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4 *LAUDATO SI'*: THE CATHOLIC CHURCH'S POSITION ON THE ENVIRONMENT

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INTRODUCTION

The Roman Catholic Church occupies a position as a global entity with a long historical reach on religious and secular matters. It is concerned with all aspects of human life and has been instrumental in developing the language used to articulate and protect persons and society across the world. Recent heightened awareness of the damage caused to the earth's ecological systems by humans has resulted in the Church increasing awareness of the effect of humans on the environment. As a result, the Catholic Church has promoted care of the environment in modern times, as part of its reflection on God's creation and the responsibility that humans have for this creation.

The importance of an issue for the Catholic Church is often given in pronouncements by the pope who can write and publish what is called an encyclical. This is a sort of letter addressed to bishops and patriarchs and also to people in general across the world on a matter of particular importance, such as the care of the earth's environment. The publication of a papal encyclical signals the high importance given to the subject matter by the pope and his concern that the matter be given serious attention by Catholics and Christians. Encyclicals have been issued for many centuries and have dealt with issues pertaining to human reproduction, war, justice, politics and now the earth's environment.

The papal text which deals with the environment and the increased awareness of world ecological systems and the damage that has been caused to them principally by humans is the encyclical letter of Pope Francis, *Laudato si'* (On Care For Our Common Home).² This concern emerges from a long history of what is termed Catholic Social Teaching which has to do with a number of issues such as the dignity of the person, family life, communities, rights and responsibilities of Christians and Catholics in particular, the poor and vulnerable, the dignity of work and rights of workers, and so on. Following from this is the regard the Catholic Church has had over a substantial period of time for the dignity of the human person, who is brought into being by the Creator God and has rights that come from that status. The main compendium of Catholic teaching found in the official *Catechism of the Catholic Church*³ speaks about such rights as existing prior to the formation

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2 Pope Francis. 2015. *Laudato si'* [On Care for Our Common Home], 24 May.

3 Catechism of the Catholic Church, 1993. Online at: https://www.vatican.va/archive/ENG0015/_INDEX.HTM

of human society which are to be recognised and respected. This official teaching is based upon a profound theological basis of humans being created in the image and likeness of God.

The purpose of this chapter is to highlight the philosophical and jurisprudential sources of *Laudato si'* in a more historical and analytical tradition than is has been generally referenced, even by the text itself, namely, the discourse of natural rights. The chapter will begin with an account of Roman Catholic thought on the environment before considering the recent encyclical and its content and concluding with the encyclical's link to jurisprudence. The position argued is that the general increase in levels of awareness concerning the environment is part of a tradition of thought in the Catholic Church and its jurisprudence which stretches back centuries and gave rise to natural and human rights of which this latest text is an example, namely, the recognition of environmental rights.⁴

ROMAN CATHOLIC THOUGHT ON THE ENVIRONMENT

The most recent general Catholic Church council which considered all aspects of the Church and its relation to worldly affairs was the Second Vatican Council, also referred to as Vatican II, which was held from 1963 to 1965. The Vatican document which opened the Second Vatican Council commented on the marvellous scientific and technological progress of the times, but noted that this had not been met with a parallel improvement in the moral dimension. Vatican II continued this theme in two of its most important texts: the Dogmatic Constitution on the Church, *Lumen gentium*, and the Pastoral Constitution on the Church in the Modern World, *Gaudium et spes*.⁵ During Vatican II, there was an attempt at addressing concerns about the natural world and the attitude of humans towards it, particularly the role of the Catholic Church. There was a move in thinking from human persons and anthropocentrism to a more inclusive and comprehensive Christocentric and theocentric view of creation, which appeared in the Dogmatic Constitution on the Church, *Lumen gentium*.⁶

The result of these conciliar documents and others was a reconfiguration of the mission of the Catholic Church in relation to a range of subjects, including other religions and the modern world, the environment and the responsibility of humans

4 A survey of the literature on the document yields little on the place of jurisprudence and law generally. However, see Silecchia LA. 2016. "'Social Love' as a Vision for Environmental Law: *Laudato Si'* and the Rule of Law", *Liberty University Law Review* 10(3): Article 5.

