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Environmental Ethics from the Perspective of NEPA and Catholic Social Teaching: Ecological Guidance for the 21st Century

Lucia A. Silecchia
The Catholic University of America, Columbus School of Law

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Respect for creation is an act of worship towards the Creator and an act of love toward ourselves and our fellows.
- Pope John Paul II, May 5, 1996

In shaping their environments men shape their own societies. Environments manage men even as men manage environments.
- Lynton K. Caldwell, 1963

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1 Pope John Paul II, Papal Address, Perfecting the Universe (May 5, 1996) in L'OSSERVATORE ROMANO, May 15, 1996, at 6 [hereinafter Perfecting the Universe].

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I. INTRODUCTION

For over three decades, the United States has been developing its modern environmental law. The passage of the National Environmental Policy Act ("NEPA")\(^3\) in 1970 heralded the beginning of the decades in which American environmental law has come of age. NEPA set forth the broad policies that were, ideally, intended to be the guiding force behind American environmentalism. One of NEPA’s greatest contributions is that it contains a “Congressional declaration of national environmental policy” in its very first section, outlining the broad principles that Congress believed should guide American environmental protection efforts.\(^4\)

Whether the implementation of those lofty ideals has been successful is highly debatable.\(^5\) What NEPA did contribute, however, are broad principles intended to set the stage for both evaluating activities that have an impact on the environment and for planning long-term environmental initiatives. Clearly


\(^4\) See id. § 4331.

\(^5\) See infra discussion accompanying notes 345-76.
NEPA was not the first time that Congress or the American people had thought about environmental issues and the complex balances required to set a just and wise environmental policy. Yet, NEPA forced a focus on broad policies, clearly articulated, against which specific future activity could be judged.

It is not only lawmakers who have seen the utility in articulating broad environmental principles, however. Others have attempted to develop statements of such principles to guide those who are charged with the tedious, technical, and controversial task of translating broad policy into concrete action. One such set of environmental principles comes from an extensive body of Catholic social teaching on this subject. Over the centuries, the Catholic Church has studied the “signs of the tim[e]” and adopted teachings on a wide variety of social issues, including the environment.

Like the Congressional policy articulated in NEPA, Catholic social teaching on the environment did not spring up in a vacuum in the late 1960s and early 1970s. Prior to that, concern for the natural environment and the role of humanity in it can be gleaned from numerous documents and, indeed, even from ancient biblical texts. It was not a primary focus of theological attention, however, until the past several decades when these teachings

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6 For discussion of the antecedents to NEPA, see infra discussion accompanying notes 314-44.
8 Drew Christiansen, Nature’s God and the God of Love, in PRESERVING THE CREATION: ENVIRONMENTAL THEOLOGY AND ETHICS 148, 148 (Kevin W. Irwin & Edmund D. Pellegrino eds., 1994) (“Christianity, and Catholicism in particular, have a significant contribution to make to ecological theology and ethics.”) [hereinafter PRESERVING THE CREATION]; Kevin W. Irwin, Introduction, in PRESERVING THE CREATION, supra, at vii, vii (noting, in introduction to an April 1992 symposium at Georgetown University, that “Roman Catholic theological tradition has a particular and substantive contribution to make to a theology of creation and an ethical response to environmental concerns”); Elizabeth A. Johnson, Powerful Icons and Missing Pieces, in PRESERVING THE CREATION, supra at 60, 60 (“[C]lassical Catholic doctrine has the potential to contribute richly to a new, sorely needed development of religious thinking in an age of environmental crisis.”).
9 See JOHN CARMODY, ECOLOGY AND RELIGION: TOWARD A NEW CHRISTIAN THEOLOGY OF NATURE 58 (1983) (“[t]he coupling of religious studies and ecology is a relatively new entry on the methodological scene”); CHRISTOPHER DERRICK, THE DELICATE CREATION: TOWARDS
A Theology of the Environment 77 (1972) ("[I]f it had been suggested that the Christian profession might also impose upon the faithful a duty towards the world as such, the visible environment, most people would have been sceptical [sic] until recently."); John F. Haught, The Promise of Nature: Ecology and Cosmic Purpose 2 (1993) ("The churches, synagogues, temples, and mosques have not made much of a response to the ecological crisis until very recently. Nor have academic theologians. . . . [E]cological theology still remains very much on the periphery of serious religious thought."); John F. Haught, The Promise of Nature: From Conflict to Conversation 183 (1995) ("The churches, synagogues, and mosques have traditionally paid little if any attention to the main ecological issues, and until recently theologians have ignored them as well."); [hereinafter Promise of Nature]; Chuck D. Barlow, Why the Christian Right Must Protect the Environment: Theocentricity in the Political Workplace, 23 B.C. Envtl. Aff. L. Rev. 781, 786 (1996) ("To date, conservative Christian groups such as the Christian Coalition have remained silent on environmental matters."). Russell Train, moderator of a Woodstock Forum, observed:

The churches . . . have been quite ready, even eager, to embrace a whole range of social issues of our time. . . . Yet here on this issue, one that seems to go to the very heart of the human condition on this earth, the church has had very little to say. I think it is a curious matter.

The Environmental Crisis: A Challenge to the Churches, Woodstock Rep., Mar. 1990; see also Ann M. Clifford, Foundations for a Catholic Ecological Theology of God, in "And God Saw That It Was Good": Catholic Theology and the Environment 19, 20 (Drew Christiansen & Walter Grazer eds., 1996) ("Although Christianity has very rich and beautiful sources upon which to draw, Christian Churches, including the Roman Catholic Church, have only recently begun to develop ecological theologies. . . . [T]heologians have worked under the assumption that a dichotomy existed between humans and the rest of creation."); [hereinafter "And God Saw That It Was Good"]; Harold Coward, Introduction, in Population, Consumption, and the Environment: Religions and Secular Responses 3 (Harold Coward ed., 1995) (observing that "most religions are just now beginning to systematically examine what their traditions have to say about threats to the environment") [hereinafter Population, Consumption, and the Environment]; Kelly Ettenborough, God's Green Acres: Earth's Care was Overlooked, But Now Religious Groups are Heeding the Environmental Call, Colo. Springs Gazette Telegraph, Aug. 2, 1997, at Lifestyle 1 (noting that "until the early '90s, only a few denominations or religious institutions were participating in environmental activities"); John J. Fialka, 'Greens' and Churches Join Hands in Environmental Mission, Wall St. J., Mar. 26, 2002, at A24 ("Churches long have worked with other lobbies on social issues, such as abortion curbs and welfare; indeed, both the civil rights and the anti-Vietnam War movements were at least partially rooted in churches. The environmentalist cause wasn't.").

It has also been suggested, however, that even in the secular world, the study of the ethical implications of environmental matters have received insufficient attention. See, e.g., Jon K. Abdoney, Comment, Environmental Ethics: The Geography of the Soul, 27 Cumb. L. Rev. 1217, 1217 (1996-97) (lamenting that "inquiries into the elusive branch of law
became more focused.\textsuperscript{10} An examination of modern Catholic social thought

known as environmental ethics are limited and few\textsuperscript{\textdagger}). For an attempt to contribute to this ethical debate in the secular context, see generally LAURA WESTRA, AN ENVIRONMENTAL PROPOSAL FOR ETHICS: THE PRINCIPLE OF INTEGRITY (1994).

\textsuperscript{10} For an excellent overview of the development of Catholic social teaching in this area, see MARJORIE KEENAN, FROM STOCKHOLM TO JOHANNESBURG: AN HISTORICAL OVERVIEW OF THE CONCERN OF THE HOLY SEE FOR THE ENVIRONMENT 1972-2002 (Vatican City 2002) [hereinafter STOCKHOLM TO JOHANNESBURG]. See also DONAL DORR, THE SOCIAL JUSTICE AGENDA: JUSTICE, ECOLOGY, POWER AND THE CHURCH 1 (1991) ("There have been major developments in the spirituality, theology and teaching of the Churches on social issues over the past generation. These changes have come so quickly that even very committed Christians have found it difficult to keep up with them."); MAJ

Christine Firer Hinze, Catholic Social Teaching and Ecological Ethics, in "AND GOD SAW THAT IT WAS GOOD," supra note 9, at 165, 166 ("The past twenty-five years, however, have witnessed the rise of a new ecological consciousness. Catholics experiencing this cultural shift have been led to inquire about the relationship between their modern social teachings . . . and concern for the well-being of the ecosphere."); Sophie Jakowska, Roman Catholic Teaching and Environmental Ethics in Latin America, in RELIGION AND ENVIRONMENTAL CRISIS 127, 127 (Eugene C. Hargrove ed., 1986) ("Although the preservation of the earth’s riches has always been part of the teaching of the Roman Catholic church, only recently have questions about the just and rational management of natural resources become urgent."); MARJORIE KEENAN, CARE FOR CREATION: HUMAN ACTIVITY AND THE ENVIRONMENT (Vatican City 2000) (reviewing essential precepts of Catholic environmental teachings) [hereinafter CARE FOR CREATION]; id. at 58 ("This reference to ecology as one of the most urgent issues facing humanity is highly indicative of the importance that the Catholic Church has given to the environmental question in recent years."); CHARLES M. MURPHY, AT HOME ON EARTH: FOUNDATIONS FOR A CATHOLIC ETHIC OF THE ENVIRONMENT, at xiii (1989) ("[W]e are only beginning to grasp some of the environmental implications of our central Christian beliefs"); Thomas Ryan, Ecology, in THE NEW DICTIONARY OF CATHOLIC SOCIAL THOUGHT 305 (Judith A. Dwyer ed., 1994) ("[I]n official documents we can detect a gradual emergence of ecological awareness since Vatican II") [hereinafter NEW DICTIONARY]; Harold Coward, Religious Responses to the Population Sustainability Problematic: Implications for Law, 27 ENVTL. L. 1169, 1171 (1997) ("It is only recently that the various religions have had to question their sources with regard to the interaction of humans with the environment."); Denis Edwards, The Integrity of Creation: Catholic Social Teaching for an Ecological Age, 5 PACIFICA 182, 182 (1992) ("As the human community struggles to come to terms with the ecological crisis at the end of the twentieth century, we Christians face the challenge of rethinking our theological understanding of the relationship between human beings and the rest of creation."); Robert W. Lannan, Catholic Tradition, and the New Catholic Theology and Social Teaching on the Environment, 39 CATH. L. 353, 353 (2000) ("As humanity has become more aware of the conditions that threaten the world’s environment, and as communities have begun crafting solutions to environmental problems, a nascent body of Catholic theology and social teaching has emerged to address environmental concerns.").
will thus reveal clearer, better-articulated statements of environmental policy goals than those that existed even a decade or two ago. Indeed, while this Article will focus solely on Catholic environmental teachings, ecological issues have steadily taken on far greater importance in other faiths as well.

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as in ecumenical and interfaith movements.\textsuperscript{12}

\textsuperscript{12} Generally, an "ecumenical" event is one that involves various Christian denominations, while an "interfaith" movement describes one that also encompasses faiths other than Christianity. In both types of movements, however, there is the desire to find common ecological themes from varied traditions. See Edwards, \textit{supra} note 10, at 188-91 (discussing ecological efforts of the World Council of Churches); \textit{Creation Care to the Church's Mission}, \textit{CHRISTIANITY TODAY}, Nov. 11, 1996, at 82 (noting increase in ecological concern among evangelical Christian denominations and creation of ecumenical evangelical environmental groups such as Evangelical Environmental Network, Christians for Environmental Stewardship, Christian Environment Project, and Christian Society of the Green Cross); Ettenborough, \textit{supra} note 9, at Lifestyle 1 (describing recent cooperation among religious groups in environmental affairs); \textit{Faith-Based Environmentalism}, \textit{supra} note 11 (discussing creation of the "interfaith Creation Watch" in Helena, Montana, which "include[s] Christians, Buddhists, Jews, American Indians and followers of other religions"); James Gerstenzang, \textit{Religion Takes Leap of Faith Into Environmental Activism}, \textit{FT. WORTH STAR-TELEGRAM}, Feb. 7, 1997, at 8 (noting recent ecumenical lobbying efforts on environmental matters); Todd Hartman & Dennis Huspeni, \textit{God's Green Earth: Conservative Christian, Embrace the Environment}, \textit{COLO. SPRINGS GAZETTE TELEGRAPH}, Mar. 31, 1996, at B1 (describing ecumenical environmental activities undertaken by the National Religious Partnership for the Environment, whose members include the United States Catholic Conference, the National Council of Churches of Christ, the Coalition on the Environment...
and Jewish Life, and the Evangelical Environmental Network); Steve Kloehn, Ecology Bible and Lawmakers Meet on Capitol Hill, NEWS & OBSERVER, Feb. 14, 1997, at E5 (noting political activism of religious groups on environmental matters); Richard Morin & Claudia Deane, The Ideas Industry: Greening God, WASH. POST, Jan. 7, 2003, at A15 ("[a] holy alliance may be in the making between the world's religious faithful and advocates of environmentalism and sustainable development"); Mark Tooley, The Greening of America's Churches, WASH. TIMES, Feb. 25, 1997, at A23 (describing creation of ecumenical group, the National Religious Partnership for Environment); Peter Warshall, There is a River: Judeo-Christian Faiths Face the Earth in Crisis, WHOLE EARTH REV., Dec. 22, 1997, at 13 (transcript of interview with Paul Gorman, director of the National Religious Partnership for the Environment in which Mr. Gorman describes ecumenical efforts at environmental protection); Teresa Watanabe, Eco from the Pulpit: Ecumenical Concern Voiced for Environment, ARIZ. REPUBLIC, Feb. 13, 1999, at D6 ("The environmental debate, long dominated by a secular conservation movement based on scientific rather than theological arguments, is being dramatically reshaped by the fervent forces of God. . . . Churches, temples and synagogues across the land are seizing the environment as a top-priority concern.").

In light of this recent interest in environmental issues, churches and religious groups have also been drawn to the forefront of the environmental justice movement. See Lisa A. Binder, Religion, Race and Rights: A Rhetorical Overview of Environmental Justice Disputes, 6 WIS. ENVTL. L.J. 1, 13 (1999). Binder explained:

Religious groups . . . have been particularly vocal in their demands for environmental justice and their willingness to organize to accomplish this goal. Leaders of Catholic, Protestant, Orthodox, evangelical, black and Jewish organizations have pledged their participation in environmentalism and environmental justice movements . . . . The pivotal role played by the church, and particularly the black religious community, in the environmental justice movement echoes the role it played in the civil rights movement . . . .

Id. She continued further:

[O]rganized religion has embraced environmental and conservation issues as a moral imperative, and local congregations have heeded the call to action. Although environmental justice proponents have often challenged mainstream environmentalists for their elitist agenda and their disregard of “human” concerns, the religious rhetoric common to both movements may mitigate possible tension between them by emphasizing their common spiritual and scriptural origins and hence the inter-connectedness of their respective missions.

Id. at 19-20 (internal citations omitted); see also MICHAEL S. NORTHCOTT, THE ENVIRONMENT AND CHRISTIAN ETHICS 38-39 (1996) (noting importance of religious influence in environmental discourse, in that “[t]he hope that we can find peace in human life and harmony with the natural world needs the anchor, the spiritual sustenance, of the religious traditions of the world, for without that transcendent reference, environmental
Unfortunately, however, religious institutions have not yet played a major role in formulating environmental policies. The voices of scientists,
politicians, economists, industrialists, preservationists, and developers have all been included in the debates that shape environmental policy. Yet, the voices of religious groups have not fully entered the debate, a reality (1997) ("[F]ar from containing the seed of rescue from environmental catastrophe, the Judeo-Christian tradition has encouraged the abuse of nature"); 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 theology of stewardship, religion remains more of a cause rather than a solution to environmental problems."); Broadway, supra note 11, at C9 ("religious perspectives on the relationship between people and the Earth have not been fully utilized by environmentalists and represent a potentially powerful voice in such efforts as reducing pollution and preserving the rain forests"); Laurel Kearns, Saving the Creation: Christian Environmentalism in the United States, SOC. OF RELIGION, Mar. 22, 1996, at 55 ("In a period both of church declarations on social issues and of growing secular environmental concern, religious ecological voices were few. Thus it became common wisdom that the environment was a secular concern.").

14 But see Bradley C. Bobertz, Legitimizing Pollution Through Pollution Control Laws: Reflections on Scapegoating Theory, 73 TEX. L. REV. 711, 748 (1995) (claiming that there is an "inherent spiritualism associated with nature [that] provides a special religiosity to environmental lawmaking, as twenty-five years of incantatory rhetoric from the mouths of our leaders amply prove."); Randall Edwards, An Alliance that Works for Nature's Sake, COLUMBUS DISPATCH, Oct. 23, 1998, at C1 (noting that "the green movement and organized religion have been joining hands lately and have found more common ground than either would have imagined a decade ago"); Faith-Based Environmentalism, supra note 11 ("Changes... are taking place in the offices of secular conservation groups, where people are beginning to recognize the potential support for their causes growing in the churches."); Florida Bishops, Pastoral Letter on Companions in Creation, Jan. 1, 1991, at 609, 610, reprinted in ORIGINS, Feb. 21, 1991, at 609 ("We urge all Catholics to use the democratic processes to make their representatives aware of environmental problems.") [hereinafter Florida Bishops' Letter]; Alex Geisinger, Uncovering the Myth of A Jobs/Nature Trade-Off, 51 SYRACUSE L. REV. 115, 119 (2001). Professor Geisinger argues that, far from being uninvolved in the environmental debate,

[p]erhaps the strongest cultural influence on modern man's understanding of nature are the conceptions of nature contained within the Judeo-Christian tradition. These are significant not only for their relative explicitness of treatment of the subject but also due to the significant role religious doctrine played in western civilization up to and into the modern period.

Id.; KEMPTON ET AL., supra note 12, at 91 (reporting survey results that "find a substantial majority agreeing with a statement justifying environmental protection by explicitly invoking God as the creator"); Rebecca Tsosie, Tribal Environmental Policy in an Era of Self-Determination: The Role of Ethics, Economics, and Traditional Ecological Knowledge, 21 VT. L. REV. 225, 247 (1996) (claiming that "roots of American environmental policy are
described by one commentator as "a loss for secular environmentalists."  

This Article attempts to bridge this gap by analyzing Catholic environmental teaching in light of the principles of NEPA—and, simultaneously, by analyzing the policies established by NEPA in light of Catholic social teaching. By comparing the contributions of a well-developed religious perspective on environmental policy with the aspirations of the leading American legal declaration of environmental policy, it may be possible to see more fully how to approach environmental problems in a world where complex environmental problems require sound broad principles in which to root public policy.

This Article begins by discussing the historical development of Catholic environmental teaching, from ancient biblical sources through modern encyclical teachings, with a special emphasis on developments during the papacy of Pope John Paul II and on the particular contributions of American Catholic bishops to the discussion. It then presents the basic principles of that body of thought as it has evolved to the present time. Next, a brief historical background on the passage of NEPA and an analysis of the environmental policies outlined in NEPA's "Declaration of National Environmental Policy" is given. As each NEPA principle is presented, the Article analyzes the ways in which Catholic social thought both complements and conflicts with each principle. Finally, the Article suggests ways in which the principles of

embedded in the religious and secular traditions of Western Europeans"); see also Murphy, supra note 11, at A6 (noting observation by former EPA Administrator Carol Browner, that "I've certainly noticed in the last five or six years a growing interest in the environment by religious organizations").

However, the attention paid to environmentalism by those with a religious perspective has not gone uncriticized. See Alston Chase, Prophets for the Temple of Green, WASH. TIMES, Jan. 26, 1996, at A16 (charging that "environmentalism is clearly a religion and its catechism is official U.S. law and policy"); id. ("[V]irtually every green thinker oozes . . . religiosity."); id. ("This growing, unholy alliance of theologians, environmentalists, politicians and scientists is gradually demolishing the walls that separate church from state and science from theology.").

15 Warshall, supra note 12, at 13 (quoting Paul Gorman, Director of National Religious Partnership for the Environment). Indeed, this disjunction between the study of religious perspectives and secular ones may also be shortsighted. See KEMPTON ET AL., supra note 12, at 1 ("popular environmental sentiment is not an isolated topic but links closely to such diverse areas as religion, parental responsibility, beliefs about weather, and confidence in the government"); id. at 2 ("American perspectives on global environmental change are based on fundamental moral and religious views").
Catholic social thought may provide guidance for those whose task is to implement the broad NEPA principles by developing concrete laws, regulations, policies, and practices.

II. THE SOURCES OF CATHOLIC SOCIAL THOUGHT ON ENVIRONMENTAL POLICY

While, in many respects, the articulation of and publicity given to Catholic environmental teachings is a modern development, the doctrine has not sprung up from whole cloth in modern times. Rather, its foundations were laid over a long period of time. To understand the modern principles of Catholic ecological teachings, it is important to understand how they began.

A. Biblical and Ancient Foundations

At its most fundamental level, Catholic social thought on the environment had its origins thousands of years ago in the biblical era of the Old Testament. This has given modern observers the riches of "millennia

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16 Because this Article is focused primarily on modern Catholic social thought, a detailed discussion of the biblical basis for ecological principles is beyond its scope. However, for a fuller discussion of environmental themes in scripture, see generally Clifford, supra note 9, at 24-36 and sources cited infra notes 17-44.

