contains for the use of every human being and people. Thus, as all men follow justice and unite in charity, created good should abound for them on a reasonable basis. . . . [A] man should regard his lawful possessions not merely as his own but also as common property in the sense that they should accrue to the benefit of not only himself but of others."); Carr Testimony, supra note 28, para. 11 ("[T]he ethic of solidarity requires us to act to protect what we hold in common, not just to protect our own interests."); A Plea for Dialogue, supra note 7, para. 17 ("Our Catholic tradition speaks of a 'social mortgage' on property. . . . It also calls us to use the gifts we have been given to protect human life and dignity, and to exercise our care for God's creation."); Renewing the Earth, supra note 7, para. 38 ("Created things belong not to the few, but to the entire human family."); Third World Water Forum Contribution, supra note 27, para. 12 ("The earth and all that it contains are for the use of every human being and all peoples. This principle of the universal destination of the goods of creation confirms that people and countries, including future generations, have the right to fundamental access to those goods which are necessary for their development.") (italics in original); Australian Bishops Statement, supra note 7, at 9 ("According to the principle of the universal destination of goods everyone has the right to access the goods of creation to meet their needs—our lifestyles should not make such large demands on resources that others are left in need. We should practise simplicity, moderation and discipline."); Pope John Paul II, General Audience (Jan. 17, 2001) available at http://www.vatican.va/holy_father/john_paul_ii/audiences/2001/documents/hf-jp-ii-aud_20010117_en.html (hoping for a "rediscovered harmony with nature and with one another [in which] men and women are once again walking in the garden of creation, seeking to make the goods of the earth available to all and not just to a privileged few, as the biblical jubilee suggests"); Centesimus Annus, supra note 34, at 462, No. 31 ("God gave the earth to the whole human race for the sustenance of all its members,
is rooted a social responsibility." 149 That is, while there is a right to own property, there is also the obligation to recognize that the goods of the earth were given by God to satisfy the needs of all—not the wants of some. Thus, property comes with a so-called "social mortgage." 150 This mortgage requires property owners to ensure that as they use their property, they do so in a way that will benefit the common good both affirmatively (i.e., using property productively) and negatively (i.e., refraining from those uses of property that will cause harm to others). 151

without excluding or favoring anyone. This is the foundation of universal destination of the earth’s goods. The earth, by reason of its fruitfulness and its capacity to satisfy human needs, is God’s first gift for the sustenance of human life.”; Compendium, supra note 6, at 75, No. 171 (“God gave the earth to the whole human race for the sustenance of all its members, without excluding or favoring anyone. This is the foundation of the universal destination of the earth’s goods. The earth, by reason of its fruitfulness and its capacity to satisfy human needs, is God’s first gift for the sustenance of human life.”) (italics in original); id. at 76, No. 175 (“The universal destination of goods requires a common effort to obtain for every person and for all peoples the conditions necessary for integral development, so that everyone can contribute to making a more humane world. . . .”) (italics in original); id. at 77, No. 177 (“Christian tradition has never recognized the right to private property as absolute and untouchable. . . . The principle of the universal destination of goods is an affirmation both of God’s full and perennial lordship over every reality and of the requirement that the goods of creation remain ever destined to the development of the whole person and of all humanity.”) (italics in original).

149. Mater et Magistra, supra note 34, at 103, No. 119. See also Pacem in Terris, supra note 47, at 134, Nos. 21–22 (“The right to private property . . . also derives from the nature of man . . . However, it is opportune to point out that there is a social duty essentially inherent in the right of private property.”); Gaudium et Spes, supra note 34, at 214, No. 71 (“By its very nature, private property has a social quality deriving from the law of the communal purpose of earthly goods. If this social quality is overlooked, property often becomes an occasion of greed and of serious disturbances.”); Populorum Progressio, supra note 63, at 245, No. 23 (“[P]rivate property does not constitute for anyone an absolute and unconditioned right. No one is justified in keeping for his exclusive use that what he does not need, when others lack necessities.”).