5 The Second Vatican Council's Dogmatic Constitution on the Church, *Lumen gentium* [Light of the nations], is about the church in itself, that is, its authority, structure and identity of the Catholic Church as well as the obligations of those who profess its faith, namely, the Christian faithful. This document was published in 1964. The Pastoral Constitution on the Church in the Modern World, *Gaudium et spes* [Joy and hope] is concerned with the mission of the Catholic Church and its relation to those outside the church, that is, the world. It was published in 1965.

6 Pope Paul VI. 1964. *Lumen gentium* [Light of the nations], 21 November, para 48.

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for the planet. During the debates on these texts in the 1960s, the subject of care of the environment was in its infancy in general terms, and so the Catholic Church did not specifically address the issue of the environment then. It is only in more recent times that this subject has received attention from the church.

Laudato si' picks up themes from Vatican II and it is instructive to examine Pope Francis's approach to the environment and the ecological sphere. Here, the pope seems to advocate a legal structure to aid environmental protection and connects this to personal conversion and responsibility of persons (para 15, n 2). He begins with a reading of the negative signs of the times and refers to "signs of pollution" (para 59), "signs that things are now reaching breaking point" (para 61), "signs of reductionism" (para 107) and "of disregard" (para 117). He complains about the "technological paradigm" (para 108) and the "technocratic paradigm" (para 109), and he does this with reference to certain gospel passages. In so doing, the pope is introducing a methodology which attempts to more closely align current concerns over the natural environment with those of the Bible and specifically, although not exclusively, the New Testament, and selected saying of Jesus in the gospels. In short, the pope thinks that concern for the environment is allied to eschatology and the purpose for which the world was created.

To this end, the first chapter of *Laudato si'* leans more on scientific investigations, whilst scripture and Catholic Church tradition, having been reflected upon by a wide range of national conferences of bishops, makes up a substantial part of the pope's presentation and sources. The pope links the care of the environment with the doctrine on Catholic social teaching (para 15) where human influence on the natural world is specifically considered. In chapters 2 and 6, he presents a development of this social doctrine with reference not only to humans, but to all of creation:

The ultimate destiny of the universe is in the fullness of God, which has already been attained by the risen Christ, the measure of the maturity of all things. Here we can add yet another argument for rejecting every tyrannical and irresponsible domination of human being over other creatures. The ultimate purpose of other creatures is not to be found in us. Rather, all creatures are moving forward with us and through us towards a common point of arrival, which is God, in that transcendent fullness where the risen Christ embraces and illumines all things [para 83].

It is observed that, on the one hand, this repeats Vatican II's *Lumen gentium* statement that creation is, "intimately related to man and attains to its end through him", and that creation reaches God "with us and through us".⁷ On the other hand, what is new in *Laudato si'* is the place of "other creatures" (para 83), since it is not creation in general which is the object of interest, but specifically these other creatures which are now the object of the pope's thinking. The same paragraph of the encyclical further mentions that, "all creatures are moving forward with us and through us towards a common point of arrival" which is reminiscent of Father Pierre Teilhard

⁷ Pope Paul VI, *Lumen gentium*, para 48.

de Chardin's, S.J.'s thought from the 1960s, especially his speculative theory of all creation heading towards an "omega point". This is confirmed by footnote 53 of *Laudato si'*, which explicitly refers to Teilhard. However, it should be noted that this Jesuit priest's speculative thinking is disputed and was even opposed as being too optimistic during and after Vatican II. An official warning from the Catholic Church's Congregation for the Doctrine of the Faith, which is given the responsibility for compliance with Church teaching, was issued against his writings in 1962 and reaffirmed in 1981.⁸ Hence, it is surprising to see it still having an influence in papal thought on creation and the environment as heading towards this "omega point".