17 CARMODY, supra note 9, at 85 ("Biblical authors saw the world in close linkage to God."); JÜRGEN MOLTMANN, GOD IN CREATION: A NEW THEOLOGY OF CREATION AND THE SPIRIT OF GOD, at xiii (Margaret Kohl trans., 1985) ("Christianity took over the doctrine of creation from Israel's Scripture, and will therefore do well to listen attentively to what Jewish interpretations of these common traditions have to tell us."); NORTHCOTT, supra note 12, at 121 ("The Hebrews treated ... the land as part of their ethical, covenanted community. Their laws and prophets charged them to respect the land, and to recognise moral constraints on its use, because they understood that it was given to them as gift."); Richard J. Clifford, The Bible and the Environment, in PRESERVING THE CREATION, supra note 8, at 1, 3 ("The Bible contains many texts and themes about human responsibility for the environment." (citation omitted)).

At least one commentator, however, warns against being too quick to see ready-made ecological theology in scripture. See Daniel M. Cowdin, Toward an Environmental Ethic, in PRESERVING THE CREATION, supra note 8, at 112, 12-13. Cowdin states:

There is no "environmental ethic" simply waiting to be drawn forth from scripture or tradition. An environmental ethic, rooted as it must be in ecology and evolutionary understanding and responding to dangers of unparalleled proportions, is a new thing under the sun. Though certainly
of Judeo-Christian tradition on . . . fundamental subjects relevant to today's environmental challenges, including creation, redemption, and humanity's role in these processes."18

In Scripture, the beginning of the Book of Genesis sets forth the basics of creation theology.19 It establishes two themes that form the core of modern Catholic environmental thought. First, the chapters of Genesis say that creation is good and a source of great satisfaction to the Creator who pronounced it "good."20 Second, these chapters establish that humanity has a special role in and responsibility to care for that good creation and to exercise dominion over it.21 Indeed, "the two creation accounts taken together drawing on elements from the past, it is historically situated in the now.

Id.

18 Lannan, supra note 10, at 354.

19 UNITED STATES CATHOLIC CONFERENCE, CATECHISM OF THE CATHOLIC CHURCH 75 (English ed. 1994) ("Among all the Scriptural texts about creation, the first three chapters of Genesis occupy a unique place."); SEAN MCDONAGH, THE GREENING OF THE CHURCH 117 (1990) ("The first line of the Bible affirms that the world is created by a loving, personal God."); id. at 124 ("Genesis is absolutely clear . . . that the world, the human and all the creatures of the earth were created by God for his glory."); id. ("Genesis insists that creation is good."); MURPHY, supra note 10, at 106 ("As we look to religious tradition for a wisdom to guide our life on earth, the Book of Genesis has unique value."); Jim Chen, Of Agriculture's First Disobedience and Its Fruit, 48 VAND. L. REV. 1261, 1262 (1995) (calling Genesis "the grandest and most familiar story of origins in the Judeo-Christian tradition"); Clifford, supra note 9, at 3 (noting that "Genesis 1-3 is without doubt the preeminent biblical source for Western imagery of creation."); Kearns, supra note 13, at 3 ("The Christian stewardship ethic begins with the Bible, especially the Genesis commandment . . . which gives humans dominion over the earth . . . [S]tewardship is one of the first commandments given to humans by God."); Lannan, supra note 10, at 356 (noting that "Catholic tradition has long linked the processes of creation and redemption"); id. at 356-59 (discussing, generally, Genesis' account of creation); id. at 357 ("[A]ll things created are inherently good. This point is repeated throughout Genesis." (citation omitted) (emphasis omitted)). For a fuller discussion of the links between the Book of Genesis and environmental matters, see MURPHY, supra note 10, at 84-105; Barlow, supra note 9, at 797-806; Perelmuter, supra note 11, at 130-33.

20 See WILLIAM REISER, FOREVER FAITHFUL: THE UNFOLDING OF GOD'S PROMISE TO CREATION 19 (1993) ("God saw everything which had been created, was obviously pleased and gratified with the divine handiwork, and pronounced everything 'good.' That was the first and foundational blessing.").

21 As one observer notes, "[I]n the Genesis system, the human race is the linchpin of a harmonious universe, spanning it, uniting it, and bringing it before God." Clifford, supra note 17, at 5. For further discussion of the unique place of the human in the created world, see
tell us much about who [the] person is: a creature and therefore utterly dependent on the Creator . . . . At the same time, the human person alone of all material creation is capable of consciously transforming creation.”

It is in these biblical accounts of creation that much of Catholic ecological teaching finds its roots.

Later on, the Old Testament scriptures discuss restrictions on the free use of land. At certain special times, the use of land was restricted or prohibited. This had both social and ecological consequences as land was periodically set aside to be restored. Many of these restrictions were specifically linked to celebrations of the Sabbath Day and sabbatical years, in which land was left fallow and landowners placed themselves at the service of the poor. In these ways, ancient Scripture reflected the idea that

**infra** discussion accompanying notes 201-08.

22 CARE FOR CREATION, *supra* note 10, at 70.

23 NORTHCOTT, *supra* note 12, at 187 (noting that “the Torah also proposes duties to the ecosystem which sustains life, represented in terms of duties to the land itself”); *id.* at 173-74 (observing “that the ancient Hebrews . . . found in the natural order both ethical and ecological significance. In the original goodness of the earth God’s goodness and wisdom are clearly displayed”). For a summary of the ecological principles to be found in the books of the Hebrew scriptures, see *id.* at 196-98.

24 MOLTmann, *supra* note 17, at 6 (“When people celebrate the sabbath they perceive the world as God’s creation, for in the sabbath quiet it is God’s creation that they are permitting the world to be.”). In addition,

[in the sabbath stillness men and women no longer intervene in the environment through their labour. They let it be entirely God’s creation. They recognize that as God’s property creation is inviolable; and they sanctify the day through their joy in existence as God’s creatures within the fellowship of creation.]

*Id.* at 277; Clifford, *supra* note 17, at 11 (observing that early festivals for the ancient Israelites “were made into a commemoration of the historical exodus from Egypt, but . . . the rites remain agricultural feasts, commemorating the abundance of the LORD’s land”); Lannan, *supra* note 10, at 385-87 (generally discussing sabbatical traditions); Mark O’Keefe, *Land, in New Dictionary*, *supra* note 10, at 542, 542 (“The ideal of the Sabbath Day and the Sabbath Year . . . represented not only rest for the people but also rest for the land. The land was understood to be a good in itself and not just property or a commodity.”).

25 See generally MCDONAGH, *supra* note 19, at 127 (discussing sabbatical commands). Rabbi Perelmuter has commented more fully on the sabbatical commands:

The land is to lie fallow, to rest, to restore itself, to reinvigorate itself. An instinctive insight into how things ought to be. What a profound insight, in a prescientific era, of how what is taken from the land must be allowed to return to the land. . . .
use of land and devotion to God are linked and that the freedom to use land—even the land one owns—is not without restrictions.  

Still later, as the Old Testament continues, the Psalmists rejoiced in nature. Many of the psalms exult in nature’s bounty and see in the natural world a reflection of God’s grandeur. The appreciation of nature is seen as a way in which to honor the Creator. This spirit of joy and thanksgiving still pervades much of the discussion of ecological concerns in Catholic teaching.

Further along in the Old Testament are other narratives which, while not directly linked to environmental matters, have obvious ramifications for ecological questions. For example, the account of Creation’s destruction in the time of Noah can be seen as a story that

Surely this is a signal to us, placed at the very heart of the religious cycle, that we are not masters of everything, that we are in fact stewards at best, stewards at risk in our stewardship if it is a flawed, destructive stewardship.

Perelman, supra note 11, at 134.  

For a fuller discussion of this aspect of ancient scripture, see generally Coward, supra note 9, at 17. Coward noted:

Judaism also employs the approach of requiring obedience to God’s commands to offer the first fruits of harvest in thanksgiving, to let the land lie fallow every seventh year . . . and to return everything to God for a fresh start every fiftieth year . . . . These practices serve to remind humans that the land and its produce are not for their selfish use but are owned by God and given to humans as a trust to benefit all.

Id.  

See generally McDonagh, supra note 19, at 147-50 (discussing reflections on nature and creation found in Psalms).

See Jakowska, supra note 10, at 128 (“The Psalmists sing of the joys of the riches of a land as yet undegraded by human overuse.” (citation omitted)).

See Australian Bishops’ Comm. for Justice, Development & Peace, Paper No. 7, Christians and Their Duty Toward Nature 3 (undated) (“We have long been familiar with the prayers of the Psalms in which all creatures are called upon to give glory to God and to bless the Lord. In our Space Age, our sense of wonder has been deepened . . . .”) [hereinafter Australian Bishops’ Statement]; see also infra notes 283-93 and accompanying discussion.

See Murphy, supra note 10, at 93 (“[T]he animals join Noah in the ark and in the renewed creation because it is obviously inconceivable to the writer of Genesis that there be human life without animal life.”). The environmental implications of the account of Noah are discussed more fully in Barlow, supra note 9, at 812-14; Chen, supra note 19, at 1267-75; Clifford, supra note 9, at 26-27. The biblical story is invoked in environmental discourse as an analogy for preservation. See, e.g., John Copeland Nagle, Playing Noah, 82 Minn. L.
has obvious ramifications that cut both for and against the ardent environmentalist. The biocentrist is dismayed by God's decision to destroy most of the biotic life on earth in order to undo humankind's corruption. Even the anthropocentrist is dismayed at God's decision to destroy most of humankind. But in the midst of cataclysm, God preserved a remnant of His biotic creation to start again, and hopefully to avoid the degree of degradation that had occurred in the generations following Adam.  

Although "[l]ike the creation story, the story of Noah is not about environmentalism . . . it informs the Christian's understanding of God's relationship with human and nonhuman creation."  

Indeed, as one commentator has noted, "[l]ike a subtle leitmotif, the relationship of human wrong and harm to the rest of creation runs throughout the Bible." Nowhere, perhaps, is this more obvious than in the Noah narrative.

There is less explicit emphasis on creation and the natural world in the books of the New Testament, which are focused more directly on the life of
Christ Himself and the redemption that followed His life, death, and resurrection. There are still some environmental themes, however, that can be found by a careful reader of the New Testament scriptures. Christ spoke, for example, of the need for faithful stewards\textsuperscript{36} to manage worldly affairs of all kind. This stewardship ideal remains a model that today permeates the environmental teaching of the Catholic Church.

In his parables, Christ spoke of God’s concern for even the smallest parts of nature.\textsuperscript{37} Although “Jesus seldom taught explicitly about nature, . . . He used nature and nature’s responsiveness and participation with God as crucial elements in at least three startling New Testament scenes.”\textsuperscript{38} This familiarity with the rhythms of nature and its lessons for humanity was central to many New Testament parables and teachings.\textsuperscript{39}

may appear less land oriented, but not less stewardship oriented. The goods of the earth are never despised, but are kept in their proper place in the kingdom where God’s will is to be done on earth.”).  
\textsuperscript{36} See, e.g., New Mexico Bishops, \textit{Reclaiming the Vocation to Care for the Earth}, May 11, 1998, at 63 (on file with author) (“The parables of Jesus indicate quite clearly that we will be called to give an accounting on how we have managed our stewardship responsibilities.”) [hereinafter New Mexico Bishops’ Statement]; 5 BARBARA WARD, A NEW CREATION?: REFLECTIONS ON ENVIRONMENTAL ISSUES 56 (1973) (noting that “[t]he Bible is full of images of good husbandry—of patient sowers and skilled shepherds and joyful gatherers of the vine”).  
\textsuperscript{37} One commentator reflected that this passage implies that neither the birds nor the lilies, regardless of their beauty, are as important as humans, who are capable of having a rational relationship with the Creator. But at the same time, through example and action, God commands respect for all of His creation. He teaches that human and nonhuman nature are equals in their ultimate task: the service of the Creator.  
Barlow, \textit{supra} note 9, at 811.  
\textsuperscript{38} \textit{id.} at 818. The Old Testament background to New Testament writings is discussed more fully in \textit{id.} at 816-19.  
\textsuperscript{39} See also Jakowska, \textit{supra} note 10, at 129 (“Jesus when speaking about the kingdom draws many of his metaphors from the natural world: the kingdom grows like the harvest, the seed grows mysteriously, the Father cares for the sparrows, the lilies of the field put the glories of Solomon to shame.”); Clifford, \textit{supra} note 9, at 35 (noting that the New Testament Gospels include examples “indicating a profound unity of creation and redemption in Jesus’ ministry and preaching”); Edwards, \textit{supra} note 10, at 199 (“Jesus of Nazareth . . . loved wild flowers and birds, the growth of trees from tiny seeds, bread rising, the play of children, the relationship between sheep and a shepherd, the sun and the rain, the generosity of a parent toward an erring child.”).
Thus, there is a Scriptural basis that underlies modern Catholic and, indeed, all Judeo-Christian thought on environmental ethical questions. Some have suggested that this Scriptural basis has not been universally pro-conservation. There are those who say that the biblical tradition helped foster disrespect for the non-human environment by emphasizing the virtues of physical detachment and other-worldliness. Others fault the scriptural emphasis on the centrality of humankind in the created order, arguing that this has resulted in environmental exploitation rather than protection. Still

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40 Promise of Nature, supra note 9, at 15 ("A great deal has recently been said and written about the part religion has apparently played in bringing about our ecological crisis."). But see Theodor Herr, Catholic Social Teaching: A Textbook of Christian Insights 91 (1987) (arguing that to blame Christianity that the environmental crisis "is a fatal misunderstanding").

41 See, e.g., Herman E. Daly & John B. Cobb, Jr., For the Common Good: Redirecting the Economy Toward Community, the Environment, and a Sustainable Future 104 (1989) ("The separability of human life from the land, in conjunction with the emphasis on the relation of the human being to God, have tended to deemphasize the importance to the land."); Promise of Nature, supra note 9, at 16 ("Religion, many have complained, is the cause of, not the solution to, the ecological crisis. Critics have argued that the other-worldly focus of some major religions has led to our neglect of the natural world."); id. at 40 ("One of the central aspects of many religions is their teaching that authentic existence is 'homeless,' that pilgrimage, sojourning and rootlessness define our lives in this world. It is not entirely unexpected, then, that this feature of religious existence can give rise to a carelessness about our natural homeland."); Science & Religion, supra note 9, at 186. The author explains that:

[A] fundamental axiom of ecological ethics is that unless we learn to experience the earth as our true home we will have little if any inclination to take care of it. Religion, however, cannot embrace this world as our home. . . . Religion tells us that we are only pilgrims or sojourners on earth.

Id.; Murphy, supra note 10, at 16 (warning that "one-sided emphasis upon our pilgrim status in this passing world and upon the priority of contemplation over action . . . sometimes is misinterpreted . . . as seeming to remove the Christian from becoming an actor and contributor in the world’s fate"); Karp, supra note 12, at 246. Professor Karp lamented the fact that in modern times we have become increasingly oriented toward the secular, and less inclined toward the divine or mythic. To the extent that we have retained religious values . . . [o]ur vision is distracted from the earth and the present, which are devalued and discredited; our ultimate goal is to reach that perfect world, heaven.

Id.

42 See, e.g., Carmody, supra note 9, at 5 ("The recent anthropocentricity of all the Christian
others warn about re-reading scriptures to search for modern themes that might not have been intended by the ancient authors. These critiques form an important part of the debate on the role of religious principles in environmental policy. Nevertheless, to ignore the scriptural basis of environmental ethics ignores the basic foundation on which modern Catholic social thought was and is built.

traditions has made them slow to appreciate the religious attitudes underlying the energy and pollution crises."; WESLEY GRANBERG-MICHAELSON, REDEEMING THE CREATION: THE RIO EARTH SUMMIT; CHALLENGES FOR THE CHURCHES 52-53 (1992) ("[M]any ecologists and theologians have argued that it is precisely [the] 'anthropocentric' view, isolating humanity from the whole of creation and seeing humans as the source for measuring all value and progress, which has brought us to the ecological peril now threatening all life . . . .").

See, e.g., Robert A. Sirico, Beware Grafting Environmental Ideology on to Orthodox Faith, DETROIT NEWS, Mar. 4, 1999. Sirico explains:

There are aspects of "green spirituality" . . . that do cohere with the historic Christian faith . . . .

Christianity teaches that the Earth is the Lord’s because it is His creation, and we are called to look upon the glories and beauties of nature as prime examples of God’s hand at work in the cosmos. Moreover, the Scriptures call [us] to have a profound respect for that creation and to not squander resources that are entrusted to us . . . .

But . . . . [l]ooking upon nature as a lens through which we see God’s hand as author of creation is not the same as finding God Himself present in nature, much less substituting nature for God.

Moreover, having respect for God’s created order does not mean that it cannot and must not be used for the benefit of humankind; rather, a belief in the sanctity of life requires that we accept our responsibilities to have dominion over nature. That such statements are considered contestable . . . is a sign of how far environmentalism has made inroads into the communities of traditional faith.

Id.; see also Fialka, supra note 9, at A24 (noting that “religious groups, which for years had focused on family-related and moral issues, aren’t buying the whole environmentalism credo. . . . [M]any evangelical churches remain suspicious of environmentalists”).

One writer has commented on the ancient connections between faith, work, and seasonal rhythms that marked life in early agrarian communities. See NORTHCOTT, supra note 12, at 77, reporting that:

In pre-modern Europe, land and work were seen as part of God’s creation ordinance and as properly subject to objective and religiously inspired ethical standards. Nature was conceived by the monastic agriculturist as gift not property, for land belonged absolutely to God not humans. Similarly time, like space, was conceived before modernity as God’s time.
Naturally, it was not only from scriptures that modern Catholic social thought has its roots. Over time, many have contributed to the development of Catholic social thought in very different ways. To highlight only one prominent example, during the Middle Ages St. Francis of Assisi became closely associated with the ecological and environmental concerns that remain part of the Franciscan tradition. St. Francis was well known for his

45 A full discussion of the chronological and historical development of Catholic teaching in this area is beyond the scope of this Article. For a thoughtful discussion of the views of St. Thomas Aquinas on this topic, see Patrick Halligan, The Environmental Policy of Saint Thomas Aquinas, 19 ENVTL. L. 767 (1989). For a particular emphasis on the unlikely development of an ecological perspective during the Middle Ages, see Thomas A. McGonigle, Ecology and Spirituality: A Twelfth Century Perspective, in THE ECOLOGICAL CHALLENGE, supra note 11, at 105-14.

46 For an excellent and extensive discussion of St. Francis of Assisi and the Franciscan influence on environmental issues, see generally ROGER D. SORRELL, ST. FRANCIS OF ASSISI AND NATURE: TRADITION AND INNOVATION IN WESTERN CHRISTIAN ATTITUDES TOWARD THE ENVIRONMENT (1988). See also A MODERN APPROACH TO THE PROTECTION OF THE ENVIRONMENT, in STUDY WEEK 1, 4 (G.B. Marini-Betto ed., 1989) (“We should recall here the examples and teachings of Saint Francis of Assissi, the patron of all those who are concerned for the ecological health of the biosphere. Already in the thirteenth century, he anticipated the attitude which should motivate every human being today.”); BOFF, supra note 13, at 52-54 (discussing St. Francis of Assisi and his connections to ecology); id. at 53 (calling St. Francis “a cultural reference point for everyone who tries to establish a new alliance with creation”); Christiansen, supra note 8, at 150. Christiansen noted that:

By popular acclaim and papal declaration, Francis of Assisi has been named patron of the environment. As we develop an environmental theology, we would do well to remember that Francis learned his special love for creatures only after he had been engaged for many years in the struggle to care for ‘God’s little ones,’ the lepers.

Id.; Drew Christiansen, Moral Theology, Ecology, Justice, and Development, in COVENANT FOR A NEW CREATION: ETHICS, RELIGION, AND PUBLIC POLICY 251, 261 (Carol S. Robb & Carl J. Casebolt eds., 1991) [hereinafter Christiansen, Moral Theology].

An overlooked aspect of the Franciscan nature ethic is its tie to love of the poor. Francis’s humility developed from his engagement with the little people . . . and the lepers and grew to embrace all God’s little creatures. Perhaps the most inspiring role for Francis as patron of the environmental movement would be to join ecology with an option for the poor.

Id.; MCDONAGH, supra note 19, at 171-74 (discussing connections between Franciscanism and ecology); Environment is Both Home and Resource, L’OSSERVATORE ROMANO, Apr. 9, 1997, at 2 (noting Pope John Paul II’s reflection that “Christian culture has always recognized the creatures that surround man as also gifts of God to be nurtured and safeguarded with a sense of gratitude to the Creator. Benedictine and Franciscan spirituality
care for the natural world—a care that flowed from his great love of humanity. In a very basic way, this highlighted the connections that could be drawn between nature and humanity and the way in which the oft-lamented conflict between them might be reconciled. St. Francis’ well-known “Canticle of the Creatures” praised the wonder of the created world in much the same way—and in much the same style—as the ancient psalmists. It reiterated the ancient themes of creation’s goodness and made a powerful statement of comradery among the various parts of creation. This “Canticle” was “the first poem written in the Italian vernacular and was considered by Dante to be one of the great works of Italian literature.”