150. See Sollicitudo Rei Socialis, supra note 34, at 426, No. 42 (“[T]he goods of this world are originally meant for all. The right to private property is valid and necessary, but it does not nullify the value of this principle. Private property is, in fact, under a ‘social mortgage’ which means that it has an intrinsically social function. . . .”) (italics in original); Centesimus Annus, supra note 34, at 461, No. 30 (discussing “the necessity and therefore the legitimacy of private ownership, as well as the limits which are imposed upon it”); Celebrate Life, supra note 7, para. 25 (“Our private property and accumulated wealth are not an absolute right because these carry a ‘social mortgage’ at the service of the global common good.”); Human Right to Food, supra note 91, No. 5 (discussing “the social lien on the right to private property” and “[the way it is] expressed in public law”); The Christian Ecological Imperative, supra note 7, No. 7 (“The principle of the social mortgage on private property should include an ‘ecological mortgage’ on the goods of creation. . . .”).

151. See, e.g., Rerum Novarum, supra note 44, at 23, No. 19:

Whoever has received from the divine bounty a large share of blessings, whether they be external and corporal, or gifts of the mind, has received them for the purpose of using them for perfecting his own nature, and, at the same time, that he may employ them, as the minister of God’s Providence, for the benefit of others.

The distinction between the principles governing use as opposed to ownership have been oft-repeated. See, e.g., Quadragesimo Anno, supra note 47, at 52, No. 47 (“[T]he right of property must be distinguished from its use. . . . [I]t is false to contend that the right of ownership and its proper use are bounded by the same limits. . . .”); Mater et Magistra, supra note 34, at 87, No. 19 (“Private property . . . is a natural right possessed by all, which the State may by no means suppress. However, as there is from nature a social aspect to private property, he who uses his
Those who own property are to be imbued anew with the understanding of their obligations to use that property for the common good. Indeed, "[m]an and woman must care for creation, so that it will serve them and remain at the disposition of all, not just a few."152 This may mean voluntarily foregoing the most profitable use of that property to ensure that the needs of others are not compromised. It may also mean sharing talent153 and technology with developing nations in such a way as to ensure that intangible intellectual property is placed at the service of others.154 More delicately, this approach to property requires the careful and prudent consideration of those measures that would involve involuntary controls on the free use of property. This is a politically sensitive issue that is left to lay judgment, but it poses one of the more difficult and thorny questions for policymakers trying to reconcile a rigorous protection of property rights with the mandate that property be used for the common good. In an ideal world, property owners would, of their own volition, consider the implications for others as a result of the way they use their tangible and intangible property. When the force of law should intervene is a topic for much reflection and careful balance.

F. Environmental Concerns are Moral Concerns that Require Radical Rethinking of Consumer Culture.155

It is this final principle of Catholic ecological teaching that most directly impacts the "preferential option for the poor." It is the principle that

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152. Better Distribution of Land, supra note 145, No. 22. See also id. No. 25 ("[W]e cannot do whatever we want with the goods that God has given to all.").

153. See, e.g., id. No. 41 ("The increasingly decisive factor in gaining access to the goods of the earth is no longer possession of land, but possession of the whole complex of know-how that people can accumulate.").

154. For a comprehensive analysis of the intersections between intellectual property and moral obligations to the poor, see generally Thomas C. Berg, Intellectual Property and the Preferential Option for the Poor, 5 J. CATH. SOC. THOUGHT (forthcoming 2008). As Professor Berg’s article clearly demonstrates, many of the complex moral issues concerning the appropriate scope of property rights in real property are mirrored in the equally complex debates over intellectual property. See also Centesimus Annus, supra note 34, at 462, No. 32 ("[T]here exists another form of ownership which is becoming no less important than land; the possession of know-how, technology and skill. The wealth of the industrialized nations is based much more on this kind of ownership than on natural resources.").

155. See The Heart of Peace, supra note 12, at No. 9 ("[R]espect for nature is closely linked to the need to establish, between individuals and between nations, relationships that are attentive to the dignity of the human person and capable of satisfying his or her authentic needs. The destruction of the environment, its improper or selfish use, and the violent hoarding of the earth’s resources causes grievances, conflicts and wars, precisely because they are the consequences of an inhumane concept of development."); Declaration on the Environment, supra note 9, para. 7 ("The problem is not simply economic and technological; it is moral and spiritual. A solution at the economic and technological level can be found only if we undergo, in the most radical way, an inner change of heart, which can lead to a change in lifestyle and of unsustainabe patterns of...")
frames ecological problems in a moral framework rather than simply in economic, social or scientific terms. In earlier times, it may have been possible to be optimistic about the future capacity of the earth to tolerate excessive use. In a burst of optimism, Pope Leo XIII long ago said, "[n]ature . . . owes to man a storehouse that shall never fail, the daily supply of his daily wants. And he finds this only in the inexhaustible fertility of the earth."\(^{156}\)