What is also important is that the cosmic account of creation and the place of humans mentioned in Vatican II's *Gaudium et spes* (para 39, which was mainly anthropocentric, takes on a wider aspect in *Laudato si'* since Pope Francis states that "the ultimate purpose of creatures is not to be found in us" (para 83). I note that St. Thomas Aquinas in the thirteenth century said that animals do not reach heaven at all due to their lack of an immortal soul; for St. Thomas, only rational souls can have immortality. In *Laudato si'*, therefore, there is a move away from anthropocentrism to theocentrism, from humans to God, in relation to how we should think about our place within the environment and the created order.

Theologically speaking, Vatican II's *Gaudium et spes* (para 38) spoke about the Word in the universe via the doctrines of the Incarnation and the Eucharist (Transubstantiation) and this finds an echo in *Laudato si'*'s statement: "From the beginning of the world, but particularly through the incarnation, the mystery of Christ is at work in a hidden manner in the natural world as a whole, without thereby impinging on its autonomy" (para 99). The encyclical goes on to say that it is through the Resurrection that Christ directs all creatures towards their perfect end: "Thus, the creatures of this world no longer appear to us under merely natural guise because the risen One is mysteriously holding them to himself and directing them towards fullness as their end. The very flowers of the field and the birds which his human eyes contemplated and admired are now imbued with his radiant presence" (para 100). Here, there is a more targeted move from anthropocentrism to Christocentrism: that humans should be concerned about other creatures, because Christ is concerned about them in virtue of his resurrection. My view is that this is somewhat surprising, given that concern for the environment and the degradation caused to it by humans is not the sole concern of those who follow Christ, the Christian community, and so it seems to me that a more inclusive theological statement would have been better rather than the Christocentrism employed in this document.

The encyclical states: "Eternal life will be a shared experience of awe, in which each creature, resplendently transfigured, will take its rightful place and have something to give these poor men and women who will have been liberated once and for

8 Sacred Congregation of the Holy Office. 1962. "Warning Regarding the Writings of Fr Teilhard de Chardin", 30 June.

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all" (para 243). This statement can be thought of as a development of Church teaching, inasmuch as it refers to "each creature", that is, non-human ones, which marks a significant development, since their position is not now one of subservience but "with us" and who "share in unending plenitude" (para 243).

This encyclical further refers to the new creation, which includes "each creature", "all creatures", "the creatures of this world", and "the very flowers of the field and the birds which his human eyes contemplated and admired". Hence it seeks to present a unity and interconnectedness to the created order and posits that all things, human and otherwise, will be part of the New Creation. Nevertheless, humans play a vital role in the transformation of creation, but it is God's creation and so non-human creatures are transfigured by God and not because they serve human purposes and are rewarded for that, following Aquinas. The pope references the Roman Catholic doctrines of the Incarnation, Resurrection and the mystery of the Eucharist (Transubstantiation) as modes of transformation for all creation. The pope thinks that this transformation is currently hidden and achieved primarily in the Eucharist, where there is a process of "divinization ... towards unification with the Creator" (para 236), which echoes once again the thinking of Teilhard.

LAUDATO SI' AND JURISPRUDENCE

Pope Francis quotes previous popes, St. Francis of Assisi and the reflections of a range of Catholic bishops' conferences to support his position on the need to protect the planet. However, the main move is made in the encyclical when it references "a refusal to turn reality into an object to be used and controlled" (para 11). This is the closest the text gets to the underlying intellectual attitude that humans have towards others, including the environment and the created order.