St. Francis was more recently proclaimed by Pope John Paul II as the patron of ecology—thus providing further tangible evidence of the importance of ecological themes in modern Catholic teaching.

in particular has witnessed to this sort of kinship of man with his creaturely environment . . .”); Kenneth R. Himes, Speech in Honor of the 50th Anniversary of the United Nations, The Environmental Crisis: The Vision of St. Francis of Assisi (Mar. 30, 1995), available at http://www.wtu.edu/franciscan/pages/misc/justice/unhimes.html (describing St. Francis’ poem, “Canticle of the Creatures,” as a “vision of how all creatures are united in the chorus of praise to the creator”); id. at para. 4 (“As Francis became poorer he became more fraternal, poverty was the way into the experience of universal fraternity. The Canticle of the Creatures came at the end of Francis’ life not the beginning.”); Jack Wintz, Christ, the Head of Creation, AMERICA, Sept. 14, 1996, at 22, 22 (noting that those with a Franciscan perspective “tend to see all created things as pieces of a beautiful puzzle that only make sense when fitted into the larger framework—the image of Christ”); Jakowska, supra note 10, at 130-31 (discussing impact of St. Francis and Franciscanism on ecology in Latin America).

47 Himes, supra note 46, at 1.


offers Christians an example of genuine and deep respect for the integrity of creation. As a friend of the poor who was loved by God’s creatures, Saint Francis invited all of creation . . . to give honour and praise to the Lord. The poor man of Assisi gives us striking witness that when we are at peace with God we are better able to devote ourselves to building up that peace with all creation which is inseparable from peace among all peoples. . . .

[Ma]y he remind us of our serious obligation to respect and watch over them with care, in light of that greater and higher fraternity that exists within the human family.

Id.
B. Modern Encyclical Teachings: Rerum Novarum to Pope John Paul II

In a more formal way, however, it has only been in modern times that the ancient underpinnings of nascent environmental thought have been fleshed out through the formal doctrines of the Church as part of encyclical teachings. Naturally, these environmental principles draw on general social teachings but in recent years Catholic teaching has more directly confronted environmental questions.

The most authoritative documents in the development of Catholic social teaching are papal encyclicals and, thus, it is primarily from those documents that the Church’s social teachings on environmental affairs and other matters can be discerned. The first of the so-called “modern” papal encyclicals was Rerum Novarum (Of New Things), promulgated by Pope Leo XIII in 1891.

DORR, supra note 10, at 46 (noting that while the “Church has... always seen itself as having a teaching role on social issues, it is especially in the past hundred years, with the issuing of a series of social encyclicals, that the concept of a coherent body of ‘social teaching’ has emerged”). But see THOMAS MASSARO, LIVING JUSTICE: CATHOLIC SOCIAL TEACHING IN ACTION 226-27 (2000). Massaro explains:

Although care for the earth is a theme that fits easily with the call to social responsibility within Catholic social teaching, it is surprising how seldom ecological concerns are actually mentioned in the encyclicals. There are practically no sections of the social teaching documents that offer an extended treatment of what it means to practice “environmental justice.” So to predict that future Catholic social teaching will begin to tackle the topic of ecology does indeed involve an element of risk, since there are few previous signs of interest in this topic on the part of Vatican officials.

Id.

50 See Lannan, supra note 10, at 356 (noting that recent Catholic pronouncements on environmental issues “have used well-established Catholic tradition as their starting point. These statements have also relied on principles of modern Catholic social teaching from the past century”); id. at 380 (elaborating on ways in which “[i]n addressing environmental justice issues, Catholic bishops and theologians have relied on well-established principles of Catholic social teaching, including the common good, solidarity, subsidiarity, and an option for the poor”); see also Jakowska, supra note 10, at 132 (noting that Catholic teaching “did not move directly into environmental ethic in this century, but rather has gradually evolved more and more toward environmental concerns as a result of its growing concern for social justice”).


52 The significance of this encyclical in marking the beginning of modern Catholic social teaching has been widely noted. See, e.g., MURPHY, supra note 10, at 23 (calling Rerum
Although it concerned itself primarily with labor relations, a close reading of *Rerum Novarum* reveals the underpinnings of what would later be incorporated into Catholic teaching on the environment. It would be disingenuous to argue that *Rerum Novarum* was intended, in its day, to address ecological and environmental concerns since, by all accounts, this encyclical was a response to the very human labor concerns sweeping Europe during the Industrial Revolution. Nevertheless, there are aspects of this 113-year-old encyclical that have direct relevance to more specifically environmental concerns.

Most importantly, *Rerum Novarum* articulates the primacy of humanity over the rest of creation by virtue of the gift of human reason and establishes that, because of this reason and the presence of the soul, “man is commanded to rule the creatures below him, and to use all the earth and ocean for his profit and advantage.” This central place of the human in creation has remained a constant in Catholic environmental teachings to this day and forms the heart of all discussions about the relationship between human and non-human creation and the special obligations that fall to humanity. Because this encyclical long predated modern fears about the limitations of the earth’s bounty, it adopts a very optimistic view of the extent of the earth’s fruitfulness. From a modern perspective, it may appear idealistically naive with regard to environmental affairs. In its day, however, *Rerum Novarum* ‘s articulation of laborers’ rights was quite progressive.

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*Novarum* “the beginning of a major effort by the church to resist being moved to the sidelines of world affairs”).

53 See *Rerum Novarum*, supra note 51, at 16. The Pope explained:

[W]ith man it is different indeed. He possesses, on the one hand, the full perfection of animal nature, and therefore he enjoys... the fruition of the things of the body. But animality, however perfect, is far from being the whole of humanity, and is indeed humanity’s humble handmaid... It is the mind, or the reason, which is the chief thing in us who are human beings; it is this which makes a human being human, and distinguishes him essentially and completely from the brute.

*Id.*

54 *Id.* at 29.

55 See *id.* at 16 (“Man’s needs do not die out, but recur; satisfied today, they demand new supplies tomorrow. Nature, therefore, owes to man a storehouse that shall never fail, the daily supply of his daily wants. And this he finds only in the inexhaustible fertility of the earth.”); *id.* at 17 (“that 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”); *id.* (noting that land cultivated by human labor “brings forth in abundance”).
The encyclical also acknowledges two important property concepts—the tension between which often marks environmental debate. The document acknowledges that "there can be private property," thus rejecting the nascent socialist theories spreading through nineteenth-century Europe. Yet, at the same time, it reiterates the theory of the common good and the mandate that gifts from God be used for the benefit of all, not just the legal "owner":

God has given the earth to the use and enjoyment of the universal human race . . . . God has granted the earth to mankind in general; not in the sense that all without distinction can deal with it as they please, but rather that no part of it has been assigned to any one in particular, and that the limits of private possession have been left to be fixed by man’s own industry and the laws of individual peoples. Moreover, the earth, though divided among private owners, ceases not thereby to minister to the needs of all . . . .

Hence, *Rerum Novarum* proclaims a number of concepts directly relevant to Catholic environmental teaching—concepts that are developed more fully in later documents focused more directly on the environment itself.

The second major modern encyclical, *Quadragesimo Anno (Forty Years)*, promulgated by Pope Pius XI in 1931, has very little to say about ecological issues. Written to mark the fortieth anniversary of *Rerum Novarum*, this document reiterates the rights and responsibilities that go with private property use, and stresses the importance of the common good. Beyond that, however, this encyclical contributed little to modern environmental teachings and concerned itself primarily with economic issues.

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57 *Id.* at 16-17.
58 Pope Pius XI, *Quadragesimo Anno* (May 15, 1931), in *CATHOLIC SOCIAL THOUGHT*, supra note 51, at 42 [hereinafter *Quadragesimo Anno*].
59 *Id.* at 52 (explaining that "the right of property must be distinguished from its use. It belongs to what is called commutative justice faithfully to respect the possessions of others, and not to invade the rights of another, by exceeding the bounds of one’s own property" (citation omitted)).
60 *Id.* at 66 ("The public institutions of the nations should be such as to make all human society conform to the requirements of the common good . . . .").
In *Mater et Magistra* (*Mother and Teacher*), the first encyclical of Pope John XXIII, a number of environmental issues are “flagged.” While the encyclical does not develop a full discussion on any of the issues it presents, it is fair to identify this document as the earliest encyclical to pinpoint with some precision a host of modern ecological concerns. Pope John XXIII begins by identifying significant changes in the post-WWII world. Among these, he notes “the discovery of atomic energy,” “the modernization of agriculture,” and “the initial conquests of outer space,” as well as the growing dichotomies between the agricultural and industrial worlds and the imbalances “between countries with differing economic resources and development.” Clearly, all of these issues have environmental and ecological implications—implications addressed in more recent times, but identified over forty years ago as areas warranting thought and reflection. *Mater et Magistra* also urges people to “have regard for future generations as well.” This theme of inter-generational responsibility and its environmental implications repeatedly resurfaces.

*Mater et Magistra* also devotes significant attention to agricultural life. In doing so, the encyclical speaks of the wonder of the created world and expresses renewed optimism about the ability of that world to sustain life. The document says of farmers that “their work is most noble, because it is undertaken ... in the majestic temple of creation; because it often concerns

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62 *Id.* at 91.
63 *Id.*
64 *Id.*
65 *Id.*
66 *Id.* The Pope explained that:
[T]he 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 hunger, and are not able to enjoy basic human rights. This is all the more so inasmuch as countries each day seem to become more dependent on each other. Consequently, it is not easy for them to keep the peace advantageously if excessive imbalances exist in their economic and social conditions.
*Mater et Magistra*, supra note 61, at 110.
67 *Id.* at 97.
the life of plants and animals, a life inexhaustible in its expression, inflexible in its laws, rich in allusions to God, Creator and Provider." These themes that exult in the beauty of creation and connect the created world to the grandeur of God figure prominently in the Church's later, more explicit declarations on environmental issues.

The most important contribution of Mater et Magistra to the Church's teaching on the environment, however, is that it raised, for the first time in a major papal encyclical, the relationship between environmental sustainability and the issues connected to population control. This conflict has been, and remains, perhaps the most significant source of tension between the Catholic perspective on environmental matters and the position advanced by many environmentalists who draw a direct link between environmental problems and population growth. Pope John XXIII's treatment of this question reflects an optimism that the problem is not a dire source of difficulty, and he expresses confidence that the bounty of the earth—combined with human capacity for technological and scientific advancement—will be sufficient to ensure long-term sustainability. 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. . . . [A] course of action is not indeed to be followed whereby, contrary to the moral law laid down by God, procreative function also is violated. Rather, man should, by the use of his skills and science of every kind, acquire an intimate knowledge of the forces of nature and

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68 Id. at 108.
69 Id. at 114 ("More recently, the question often is raised how economic organization and the means of subsistence can be balanced with population increase, whether in the world as a whole or within the needy nations."). For a diverse collection of essays exploring various religious perspectives on the link between population and environmental issues, see generally POPULATION, CONSUMPTION, AND THE ENVIRONMENT, supra note 9.
control them ever more extensively. Moreover, the advances hitherto made in science and technology give almost limitless promise for the future in this matter.\textsuperscript{70}

This issue resurfaces constantly in environmental debates and, unfortunately, in more recent times, without the unbridled optimism of \textit{Mater et Magistra}. Less than two years after \textit{Mater et Magistra}, and only a few months prior to his death, Pope John XXIII promulgated \textit{Pacem in Terris (Peace on Earth)}.\textsuperscript{71} Perhaps the most notable contribution of this encyclical is its articulation of a list of human rights and responsibilities.\textsuperscript{72} Also significant is that this encyclical was the first addressed not only to Catholics but to “All Men of Good Will.”\textsuperscript{73} This signifies an inclusiveness in the audience to which the encyclical’s teachings are addressed. Clearly, “[s]uch an appeal is obviously essential in any joint effort to address a problem of such universal scope as the environment.”\textsuperscript{74}

From an environmental perspective, \textit{Pacem in Terris} also makes a contribution. It reiterates familiar themes concerning optimism about the ability of science to improve the natural world,\textsuperscript{75} creation as an expression of God’s glory,\textsuperscript{76} and the unique place of mankind in the order of creation,\textsuperscript{77} as

\textsuperscript{70} \textit{Mater et Magistra, supra} note 61, at 115. Pope John XXIII went on to explain, When God . . . in the book of Genesis, imparted human nature to our first parents, he assigned them two tasks, one of which complements the other. For he first directed: “Be fruitful and multiply,” and then immediately added: “Fill the earth and subdue it.” . . . The second of these tasks, far from anticipating a destruction of goods . . . assigns them to the service of human life.

\textit{Id.} at 116 (citations omitted).

\textsuperscript{71} Pope John XXIII, \textit{Pacem in Terris} (Apr. 11, 1963), in \textit{CATHOLIC SOCIAL THOUGHT, supra} note 51, at 131 [hereinafter \textit{Pacem in Terris}].

\textsuperscript{72} \textit{Id.} at 132-37.

\textsuperscript{73} \textit{Id.} at 131.

\textsuperscript{74} Murphy, \textit{supra} note 10, at 122.

\textsuperscript{75} \textit{Pacem in Terris, supra} note 71, at 131 (“The progress of learning and the invention of technology clearly show that, . . . in living things and in the forces of nature, an astonishing order reigns, and they also bear witness to the greatness of man, who can . . . harness those forces of nature and use them to his benefit.”).

\textsuperscript{76} \textit{Pacem in Terris} exultantly praises the infinite greatness of God, who created the universe and man himself. He created all things out of nothing, pouring into them the abundance of his wisdom and goodness, so that the holy psalmist praises God in these words: “O Lord our master, the majesty of thy name fills all the earth.”
well as the right to private property with the corresponding obligation to use private property for the common good. In terms of new contributions, _Pacem in Terris_ urges a more international approach to the allocation of resources. It also makes an explicit warning concerning the environmental effects of war and of the nuclear arms race: "[T]he mere continuance of nuclear tests, undertaken with war in mind, can seriously jeopardize various kinds of life on earth." In spite of this, however, it seems fair to state that _Pacem in Terris_ concerned itself far more with matters that were not environmental in nature.

Following the death of Pope John XXIII, the Second Vatican Council, which he had convened, issued its 1965 Pastoral Constitution on the Church in the Modern World, called _Gaudium et Spes (Joy and Hope)_.

In the view of some commentators, this is the first document in which environmental issues were addressed explicitly and separate from other social concerns. In many ways, as with _Pacem in Terris_, the perspective of _Gaudium et Spes_ revisits familiar themes concerning the environment and the created world.

_Id._ (citation omitted).

77 In familiar language, _Pacem in Terris_ teaches that God also created man in his own "image and likeness," endowed him with intelligence and freedom, and made him lord of creation, as the same psalmist declares in the words: "Thou hast placed him only a little below the angels, crowning him with glory and honor and bidding him rule over the works of thy hands. Thou hast put all under his dominion."

_Id._ (citations omitted).

78 Id. at 134 (noting "[t]he right to private property, even of productive goods" as well as the "social duty essentially inherent in the right of private property").

79 Id. at 146 ("[S]tates cannot lawfully seek that development of their own resources which brings harm to other states and unjustly oppresses them.").

80 Id. at 149.


82 Several observers have noted the early, albeit indirect, contribution of _Gaudium et Spes_ to the Church's environmental teachings. See, e.g., _STOCKHOLM TO JOHANNESBURG_, supra note 10, at 9 ("[i]f we look back to the time of the Second Vatican Council, we can discover in its documents the solid roots of a formal and informal teaching concerning care for the environment that has consistently grown over the years"); Jakowska, supra note 10, at 133 (noting that with _Gaudium et Spes_ "[a] more specific environmental turn begins"); Thomas A. Nairn, _The Roman Catholic Social Tradition and the Question of Ecology_, in _THE ECOLOGICAL CHALLENGE_, supra note 11, at 30-31 (discussing the interplay between ecological and economic issues in _Gaudium et Spes_).
It again links the created world to the love and glory of God,\(^8\) expresses resistance to viewing environmental issues as population problems,\(^4\) reminds readers of inter-generational responsibility for creation,\(^5\) reiterates concern for the common good in determining property use,\(^6\) and places human life at the center of creation in terms perhaps more forceful than in prior pronouncements.\(^7\)

This document, however, goes far further than its predecessors in developing a comprehensive view of environmental thought and theory. *Gaudium et Spes* warns that in “refusing to acknowledge God as his beginning, man has disrupted also his proper relationship to his own ultimate goal. At the same time he became out of harmony with himself, with others, and with all created things.”\(^8\) This novel statement links human relationships with God

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\(^8\) See *Gaudium et Spes*, *supra* note 81, at 166 (calling the natural world “the theater of man’s history” and a world “created and sustained by its Maker’s love, fallen indeed into the bondage of sin, yet emancipated now by Christ”).

\(^4\) *Id.* at 227 (“Many . . . assert that it is absolutely necessary for population growth to be radically reduced . . . . They say this must be done by every possible means and by every kind of government intervention. . . . [T]his Council exhorts all to beware against solutions contradicting the moral law.”).

\(^5\) *Id.* at 213-14 (describing the need to “look out for the future and establish a proper balance between the needs of present-day consumption . . . . and the necessity of distributing goods on behalf of the coming generation”).

\(^6\) *Id.* at 212-13 (“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.” (citation omitted)); *id.* at 213 (“[T]he right to have a share of earthly goods sufficient for oneself and one’s family belongs to everyone.”).

\(^7\) See *id.* at 172 (“According to the almost unanimous opinion of believers and unbelievers alike, all things on earth should be related to man as their center and crown.”); *Gaudium et Spes*, *supra* note 81, at 173 (“[S]acred scripture teaches that man was created ‘to the image of God,’ is capable of knowing and loving his Creator, and was appointed by him as master of all earthly creatures that he might subdue them and use them to God’s glory.” (citations omitted)); *id.* at 174 (“Man judges rightly that by his intellect he surpasses the material universe, for he shares in the light of the divine mind.”); *id.* at 181 (“[T]here is a growing awareness of the exalted dignity proper to the human person, since he stands above all things . . . .”); *id.* at 185-86 (“For man, created to God’s image, received a mandate to subject to himself the earth and all that it contains . . . . Thus, by the subjection of all things to man, the name of God would be wonderful in all the earth.” (citations omitted)); *id.* at 203 (“[T]he divine plan is that man should subdue the earth, bring creation to perfection, and develop himself. When a man so acts he simultaneously obeys the great Christian commandment that he place himself at the service of his brother men.” (citation omitted)).

\(^8\) *Id.* at 173; see also *Gaudium et Spes*, *supra* note 81, at 187 (“[R]edeemed by Christ and
to human relationships with nature, illustrating the connection between faith, human relationships, and the created world. This holistic view resurfaces throughout Catholic environmental teachings, but it has its origins in *Gaudium et Spes*.

After the Second Vatican Council, Pope Paul VI promulgated *Populorum Progressio* (*The Development of Peoples*) in 1967. This document also stated traditional environmental themes such as responsibility to later generations, the preeminence of the human person in creation, and the duty to use creation for the common good. However, *Populorum Progressio*’s true contribution to the Catholic Church’s environmental teaching was introducing a comprehensive policy on human development.

Because the Church’s teaching on environmental issues is so closely tied to its teaching on development—particularly in the writings of Pope John Paul II—*Populorum Progressio* laid important groundwork. More specifically, the document takes a very broad view of development, and one that

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made a new creature in the Holy Spirit, man is able to love the things themselves created by God, and ought to do so. He can receive them from God, and respect and reverence them as flowing constantly from the hand of God.”). *Gaudium et Spes* goes on to teach that:

[I]f the expression, the independence of temporal affairs, is taken to mean that created things do not depend on God, and that man can use them without any reference to their Creator, anyone who acknowledges God will see how false such a meaning is. For without the Creator the creature would disappear. For their part, however, all believers of whatever religion have always heard his revealing voice in the discourse of creatures. But when God is forgotten the creature itself grows unintelligible.

*Id.*


90 *Id.* at 244 (“We have inherited from past generations, and we have benefitted 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.”).

91 *Id.* at 245 (“[T]he Bible, from the first page on, teaches us that the whole of creation is for man, that it is his responsibility to develop it by intelligent effort and by means of his labor to perfect it. . . .”).

92 See generally *id.* at 245-50 (discussing “the universal [p]urpose of [c]reated [t]hings”).

93 For a fuller discussion of the contributions made by *Populorum Progressio* to a full understanding of development, see generally Drew Christiansen, *Learn a Lesson from the Flowers: Catholic Social Teaching and Global Stewardship*, in *The Challenge of Global Stewardship: Roman Catholic Responses* 19, 23-24 (Maura A. Ryan & Todd David Whitmore eds., 1997) (noting contribution of *Populorum Progressio* to the understanding of a broad definition of human development) [hereinafter *Lesson from the Flowers*].
is not linked solely to economic progress. Instead, it asserts that authentic
development "must be complete: integral, that is, it has to promote the good
of every man and of the whole man." While the encyclical, alas, does not
address the impact of development on the environment, or the impact of
environmental concerns on development, the way in which this document
casts a wide net in defining developmental issues later prompts the inclusion
of ecological issues into discussions of development.

Pope Paul VI followed Populorum Progressio with Octogesima
Adveniens (Eighty Years) in 1971, the eightieth anniversary of Rerum
Novarum. One commentator has suggested that Octogesima Adveniens marks
"the beginning of the recognition that the destruction of nature itself was a
real possibility." While this encyclical posits no new teaching on the
environment nor provides concrete suggestions for ecological policy, it makes
a very clear plea in favor of environmental concern:

[A] transformation is making itself felt, one which is the
dramatic and unexpected consequence of human activity. 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 wide-ranging social
problem which concerns the entire human family.