This optimism now must be curbed with a sober, but not despairing, understanding that there are limits on what can be done with and to the earth without doing serious and permanent harm. Given this, recent popes have taught that the ecological challenge is, at its root, a moral challenge that requires a radical rethinking of a materialistic, consumer culture. Pope Benedict recently lamented the fact that "the distance between rich and poor is growing constantly."\(^{157}\) Thus:

The traditional biblical fullness of food and years, considered a sign of divine blessing, is now countered by an intolerable satiety composed of an excessive load of humiliations. And we know today that many nations, many individuals, are truly burdened with derision, with the contempt of the rich and the disdain of the proud.\(^{158}\)

\(^{156}\) *Rerum Novarum*, supra note 44, at 16, No. 6. See also *id.* at 17, No. 7 ("[T]hat which is required for the preservation of life and for life’s well-being is produced in great abundance by the earth, but not until man has brought it into cultivation and lavished upon it his care and skill.").

Forty years later, Pope Pius XI combined a forceful condemnation of greed with this same optimism about the earth’s abundance when he wrote:

Mere sordid selfishness, which is the disgrace and the great climate of the present age, will be opposed in very deed by the kindly and forceful law of Christian moderation, whereby man commanded to seek first the kingdom of God and his justice, confiding in God’s liberality and definite promise that temporal goods also, so far as is necessary, will be added unto him.

*Quadragesimo Anno*, supra note 47, at 73, No. 136.

\(^{157}\) *Latin American Inaugural Address*, supra note 82. See also *Jubilee Call for Debt Forgiveness*, supra note 42, para. 7 ("[T]he divide between the wealthy and poor nations is deepening. This divide is based . . . on radically different living standards that threaten to relegated the most impoverished nations to a permanent underclass status.").

Pope Benedict XVI echoed the warning of his predecessor, Pope John Paul II, who decried this when Pope John Paul II also lamented:

It is manifestly unjust that a privileged few should continue to accumulate excess goods, squandering available resources, while masses of people are living in conditions of misery at the very lowest level of subsistence. Today, the dramatic threat of ecological breakdown is teaching us the extent to which greed and selfishness—both individually and collectively—are contrary to the order of creation, and order which is characterized by mutual interdependence.159

Even more urgently, Pope Benedict XVI warned:

[T]he seriousness of the ecological issue lays bare the depth of man’s moral crisis. If an appreciation of the value of the human person and of human life is lacking, we will also lose interest in others and in the earth itself. Simplicity, moderation and discipline, as well as a spirit of sacrifice, must become a part of everyday life, lest all suffer the negative consequences of the careless habits of a few.160

This is true of individuals, as they consider their personal use of the goods of the earth161 and heed Pope John Paul II’s warning that, simply put,

159. Peace With All of Creation, supra note 7, No. 8. This statement echoes one made several decades earlier in Justice in World, when the Synod of Bishops said:

It is impossible to see what right the richer nations have to keep up their claim to increase their own material demands, if the consequence is either that others remain in misery or that the danger of destroying the very physical foundations of life on earth is precipitated. Those who are already rich are bound to accept a less material way of life, with less waste, in order to avoid the destruction of the heritage which they are obligated by absolute justice to share with all other members of the human race.

Justice in the World, supra note 22, at 299, No. 7. See also Columbia River Watershed Pastoral Letter, supra note 7, at 12:

While many people lack life’s basic necessities, others have more than an excess for a lifetime. This gross imbalance is harmful to humanity and, to the extent that singular individuals have consumed more than a reasonable share of earth’s resources, they have harmed creation. Good stewards of creation use what they need and recognize that others, both those presently living and future generations, have a right to enjoy the fruits of the earth as well.

160. Peace With All of Creation, supra note 7, No. 13. Pope John Paul II reiterated this concern in 2002 when he warned:

[ ]struction of the environment highlights the consequences of decisions made by private interests that do not weigh the real conditions of human dignity. One finds prevalent an unbridled desire to accumulate personal wealth that prevents people from hearing the alarming cry of decay of ever more peoples. In other words, the selfish quest for their own good fortune induces people to disregard the legitimate expectations of present and future generations.