Here, I wish to trace the current concern for the environment and the created order, as expressed in the other creatures referenced in *Laudato si'*, from the concerns expressed by the early Christians as regards slavery and then medieval Catholicism as regards the inherent rights of indigenous people, as developed in medieval canon law. I will argue that the recent attention to the degradation of the natural environment emerges from a long tradition of reflection and comment by Christians out of which came the concept of natural rights and that *Laudato si'* is firmly rooted in this jurisprudence, so that we can now speak of environmental rights as a subset deserving of attention. Earlier I outlined how this recent encyclical allied scripture, theological reflections of Catholic bishops' conferences, and conceptual analysis to expound its argument. In this section, I wish to examine the historical roots of the encyclical since this serves to locate the Catholic Church's recent concerns about the environment in the arena of natural rights and their subsequent jurisprudence.

In the example of slavery, the early Christians regarded the practice as unnatural and insisted that church members treat slaves humanely and decently in sharp contrast to the Romans. They acknowledged that slaves could contract a legal marriage, and they argued that there should be restrictions on the rights of

slave-owners, enshrined in Roman law, which allowed separation of married slaves from each other and their children. As regards the inherent rights of indigenous people, canonists in the Middle Ages (Gratian, Henry of Ghent, Gerson, Vitoria, La Casas, Suarez and Grotius and others) argued that the Empires of Spain and Portugal in the South Americas should not exploit indigenous peoples and use them as slaves merely because they had jurisdiction over them and that such peoples were defenceless.⁹ Instead, they developed the idea of the intrinsic or inherent rights of such people because of their human nature – that God had created them in God's image and likeness.

The idea of natural rights, originally found in Roman law, developed in canon law and in the Catholic Church from this and resulted in current human rights thinking – that humans have rights because they are humans and for no other reason, such as being the property of another person or group, for example. This was due to Pope John XXIII, who brought this language into mainstream Catholic usage. Canon law is grounded in a theological anthropocentrism which has as its basis the idea that human beings made in the image and likeness of God. However, more recent Catholic social doctrine has been concerned to apply rights to the created order, that is, non-human rights, including the environment, because of its status as part of the creative process brought about and held in being by God.¹⁰ Later in the thirteenth century, some natural rights were coming to be recognised – the right of the destitute poor, a right of self-defence against physical assault in a court of law, rights in marriage and even rights of infidels.¹¹ This is a more theological foundation for rights, which applies across the created order and across religions, as well as in the secular realm. I note that as regards the sphere of law, the thought of Aquinas and a recent commentator, theologian Jean Porter, allows much room for human choice.¹² An argument can therefore be made, using “parallel places” for viewing the Catholic Church's approach to the environment as being part of the created order and therefore a locus of an inherent right of respect, not because of the environment's anthropocentric benefit to humans, but because of its theological anthropology as being part of the creation of God in relation to humans. *Laudato si'*

9 See Tierney B. 2004. “The Idea of Natural Rights – Origin and Persistence”, *Northwestern Journal of International Human Rights* 2(1), Article 2, especially page 3 where Tierney notes the influence of canon lawyers on the development of the idea of natural rights.

10 See Glendon MA. 2010. “The Influence of Catholic Social Doctrine on Human Rights”, *Acta 15*, Vatican City: Pontifical Academy of Social Sciences, 67-82. See also Raga JT. 2010. “Christian Anthropology and the Effects of Human Rights in an Economic Context”, *Acta 15*, Vatican City: Pontifical Academy of Social Sciences, 128-170, especially page 139 where Raga discusses the importance of “the other” as providing a salvific opportunity. In addition, there is the Pontifical Council of Justice and Peace. 2006. *Compendium of the Social Doctrine of the Church*, especially chapter 3 on “The Human Person and Human Rights”.

11 See Tierney, *The Idea of Natural Rights – Origin and Persistence*, 8.

12 See Tierney B. 2014. *Liberty & Law. The Idea of Permissive Natural Law, 1100-1800*. Studies in Medieval and Early Modern Canon Law, vol. 12. Washington, DC: The Catholic University of America Press, 80. See also Porter J. 1990. *The Recovery of Virtue*. Louisville: Westminster John Knox Press, 143-144.