94 Populorum Progressio, supra note 89, at 243.
95 See Stockholm to Johannesberg, supra note 10, at 16 ("While direct references to the
environment are limited in Populorum Progressio, their context is highly significant: that of
the development of peoples." (citation omitted)); Nairn, supra note 82, at 31 (observing that
Populorum Progressio “expand[s] the notion of common good into a planetary
phenomenon”).
96 Pope Paul VI, Octogesima Adveniens (May 14, 1971), in Catholic Social Thought,
supra note 51, at 265 [hereinafter Octogesima Adveniens].
97 Edwards, supra note 10, at 191.
The Christian must turn to these new perceptions in order to take on responsibility... for a destiny which from now on is shared by all.\textsuperscript{98}

This warning includes several aspects of Catholic environmental policy that are developed far more fully in later teaching. Most importantly, \textit{Octogesima Adveniens} warns that because environmental problems "concern[] the entire human family"\textsuperscript{99} and because the solution to these problems "is shared by all,"\textsuperscript{100} the environmental question is a wide-reaching, global concern whose study and resolution requires reflection on a widespread scale.\textsuperscript{101}

C. Modern Papal Teachings: The Papacy of Pope John Paul II

With the beginning of Pope John Paul II's papacy, many of the ecological concepts that were hinted at or mentioned in the teachings of his...
predecessors "came of age," and became more fully developed in his encyclical teachings. More so than any of his predecessors, Pope John Paul II has offered extensive commentary on environmental matters.

At the onset of his pontificate, John Paul II promulgated his inaugural encyclical, Redemptor Hominis. Although that encyclical was primarily an introduction to his papacy, he included in it a number of references to environmental concerns that would be developed more fully in subsequent years of his ministry. He acknowledged the growing danger of environmental ills, warning of "the threat of pollution of the natural environment in areas of rapid industrialization . . . or the perspectives of self-destruction through the use of atomic, hydrogen, neutron and similar weapons, or the lack of respect for the life of the unborn." 

Pope John Paul II also highlighted in this early letter the moral ramifications of environmental woes:

We seem to be increasingly aware of the fact that the exploitation of the earth, the planet on which we are living, demands rational and honest planning. At the same time, exploitation of the earth not only for industrial but also for military purposes and the uncontrolled development of technology outside the framework of a long-range authentically humanistic plan often bring with them a threat to man's natural environment, alienate him in his relations with nature and remove him from nature. Man often seems to see no other meaning in his natural environment than what serves for immediate use and consumption. Yet it was the Creator's will

102 The environmental themes of Pope John Paul II's papacy are explored more fully in Murphv, supra note 10, at 106-27. See also Stockholm to Johannesburg, supra note 10, at 27 ("The contribution of Pope John Paul II to the moral obligation to promote a sound environment . . . is both comprehensive and highly differentiated. . . . [I]t forms an articulated body of most relevant material, the richness of which still remains to be fully explored . . . .")

103 Pope John Paul II's attitude toward ecological matters has been described as "[a] synthetic view of what should be man's behavior toward the environment." A Modern Approach to the Protection of the Environment, supra note 46, at 113.

104 Pope John Paul II, Redemptor Hominis (Mar. 4, 1979) (on file with author).

105 Id. at 12.
that man should communicate with nature as an intelligent and noble "master" and "guardian," and not as a heedless "exploiter" and "destroyer."\textsuperscript{106}

Pope John Paul II was also critical of "consumer civilization, which consists in a certain surplus of goods necessary for man and for entire societies... while the remaining societies... are suffering from hunger."\textsuperscript{107} This dichotomy resurfaced frequently in his later teachings with regard to environmental matters.

John Paul II devoted his first major social encyclical to labor concerns in \textit{Laborem Exercens} (\textit{On Human Work}),\textsuperscript{108} promulgated in 1981 to mark the ninetieth anniversary of \textit{Rerum Novarum}.	extsuperscript{109} Although the primary thrust of this document—like the encyclical whose anniversary it celebrated—was labor, it afforded the then-new Pope the opportunity to begin fully developing his own teaching on environmental concerns. Although to a large extent \textit{Laborem Exercens} reiterates traditional themes,\textsuperscript{110} it makes a notable new

\textsuperscript{106} \textit{Id.} at 24.
\textsuperscript{107} \textit{Id.} at 30.
\textsuperscript{108} Pope John Paul II, \textit{Laborem Exercens} (Sept. 14, 1981), \textit{in} \textit{Catholic Social Thought, supra} note 51, at 352 [hereinafter \textit{Laborem Exercens}]. For further discussion of environmental themes in this encyclical, see \textit{Stockholm to Johannesburg, supra} note 10, at 29-30.
\textsuperscript{109} See Daniel M. Cowdin, \textit{John Paul II and the Environmental Concern: Problems and Possibilities}, \textit{28 Living Light} 44 (1991-92). In his commentary on the place of environmental themes in Pope John Paul II's writings, Professor Cowdin observes: The fact that he returns to the issue repeatedly is an encouraging sign for those who are hoping for some sort of foundational commitment to environmentalism in Catholic social teaching. Ecological concern is not only on the agenda, but seems to have become a necessary component of any comprehensive social encyclical.
\textsuperscript{110} \textit{Id.} at 46.
\textsuperscript{110} For example, the special role of humanity in creation is reasserted. See \textit{Laborem Exercens, supra} note 108, at 352 ("Man is made to be in the visible universe an image and likeness of God himself, and he is placed in it in order to subdue the earth." (citation omitted)); \textit{id.} at 356 ("Man is the image of God partly through the mandate received from his creator to subdue, to dominate, the earth. In carrying out this mandate, ... every human being, reflects the very action of the creator of the universe."); \textit{id.} (stating that human work "presupposes a specific dominion by man over 'the earth'"); \textit{id.} at 357 (noting that 'man 'subdues the earth' much more when he begins to cultivate it and then to transform its products, adapting them to his own use"); \textit{id.} at 385 (noting that "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
contribution. The second page of the encyclical identifies as a concern "the growing realization that the heritage of nature is limited and that it is being intolerably polluted . . . ." This reference to the "limited" nature of resources is in striking contrast to earlier papal proclamations that rejoiced in a nearly unbounded fecundity of nature. Identifying this problem and the proportions it might reach laid the groundwork for two of the most important papal documents concerning environmental issues that would be promulgated in 1988 and 1990.

In 1988, Pope John Paul II promulgated *Sollicitudo Rei Socialis (On Social Concern).* This encyclical addressed environmental concerns explicitly, generating the attention of commentators who saw in it a more comprehensive environmental statement than had been seen before. Although

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holiness”).

111 *Id.* at 353.

112 Pope John Paul II, *Sollicitudo Rei Socialis* (Dec. 30, 1987), in *CATHOLIC SOCIAL THOUGHT,* *supra* note 51, at 395 [hereinafter *Sollicitudo Rei Socialis*]. An extensive discussion of environmental themes in this encyclical may be found in *MURPHY,* *supra* note 10, at 114-27 and in *STOCKHOLM TO JOHANNESBURG,* *supra* note 10, at 28-30.

113 *See,* e.g., Christiansen, *Moral Theology,* *supra* note 46, at 254 (describing *Sollicitudo Rei Socialis* "as a landmark in Catholic participation in the environmental movement. For the first time an official Vatican document bearing the pope's own name discusses ecological issues in the context of just and sustainable development. John Paul also appreciates the interconnected nature of the common dangers facing humanity" (citations omitted)); *Id.* at 256-57. Christiansen commented that *Sollicitudo Rei Socialis* takes some very long and rapid steps to bring Catholics into the march of environmental ethics. The encyclical's contribution to that discussion, however, lies largely in the promotion of the justice and development dimensions of sustainable development. It provides a global vision of human solidarity, environmentally sensitive notions of development in which "being" is more important than "having," an implied asceticism favorable to reduced consumption, and serious consideration of norms of solidarity requiring the transfer of resources from developed to developing world. This contribution is vital because so few public voices seriously address the justice dimensions of the issue.

*Id.*; see also *MCDONAGH,* *supra* note 19, at 187 (acknowledging that *Sollicitudo Rei Socialis* "introduce[d] the issue in papal teaching in a fairly substantial way"); Edwards, *supra* note 10, at 192 (observing that in *Sollicitudo Rei Socialis* "Pope John Paul addresses the ecological issue directly and significantly, although still as a minor part of the letter"); *Lesson from the Flowers,* *supra* note 93, at 25 (describing the contribution of *Sollicitudo Rei Socialis* to an understanding of "correlations between personal, social, and ecological disequilibrium").
Sollicitudo Rei Socialis continued to restate some traditional principles with environmental relevance, it advanced far more new ground than its predecessors had. First, the document praises 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 demagogic ideas about the latter.” This statement acknowledging that there are limits on resources reflects a more modern view of ecology than that evidenced in many of the earlier encyclicals. This also re-establishes the connection between ecological problems and development that was noted in earlier teachings, albeit in a more limited way.

The encyclical also draws a direct connection between ecology and personal morality—a theme that, in many ways, is the heart of Pope John Paul II’s environmental teaching. In terms more direct than previously seen, the encyclical decries excessive consumption, pointing out that this can lead to the waste and pollution that lie at the root of environmental disturbance:

[T]he experience of recent years shows that unless all the considerable body of resources and potential at man’s disposal is guided by a moral understanding and by an orientation toward the true good of the human race, it easily turns against man to oppress him. . . .

114 For example, the document advances the view that development must be viewed in a broader context than mere economic development. See, e.g., Sollicitudo Rei Socialis, supra note 112, at 395 (noting that “an authentic development of man and society . . . would respect and promote all the dimensions of the human person”). The encyclical also expresses concern about unequal allocation of the world’s resources. Id. at 399 (decrying the “serious problem of unequal distribution of the means of subsistence originally meant for everybody” as well as the “unequal distribution of the benefits deriving from them”). It continues to warn against using population control as a means to address social and economic woes. See id. at 410 (discussing moral problems arising from population control regimes). The traditional nature of the environmental themes in Sollicitudo Rei Socialis was noted by one commentator who observed that:

Although the pope desires a dramatic shift in our behavior toward the environment, he does not underpin it with an equally dramatic shift in our moral and theological conceptualization of the rest of creation. The ecological crisis gains its moral dimension from its threat to human well-being . . . and it gains its theological dimension as a symptom of our disobedience toward God . . . .

Cowdin, supra note 109, at 46.

115 Sollicitudo Rei Socialis, supra note 112, at 411.
Superdevelopment, which consists in an excessive availability of every kind of material goods for the benefit of certain social groups, 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.”

While this encyclical still asserts the primacy of humanity in creation, it provides a lengthy discussion of the responsibilities that go with this dominion—responsibilities that require care and caution in the exercise of power. As the encyclical commands, “man must remain subject to the will of God, who imposes limits upon his use and dominion over things . . . .” The encyclical warns of the consequences of the failure to exercise this dominion in a moral way: “When man disobeys God and refuses to submit to his rule, nature rebels against him and no longer recognizes him as its ‘master,’ for he has tarnished the divine image in himself.”

The greatest contribution of Sollicitudo Rei Socialis, however, is its presentation of three ecological principles that must be kept at the forefront of public debate. First, the encyclical advocates acquiring a growing awareness . . . that one cannot use with impunity the different categories of beings, whether living or

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116 Id. at 412 (emphasis omitted).
117 See id. at 413 (noting that mankind “is placed in the garden [of Eden] with the duty of cultivating and watching over it, being superior to the other creatures placed by God under his dominion”); see also Cowdin, supra note 109, at 47 (commenting on human-centered aspect of Sollicitudo Rei Socialis and observing that its “overarching moral framework . . . is anthropocentric: the moral dimension of our interaction with nature arises precisely because human well-being, both material and spiritual, is at stake”).
118 Sollicitudo Rei Socialis, supra note 112, at 413; see also id. at 414 (“The task is ‘to have dominion’ over the other created beings . . . . This is to be accomplished within the framework of obedience to the divine law . . . .” (emphasis omitted)).
119 Id. at 414; see also Cowdin, supra note 109, at 47 (“Ecological destruction is not treated as sinful in itself but rather as a by-product of sin.”); id. (“The ecological crisis is a consequence of a deeper religious problem, namely, our failure to keep in mind that we are not God, but creatures . . . . Whether ecological destruction is ever sinful in itself . . . is not addressed.” (citation omitted)); id. at 48 (describing Sollicitudo Rei Socialis as “theocentric, not in an anti-humanistic way, but rather in the sense that our God-oriented totality imposes constraints on our relationship to the rest of the world”).
inanimate—animals, plants, the natural elements—simply as one wishes, according to one’s own economic needs. On the contrary, one must take into account the nature of each being and of its mutual connection in an ordered system, which is precisely the “cosmos.”

Besides restating the warning about the finiteness of natural resources, this principle urges recognition of ecosystems and the interconnectedness of various aspects of the created world. This concern with “mutual connection” is, of course, a primary theme in modern environmental science, but this document marks its debut in papal teaching.

The second principle, called “perhaps more urgent,” urges “the realization . . . that natural resources are limited; some are not . . . renewable. Using them as if they were inexhaustible, with absolute dominion, seriously endangers their availability not only for the present generation but above all for generations to come.” This second principle ties together three themes in Catholic environmental thought: the modern realization that the old optimism about limitless resources may not be accurate; the theme that dominion exists but with moral limitations; and the important emphasis on intergenerational responsibility.

The third and final principle draws the connection—more explicitly than before—between the complexity of development and the environmental risks it poses: “We all know that the direct or indirect result of industrialization is, ever more frequently, the pollution of the environment, with serious consequences for the health of the population.” This interplay between development and environmental concern soon became a hallmark of Pope John Paul II’s environmental thought and writings. While its origins are most

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120 *Sollicitudo Rei Socialis, supra* note 112, at 418 (emphasis omitted).
121 Id.
122 Id. (emphasis omitted).
123 See also id. It stated:

The dominion granted to man by the Creator is not an absolute power, nor can one speak of a freedom to “use and misuse,” or to dispose of things as one pleases. . . . [W]hen it comes to the natural world, we are subject not only to biological laws but also to moral ones, which cannot be violated with impunity.

124 Id.
clear in *Sollicitudo Rei Socialis*, this theme resurfaces throughout subsequent papal teachings on environmental matters.

If *Sollicitudo Rei Socialis* marked the full entrance of the modern papacy into the environmental debate, then Pope John Paul II's January 1990 statement for the World Day of Peace, entitled *Peace With God The Creator, Peace With All of Creation* (*1990 Peace Statement*) was the most expansive explanation of the Catholic Church's position on environmental issues. Although it lacked the formal authority of a papal encyclical, it garnered much attention, and to many observers it was truly a landmark in religious environmental discourse. Written with a sense of urgency, the 1990

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125 *Sollicitudo Rei Socialis* was followed closely by a post-synodal apostolic exhortation: John Paul II, *Christifideles Laici* (*The Vocation and The Mission of the Lay Faithful in the Church and in the World*) (Dec. 30, 1988), available at http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/ [hereinafter *Christifideles Laici*]. Although as an apostolic exhortation, *Christifideles Laici* lacks the full authority of an encyclical, the substance of this exhortation on environmental matters draws heavily on the principles, themes, and, indeed, the very language of *Sollicitudo Rei Socialis*. See, e.g., *Christifideles Laici*, supra, at para. 14 (noting obligation of lay faithful to "restore to creation all its original value"); *id.* at para. 37 ("Among all other earthly beings, only a man or a woman is a 'person,' a conscious and free being and, precisely for this reason, the 'center and summit' of all that exists on the earth[]." (emphasis omitted)); *id.* at para. 43 ("[T]he goods of the earth are offered to all people and to each individual as a means towards the development of a truly human life. At the service of this destination of goods is private property, which—precisely for this purpose—possesses an intrinsic social function." (emphasis omitted)); *id.* at 129 (noting that "future generations are the recipients of the Lord's gifts"); *id.* at para. 46 (noting that the youth of the world "are greatly moved by causes that relate to the quality of life and the conservation of nature"); see also *id.* at para. 43. The Pope wrote:

[T]he so-called " ecological" question poses itself in relation to socio-economic life and work[]. Certainly humanity has received from God himself the task of "dominating" the created world and "cultivating the garden" of the world. But this is a task that humanity must carry out in respect for the divine image received, and, therefore, with intelligence and with love, assuming responsibility for the gifts that God has bestowed and continues to bestow.

*Id.* (emphasis omitted).


127 This message has been widely commented upon. See, e.g., Dorr, supra note 10, at 60 (saying of this Statement that "[t]he most important aspect of this document is its attempt to provide a biblical and theological basis for ecological concern"); McDonagh, supra note 19, at 191 (calling the 1990 Peace Statement "a landmark in the greening of the Church"); Northcott, supra note 12, at 135 (calling the 1990 Peace Statement "the fullest expression
Peace Statement predictably celebrates the goodness of creation, reiterates that dominion over the earth was entrusted to humanity, and then laments the way in which the sinful exercise of that dominion has led to destruction of creation.

. . . of a contemporary Vatican view on the ecological problem. It is deeply humanocentric); STOCKHOLM TO JOHANNESBURG, supra note 10, at 39 (noting that the 1990 Peace Statement "remains the only major papal document totally on the environment"); id. (noting that this Statement served “as the panoramic background for the interventions of the Holy See at the Rio Conference”); Ryan, supra note 10, at 305 (calling the 1990 message “the first papal document devoted exclusively to environmental concerns”); id. at 307 (“The papal message for the World Day of Peace (1990) sees environmental degradation not just as a matter of better management or use of resources but ultimately as a moral and religious question. It is about meaning and values. A morally coherent worldview must have interdependence as its foundation.”); Edwards, supra note 10, at 192-93 (calling the 1990 Peace Statement “the first document of Catholic social teaching which is devoted to the ecological crisis and to a Christian response to it”).

128 1990 Peace Statement, supra note 48, at para. 1 (decrying “plundering of natural resources and . . . progressive decline in the quality of life”); id. (noting “sense of precariousness and insecurity” caused by this situation and warning that it can become “a seedbed for collective selfishness, disregard for others and dishonesty”); id. (lamenting “widespread destruction of the environment”); id. at para. 5 (“[T]he increasing devastation of the world of nature is apparent to all.”); id. (“People are asking anxiously if it is still possible to remedy the damage which has been done.”).

129 Id. at para. 3 (noting that in the Book of Genesis, the refrain “And God saw that it was good” followed each day of creation (emphasis omitted)); see also 1990 Peace Statement, supra note 48, at para. 14 (“[T]he aesthetic value of creation cannot be overlooked. . . . The Bible speaks again and again of the goodness and beauty of creation, which is called to glorify God . . . .” (emphasis omitted)); id. (urging admiration for “contemplation of the works of human ingenuity,” noting that “cities can have a beauty all their own”). This is a striking variation on the traditional environmental rhetoric which tends to celebrate the rural far more than the urban.

130 Id. at para. 3 (“God entrusted the whole of creation to the man and woman, and only then . . . could he rest ‘from all his work . . . .’”); id. (“Adam and Eve’s call to share in the unfolding of God’s plan of creation brought into play those abilities and gifts which distinguish the human being from all other creatures.”); id. at para. 6 (noting “the nobility of the human vocation to participate responsibly in God’s creative action in the world” (emphasis omitted)).

This focus on the human person has been criticized by some commentators. See, e.g., NORTHCOTT, supra note 12, at 136 (harshly critiquing “reliance on a humanocentric account of natural law” and the perceived negative environmental implications of this perspective).

131 1990 Peace Statement, supra note 48, at para. 3 (“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 . . . by choosing to sin. This resulted
The bulk of this statement, however, is devoted to Pope John Paul II's explication of the environmental problem as a moral problem. As he explains, "[W]e must go to the source of the problem and face in its entirety that profound moral crisis of which the destruction of the environment is only one troubling aspect." A large emphasis of this moral discourse lies in the condemnation of "instant gratification and consumerism while remaining indifferent to the damage which these cause." This focus on the moral component of the problem establishes both a reason for the Church's active engagement in the problem as well as an appeal to individuals to take responsibility for environmental concerns.

The 1990 Peace Statement then sets forth principles that have formed the framework for debate in subsequent discussions of environmental ethics in the Catholic context. Among the key principles presented, Pope John Paul II highlights the need to view the environmental crisis holistically, focusing on the ways in which each act of environmental harm has a far-reaching impact. He warns that "we cannot interfere in one area of the ecosystem without paying due attention both to the consequences of such interference in other areas and to the well-being of future generations." A second key principle, to which many other principles relate, is the insistence on respecting the dignity of the human person in developing all...

... in the earth's 'rebellion' against him...." (emphasis omitted)); id. at para. 5 ("When man turns his back on the Creator's plan, he provokes a disorder which has inevitable repercussions on the rest of the created order. If man is not at peace with God, then earth itself cannot be at peace."). See also id. at para. 8:

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.... [T]he dramatic threat of ecological breakdown is teaching us the extent to which greed and selfishness... are contrary to the order of creation....

Id. at para. 8.

132 Id. at para. 5 (emphasis omitted).

133 Id. at para. 13. In even stronger terms, the Statement asserts that "[m]odern society will find no solution to the ecological problem unless it takes a serious look at its life style." 1990 Peace Statement, supra note 48, at para. 13 (emphasis omitted). As an antidote to this, the Statement urges "[s]implicity, moderation, and discipline, as well as a spirit of sacrifice..." Id.