161. See Water, An Essential Element for Life, supra note 30, para. 20 ("[A]ll too often water is not perceived as the luxury it really is, but is paradoxically wasted. This action of wasting water is morally unsustainable. Citizens in some countries are used to taking advantage of a privileged situation without thinking to the consequences of their wasting water on the lives of their brothers and sisters in the rest of the world."); Sollicitudo Rei Socialis, supra note 34, at 412, No. 28
"we cannot continue to use the goods of the earth as we have in the past."\textsuperscript{162} Examining personal consumption patterns and priorities through the lens of sacrificial solidarity with those in need is a challenge to all as individuals in a world of both great plenty and great want.\textsuperscript{163}

\footnotesize{("[S]ide-by-side with the miseries of underdevelopment . . . we find ourselves up against a form of \textit{superdevelopment} . . . [t]his superdevelopment, which consists in an \textit{excessive} availability of every kind of material goods . . . easily makes people slaves of 'possession' and of immediate gratification. . . . This is the so-called civilization of 'consumption' or 'consumerism,' which involves so much 'throwing away' and 'waste.'") (italics in original); \textit{Centesimus Annus}, supra note 34, at 467, No. 37 ("Equally worrying is the ecological question which accompanies the problem of consumerism and which is closely connected to it. In his desire to have and to enjoy rather than to be and to grow, man consumes the resources of the earth and his own life in an excessive and disorderly way. At the root of the senseless destruction of the natural environment lies an anthropological error. . . ."); \textit{Rio Statement of Archbishop Martino}, supra note 79, para. 15 ("The scandalous patterns of consumption and waste of all kinds of resources by a few must be corrected, in order to ensure justice and sustainable development to all, everywhere in the world."); \textit{Renewing the Earth}, supra note 7, para. 38 ("[S]olidarity requires sacrifices of our own self-interest for the good of others and of the earth we share."); \textit{Pope Benedict XVI, Address of His Holiness Benedict XVI to Youth of the Diocese of Pavia (Apr. 21, 2007), available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2007/april/documents/hf_ben-xvi_spe_2007_0421_giovani-pavia_en.html ("Society . . . awaits your contribution in order to build a common coexistence that is less selfish and more supportive, truly inspired by the great ideals of justice, freedom and peace."); \textit{Pope Benedict XVI, Angelus (Aug. 5, 2007), available at http://www.vatican.va/holy_father/benedict_xvi/angelus/2007/documents/hf_ben-xvi_ange_20070805_en.html ("[T]he Word of God spurs us to reflect on what our relationship with material things should be. Although wealth is a good in itself, it should not be considered an absolute good. Above all, it does not guarantee salvation; on the contrary, it may even seriously jeopardize it."); \textit{Australian Bishops Statement, supra note 7, at 1 ("Human greed, violence and selfishness have a destructive impact, on people and the environment."); id. ("[W]e must examine our lives and acknowledge the ways in which we have harmed God's creation through our actions and our failure to act. We need to experience a conversion, or change of heart."); id. ("Our personal choices—recycling, waste avoidance, composting, tree planting, car-pooling, prudent water and energy use—are important, but to achieve authentic sustainability, our personal actions must be reflected in the way in which economic and political systems are structured."); \textit{Gary Cuneen, It's Time to Wake Up and Smell the Carbon}, U.S. CATH., Nov. 2001, at 32–33 ("If we want to be people of compassion, we cannot continue to plead ignorance to the direct impact of our lifestyles and habits on the rest of the world and on the health and survival of our planet."); \textit{Celebrate Life, supra note 7, para. 27 ("[I]n a world of increasing population and widening inequality within nations and between nations that is already approaching real ecological limits, sufficiency means that those consuming a disproportionate share of the earth's natural resources, including energy resources, need to examine critically their lifestyles and levels of consumption."); \textit{Compendium, supra note 6, at 210, No. 486 ("Serious ecological problems call for an effective change of mentality leading to the adoption of new lifestyles. . . . These lifestyles should be inspired by sobriety, temperance, and self-discipline at both the individual and social levels.") (italics in original); \textit{God Saw That It Was Good}, supra note 7, para. 30 ("In a consumer society, personal habits of over consumption and waste have adverse environmental and social impacts.").")