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makes this intellectual move and makes use of the discourse of rights as in: human rights (para 30, 93, 158, 185), those humans who think they have greater rights than others (90), fundamental rights of the poor (93), rights of nations (93), rights of future generations (109), rights of peoples and cultures (144), workers' rights (154), basic and inalienable rights (157), and rights of others (237). It is noted that the term "inalienable rights" has a long history in canonical jurisprudence derived, as it was, from the *ius naturale* (as distinct from the *lex naturalis* which came later), which referred to subjective rights and was used by medieval thinkers in the thirteenth, long before modern debates about natural rights.¹³

The papal encyclical posits a positive role for law and contains many references to the need for better and regulation through implementation, enforcement and compliance. Explicit reference is made, for example, to environmental laws which support compliance and penalise violation.¹⁴ In a broader context, the pope highlights the place of international human rights in respect of supporting human dignity and environmental problems, given that these create decent living conditions. However, he criticises and relative failure of international law as regards the environment and calls for a more practical implementation of its norms.¹⁵ He is well aware of the inherent limitations of law as a means of achieving environmental progress if its values and goals are not worthy or widespread.¹⁶ Most interestingly, the pope specifically links external environmental concerns to the internal state of the human heart and spirit and that these are necessarily related.¹⁷ It is noted, however, that he does not invoke the notion of original sin in this regard, but simply states that exterior and interior relationships must be aligned for any progress on the environment to be made.

CONCLUSION

The concern of the Catholic Church for the way in which human beings conduct their lives is founded on their being created in the image and likeness of God. This imparts that certain rights because of their status and dignity amongst created life-forms and these rights, as well as obligations, come before any social order and are inherent to the human condition. Throughout the course of its long history, the Church has sought to articulate, develop and substantiate these rights which led, eventually to the emergence of natural rights of, for example, indigenous peoples, and, more recently, of the poor, vulnerable and those who have no voice. From

13 Tierney B. 1992. "Natural Rights in the Thirteenth Century: A *Questio* of Henry of Ghent", *Speculum* 67:58-68, reprinted in Tierney B. 1997. *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law, 1150-1625*, Atlanta, GA: Scholar Press, 78-89 [<https://doi.org/10.2307/2863746>].

14 Pope Francis, *Laudato si'*, para 16, 18, 26, 29, 129, 177.

15 *Laudato si'*, para 54.

16 *Laudato si'*, para 181.

17 *Laudato si'*, para 202, 217.

this awareness of rights – a major preoccupation of Catholic canon lawyers – came human rights and now rights attributed to non-humans, such as the environment. The papal encyclical, *Laudato si'* is a most recent and innovative attempt to call the attention of the Christian faithful and of the world to the impact that humans are having on the non-human created order which has also been made by God. The emergence of environmental rights is a distinct development in Catholic thought, which is usually centred on human beings, and it reminds humans that their lives are dependent on the planet's own condition, which requires them to take care of it and not merely use the earth and its resources for exploitation and greed. This expansion of Catholic thought, as enunciated in this encyclical, is a novel feature of the present pontificate, and it is interesting to note that it has been well received by people of all faiths and none.

The positing of the rights of the environment and created order and “other creatures” removes the intellectual dependence on humans as the necessary and sufficient locus for regarding creation as worthy of interest. Instead, the Catholic Church now regards the environment as worthy of protection and respect because it is part of the provenance of God and so has an inalienable and inherent right as part of God's creation and not merely because of its benefit to humans. Such attention by the Catholic Church through the pope bodes well for a more integrated approach to the problems faced by continued development and industrialisation around the world. Thus, in its concern for the environment, the pope calls all peoples to a more sensitive planning of urban and population expansion particularly in relatively underdeveloped countries and a better regard for the impact on ecosystems of existing practices in developed countries as a matter of concern in *Laudato si'*. A note of caution nevertheless has to be borne in mind if human rights and welfare are countered and even overturned because of environmental rights, something which the pope draws attention to in this encyclical on the Catholic Church's position on the environment.