134 Id. at para. 6 (emphasis omitted); see also id. at 8 ("Theology, philosophy and science all speak of a harmonious universe, of a 'cosmos' endowed with its own integrity, its own internal, dynamic balance. This order must be respected." (emphasis omitted)); id. (calling the order of creation one that is "characterized by mutual interindependence").
environmental policies and in considering how the natural environment should be treated. Pope John Paul II writes:

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 environmental 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. ... Pollution or environmental destruction is the result of an unnatural and reductionist vision which at times leads to a genuine contempt for man. ... On another level, delicate ecological balances are upset by the uncontrolled destruction of animal and plant life or by a reckless exploitation of natural resources. ... [W]e can only look with deep concern at the enormous possibilities of biological research. We are not yet in a position to assess the biological disturbance that could result from indiscriminate genetic manipulation and from the unscrupulous development of new forms of plant and animal life, to say nothing of unacceptable experimentation regarding the origins of human life itself. ... 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. ... [N]o peaceful society can afford to neglect either respect for life or the fact that there is an integrity to creation.135

This centrality of human dignity to environmental ethics is one of the features that can, at times, put Catholic teaching into conflict with some other strains of environmentalism that adopt a different perspective. It is to this human dignity that much of the Church’s environmental teachings are tied. In addition, while Catholic social thought generally lays out broad principles rather than proposes concrete suggestions, the 1990 Peace Statement also makes some specific suggestions for public policy that complement the more sweeping ethical principles it presents. The document

135 Id. at para. 7.
calls for both "a more internationally coordinated approach to the management of the earth's goods"\textsuperscript{136} and an approach that "does not lessen the responsibility of each individual State."\textsuperscript{137} This builds on the long-standing Catholic tradition advocating "subsidiarity"—the view that social problems should be addressed at the lowest level possible, but that higher levels of involvement, including that of the international community, are acceptable if the lower levels are incapable of resolving the problem.\textsuperscript{138}

In addition, the 1990 Peace Statement advocates that a "right to a safe environment is . . . a right that must be included in an updated Charter of Human Rights."\textsuperscript{139} This bold statement is perhaps one of the most concrete, specific recommendations ever made by papal teachings on ecological issues.

\textsuperscript{136} 1990 Peace Statement, supra note 48, at para. 9 (emphasis omitted). This internationalism is advocated because often "the effects of ecological problems transcend the borders of individual States; hence their solution cannot be found solely on the national level." Id.

\textsuperscript{137} Id. (emphasis omitted). More specifically, the document established the national responsibilities to be

join[ing] with others in implementing internationally accepted standards

. . . facilitat[ing] necessary socio-economic adjustments within its own borders, giving special attention to the most vulnerable . . . endeav-our[ing] within its own territory to prevent destruction of the atmosphere and biosphere . . . [and] ensuring that its citizens are not exposed to dangerous pollutants or toxic wastes.

\textsuperscript{138} Id.

\textsuperscript{139} The doctrine of subsidiarity is articulated most fully, perhaps, in Quadragesimo Anno, in which it was defined as:

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.

Quadragesimo Anno, supra note 58, at 60; see also Pope John Paul II, Centesimus Annus (May 1, 1991), in Catholic Social Thought, supra note 51, at 476 [hereinafter Centesimus Annus]. Centesimus Annus cautioned that under the doctrine of subsidiarity:

[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.

\textsuperscript{139} 1990 Peace Statement, supra note 48, at para. 9 (emphasis omitted).
The 1990 Peace Statement also acknowledges the differing environmental obligations and problems of the developed and developing world and outlines their different responsibilities in this regard. For the already developed nations, the statement warns that "newly industrialized States cannot . . . be asked to apply restrictive environmental standards to their emerging industries unless the industrialized States first apply them within their own boundaries." It also warns, however, that "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." These differing but complementary responsibilities, as outlined in the 1990 Peace Statement, are urged as the basis of a "new solidarity" between and among nations whose environmental problems, priorities, and resources are vastly different.\(^4\)

The 1990 Peace Statement also links environmental questions to problems of poverty. It asserts that "the proper ecological balance will not be found without directly addressing the structural forms of poverty that exist throughout the world."\(^5\) The link drawn suggests that dire poverty and the need for short-term sustenance will lead impoverished individuals\(^6\) and nations\(^7\) to meet their essential needs through environmentally harmful

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\(^4\) Id. at para. 10. Indeed, others have commented on the potentially conflicting environmental agendas of economically developed and developing countries. See, e.g. MURPHY, supra note 10, at 30-31. Murphy noted that 

\[\text{[t]he environmental cause, from the beginning, was to an extent the special enthusiasm of a privileged and affluent minority who wished to preserve their particular lifestyle even if it meant impeding the further development of natural resources in other parts of the world, which presumably would be kept in poverty to satisfy the preservationist agenda.}\]

\(^5\) Id.

\(^6\) 1990 Peace Statement, supra note 48, at para. 10.

\(^7\) Id.

\(^8\) Id. at para. 11 (emphasis omitted). The document goes on to explain that "it 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." Id.

\(^9\) Id. ("Rural poverty and unjust land distribution . . . 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.").

\(^10\) Id. ("[S]ome heavily indebted countries are destroying their natural heritage, at the price
activity. Thus, in the view presented, efforts at alleviating human poverty will, ultimately, also help reduce the ecological problems facing the modern world. Once environmental and sustainability issues are linked to poverty, however, the 1990 Peace Statement points out how exponentially more difficult the problem becomes. As it notes, to tackle environmental problems by tackling poverty problems “will require a courageous reform of structures, as well as new ways of relating among peoples and States.” A tall order indeed!

The 1990 Peace Statement also warns about the environmental consequences of war:

[A]ny form of war on a global scale would lead to incalculable ecological damage. But even local or regional wars . . . 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. . . . [This] in turn create[s] situations of extreme social unrest, with further negative consequences for the environment. It is not surprising that such a statement would appear in a document promulgated to commemorate a day of peace. However, it is also a statement that points out a particularly significant challenge to environmental integrity.

The 1990 Peace Statement invited an international and ecumenical response to the world’s environmental problems. It warns that while an ethic of environmental responsibility “cannot be rooted in mere sentiment or empty wishes. . . . [or] be ideological or political. . . . [or] a rejection of the modern world or a vague desire to return to some ‘paradise lost,’” it is an urgent matter that requires the involvement of a wide range of entities, including “[c]hurches and religious bodies, non-governmental and governmental organizations, indeed all members of society.” It urges an ecumenical effort in this regard, and makes the explicit point that for Catholic Christians in
particular, there is a “serious obligation to care for all of creation.” By directly linking environmental concern to faith and by devoting the entire letter to environmental issues, Pope John Paul II clearly established both his personal interest in environmental concerns as well as the place of the Catholic Church in the debate over environmental issues.

Following the 1990 Peace Statement, Catholic teaching on the environment continued to develop, albeit in a less dramatic way. The first major encyclical to follow the 1990 Peace Statement came in 1991, when Pope John Paul II promulgated Centesimus Annus (One Hundred Years). This encyclical, addressed to broad social questions, marked the centennial of Rerum Novarum and took a “glimpse [at] the third millennium of the Christian era, so filled with uncertainties but also with promises—uncertainties and promises which appeal to our imagination and creativity, and which reawaken our responsibility . . . .”

The Pope used this opportunity to reiterate traditional themes concerning the balance between the private ownership of property and regard for the common good that should govern property’s use, intergenerational responsibility, and the necessity of human work in order for humanity to “dominate[e] the earth.” At its most explicit, however, Centesimus Annus restates the Pope’s concern for what he perceives to be the moral failing that underlies the environmental crisis. Centesimus Annus declared:

[T]he ecological question . . . accompanies the problem of consumerism and . . . is closely connected to it. In his desire

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151 Id. at para. 16.
152 Centesimus Annus, supra note 138, at 439.
153 See, e.g., STOCKHOLM TO JOHANNESBURG supra note 10, at 42 (“The overall focus of [Centesimus Annus] is . . . on modern social and economic questions. Within this context also, serious consideration must be given to care for the environment.”).
154 Centesimus Annus, supra note 138, at 440.
155 Id. at 461 (discussing the balance between “right to private ownership” and the fact “that the ‘use’ of goods, while marked by freedom, is subordinated to their original common destination as created goods, as well as to the will of Jesus Christ”).
156 Id. at 467 (“[H]umanity today must be conscious of its duties and obligations toward future generations.”).
157 Id. at 462; see also id. (noting that God “gave the earth to man so that he might have dominion over it by his work and enjoy its fruits . . . .”); id. (“It is through work that man, using his intelligence and exercising his freedom, succeeds in dominating the earth . . . .”).
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 disordered way. At the root of the senseless destruction of the natural environment lies an anthropological error . . . . Man thinks that he can make arbitrary use of the earth, subjecting it without restraint to his will, as though it did not have its own requisites and a prior God-given purpose, which man can indeed develop but must not betray. Instead of carrying out his role as a cooperator with God in the work of creation, man sets himself up in place of God and thus ends up provoking a rebellion on the part of nature . . . .

In all this, one notes first the poverty or narrowness of man’s outlook, motivated as he is by a desire to possess things rather than to relate them to the truth, and lacking that disinterested, unselfish and aesthetic attitude that is born of wonder in the presence of being and of the beauty which enables one to see in visible things the message of the invisible God who created them.¹⁵⁸

At the same time that this encyclical encouraged protection of the natural environment, however, it pled for due consideration of humans in the ecological equation:

In addition to the irrational destruction of the natural environment, we must also mention the more serious destruction of the human environment, something which is by no means receiving the attention it deserves. Although people are rightly worried—though much less than they should be—about preserving the natural habitats of the various animal species threatened with extinction . . . too little effort is made to safeguard the moral conditions for an authentic “human ecology.”¹⁵⁹

¹⁵⁸ *Id.* at 467. This point is reiterated elsewhere in *Centesimus Annus. See id.* at 479 (urging that the promotion of true and authentic development “may mean making important changes in established lifestyles, in order to limit the waste of environmental and human resources”).

¹⁵⁹ *Id.* at 467-68.
This reiterates the previously expressed view that the human environment and the natural one are so interrelated that concern for one may not rightfully exclude concern for the other.\textsuperscript{160}

The next papal encyclical to mention ecological issues—although in a limited way—was the 1993 encyclical \textit{Veritatis Splendor (The Splendor of Truth)}\textsuperscript{161} which opens with enthusiasm for all creation as it declares that “[t]he splendour of truth shines forth in all the works of the Creator and, in a special way, in man, created in the image and likeness of God . . . .”\textsuperscript{162} It reiterates the language of the \textit{1990 Peace Statement} when it asserts that the Law of God was given to “restore man’s original and peaceful harmony with the Creator and with all creation.”\textsuperscript{163}

Likewise, the Apostolic Letter, \textit{Tertio Millennio Adveniente (On the Coming of the Third Millennium)}\textsuperscript{164} addressed environmental concerns facing the modern age. Like \textit{Veritatis Splendor}, however, this letter broke no new ground. Instead, it reiterated several traditional themes. These themes, predictably, include the centrality of the human person in creation\textsuperscript{165} and the importance of ecological concern.\textsuperscript{166} The letter also points to the holistic view of creation and exclaims that “the whole of creation speaks of itself to God—indeed, it gives itself to God.”\textsuperscript{167}

Perhaps, however, the most important environmental reflection to come from \textit{Tertio Millennio Adveniente} is the way in which it links Christian

\begin{footnotesize}
\begin{enumerate}
\item This approach has been described as one that “addresses environmental concerns solely from within theocentric and anthropocentric foundations, reasserting the sufficiency of these foundations to cope adequately with modern problems.” Cowdin, supra note 109, at 49.
\item \textit{Id.} The unique dignity of humanity is reiterated in \textit{id.} at para. 38. (“The exercise of dominion over the world represents a great and responsible task for man, one which involves his freedom in obedience to the Creator’s command.” (emphasis omitted)).
\item \textit{Id.} at para. 10.
\item \textit{Id.} at para. 4 (“Christ, the Son who is of one being with the Father, is therefore the one who reveals God’s plan for all creation, and for man in particular.” (emphasis omitted)); \textit{id.} at para. 6 (calling man “the epiphany of God’s glory”); \textit{id.} at para. 7 (calling man God’s “special possession in a way unlike any other creature” (emphasis omitted)).
\item \textit{Id.} at para. 46 (praising “greater awareness of our responsibility for the environment”).
\item \textit{Id.} at para. 6; \textit{see also Tertio Millennio Adveniente, supra} note 164, at para. 6 (“All creation is in reality a manifestation of [God’s] glory.”).
\end{enumerate}
\end{footnotesize}
liturgical celebration to the natural cycles of life. In doing so, it hearkens back to the Old Testament connections between the cycles of nature and the sabbatical jubilees. As *Tertio Millenio Adveniente* points out, "[t]he solar year is . . . permeated by the liturgical year." This profound connection between the cycles of nature and the cycles of praise to God was drawn more explicitly when the document elaborated on the Old Testament sabbatical tradition:

> [T]he riches of Creation were to be considered as a common good of the whole of humanity. Those who possessed these goods as personal property were really only stewards, ministers charged with working in the name of God, who remains the sole owner in the full sense, since it is God’s will that created goods should serve everyone in a just way. The jubilee year was meant to restore this social justice. The social doctrine of the Church . . . is rooted in the tradition of the jubilee year.\(^{169}\)

This connection brings to a full circle the ancient teachings related to the limits on free use of land, and the notion that the way in which people use property entrusted to their care bears some relationship to their respect for the will of God. Many of these themes resurfaced during other papal announcements and proclamations relating to the Jubilee 2000 observations.\(^{170}\)

The final formal encyclical issued to date with direct bearing on environmental concern was the Encyclical, *Evangelium Vitae (The Gospel of Life)*,\(^{171}\) promulgated by Pope John Paul II on March 25, 1995. Although it was intended primarily to confront the problems of abortion, euthanasia, and the death penalty, this encyclical bears relevance to the environmental movement.\(^{172}\) Because *Evangelium Vitae* discusses the complex moral issues

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\(^{168}\) *Id.* at para. 10 (emphasis omitted).

\(^{169}\) *Id.* at para. 13 (emphasis omitted).

\(^{170}\) See generally *Stockholm to Johannesburg*, supra note 10, at 66-68 (describing environmental themes in Jubilee observations).


\(^{172}\) See *Stockholm to Johannesburg*, supra note 10, at 53-54 ("Life in all its dimensions is the focus of . . . Evangelium Vitae. In Pope John Paul II's vision, this includes care for the environment. He therefore welcomed the growing attention being paid to ecology, a question he declared closely related to life." (citation omitted)).
involved in population control, its principles soon became directly enmeshed in environmental matters in ways that often brought and continue to bring Catholic social teachings into direct conflict with others in the environmental movement. Although population control had been addressed and condemned before, *Evangelium Vitae* was the most extensive treatment of the subject in an encyclical.

Early in *Evangelium Vitae*, environmental problems are cited as a direct threat to human life as the Pope decries "the spreading of death caused by reckless tampering with the world’s ecological balance" and asserts the importance of human responsibility for the environment:

As one called to till and look after the garden of the world, man has a specific responsibility towards the environment in which he lives, towards the creation which God has put at the service of his personal dignity, of his life, not only for the present but also for future generations. It is the ecological question—ranging from the preservation of the natural habitats of the different species of animals and of other forms of life to "human ecology" properly speaking—which finds in the Bible clear and strong ethical direction, leading to a solution which respects the great good of life, of every life.

The majority of the document, however, is devoted to explaining why population control, as traditionally understood, represents a morally impermissible answer to environmental problems because it undermines the unique dignity of mankind in the order of creation. *Evangelium Vitae* has particularly harsh words for wealthy and developed countries who

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173 *Evangelium Vitae*, supra note 171, at para. 10. Conversely, the Pope also praises those who foster "growing attention being paid to the quality of life and to ecology . . . ." *Id.* at para. 27.

174 *Id.* at para. 42 (citations omitted).

175 See, e.g., *id.* at para. 16 (expressing dismay that "instead of forms of global intervention at the international level . . . anti-birth policies continue to be enacted").

176 *Id.* at para. 34 ("The life which God gives man is quite different from the life of all other living creatures, inasmuch as man . . . is a manifestation of God in the world, a sign of his presence, a trace of his glory . . . ."); *Id.* at para. 34 ("Man has been given a sublime dignity, based on the intimate bond which unites him to his Creator . . . ."); *Evangelium Vitae*, supra note 171, at para. 34 (noting that the Genesis account of creation "places man at the summit of God’s creative activity, as its crown, at the culmination of a process which leads from indistinct chaos to the most perfect of creatures"); *Id.* at para. 35 ("The glory of God shines on the face of man.").
fear that the most prolific and poorest peoples represent a threat for the well-being and peace of their own countries. Consequently, rather than wishing to face and solve these serious problems with respect . . . for every person’s inviolable right to life, they prefer to promote and impose by whatever means a massive programme of birth control.  

In response to this, the encyclical calls for “the courage to adopt a new life-style” in which wealthier nations and their people adopt a more limited demand for resources rather than urge limits on the number of people who will wish to share those resources. 

In addition to these encyclical writings, Pope John Paul II has commented on environmental issues on many other occasions during his papacy albeit in a less formal or widely reported way. Whether during his travels,
on vacation,\textsuperscript{82} in his general audiences,\textsuperscript{83} at scientific conferences,\textsuperscript{84} in public

comments made by Pope John Paul II on his pastoral visit to the Diocese of Como, Italy, in which he explored connections between human work and creation; Pope John Paul II, \textit{Address to Flemish-speaking Youth, Diocese of Osnabrück, Germany}, Mar. 31, 1989, \textit{in Stockholm to Johannesburg, supra} note 10, at 36-37 (encouraging youth in reverence for nature) [hereinafter \textit{Address to Flemish-speaking Youth}]; Pope John Paul II, \textit{Homily at Living History Farm} (Des Moines, Iowa, Oct. 4, 1979) (on file at the Pontifical Council for Justice and Peace, Vatican City), available at http://www.xu.edu/peace/earth.htm (reporting John Paul II’s comments that “land is God’s gift entrusted to people from the very beginning. It is God’s gift, given by a loving creator as a means of sustaining the life which he had created. But the land is not only God’s gift. It is also man’s responsibility”).

\textsuperscript{82} See, e.g., \textit{Thank God for Creation’s Majestic Beauty}, \textit{L’Osservatore Romano} (weekly English ed.), July 14, 1999, at 1 (reporting that while on vacation in the Val d’Aosta region of Italy, Pope John Paul II prayed, “I thank God for the majestic beauty of creation. I thank him for his own Beauty, of which the universe is a reflection capable of stirring attentive hearts and prompting them to praise his greatness”) [hereinafter \textit{Creation’s Majestic Beauty}].

\textit{See also God’s Grandeur is Seen in Nature’s Beauty}, \textit{L’Osservatore Romano} (weekly English ed.), July 17, 1996, at 1. While vacationing in the northern Italian mountains in Lorenzago di Cadore, Pope John Paul II reflected on the wonder of the natural world:

[T]he joyful feeling aroused by the marvellous panorama before us makes us think of God’s first glance at creation and his satisfaction with the work of his own hands. . . . How could we not feel surrounded by the love of God who opens before us the book of nature and invites us to read there the signs of his presence and tenderness? . . .

[W]e have the opportunity to rediscover the grandeur of God and man in the beauty of creation, and we are invited to achieve a fuller harmony with the Artisan of the universe. Before the majesty of the mountains, we are spurred to establish a more respectful relationship with nature. At the same time, with a heightened awareness of the value of the cosmos, we are stirred to meditate on the gravity of so much pollution of the environment which is often perpetrated with unacceptable thoughtlessness.

\textit{Id.} (emphasis omitted); \textit{see also Sunday Shows God’s Love for His Creatures}, \textit{L’Osservatore Romano} (weekly English ed.), July 15, 1998, at 1, 2 (noting Pope John Paul II’s observation, while vacationing in the Italian Dolomites, that “[w]ith the image of God resting, the Bible indicates the Creator’s joyful pleasure in the work of his hands. . . . Christians pause every Sunday not only because they need legitimate rest, but especially to celebrate the work of God, the Creator and Redeemer” (emphasis omitted)).

\textsuperscript{83} See, e.g., \textit{Creation Must be Dwelling Place of Peace}, \textit{L’Osservatore Romano} (weekly English ed.), Aug. 26, 1998, at 11 (reporting Pope John Paul’s comments concerning creation delivered at his August 19, 1998 General Audience) [hereinafter \textit{Dwelling Place of Peace}].