162. \textit{Peace With All Creation, supra note 7, No. 1. See also Renewing the Earth, supra note 7, para. 1 ("[T]he environmental crisis is a moral challenge."); id. ("So vast are the problems, so intertwined with our economy and way of life, that nothing but a wholehearted and ever more profound turning to God, the Maker of Heaven and Earth, will allow us to carry out our responsibilities as faithful stewards of God's creation.").")

163. For a detailed examination of divergent patterns of energy consumption around the globe, which clearly reflects this disparity, see generally Ambuj D. Sager et al., \textit{Climate Change, Energy, and Developing Countries}, 7 VT. J. ENVTL. L. 71 (2005–06).
More difficult, however, is the challenge that Catholic leaders have posed to the governments of wealthy nations to do on a national level the same re-examination of priorities and values to which individuals are called.164 This challenge is one directed primarily to leading economic powers like the United States,165 but it is fair to say that no nation is exempt

164. This obligation was addressed by Pope John XXIII nearly half a century ago when he wrote:

Perhaps the most pressing question of our day concerns the relationship between eco-
nomically advanced commonwealths and those that are in process of development. The
former enjoy conveniences of life; the latter experience dire poverty. Yet, today men are
so intimately associated in all parts of the world that they feel...as if they are members
of one and the same household. Therefore, the nations that enjoy a sufficiency and
abundance of everything may not overlook the plight of other nations whose citizens
experience such domestic problems that they are all but overcome by poverty and hun-
ger, and are not able to enjoy basic human rights.

Mater et Magistra, supra note 34, at 110, No. 157.

See also Pacem in Terris, supra note 47, at 146, No. 92 ("As men in their private enterprises
cannot pursue their own interests to the detriment of others, so too states cannot lawfully seek that
development of their own resources which brings harm to other states and unjustly opposes
them."); Declaration on the Environment, supra note 9, para. 7 ("Everyone has a part to play, but
for the demands of justice and charity to be respected, the most affluent societies must carry the
greater burden, and from them is demanded a sacrifice greater than can be offered by the poor.");
Justice in the World, supra note 22, at 290 ("[S]uch is the demand for resources and energy by the
richer nations, ... and such are the effects of dumping by them in the atmosphere and the sea that
irreparable damage would be done to the essential elements of life on earth, such as air and water,
if their high rates of consumption and pollution, which are constantly on the increase, were ex-
thended to the whole of mankind."); 2006 Common Declaration, supra note 82, No. 10 ("[W]e
... invite rich countries to pay greater attention to developing and poorer countries in a spirit of
generous solidarity, recognizing that all people are our brothers and sisters and that we are duty
bound to come to the aid of the lowliest and the poorest who are the beloved of the Lord."); 2006
World Food Day Statement, supra note 127, para. 11 ("Today more than ever, in the face of
recurring crises and the pursuit of narrow self-interest, there has to be cooperation and solidarity
between states, each of which should be attentive to the needs of its weakest citizens, who are the
first to suffer from poverty."); Peace With All of Creation, supra note 7, No. 10 ("The ecological
crisis reveals the urgent moral need for a new solidarity, especially in relations between the devel-
op ing nations and those that are highly industrialized.") (italics in original); A Plea for Dialogue,
supra note 7, para. 22 ("Affluent nations such as our own have to acknowledge the impact of
voracious consumerism instead of simply calling for population and emissions controls from peo-
ple in poorer nations."); Renewing the Earth, supra note 7, para. 47 ("Authentic development also
requires affluent nations to seek ways to reduce and restructure their over consumption of natural
resources."); Australian Bishops Statement, supra note 7, at 9 ("As Christians, we are challenged
to analyze the social structures that force millions to live in squalor, burdened by crippling debt,
while a tiny minority accumulate vast wealth from exploiting earth's resources.").

165. See Carr Testimony, supra note 28, at 1 ("[S]olidarity... requires that the United States
lead the way in addressing this issue and in addressing the disproportionate burdens of poorer
countries and vulnerable people. This is not simply a technical question...but rather, a deeper
question of acting effectively on our moral obligations to the weak and vulnerable and how to
share the blessings and burdens in this area with justice."); Authenticity also requires that the
United States bear a special responsibility in its stewardship of God's creation to shape responses that serve the entire human family."); id. ("The responsibility weighs more heavily upon those with the power to act because the threats are often greatest for those who lack similar power, namely, vulnerable poor populations, as well as future generations."); Renewing the Earth, supra note 7, at 49 ("Consumption in developed nations remains the single
greatest source of global environmental destruction. ... By one estimate, each American uses
from the requirement that it re-examine its contribution both to global well-being and degradation. Indeed, poorer "countries in the process of industrialization are not morally free to repeat the errors made in the past by others and recklessly continue to damage the environment through industrial pollutants, radical deforestation or unlimited exploitation of non-renewable resources."166

International treaties have adopted this philosophy in the use of a model of "common but differentiated" responsibility as the guiding principle for addressing global climate change.167 That is, the principle that the developed nations should adopt more stringent restrictions on their future

ten points the energy of a person living in a developing country. Advanced societies, and our own in particular, have barely begun to make efforts at reducing their consumption of resources and the enormous waste and pollution that result from it."); id. ("More people seem ready to recognize that the industrialized world's overconsumption has contributed the largest share to the degradation of the global environment."); Dorr, supra note 40, at 181 ("[T]hose countries which were first to get into 'development' have taken far more than their fair share of the available benefits. . . . [I]t was assumed that new technologies, inventions, and discoveries could ensure that there would be no limit to growth imposed by shortage of energy or raw materials, while toxic wastes could be dumped and dispersed. . . . Today . . . it is clear that there are severe limits to this type of growth. . . ."); Drew Christiansen, S.J., Beyond Kyoto: Equity in Global Climate Change Policy (2004), available at http://www.ncrel.com/3_Christiansen05.html ("Catholic social teaching has long held the right of poor nations to development and specified the obligations of justice and solidarity of rich nations to help in that development."); Sagar et al., supra note 163, at 74 (noting that "in 2000, the [total primary energy supply] of the United States was more than 40 times that of Bangladesh").

166. Peace With All of Creation, supra note 7, No. 10. See also Dorr, supra note 40, at 94 ("The belief that the best way to solve social problems is to speed up economic growth is not confined to Western countries. Most, but not quite all, Third World countries are convinced that their best hope of eliminating poverty lies in rapid growth."); Sagar et al., supra note 163, at 71 ("[T]he growth of energy demand and use in developing countries is also seen as a significant driver of increasing stress on the global energy market."); id. at 75 ("While the energy consumption per capita of a country is closely linked with its level of economic development, energy use in developing countries has been growing faster than in industrialized countries. In fact, developing countries increased their per-capita energy consumption by a factor of 2.1 from 1971 to 2002. In terms of total primary energy consumption, China and India had an approximate three-fold increase during the same period."). See also Keenan, supra note 4, at 25 (criticizing the "demonization of the First World and a refusal to consider that the Third World might have some part of responsibility for environmental degradation thereby blocking the needed common efforts").

167. The international law implications of this approach are beyond the scope of this paper. For an excellent analysis of this principle, see generally Christopher D. Stone, Common But Differentiated Responsibilities in International Law, 98 Am. J. Int'l L. 276 (2004). As Prof. Stone notes:

The concept of "common but differentiated responsibilities" (CDR) is receiving increasing recognition in international law. "Common" suggests that certain risks affect and are affected by every nation on earth. These include not only the climate and ozone shield, but all risk-related global public goods. . . . In reducing the mutual risks, all nations should "cooperate in a spirit of global partnership." Responsibilities are said to be "differentiated," however, in that not all countries should contribute equally. CDR charges some nations, ordinarily the Rich, with carrying a greater share of the burden than others, ordinarily the Poor.

Id. at 276–77.

This issue is also explored in Paul G. Harris, The European Union and Environmental Change: Sharing the Burdens of Global Warming, 17 Colo. J. Int'l Env't L. & Pol'y 309 (2006).
use has gained currency as a way to address developmental imbalances among nations. Yet, there are many limitations and tensions still inherent in the ways in which these differentiated responsibilities are assessed. Nevertheless, Catholic social teaching constantly reminds both nations and individuals that the option for the poor and responsibility toward the environment require that those who are rich in the goods of the earth bear a moral responsibility of restraint and generosity.