\textsuperscript{84} \textit{See also Pontifical Academy of the Sciences, Discourse to Study Week: Man and His Environment, Tropical Forests and the Conservation of Species}, \textit{L’Osservatore Romano}
addresses, in response to particular crises or occasions, or in statements to world and religious leaders, he has commented on many of the environ-
mental themes outlined in the 1990 Peace Statement. Although these comments have generated little new material by way of substantive doctrine, they have illustrated the importance that Pope John Paul II has attached to environmental concerns, and the close ties between these concerns and those directly involving human social problems.\footnote{For further discussion of and references to these more informal statements of Pope John Paul II, see generally STOCKHOLM TO JOHANNESBURG, supra note 10, at 31-35.}

In addition, three major events during the papacy of Pope John Paul II have prompted further involvement of the Holy See in formulating teachings on the environment: the Holy See's participation in the 1992 United Nations Conference on Environment and Development; Pope John Paul II's signing of the historic Venice Declaration in 2002; and the 1994 publication of a new General Assembly in which Pontiff stressed connections between increased food supply and environmental issues [hereinafter Fight Against Hunger Continues]; People Have a Basic Right to Nutrition, L'OSSERVATORE ROMANO (weekly English ed.), Dec. 16, 1992, at 7 (reporting Pope John Paul II's remarks at the International Conference on Nutrition, a conference sponsored by the United Nations Food and Agricultural Organization and the World Health Organization; in his remarks, the Pope explored the connection between population, food supply, and ecology); Papal Address to the Diplomatic Corps, L'OSSERVATORE ROMANO (weekly English ed.), Jan. 17, 2001, at 1, 2 (reporting Pope John Paul II's January 13, 2001 remarks to the diplomatic corps in which he warned that "[i]f people upset the balance of creation, forgetting that they are responsible for their brothers and sisters, and do not care for the environment which the Creator has placed in their hands, then a world determined by our designs alone can well become unlivable"); Pope John Paul II, The United Europe of Tomorrow, (Oct. 11, 1988) at 3 (on file with author) (including text of Pope John Paul II's address to the European Parliament in Strasbourg, France, in which he urged European leaders "to reconcile humanity with creation, with special care to preserve the balance of nature, its flora and fauna, its air and its rivers, its delicate equilibrium, its finite resources, its beauty, which is a hymn to the glory of the Creator"); Message of His Holiness Pope John Paul II to Mrs. Nafis Sadik, Secretary General of the 1994 International Conference on Population and Development (Mar. 18, 1994), in SERVING THE HUMAN FAMILY, supra, at 553 (reporting Pope John Paul II's address concerning environmental/development links) [hereinafter Address of Pope John Paul II to European Bureau]; Address of His Holiness Pope John Paul II at the World Food Summit (Nov. 13, 1996), in SERVING THE HUMAN FAMILY, supra, at 591 (expressing Pope John Paul II's beliefs that the world's food shortage is caused primarily by misdistribution of food rather than inability of the earth to produce sufficient food supplies).
The first of these events was the Holy See's participation in the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, June 1-13, 1992 ("Rio Conference"). During that conference, experts and diplomats gathered to set goals and policies that would, in theory, help guide the world community in its response to environmental matters. Because the Holy See participates in the United Nations as a

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189 CATECHISM, supra note 19.


191 The Rio Conference was, in many ways, the successor to the earlier U.N. Conference on Human Environment, held in Stockholm in 1972 ("Stockholm Conference"). The Rio Conference marked the twentieth anniversary of the Stockholm Conference. The change in name from "Conference on Human Environment" to "Conference on the Environment and Development" reflects the fact that in the two decades from 1972 to 1992, the world community had come to see the close link between questions of ecology and the development of peoples—a link that permeates Catholic teaching on environmental matters. For a discussion of the Holy See's participation in the Stockholm Conference, see generally STOCKHOLM TO JOHANNESBURG, supra note 10, at 21-26. See id. at 71-72 (discussing the significance of changes to the names given to the United Nations' conferences); CALDWELL, supra note 190, at 48-103 (reviewing Stockholm conference, its preparations and its accomplishments).

In his message to the Stockholm Conference, Pope Paul VI expressed support for the importance of its mission:

[T]here is a growing awareness that man and his environment are more inseparable than ever. The environment essentially conditions man's life and development, while man, in his turn, perfects and ennobles his environment through his presence, work and contemplation. But human creativeness will yield true and lasting fruit only to the extent to which man respects the laws that govern the vital impulse and nature's capacity for regeneration. Both are united, therefore, and share a common temporal future. So man is warned of the necessity of replacing the advance, often blind and turbulent, of material progress left to its dynamism alone . . . .

Pope Paul VI, Message of Pope Paul VI to the Stockholm Conference, June 1, 1972, in
Permanent Observer, the Holy See expressed its opinions on environmental affairs at the Rio Conference, with the hopes of influencing the development of environmental policies and programs. On the one hand, it could be said that the Holy See developed no new doctrine in connection with the Rio Conference. However, the Rio Conference afforded the Holy See the opportunity to bring its developing environmental teachings to the world stage, and to interject them in high-profile and high-level political and diplomatic debate.

Prior to the Rio Conference, Pope John Paul II expressed his support for its aim:

"This important meeting sets out to examine in depth the relationship between protection of the environment and the development of peoples. These are problems which have, at their roots, a profound ethical dimension, and which involve, therefore, the human person, the centre of creation, with those rights of freedom which derive from his dignity of being made in the image of God and with the duties which every person has towards the future generations." 192

By casting environmental matters as inextricably linked to human welfare, 193

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193 The moral roots of environmental woes were expressed quite forcefully in other documents issued by the Holy See in connection with the Rio Conference. See, e.g., Memorandum on the Holy See's Position (June 10, 1992), in SERVING THE HUMAN FAMILY, supra note 187, at 111 ("The ecological crisis is essentially a moral crisis and the solution of many of the ecological problems confronting the entire human family requires strategies and motivation 'based on a morally coherent world view.'"); Statement by Archbishop Renato Martino to the United Nations and Head of the Holy See Delegation to the United Nations Conference on Environment and Development (June 4, 1992), in SERVING THE HUMAN FAMILY, supra note 187, at 122 ("The challenge facing the international community is how to reconcile the imperative duty of the protection of the environment with the basic
he established the basis for the Church’s interest in participation. The position taken by the Holy See in various written and oral testimonies to the conference then reiterated the link between environmental problems and moral failings. Beyond that, the Holy See’s participation in the Rio Conference was devoted to reiterating a number of traditional themes, including intergeneration responsibility, the common destination of created

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194 See also STOCKHOLM TO JOHANNESBURG, supra note 10, at 45 (“Because of the extent of the environmental crisis and the Church’s concern for the question, the Delegation of the Holy See was particularly active in the preparations for the [Rio Conference] and participated fully in it with a high level delegation.”).


196 Memorandum on the Holy See’s Position, supra note 193, at 111 (noting “responsibility of stewardship in regard to all creation” and the way in which neglect of this responsibility “has inevitable repercussions on the rest of the created order and the well-being of future
goods, the ecological problems caused by war, the condemnation of population control policies, and the obligation of environmental stewardship.

See, e.g., Memorandum on the Holy See's Position, supra note 193, at 111 (“The goods of the earth . . . are for the benefit of all. All peoples and countries have a right to fundamental access to those goods . . . which are necessary for their integral development.”).

Id. at 112 (warning that “damage to the human and natural environment caused by war is an increasingly serious problem” (emphasis omitted)).

Id. at 112-13 (“Population growth, of and by itself, is seldom the primary cause of environmental problems. In most cases, there are no causal links between the numbers of people and the degradation of the environment.”); id. at 113 (“Programmes for reducing population directed and financed by the developed nations of the North easily become a substitute for justice and development in the developing nations of the South.”); id. (noting Holy See’s opposition to “those strategies which in any way attempt[] to limit the freedom of couples in deciding about the size of the family or the spacing of births”); Cardinal Sodano Statement, supra note 195, at 116.

Everyone is aware of the problems that can come from a disproportionate growth of the world population. . . . It is not possible . . . to justify the attitude of that part of the world which highlights human rights but attempts to deny the rights of those in less fortunate circumstances by deciding, in a “devastating tyranny,” how many children they can have, and by threatening to link aid for development to that dictate.

Id. (citations omitted).

Cardinal Sodano Statement, supra note 195, at 115 (statement of Papal Secretary of State that “God created man to be the ruler of this universe and entrusted it to his care. This is the account found in the Book of Genesis”); id. (“[T]he created universe has been entrusted by God to man, who has a central place in the world. He is to govern it with wisdom and responsibility, and with respect for the order which God has placed within his creation . . . .” (citation omitted)); id. at 117 (“[W]e are only stewards of the common patrimony of the planet.”); id. (noting that the human “is the only creature in this world capable of concern for the other species”); Archbishop Martino Statement, supra note 196, at 118 (noting statement of Apostolic Nuncio that humanity’s “failure to fulfill this stewardship has caused the
The heart of the Holy See's contribution to the Rio Conference, however, appeared to be centered on two broad principles. First, throughout the statements issued in connection with the Rio Conference, the Holy See argued that the dignity and well being of the human person should lie at the center of all environmental policies. As stated in the Memorandum on the Holy See's Position on Environment and Development, "[t]he basic principles that should guide our considerations of environmental issues are the integrity of all creation and respect for life and the dignity of the human person." Second, it was argued repeatedly that the inhabitants of wealthier, senseless destruction of the natural environment through arbitrary use of the earth's resources. This depredation has provoked a rebellion on the part of nature which has been more tyrannized than governed by man as its steward . . . ." (citation omitted); Second Statement of Archbishop Martino, supra note 193, at 124.

It is the obligation of a responsible steward to be one who cares for the goods entrusted to him and not one who plunders, to be one who conserves and enhances and not one who destroys and dissipates. Humility, and not arrogance, must be the proper attitude of humankind vis-a-vis the environment.

Id.

201 Memorandum on the Holy See's Position, supra note 193, at 111. This sentiment is expressed repeatedly throughout the Holy See's written and oral contributions to the Rio Conference. See, e.g., id. ("The human person occupies a central place within the world and the promotion of the dignity and the rights of all persons without distinction 'is the ultimate guiding norm . . . .'"); id. ("An adequate policy of development must be based on the dignity and rights of the human person and on the common good."); Second Statement of Archbishop Martino, supra note 193, at 122 (noting that the "Church approaches both the care and protection of the environment and all questions regarding development from the point of view of the human person"). This document went on to warn:

[A]ll ecological programmes and all developmental initiatives must respect the full dignity and freedom of whomever might be affected by such programmes. . . . [T]he 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 ultimate determining factor is the human person.

Id.; id. at 122-23 (asserting that the center of the environment "is the human being, the only creature in this world who is not only capable of being conscious of itself and of 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"); id. at 123 ("Complementing respect for the human person and human life is the responsibility to respect all creation."); Third Statement of Archbishop Martino, supra note 193, at 129 ("The . . . primacy and centrality of the human person has been consistently upheld by the Holy See, insisting that all ecological programmes and all developmental initiatives must respect and
developed nations had a moral obligation to meet their environmental stewardship responsibilities in a way that would create long-term environmental benefit to the poorer corners of the globe. This recognized the conflict

enhance the dignity, the rights and the duties of all individuals affected by them.

If the human being is at the center of concern in all matters pertaining to environment and development, then the total dimensions of his being must be taken into consideration. . . . The reconciliation of environment and development will also offer to the human spirit new expressions of its artistic and aesthetic capacities.

Id. at 131; Statement by Archbishop Renato R. Martino to the United Nations Before the Second Committee of the 48th Session of the General Assembly on Item 99 (Nov. 23, 1993), in SERVING THE HUMAN FAMILY, supra note 187, at 133, 133 (asserting the “duty [of the Holy See] to respectfully but forcefully remind all States of the fundamental primacy of the human person when they consider all the issues of environment and development”) [hereinafter Fourth Statement of Archbishop Renato Martino]; STOCKHOLM TO JOHANNESBURG, supra note 10, at 46 (“The Holy See continued to insist on the centrality of the human person as regards both development and care for the environment.”).

202 See, e.g., Memorandum on the Holy See’s Position, supra note 193, at 112 (“Solidarity implies an awareness and an acceptance of co-responsibility for the causes and solutions relative to the ecological challenge.”); id. at 113 (“[P]olicies aimed at reducing population do little to help solve urgent problems of environment and development. True solutions to these problems must involve not only sound economic planning and technology but justice for all the peoples of the earth.”); Cardinal Sodano Statement, supra note 195, at 116 (“A proper ecological balance will not be found without directly addressing the structural forms of poverty that exist throughout the world . . . .” (citation omitted)). Cardinal Sodano also warned:

The earth and its resources will be sufficient if only humanity will learn to share them instead of wasting them among the few. . . . [I]t is clear that the pollution of the environment and risks to the ecosystem do not come primarily from the most densely populated parts of the planet.

Id. at 116-17 (citation omitted); see also Archbishop Martino Statement, supra note 196, at 118 (decrying “inequitable usage of the world’s resources and . . . lack of solidarity among peoples and nations in rectifying our deteriorating environment in its totality” (citation omitted)); id. at 121 (“The present environmental crisis reveals the urgent need for a new solidarity between the industrialized nations and developing nations for the rational use of resources to promote a peaceful and healthy environment for all mankind.”); Second Statement of Archbishop Martino, supra note 193, at 125 (“We are all part of God’s creation—we live as a human family. . . . All equally created by God, called to share the goods and the beauty of the one world, human beings are called to enter into a solidarity of universal dimensions . . . .”); id. at 127 (“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.”); Third Statement of Archbishop Martino, supra note 193, at 130 (noting that long-term solutions to
inherent in addressing environmental matters in a world with so many differences among nations. Yet, by urging solidarity of wealthy nations with poorer ones, the Holy See brought an ancient teaching of solidarity to the forefront of debate on environmental matters.

Many of these themes were reiterated in the Holy See's participation in the 2002 United Nations World Summit for Sustainable Development, a summit marking the tenth anniversary of the Rio Conference.203

Pope John Paul II expressed high hopes on the eve of the summit when he prayed:

We all hope that the many Heads of State and Government present, and the other participants, will succeed in finding effective ways for an integral human development which keeps in mind the economic, social and environmental dimensions. In a world that is increasingly interdependent, peace, justice and the safeguarding of creation must be the fruit of the common effort of all in pursuing together the common good.204

In preparation for that anniversary summit, Bartholomew I, the Ecumenical

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environmental problems require "real changes in individual and collective lifestyles and productive systems"). In a later statement, Archbishop Martino declared,

[E]veryone on earth has a right and an invitation to share at the banquet of life. But what kind of a banquet would it be if a few first comers gobble the largest portion of the food on the table and then pity the remaining fellow guests, maybe even faulting them for being so many or so hungry?

Fourth Statement of Archbishop Martino, supra note 201, at 134; see also STOCKHOLM TO JOHANNESBURG, supra note 10, at 48 ("The Social Teaching of the Church consistently gives preferential attention to the situation of the poor."); id. ("Structural forms of poverty must continue to be addressed . . . . The poor must not be singled out for population control measures as if it were the poor who by their very existence and number were the cause, rather than the victims, of a lack of development or ecological degradation." (citation omitted)).

203 In preparation for that meeting, the Holy See made some preliminary statements of its position in the Paper of the Holy See to the IV Preparatory Committee Meeting for the World Summit for Sustainable Development (May 27 - June 7, 2002), in STOCKHOLM TO JOHANNESBURG, supra note 10, at 141. This document spoke to "the three pillars of sustainable development—the economic, the social and the environmental . . . ." Id. (emphasis omitted); see also Vatican Calls for "Ecological Conversion" at Johannesburg Summit, Sept. 3, 2002, available at http://www.zenit.org (describing participation of Holy See in Johannesburg summit).

204 Human Beings Have God-Given 'Ecological Vocation,' supra note 185, at 1.
Patriarch of the Greek Orthodox Church, and Pope John Paul II signed the Venice Declaration\(^{205}\) in which both stated their concern about "the negative consequences for humanity and for all creation resulting from the degradation of some basic natural resources such as water, air and land, brought about by an economic and technological progress which does not recognize and take into account its limits."\(^{206}\) The two leaders expressed their joint beliefs in the goodness of creation,\(^{207}\) the centrality of the human person,\(^{208}\) and the belief that, at its core, the environmental crisis reflects moral failing.\(^{209}\)

The Declaration also advocates "environmentally ethical behavior stemming from our triple relationship to God, to self and to creation."\(^{210}\)

This ethical behavior is, the view of Pope John Paul II and His Holiness Bartholomew I, to be pursued by advancing six goals:

\(^{205}\) The Venice Declaration, formally known as the "Common Declaration of Pope John Paul II and the Ecumenical Patriarch Bartholomew I," is discussed more fully in STOCKHOLM TO JOHANNESBURG, supra note 10, at 72-74. See also Patriarch of Constantinople's Address on Environmental Ethics (June 11, 2002) (on file with author) (reporting reflections of Patriarch Bartholomew I of Constantinople in preparation for the signing of the Venice Declaration).

\(^{206}\) Common Declaration of Pope John Paul II and Ecumenical Patriarch Bartholomew I (June 10, 2002), in STOCKHOLM TO JOHANNESBURG, supra note 10, at 149 [hereinafter Venice Declaration].

\(^{207}\) Id. ("Almighty God envisioned a world of beauty and harmony, and He created it, making every part an expression of His freedom, wisdom and love. . . .") (citation omitted)).

\(^{208}\) See, e.g., id. The Declaration stated:

At the centre of the whole of creation, He 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 . . . in His image and likeness. Marked with that resemblance, we have been placed by God in the world in order to cooperate with Him in realizing more and more fully the divine purpose for creation.

Id. (citations omitted); see also id. at 150 ("Respect for creation stems from respect for human life and dignity."); id. ("A new approach and a new culture are needed, based on the centrality of the human person within creation . . . .").

\(^{209}\) Venice Declaration, supra note 206, at 149 (lamenting the fact that "man and woman sinned by disobeying God and rejecting His design for creation. Among the results of this first sin was the destruction of the original harmony of creation"); id. at 149 ("[W]e are still betraying the mandate God has given us: to be stewards called to collaborate with God in watching over creation in holiness and wisdom.").

\(^{210}\) Id. at 150.
ENVIRONMENTAL ETHICS

1. Concern for future generations;  
2. Respect for natural law principles;  
3. Intelligent use of technology;  
4. Solidarity;  
5. Subsidiarity and willingness of wealthier nations to play a more costly role in environmental protection; and  
6. Respect for various views on environmental questions.

This Declaration was an important step, both in ecumenical environmental dialog, and in its ability to articulate a core of principles that could serve as a basis for international dialog and, perhaps, even consensus.

In addition to the Holy See's participation in environmental debates through major international events, a second landmark development in the papacy of Pope John Paul II was the publication of a new, authoritative version of the *Catechism of the Catholic Church* in 1994. This Catechism, a project of particular importance in the papacy of Pope John Paul II, included within its pages a number of teachings directly bearing on environmental matters. While on the one hand the Catechism's purpose was to restate

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211 *Id.* at 151 (encouraging all “[t]o think of the world’s children when we reflect on and evaluate our options”).

212 *Id.* (praising natural law as “the true values . . . that sustain every human culture”).

213 *Id.* (urging that decision-makers “use science and technology in a full and constructive way, while recognizing that the findings of science have always to be evaluated in the light of the centrality of the human person, of the common good and of the inner purpose of creation”).

214 *Venice Declaration, supra* note 206, at 151 (urging humanity “[t]o be humble regarding the idea of ownership and to be open to the demands of solidarity” because “[w]e have not been entrusted with unlimited power over creation, we are only stewards of the common heritage”).

215 *Id.* at 151. The Declaration notes that in environmental matters,  
[e]veryone 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 . . . . 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. . . .

*Id.*

216 *Id.* at 152 (urging those concerned about environmental matters “[t]o promote a peaceful approach to disagreement about how to live on this earth, about how to share it and use it, about what to change and what to leave unchanged”).

217 *CATECHISM, supra* note 19.
established doctrine rather than generate new teaching, it was extremely important in the clarification and compilation of the environmental teachings that already existed. It combined those teachings in a comprehensive way and, more importantly, compiled them in a source that was more widely distributed and read among the laity than the papal encyclicals had been.

The Catechism stated the importance of the created world with the blunt and forceful recognition that "our Creed begins with the creation of heaven and earth, for creation is the beginning and the foundation of all God's works." This theme of creation's goodness and its link to the goodness of the Creator is reiterated, as are a number of traditional themes such as the particular privileges and responsibilities of humanity in creation, the intrinsic value of the created world, the interconnectedness of all parts of creation, the obligation of responsible stewardship, and the care that

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218 Id. at 54.
219 See, e.g., id. at 74 (stating that discoveries about creation should "invite us to even greater admiration for the greatness of the Creator, prompting us to give him thanks for all his works and for the understanding and wisdom he gives to scholars and researchers"); id. at 75 ("[T]he revelation of creation is inseparable from the revelation and forging of the covenant of the one God with his People. Creation is revealed as the first step toward this covenant, the first and universal witness to God's all-powerful love."); id. at 77 ("The glory of God consists in the realization of this manifestation and communication of his goodness, for which the world was created."); id. at 79 ("Because creation comes forth from God's goodness, it shares in that goodness . . . ."); CATECHISM, supra note 19, at 88 ("The beauty of creation reflects the infinite beauty of the Creator . . . .").
220 See, e.g., id. at 79 ("God willed creation as a gift addressed to man, an inheritance destined for and entrusted to him."); id. at 81 ("To human beings God . . . gives the power of freely sharing in his providence by entrusting them with the responsibility of 'subduing' the earth and having dominion over it." (citation omitted)); id. at 88 ("Man is the summit of the Creator's work, as the inspired account expresses by clearly distinguishing the creation of man from that of the other creatures." (emphasis omitted) (citation omitted))); id. at 91 ("God created everything for man, but man in turn was created to serve and love God and to offer all creation back to him . . . ." (citation omitted)).
221 See, e.g., id. at 88 ("Each creature possesses its own particular goodness and perfection." (emphasis omitted)).