V. CHALLENGES FOR THE FUTURE

The beauty of creation and the love of God are inseparable. 168

Hopefully, these reflections suggest that the Catholic contribution to environmental decision-making can be a valuable one if its articulation of basic ecological principles is constantly imbued with attention to the needs and dignity of the most vulnerable. Lest it appear as though this consideration is a neat and easy way to realign environmental debate, it is imperative to consider some of the challenges that this “preferential option” presents to environmental decision-makers and some of the limitations on its reach.

First, this doctrine identifies, but does not clearly distinguish between, various types of poverty. 169 It does not draw nuanced distinctions between, for example, long-term poverty and short-term poverty or between urban poverty and rural poverty 170—all of which require different approaches and


169. For a discussion of the myriad forms of poverty, see Human Right to Food, supra note 91, No. 2: [R]ural and urban areas of the world, men associate poverty with a lack of material assets, whereas for women poverty is defined as food insecurity. Generational differences emerge as well. Younger men in some parts of the world consider the ability to generate an income as the most important asset, whereas older men in other parts of the world consider the status connected to traditional agricultural lifestyles to be most important. A person’s status and location affect perceived causes of poverty. For example, in some areas farmers link poverty to drought; the urban poor link poverty to rising prices and fewer employment opportunities; and the rich link poverty to the deterioration in domestic and international terms of trade, neglect of time-honoured customs and traditions, a lack of motivation among certain classes and groups of people, price liberalization and devaluation, lack of education, and absence of government. Poverty never results from the lack of one thing, but from many interlocking factors that manifest themselves in the experiences of the poor.

See also Centesimus Annus, supra note 34, at 481, No. 57, noting that the preferential option: . . . is not limited to material poverty, since it is well known that there are many other forms of poverty, especially in modern society—not only economic but cultural and spiritual poverty as well. The church’s love for the poor . . . impels her to give attention to a world in which poverty is threatening to assume massive proportions. . . .

170. Guhin, supra note 4, at 9 (“[C]atholics’ lack of passion about the environment may be a function of the fact that most of them live in cities.”). The conditions of the poor in agricultural settings are explored more fully in Better Distribution of Land, supra note 145, No. 6, which warns, among other things, that “[m]any developing countries have sought to modernize their economies as quickly as possible by basing themselves for the most part on the often unjustified
considerations. It also does not fully develop the distinction between the poor in poor countries and the poor in wealthy countries.\textsuperscript{171} As Pope John Paul II noted:

One cannot ignore the fact that the frontiers of wealth and poverty intersect within the societies themselves, whether developed or developing. In fact, just as social inequities down to the level of poverty exist in rich countries, so, in parallel fashion, in the less developed countries one often sees manifestations of selfishness and a flaunting of wealth which is as disconcerting as it is scandalous.\textsuperscript{172}

Depending on the type of poverty present, the potential dangers—and the available remedial resources—will be very different.

In addition, this doctrine does not draw distinctions among the different conditions that exist in “developing” countries at very different stages in development.\textsuperscript{173} This complicates the creation of easy and simple international solutions to environmental harms. There is the temptation to divide the world, perhaps too simplistically, into “north” and “south” or “developed” and “developing.” However, there are much more complex and sophisticated distinctions to be drawn among the nations in these groups. They differ with respect to:

- population and demographics;
- level of current industrialization;
- presence of natural resources, especially fuel, energy sources and potable water;
- political stability and accountability;
- strength of the legal system;
- vulnerability to natural disasters;
- history, in particular, colonization history and private property history;
- level of foreign investment;
- trade status;

belief that rapid industrialization can bring about an improvement in general economic well-being, even if agriculture suffers in the process.” \textit{Id.} at No. 6.

\textsuperscript{171} For a discussion of environmental equity questions in the poor communities of the United States, see generally Tseming Yang, \textit{Environmental Regulation, Tort Law and Environmental Justice: What Could Have Been}, 41 \textit{Washburn L.J.} 607 (2002). See also \textit{Centesimus Annus}, supra note 34, at 481, No. 57 (“In the countries of the West, different forms of poverty are being experienced by groups which live on the margins of society, by the elderly and the sick, by the victims of consumerism, and even more immediately by so many refugees and migrants.”).

\textsuperscript{172} \textit{Sollicitudo Rei Socialis}, supra note 34, at 402, No. 14.

\textsuperscript{173} Most often, the distinction to be drawn is between China and India, on the one hand, in contrast to other nations. The former countries are experiencing a rapid growth in industry and economic development—with a corresponding surge in energy use. \textit{See, e.g.}, Sager et al., supra note 163, at 75 (noting that between 1971 and 2002, “[i]n terms of total primary energy consumption, China and India had an approximate three-fold increase”); \textit{id.} (“The International Energy Agency . . . estimates that the global energy demand will grow almost sixty percent by 2030. More than two-thirds of this growth will be because of an increased demand in developing countries, especially India and China.”).
These myriad distinctions—to name but a few—make clear that a “two sizes fit all” approach to development is unrealistic and unworkable. However, these fine classifications are not fully discussed in the “preferential option for the poor.”

As the Church struggles with determining her proper role in the debate, its relationship with science, and the boundaries of scientific uncertainty, there is much complexity ahead. As an observer with no financial, national or political stake in the environmental debate, the church is in a unique position to offer a new perspective on those complex issues. Yet, identifying its precise and proper role is more complex. Articulating timeless principles that will withstand changing scientific data is a challenging task facing the Church in the years ahead.

At the most basic level, however, the recent words of Pope Benedict XVI to the youth of San Paolo are instructive as nations and individuals face the environmental responsibilities of our time. He said:

[T]he Lord asks us—or better—requires us to open our hearts wider so that there will be room for even more love, goodness, and understanding for our brothers and sisters, and for the

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174. Latin American Inaugural Address, supra note 82, para. 39 (“If the Church were to start transforming herself into a directly political subject, she would do less, not more, for the poor and for justice, because she would lose her independence and her moral authority, identifying herself with a single political path and with debatable partisan positions. The Church is the advocate of justice and of the poor, precisely because she does not identify with politicians nor with partisan interests.”). See also Sollicitudo Rei Socialis, supra note 34, at 424, No. 41 (“The Church does not have technical solutions to offer for the problem of underdevelopment. . . . [T]he Church does not propose economic and political systems. . . . But the Church is an ‘expert in humanity’ and this leads her necessarily to extend her religious mission to the various fields in which men and women expend their efforts. . . .”) (italics in original).

175. See Rocca, supra note 14, para. 6 (“Some say the Vatican’s approach to the subject is hampered by a lack of scientific expertise and by a theological bias that privileges humanity over the rest of nature.”); id. (“The Vatican is agnostic on the science behind some of the most discussed environmental questions, including the causes of climate change and the safety of genetically modified organisms in agriculture.”).

176. See, e.g., Renewing the Earth, supra note 7, para. 3 (“Opinions vary about the causes and the seriousness of environmental problems.”); Dulles, supra note 2, at 286 (“[A]ware of the disagreements within the scientific community about issues such as global warming, the Church has thus far refrained from precise applications. It encourages knowledgeable persons to try to determine the extent to which the government should limit emissions of carbon dioxide and require industries to pay the expenses of cleaning up polluted lands and rivers.”); Compendium, supra note 6, at 204, No. 469 (“The authorities called to make decisions concerning health and environmental risks sometimes find themselves facing a situation in which available scientific data are contradictory or quantitatively scarce. It may then be appropriate to base evaluations on the ‘precautionary principle,’ which does not mean applying rules but certain guidelines aimed at managing the situation of uncertainty.”) (italics in original); id. at 205, No. 469 (“Prudent policies, based on the precautionary principle require that decisions be made on a comparison of the risks and benefits foreseen for the various possible alternatives, including the decision not to intervene.”).
problems which concern not only the human community, but also the effective preservation and protection of the natural environment. 177

177. Pope Benedict XVI, Address of His Holiness Benedict XVI at His Meeting with Youth of Sao Paulo, No. 2 (May 10, 2007), available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2007/may/documents/hf_ben-xvi_spe_20070510_youth-brazil_en.html. This link between the morality of care for neighbor and care for nature has been oft-expressed by others as well. See, e.g., Columbia River Watershed Pastoral Letter, supra note 7, at 12 ("We call for a thorough, humble and introspective evaluation that seeks to eliminate both economic greed that fails to respect the environment, and ecological elitism that lacks a proper regard for the legitimate rights and property of others.").