Each of the various creatures, willed in its own being, reflects in its own way a ray of God's infinite wisdom and goodness. Man must . . . respect the particular goodness of every creature, to avoid any disordered use of things which would be in contempt of the Creator and would bring disastrous consequences for human beings and their environment.

CATECHISM, supra note 19, at 88.
222 See., e.g., id. ("God wills the interdependence of creatures. . . . Creatures exist only in
must be given to the needs of all—including future generations—for the goods of the earth.\textsuperscript{224} While the Catechism broke no new ground, the attention it paid to the questions of creation and man’s status vis-a-vis that creation highlights the growing importance of environmental matters in the teachings of the modern Church.

D. \textit{Environmental Teachings from the American Catholic Church}

While at its highest level Catholic social thought is developed for the universal church through papal encyclicals and teachings, the local Churches have also become active participants in discussions about environmental policy. This is particularly true in the United States, where environmental concerns are a particularly high profile political issue.\textsuperscript{225} In response to, and in light of this, the American Bishops have issued two major statements on environmental affairs.

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\textsuperscript{224} See, e.g., \textit{id.} at 580 (“Animals are entrusted to man’s stewardship; he must show them kindness. They may be used to serve the just satisfaction of man’s needs.”).

\textsuperscript{225} According to John Carr, the secretary of social development at the United States Catholic Council of Bishops, the American Catholic Church’s involvement in environmental issues does not make it “the Sierra Club at prayer.” Fialka, \textit{supra} note 9, at A24. Instead, “[w]e’re the Catholic community trying to take our environmental responsibilities seriously.” \textit{Id.} For a more extensive discussion of the uniquely American aspects of Catholic thought on ecological questions, see generally John Manuel Lozano, \textit{The Earth in American Catholic Spirituality}, in \textit{THE ECOLOGICAL CHALLENGE}, \textit{supra} note 11, at 115-26.
First, on November 14, 1991, the United States Catholic Conference issued its landmark pastoral statement on environmental issues, *Renewing the Earth: An Invitation to Reflection and Action on Environment in Light of Catholic Social Teaching* (Renewing the Earth). In this document—called by one commentator the document that “inaugurates official U.S. Catholic reflection on environmental issues”—the American bishops offered an extensive explication of environmental ethics which both complemented and expanded upon Pope John Paul’s 1990 *Peace Statement*. Consistent with papal statements, the American bishops viewed environmental degradation as “a moral challenge” that “calls us to examine how we use and share the goods of the earth, what we pass on to future generations, and how we live in harmony with God’s creation.” Predictably, *Renewing the Earth* expressed concern about future generations, advocated stewardship as the appropriate model for environmental care, praised the goodness of creation, acknowledged the uniquely important role of humans in creation, rejected population control as the basis for ecological advance-

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227 Hinze, supra note 10, at 167.

228 *Renewing the Earth*, supra note 226, at 223.

229 Id. A similar sentiment is expressed in id. at 238-39 (noting that “[t]he ecological crisis ... challenges us to extend our love to future generations and to the flourishing of all earth’s creatures”).

230 Id. at 225 (“[G]enerations yet unborn will bear the cost for our failure to act today.”).

231 Id. at 226 (“Nature is not ... merely a field to exploit at will or a museum piece to be preserved at all costs. We are not gods, but stewards of the earth.”); id. at 239 (“We shall be required to be genuine stewards of nature and thereby co-creators of a new human world.”)

232 *Renewing the Earth*, supra note 226, at 228 (“God’s wisdom and power were present in every aspect of the unfolding of creation ...” (citation omitted)); id. at 237 (“Our Catholic faith continues to affirm the goodness of the natural world.”). However, the letter also cautions against viewing creation as worthy of worship in a way that should be reserved only to God. The bishops warn that “ordered love for creation ... is ecological without being ecocentric. We can and must care for the earth without mistaking it for the ultimate object of our devotion.” Id. at 238.

233 Id. at 228 (“People share the earth with other creatures. But humans, made in the image and likeness of God, are called in a special way ... Men and women ... bear a unique responsibility under God: to safeguard the created world and by their creative labor even to enhance it.”).
warned of the ecological consequences of war, and identified environmental woes as moral problems.

In addition, the letter identified seven principles upon which environmental policy should be based. These are clearly consistent with papal teachings and appear to add little by way of new thought to this area. They do, however, serve a valuable purpose in focusing attention on basic principles. These seven bedrock themes are:

1. Adopting "[a] God-centered and sacramental view of the universe;"
2. Maintaining "consistent respect for human life, which extends to respect for all creation;"
3. Adopting "[a] worldview affirming the ethical significance of global interdependence and the common good;"

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234 Id. at 235 ("[A]dvantaged groups often seem more intent on curbing Third World births than on restraining the even more voracious consumerism of the developed world . . . . [T]his compounds injustice and increases disrespect for the life of the weakest among us."); id. at 236 ("The care of the earth will not be advanced by the destruction of human life at any stage of development.").

235 Renewing the Earth, supra note 226, at 236-37 ("Clearly, war represents a serious threat to the environment . . . . [T]he earth itself bears the wounds and scars of war."). For further discussion of the relationship between military and ecological issues, see generally Kenneth R. Himes, Environment and National Security: Examining the Connection, in THE CHALLENGE OF GLOBAL STEWARDSHIP, supra note 93, at 186-209.

236 Renewing the Earth, supra note 226, at 229 ("Humanity's arrogance and acquisitiveness, however, led time and again to our growing alienation from nature . . . ." (citation omitted)); id. at 235 ("We in the developed world . . . are obligated to address our own wasteful and destructive use of resources as a matter of top priority."); id. at 240 (advocating that "traditional virtues of prudence, humility, and temperance are indispensable elements of a new environmental ethic").

237 Id. at 230 (emphasis omitted). This theme is discussed more fully at id. at 231-32. The letter notes that "we must both care for creation according to standards that are not of our own making and at the same time be resourceful in finding ways to make the earth flourish. It is a difficult balance . . . ." Id. at 231.

238 Renewing the Earth, supra note 226, at 230 (emphasis omitted). This theme is discussed more fully in id. at 232 ("Respect for nature and for human life are inextricably related.").

239 Id. at 230 (emphasis omitted); see also id. at 232 ("Ecological concern has now heightened our awareness of just how interdependent our world is. Some of the gravest environmental problems are clearly global.").
4. Pursuing "ethics of solidarity;"\textsuperscript{240}
5. Respecting "the universal purpose of created things;"\textsuperscript{241}
6. Advancing "[a]n option for the poor;"\textsuperscript{242} and
7. Advocating "authentic development . . . that respects human dignity and the limits of material growth."\textsuperscript{243}

The pastoral letter, however, also expanded on particular concerns. It bluntly pointed out the highly controversial problem that arises when environmental remediation costs fall disproportionately on poor workers:

[I]t is the poor and 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.\textsuperscript{244}

Although such disparities on the global scale are addressed in papal statements, the American bishops highlighted the fact that this inequity is mirrored on the domestic level.

\textsuperscript{240} Id. at 230 (emphasis omitted); see also id. at 233 ("[S]olidarity requires sacrifices of our own self-interest for the good of others and of the earth we share.").
\textsuperscript{241} Renewing the Earth, supra note 226, at 230 (emphasis omitted); see also id. at 234 ("Created things belong not to the few, but to the entire human family.").
\textsuperscript{242} Id. at 230 (emphasis omitted). This theme is elaborated on more fully in id. at 234:

The painful adjustments we have to undertake in our own economies for the sake of the environment must not diminish our sensitivity to the needs of the poor at home and abroad. The option for the poor embedded in the Gospel and the Church's teaching makes us aware that the poor suffer most directly from environmental decline and have the least access to relief from their suffering.

\textsuperscript{243} Id. at 230 (emphasis omitted); see also id. at 234-36.
\textsuperscript{244} Renewing the Earth, supra note 226, at 225; see also id. at 239 ("[N]either 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.")
Renewing the Earth is also distinct from papal proclamations in its attention to outlining, in highly specific details, the range of environmental justice activities in which the American Catholic church has become involved. While most documents articulating Catholic teaching have a clear theoretical basis, this list of activities gives Renewing the Earth a different flavor, and makes it more of a "call to action" than most other documents in this genre.

After Renewing the Earth, the second major ecological document to emerge from the American Catholic leadership was the statement of the United States Catholic bishops on Global Climate Change: A Plea for Dialogue, Prudence, and the Common Good (Global Climate Change Statement), approved by the bishops in June, 2001. In large part, this statement reiterated traditional themes such as the goodness of creation, the importance of stewardship, intergenerational responsibility, the virtue of...
prudence,251 the special role of humans in creation,252 and the need to consume with restraint253 rather than look to population control as the solution to ecological woes.254 However, it also made a number of new contributions.

This document, perhaps more so that others before it, outlined the bishops' perception of the role that the Church is called to play in environmental debates. The bishops wrote:

As bishops, we are not scientists or public policy makers. We enter this debate not to embrace a particular treaty, nor to urge particular technical solutions, but to call for a different kind of national discussion. Much of the debate . . . seems polarized and partisan. Science is too often used as a weapon . . . . Various interests . . . minimize or exaggerate the challenges we face. The search for the common good and the voices of poor people and poor countries sometimes are for the children of tomorrow. As stewards of their heritage, we have an obligation to respect their dignity and to pass on their natural inheritance, so that their lives are protected and, if possible, made better than our own.); id. at 11 ("Our obligations to the one human family stretch across space and time. They tie us to the poor in our midst and across the globe, as well as to future generations.").

251 Id. at 6 ("The virtue of prudence is paramount in addressing climate change. . . . Prudence is intelligence applied to our actions. . . . Prudence is not, as popularly thought, simply a cautious and safe approach to decisions. Rather, it is a thoughtful, deliberate, and reasoned basis for taking or avoiding action to achieve a moral good.").

252 Id. at 7 (noting that "God . . . endowed humanity with reason and ingenuity that distinguish us from other creatures").

253 Id. at 8-9 ("Our religious tradition has always urged restraint and moderation in the use of material goods, so we must not allow our desire to possess more material things to overtake our concern for the basic needs of people and the environment."); id. at 9 ("A renewed sense of sacrifice and restraint could make an essential contribution to addressing global climate change."); GLOBAL CLIMATE CHANGE, supra note 247, at 10 ("Affluent nations . . . have to acknowledge the impact of voracious consumerism instead of simply calling for population and emissions controls from people in poorer nations."); id. at 15 ("Each of us should carefully consider our choices and lifestyles. . . . While the poor often have too little, many of us can be easily caught up in a frenzy of wanting more . . .").

254 Id. at 10 ("Behind every demographic number is a precious and irreplaceable human life whose human dignity must be respected. The global climate change debate 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.").
neglected. . . . [W]e seek to offer a word of caution and a plea for genuine dialogue . . . .

At first blush, this seems to concede a great deal as the bishops narrow the scope of their participation in the debate. The mere fact that the Global Climate Change Statement begins, however, with a harsh criticism of the secular debate suggests that there is a void in the discourse that would benefit from the interjection of "a distinctly religious and moral perspective to what is necessarily a complicated scientific, economic, and political discussion." While the bishops purposefully narrow the scope of their competency in environmental policy, and cede away scientific and political authority, they strongly assert that the moral perspective must be included regardless of what is discernable through science or achievable through politics.

The bishops also claim that the United States bears a particularly weighty responsibility in matters of environmental stewardship. Papal documents issued for worldwide audiences discuss in detail the obligations of developed countries vis-a-vis developing ones. The Global Climate Change statement, however, singles out the United States for particular responsibility, arguing that "[b]ecause of the blessings God has bestowed on our nation and the power it possesses, the United States bears a special

\[255\] Id. at 1-2; see also id. at 5 ("As Catholic bishops, we make no independent judgment on the plausibility of 'global warming.'").

\[256\] Id. at 2. Others, too, have criticized the polarized nature of ecological debate. See, e.g., Cowdin, supra note 17, at 120-21.

[O]ur philosophical and political options tend to lurch between thoughtless exploitation and radical preservation, between nature as exploitable and nature as untouchable. . . . [O]ne of the tasks of a religiously based ethic is to overcome this radical polarization . . . so that our relationship to nature does not simply fracture into irreconcilable parts.

\[257\] Id.

\[258\] Id.

\[259\] The Global Climate Change statement also makes similarly broad claim. See Global Climate Change, supra note 247, at 11-12 ("[H]istorically the industrial economies have been responsible for the highest emissions of greenhouse gases that scientists suggest are causing the warming trend. Also, significant wealth, technological sophistication, and entrepreneurial creativity give these nations a greater capacity to find useful responses to this problem.")
responsibility in its stewardship of God's creation to shape responses that serve the entire human family.\footnote{Id. at 2; see also id. at 12 ("No strategy to confront global climate change will succeed without the leadership and participation of the United States and other industrial nations.").}

In addition, while many other policy statements of the Catholic Church directly tie environmental issues to development issues, the Global Climate Change is very specific in outlining particular aspects of development that should be linked to ecological policy.\footnote{Id. at 10.} It calls for bettering "education and social conditions for women,"\footnote{Id.} assisting developing nations in developing and financing "energy-efficient technologies,"\footnote{Id. at 12.} involving developing nations in decision making,\footnote{GLOBAL CLIMATE CHANGE, supra note 247, at 12 ("Developing and poorer nations must have a genuine place at the negotiating table. Genuine participation for those most effected is a moral and political necessity for advancing the common good.").} and providing "incentives to corporations to reduce greenhouse gas emissions and assistance to workers affected by these policies.\footnote{Id. at 15.} These suggestions reflect a far greater degree of specificity than is common.

In addition to these two major statements by the nations' bishops as a whole, local bishops have also made statements on the environment. For example, the bishops of New Mexico,\footnote{See New Mexico Bishops' Statement, supra note 36.} Florida,\footnote{Florida Bishops' Letter, supra note 14, at 609.} and Maine,\footnote{See Judy Harrison, Balance Environment, Economy, Bishop Says, BANGOR DAILY NEWS, Jan. 29, 1999, at A1 (describing a statement in which Bishop Joseph Gerry asked the Maine legislature "to formulate a moral vision encompassing the vast natural resources that are such a blessing from the creator, and that make up Maine's great heritage"). Bishop Gerry went on to urge the legislature to take into account "moral consideration for natural resources policy [that] assure[s] that any authentic development enables the poorest among us to participate in economic benefits." Id.} among others, have articulated their environmental concerns in pastoral letters, speeches, and other documents that either reiterate already established environmental teachings or apply those teachings to particular local problems to both. This practice has also been followed by local bishops in other countries as they have spoken out independently on those environmental questions that are particularly important to their regions.\footnote{See, e.g., Bishop Benedict Singh, Pastoral Letter on the Environment: The Omai
In recent years, there has also been a rise in educational programs linking environmental issues and the Catholic faith. This has been true both in the United States and abroad.

III. ENVIRONMENTAL PRINCIPLES GLEANED FROM CATHOLIC SOCIAL THOUGHT

Catholic teaching on environmental matters, it is fair to observe, includes a number of consistent and oft-reiterated doctrines. While various

270 It has not only been American clerics and religious leaders who have noted the need to more fully educate the laity as to the connections between faith and ecological issues. See, e.g., We Need a New Theology to Care for the Earth, ASIA FOCUS, Mar. 31, 1990, at 8 (quoting Father K.M. Mathew, of southern India, who commented, “Priests and Religious should take the lead to create such awareness among people. We need a new theology to care for the earth. We must look at the ‘option for the poor’ in a holistic way which implies distribution of available resources to all in a just way”).

271 See, e.g., Jakowska, supra note 10, at 140-46 (describing educational initiatives with respect to the environment undertaken by the Church in Latin America).
documents highlight diverse issues, a number of overarching themes emerge. Taken as a whole, '[t]hese teachings call for radical change: for a conversion of the heart and mind so that all may have life, life in abundance. This implies living in harmony with all of creation. When this is so, the world will truly be at peace and all of creation will reflect the beauty of the Creator.' Catholic teaching urges an active attention to environmental affairs that is realistic but yet optimistically resistant to the alarmist fears which can be rampant in environmental discussions. While there is always danger in

272 STOCKHOLM TO JOHANNESBURG, supra note 10, at 10.
273 II CHARLES, supra note 35, at 150 ("The predictions of the doomsters then do not stand up to examination—but that does not mean that there is any room for complacency. . . ."); Population Problems, supra note 186, at 6 (reporting statement by Pope John Paul II that while "some people fear that the point will even be reached when it will be impossible to feed all the world's people. It is important . . . not to be guided by fear"); see also Work Transforms Creation, supra note 185, at 5. Pope John Paul II comments:

As you all know, the problem of pollution has emerged, as well as the depletion of reserves, but people have become aware of it and will be able to take precautionary measures. . . . [W]e must not listen to the "prophets of doom" who are ready to see disaster around every corner. Certainly mankind has the power to destroy . . . every form of life on the face of the earth; however, the Christian concept, by strengthening the most noble impulses of human nature, offers cause for unchanging hope and sustains our reasons for optimism. . . .

Id.

274 See, e.g., Ledewitz & Taylor, supra note 13, at 599 ("We literally do not know whether our way of life will come crashing down within the relatively near future."); Senator Henry M. Jackson, Environmental Policy and Congress, 11 NAT. RESOURCES J. 403, 414 (1971) (criticizing "growing tide of hysterical incantations by some environmental extremists"); Joe Holland, The Death Wish of Late Modern Euro-American Culture and the Spiritual Wisdom of the Ancient Native Peoples, 9 ST. THOMAS L. REV. 59, 60 (1996) (despairing that "Euro-American White Western culture, in addition to its important contributions, now leads the entire human family on a path of ecological, societal, and spiritual degeneration"); id. at 66 ("[T]he entire planet and all its peoples are threatened by ecological, societal, and spiritual devastation."). Author Jürgen Moltmann noted the view of a German Protestant theologian that

[w]hat we call the environmental crisis is not merely a crisis in the natural environment of human beings. It is nothing less than a crisis in human beings themselves. It is a crisis of life on this planet, a crisis so comprehensive and so irreversible that it can not unjustly be described as
taking a vast body of doctrine and signaling out portions of it as particularly important, when taken as a whole and from its many sources, Catholic social teaching on the environment can be summed up in six major principles.

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

Catholic social thought on the environment—as is true of Catholic teaching on all other social questions—begins with emphasis on respect for human life and dignity. This mandates that in thinking about environmental apocalyptic. It is not a temporary crisis. . . . [I]t is the beginning of a life and death struggle for creation on this earth.

Moltmann, supra note 17, at xi; id. at 20 (“[T]his crisis is going to end in a wholesale catastrophe.”); Boff, supra note 13, at 8 (warning that the present age is an “apocalyptic catastrophe menacing all creation”); Gabriel Daly, *Foundations in Systematics for Ecological Theology*, in PRESERVING THE CREATION, supra note 8, at 33, 33 (fearing that “planet Earth is under siege, attacked and ravaged by its most intelligent animal species, homo sapiens” (emphasis omitted)).

See, e.g., Lannan, supra note 10, at 382 (“Catholic authorities have also demanded a particular respect for the sanctity of human life as part of an overall strategy for protecting the environment.”); Murphy, supra note 10, at 91 (noting that all of Catholic social teaching “revolves around the bedrock conviction of the dignity and inalienable rights of individual persons, a conviction which finds its very basis in the divine creation of humanity in God’s own image and likeness”); *Never Sacrifice Values for Easy Profit*, supra note 181, at 2 (noting Pope John Paul II’s comment that “it is impossible to recognize the Creator’s intervention in the nature that surrounds us without pausing to reflect on human dignity, rendered unique by divine charity”); *Environment is Both Home and Resource*, supra note 46, at 2 (noting Pope John Paul II’s exhortation that “defence of life and the consequent promotion of health, especially among very poor and developing peoples, will be simultaneously the measure and the basic criterion of the ecological horizon at both the regional and world level” (emphasis omitted)); Cardinal George Basil Hume, *Ethics in Institutions and the Environment: An Address to the Conference on Social and Moral Regeneration* (June 23, 1998), in BRIEFING, July 16, 1998, at 32, 32 (“[A]ll political and economic policies, all business projects, are to be first and last evaluated by their impact on the human person.”); Florida Bishops’ Letter, supra note 14, at 610 (“Related to our ecological concern[,] is our Christian consistent ethic of human life.”); Statement by H.E. Archbishop Giovanni Tonucci, Apostolic Nuncio Head of the Delegation of the Holy See (Feb. 4, 1999), at 2 (“The determining factor in conserving the environment is the human person; the only one who is conscious of itself and also gifted with the intelligence to explore, the wisdom to utilise and protect its surroundings and finally capable of being responsible for its decisions and consequences.”); id. at 3 (“Research and development in the
questions, the good of the human must remain at the forefront of concern. Catholic teaching steadfastly and enthusiastically acknowledges that creation is, itself, intrinsically good, and should be a source of joy to humanity in much the same way that it gave joy to its Creator. Indeed, much of the

area must be at the service of the person. These principles should prevail over any other interest in the preparation of legally binding instruments to safeguard the integrity of human life.""); Omai Awakening, supra note 269, at 1 ("The dignity and value of the human person is of supreme importance. Society is made for man and woman. Individual human beings are the foundation, the cause and the end of every social institution; their security is to be put above all else."); id. at 2 ("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."); 1999 Peace Message, supra note 186 (expressing Pope John Paul II's conviction that "[p]lacing human well-being at the centre of concern for the environment is actually the surest way of safeguarding creation; this in fact stimulates the responsibility of the individual with regard to natural resources and their judicious use"); Indonesian Bishops' Letter, supra note 269, at 117 ("Our concern towards environment is closely related to our concern towards life itself."); id. at 118 ("God's power that enlivens the world encourages men and women to devote themselves for protecting the survival of human life."); CARE FOR CREATION, supra note 10, at 1 ("Ecological crisis impacts on life, including human life. For Christians and all human beings, this must be a priority concern."); Address of Pope John Paul II to European Bureau, supra note 187, at 7 (noting the Church's "anthropological viewpoint" and asserting that because "environment and development both involve the human person, the centre of creation," it is essential that "[e]conomic and political decisions regarding the environment must therefore be made to serve individuals and peoples" (emphasis omitted)); Kloehn, supra note 12, at E5 (arguing that for "the Roman Catholic bishops, interest in the environment comes out of a belief that pollution and environmental degradation are directly linked to poverty, and therefore must be a part of the church's 'justice ministry'").

But see New Mexico Bishops' Pastoral Statement, supra note 36, at 1 (advocating broader view that there be "consistent respect for human life, which extends to respect for all creation").

CATECHISM, supra note 19, at 89 ("There is a solidarity among all creatures arising from the fact that all have the same Creator and are all ordered to his glory." (emphasis omitted)); id. at 84 ("God created the world to show forth and communicate his glory. That his creatures should share in his truth, goodness, and beauty—this is the glory for which God created them."); MURPHY, supra note 10, at xx ("If the earth is worthy of being the home of God, it is worthy to be our home too."); id. at 6 ("The beauty of the creation betrays traces of its Maker"); id. at 82. Murphy continued:

Nature in the Catholic tradition has an integrity and a finality of its own . . . which, though impeded and wounded by human sinfulness, cannot in this way be destroyed. Creation is not a fall from grace nor an absence of God but a reflection, even in its fallen state, of God's power and divinity . . . .
Id.; id. at 89 (noting that in biblical accounts of creation, "sheer delight on the part of God the Creator can be detected as God proudly surveys his work"); PROMISE OF NATURE, supra note 9, at 77 (positing that a "satisfactory ecological ethic presupposes that nature is intrinsically, not just instrumentally, valuable.... [N]ature must be seen as good or valuable in itself, and not simply taken as material to be molded into human products or technological accomplishments devised only to secure our own existence"); Pope Paul VI, Message on the Occasion of the Fifth World Environment Day (June 5, 1977) (copy on file with author) [hereinafter Fifth World Environment Day]. The Pope stated:

[T]his creation is to be seen and embraced by all people in its totality as good: good because it is a gift from God: good because it is the environment in which all of us have been placed and in which we are called to live out our vocations in solidarity with one another.

Id.; Dwelling Place of Peace, supra note 183, at 2. This statement includes Pope John Paul II's reflection that:

man can, indeed he must, love the things of God's creation: it is from God that he has received them, and it is as flowing from God's hand that he looks upon them and reveres them. Man thanks his divine benefactor for all these things, he uses them and enjoys them in a spirit of poverty and freedom: thus he is brought to a true possession of the world, as having nothing yet possessing everything.

Id.; Fasting, supra note 185, at 1 (reporting Pope John Paul II's exclamation that "[c]reated things bear the sign of the Creator's goodness and beauty"); Never Sacrifice Values for Easy Profit, supra note 181, at 2 (reporting Pope John Paul II's admonishment that people "be able to respect creation... and preserve... the capacity to admire wholeheartedly the marvelous riches of nature... ."); Hume, supra note 275, at 33 ("The Christian doctrine of creation embodies the profound conviction that the Earth is created good, and it calls us to treasure this gift."); Florida Bishops' Letter, supra note 14, at 609 ("The Bible tells us that all creation is good."); id. at 610 ("Every creature contains some memory of the Creator."); Omai Awakening, supra note 269, at 1 ("[H]uman beings share a deep and intimate affinity with nature. The stupendous and wondrous work of creation is a source of marvel for all."); Himes, supra note 46, at 4. Himes stated:

It is difficult to do justice to the environment when the presumption is that creation has no purpose other than to serve human convenience. The vision of Francis suggests that creation has an independent moral status.

... [H]umans ought to reassess our responsibility to the environment, for it, too, has been loved into existence by God.

Id.; id. ("For the author of Genesis it is difficult to imagine humanity apart from the rest of creation which from the beginning was pronounced by the creator as good."); Care for Creation, supra note 269, at 1 ("Genesis contains a clear and repeated message that creation, sun and stars, land and seas, animals and plants, is good in God's eyes. All creation is called to give praise to God... ."); Address to Flemish-Speaking Youth, supra note 181, at 36 ("All nature that surrounds us is a creation like us, creation with us, and shares a common destiny with us, in God himself, to find its ultimate destiny and fulfillment as the new heaven and the
sacramental life of the Catholic Church has rich real and symbolic connections to the good, natural, created world. Nevertheless, the Church’s


The beauty of nature, things, and people can be stunning. How can we not see in a mountain sunset, in the immensity of the ocean, or in the features of a face, something that both attracts us and invites us to want to know more about the reality in which we live?

Id. But see Environment is Both Home and Resource, supra note 46, at 2 (noting Pope John Paul II’s comment that “worldly realities are good because they were willed by God for love of man”); Florida Bishops’ Letter, supra note 14, at 610 (“Nature has a value in itself, but it also has an instrumental value as the support of human life and well-being.”).

See, e.g., CARE FOR CREATION, supra note 10, at 2. This article explained that:

Catholics see creation in a ‘sacramental’ way. The abundance and beauty of God’s creation reveals to us something of the generosity of the Creator. . . . Catholic spirituality and sacramental practice are rooted in the belief that basic materials such as water, grain made into bread and grapes made into wine can communicate and convey God’s saving action into our midst.

Id.; id. at 63 (“[W]e tend to overlook how very close we are to the things of the earth in our liturgical and sacramental life: water, oil, salt, bread, wine.”); DALY & COBB, supra note 41, at 54-55 (discussing natural symbols and elements of sacramental life); PROMISE OF NATURE, supra note 9, at 78 (“Without allowing natural objects to become idols, a wholesome sacramentalism prevents nature from being turned into mere stuff for human consumption.”);

STOCKHOLM TO JOHANNESBURG, supra note 10, at 62 (“Anyone who wants to find self must learn to savor nature, the beauty of which is linked to the silence of contemplation. In fact, the rhythms of creation are so many paths of extraordinary beauty along which the believing heart can grasp the beauty of God the Creator.”); Lannan, supra note 10, at 384 (“Catholic bishops and theologians have sought to develop a greater appreciation for the goodness of nature and the presence of God in creation by encouraging Catholics to develop a ‘sacramental’ view of the environment.”); id. at 385 (“Catholics have consciously used symbols from nature in most of the seven sacraments.”)); New Mexico Bishops’ Statement, supra note 36, at 1 (advocating “[a] God-centered and sacramental view of the universe”);

Edwards, supra note 10, at 201 (“[T]here are strong links with creation, not only in the great liturgical symbols of the church, but also in our regular liturgical language.”). One of the most extensive discussions of these linkages can be found in Kevin W. Irwin, The Sacramentality of Creation and the Role of Creation in Liturgy and Sacraments, in PRESERVING THE CREATION, supra note 8, at 67. Professor Irwin observes that “[t]he use of material creation in the liturgy has traditionally been understood to reflect back to the creator and to imply an understanding that rests on the sound foundation of theological anthropology.” Id. at 73; see also id. at 74 (remarking that “determination of times for celebration of the daily liturgy of the hours, the seasons of the church year and some feast
teaching consistently returns to the theme that humans have a unique role in that good creation. By virtue of being the only creature made in the image and likeness of God, the primacy of human dignity must be defended in making days derive from the rhythm of the cosmos" (citations omitted)). For a more detailed discussion of the links between ecology and liturgy, see generally Richard N. Fragomeni, Liturgy at the Heart of Creation: Towards an Ecological Consciousness in Prayer, in THE ECOLOGICAL CHALLENGE, supra note 11, at 67; Irwin, supra, at 105-46 (providing one of the most detailed analyses of the link between ecology and liturgical celebration). In an interesting explication of the ecological aspects of the preparatory rites in Catholic liturgy, see generally Edward Foley, et al., The Preparatory Rites: A Case Study in Liturgical Ecology, in THE ECOLOGICAL CHALLENGE, supra note 11, at 83.

CATECHISM, supra note 19, at 88 (“The hierarchy of creatures is expressed by the order of the ‘six days,’ from the less perfect to the more perfect.”)(emphasis omitted)); id. at 88 (“Man is the summit of the Creator’s work, as the inspired account expresses by clearly distinguishing the creation of man from that of the other creatures.”)(emphasis omitted)); id. at 91 (noting that the human “alone is called to share, by knowledge and love, in God’s own life”); id. at 468 (“Social justice can be obtained only in respecting the transcendent dignity of man. The person represents the ultimate end of society, which is ordered to him . . . .”); CARE FOR CREATION, supra note 10, 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, . . . there is an urgent and consistent insistence on the remarkable distinctiveness of this last act of creation.”); id. at 29 (“The person is part of the whole of creation and, at the same time, is clearly distinguished from all the rest of creation.”); id. at 50 (“[T]he human person occupies a distinctive place within creation. There is a tendency today to deny this . . . . to place human beings on the same level as other living beings as regards care for the environment.”)(emphasis omitted)); MURPHY, supra note 10, at 6 (“[I]t is by God’s will and design that the earth and everything that is in it have been made specifically to be our home, and that God has made us his surrogates in caring for it and tending it.”); id. at 110 (“[T]he central role of the human person opens up into the still broader perspective of God the Creator of all things, human and nonhuman.”); NORTHcott, supra note 12, at 112 (warning that “extreme ecocentrism is clearly inconsistent with a Hebrew and Christian approach which regards human life as closest in form and purpose to the life of God, and which therefore places supreme moral value on human persons and communities”); id. (“an overly mystical and holistic emphasis on the unity and spiritual oneness of all life . . . . can seriously distort and subvert the real differences between human and non-human life”); STOCKHOLM TO JOHANNESBURG, supra note 10, at 57 (“While part of creation, human persons have a special place within the world. Not only do they use its resources; God entrusted it to their care.”)(citation omitted)); Perfecting the Universe, supra note 1, at 6 (noting comment of Pope John Paul II that “[a]t the origin of work is the wonderful plan of God, who wished to place man above all things, entrusting him with the defence and protection of creation”); Work Transforms Creation, supra note 185, at 5 (noting Pope John Paul II’s explanation that the human person “is the supreme reality of creation because of the value which God the Creator gave him and because of the transcendent destiny which has been assigned him”);
decisions regarding the environment. While this does not give humanity an
unrestricted right to trample thoughtlessly over the non-human world, it does
require that environmental decision-making always consider the impact of
ecological malfeasance and nonfeasance on humanity.

An environmental ethic that has, at its root, the dignity of the human
person, includes several elements. It requires policy-makers to reject popula-
tion control regimes as a solution to environmental woes. Rather than focus
on population control, Church teaching consistently highlights resource
misallocation problems, positing that societies are often impoverished not
because of excess population but because of wide disparities in the
distribution of the goods of the world. This occurs both within individual

Environment is Both Home and Resource, supra note 46, at 2 (noting Pope John Paul II’s
comment that “biblical anthropology has considered man, created in God’s image and
likeness, as a creature who can transcend worldly reality by virtue of his spirituality, and
therefore, as a responsible custodian of the environment . . . . The Creator offers it to him as
both a home and a resource” (emphasis omitted)); Florida Bishops’ Letter, supra note 14, at
609 (“Human beings are the apex of creation because they are made in the image and
likeness of God . . . .” (citation omitted)); see also Herr, supra note 40, at 68-69. Herr
expounded:

God created human beings in his own image. In that lies their
incomparable value, as the image of God. Scripture does not wish to
express anything more than that when it states that human beings shall
‘have dominion’ over the earth. And this does not mean absolute and
untrammelled power . . . . Not at all! Scripture wants to say that between
human beings and the rest of creation there is a qualitative difference: in
worth and dignity, humanity transcends the whole of creation because it
is made in the image of God . . . .

Id. (internal citations omitted).

279 See, e.g., Population Problems, supra note 186, at 6 (noting belief of Pope John Paul II
that “[d]amage to the environment and the increasing scarcity of natural resources are often
the result of human errors. Despite the fact that the world produces enough food for
everyone, hundreds of millions of people are suffering from hunger, while elsewhere
enormous quantities of food go to waste”); id. at 8 (reporting Pope John Paul II’s reflection
that “[t]he dynamics of population growth, the complexity of uncovering and distributing
resources, and their mutual connections and consequences for the environment constitute a
long-term and demanding challenge;” thus, “only through a new and more austere manner
of living, one which springs from respect for the dignity of the person, [will humanity] be
able to meet this challenge”); Good of All, supra note 186, at 2 (reporting Pope John Paul
II’s belief that “human behaviour is sometimes the cause of serious ecological imbalance,
with particularly harmful and disastrous consequences in different countries and throughout
the world. It suffices to mention armed conflict, the unbridled race for economic growth,
inordinate use of resources, pollution of the atmosphere and water”); People Have a Basic
Right to Nutrition, supra note 187, at 7 (noting Pope John Paul II’s belief that “[w]orld food production . . . is easily sufficient to satisfy the needs of even an increasing population, on the condition that the resources which allow access to proper nutrition are shared according to real needs”); Environment is Both Home and Resource, supra note 46, at 2 (reporting Pope John Paul II’s criticism of the time when, “in the name of the exhaustibility and insufficiency of environmental resources, demands are made to limit the birth rate, especially among the poor and developing peoples”); Care for Creation, supra note 270, at 2 (urging “those consuming a disproportionate share of the earth’s natural resources . . . to examine critically their lifestyles and levels of consumption”); Message of Pope John Paul II to Nafis Sadik, supra note 187, at 195 (“While population growth is often blamed for environmental problems, we know that the matter is more complex. Patterns of consumption and waste, especially in developed nations, depletion of natural resources, the absence of restrictions or safeguards in some industrial or production processes, all endanger the natural environment.”); Address of His Holiness Pope John Paul II at the World Food Summit, supra note 187, at 592 (“To believe that any arbitrary stabilization of world population or even its reduction could directly solve the problem of hunger would . . . be an illusion . . . .”); Diane Slifer, Comment, Growing Environmental Concerns: Is Population Control the Answer?, 11 VILL. ENVTL. L.J. 111, 124 (2000). Slifer claims that:

[T]he three major monotheistic world religions, Judaism, Christianity and Islam, . . . share a common positive belief toward fertility and multiplying humanity, which is ordered by their respective holy writings. Thus, people with strictly held beliefs in these major world religions would not be able to reconcile their strongly held religious beliefs with a policy of population control . . . .

Id. (citation omitted); Omar Saleem, Be Fruitful and Multiply and Replenish the Earth and Subdue It: Third World Population Growth and the Environment, 80 GEO. INT’L. L. REV. 1, 13-14 (1995). Saleem points out that:

According to the Catholic Church, population growth is seldom the cause of poverty and environmental problems. In fact, advocates of controlled population growth are deemed cultural imperialists who merely want to maintain the current world order. The Catholic Church maintains that population growth concerns must be addressed along with economic development, health care, education and women’s rights.

Id. (citations omitted); Australian Bishops’ Statement, supra note 29, at 13 (“The direct attacks on population through international birth-control programmes are misdirected not only because they often employ immoral means . . . , but also because they fail to see that when food production and general well-being rise, populations look after themselves.”).

A full discussion of the connections between population and environmental sustainability from the perspective of the Holy See can be found in Pontifical Council for the Family, Ethical and Pastoral Dimensions of Population Trends (Mar. 25, 1994), in SERVING THE HUMAN FAMILY, supra note 187, at 711. This document reiterates many of the themes noted above, with a greater level of detail. See also Slifer, supra (analyzing population control issues from the secular legal/political perspective); James T. McHugh, A Catholic
societies as well as on the world-wide level in the oft-reported conflict between the developed north and the developing south.\textsuperscript{280} As has been observed, "[t]he traditional saying that the earth can provide for everyone’s needs, but not for everyone’s greed, is certainly relevant today."\textsuperscript{281} Although the Church’s teaching does not naively assume that population and environment are unrelated, it urges that the moral approach to tackling this question should involve attention to equitable resource allocation rather than on targeted population reduction.\textsuperscript{282}

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\textit{Perspective on Population, in} \textbf{THE CHALLENGE OF GLOBAL STEWARDSHIP}, \textit{supra} note 93, at 85 (analyzing moral implications of population control initiatives from a Catholic perspective).

\textsuperscript{280} Florida Bishops’ Letter, \textit{supra} note 14, at 610 ("It is not right for developed nations to use a disproportionate amount of the world’s resources or energies at the expense of less technically advanced nations or at the expense of future generations. It is unjust for a nation with technology to make unfair use of another country’s resources."); \textit{Statement from the Bishops’ Conference of England and Wales, supra} note 269, at 19 ("In the wealthy North, with its disproportionate consumption of resources and falling population, it is easy to regard the South's rapid population increase as the major threat. Yet rapid population growth is in fact largely a symptom, and effect of poverty, rather than a cause of poverty."); \textit{Id.} ("Attempts by the North to urge population control as the solution not only stigmatise the South as irresponsible or incompetent, but obscure the North’s own responsibility for contributing to the South’s increasing and debilitating poverty."). Indeed, even writers from secular legal and ecological perspectives have also commented on the environmental consequences of the disparity between the developed and developing worlds. \textit{See, e.g.,} Saleem, \textit{supra} note 279, at 31-32. Saleem states:

\begin{quote}
It is problematic for industrialized countries to assert that Third World countries should stop cutting down trees to reduce global warming while industrialized countries ignore the problems associated with mining, hazardous waste, pesticides, technology and risk perception and the affect of these activities on the natural environment.
\end{quote}

\textit{Id.} Karp urges that:

\begin{quote}
[N]o matter how we get there, the fact that the disparity in welfare between the developed nations and the developing nations merits attention . . . .

Developing countries have not inflicted massive pollution sores on the biosphere; moreover, they hold within their borders many of the great ecosystems remaining on the planet. We have a moral responsibility to help them avert the destruction of these ecosystems. There are mutual advantages for peoples on both sides of the great wealth divide to act as stewards.
\end{quote}

Karp, \textit{supra} note 12, at 256-57.

\textsuperscript{281} \textit{Care for Creation, supra} note 270, at 2.

\textsuperscript{282} \textit{See} Hakan Bjorkman, \textit{The Message of the 1999 Human Development Report}:
An environmental ethic focused on the dignity of the human person also requires resisting the widespread temptation to make mankind the villain in the environmental challenges facing the world. This negative approach can be seen in the words of one commentator who wrote, "[t]he question is whether one thinks that people are ruining the world." Rather than pursuing...
such a negative view of humanity, Church teaching urges a correct balance between nature and humanity that gives each the respect it is due.285

285 DAVID BURRELL & ELENA MALITS, ORIGINAL PEACE: RESTORING GOD’S CREATION 20 (1997) (“[W]e must not forget that culture is part of God’s creation as well. . . . [T]he human dimension of creation remains within God’s overall providential intent, and to exclude it romanticizes creation in its natural state while denying culture the status of being created by God.”); id. (“The hubris of human attempts to master and to dominate nature spawned a romantic reaction that presumed that natural and cultural energies had to be opposed to one another.”); Lorenzo Manuel Albacete Cintron, Human Dominion Over Creation: A Priestly Act According to the Vision of John Paul II, at 35 (1983) (unpublished Ph.D. dissertation, Facultate S. Theological S. Thomae de Urbe) (on file with author) (warning that “the human person may not be separated from his or her relationship with material creation”); Clifford, supra note 9, at 23. Clifford notes that:

The anthropocentrism of the Bible is relative, not absolute. It is bounded on the one side by a pervasive theocentrism and on the other by the created world of which the human race is a constituent, albeit the crowning part. The human race rules as God’s representative or image over the world as a system, not over the world as discrete manipulative elements.

Id.; Environment is Both Home and Resource, supra note 46, at 2 (expressing Pope John Paul II’s concern that “it is being proposed that the ontological and axiological difference between men and other living beings be eliminated, since the biosphere is considered a biotic unity of undifferentiated value.” The Pope’s criticism stems, in part, from concern that under this perspective “man’s superior responsibility can be eliminated in favour of an egalitarian consideration of the ‘dignity’ of all living beings” (emphasis omitted)); Himes, supra note 46, at 5. Himes argues that:

[I]t would be folly to put environmental concern about non-human nature at odds with concern for one’s human brothers [and] sisters. Undoubtedly we have had an unbalanced relationship with non-human creation and must restore the proper balance but this can not be achieved by ignoring our relationship with the poorest segments of humanity.

Id.; Human Being in the Cosmos, supra note 269, at 11. The statement of Canadian bishops declares that:

Many people consider hard-core anthropocentricity to be a perverse fruit of the Christian heritage. The biblical view certainly views humankind as being at the center of the universe, but it is also seen in relation to God. In Christian terms, it would be favorable to speak of theocentricity, or theological anthropocentricity.

Id.

In an interesting variation on this theme, the environmental justice movement has often found itself at odds with the mainstream environmental movement due to a perceived imbalance in the way mainstream environmentalists weigh the interest of poor humans against concern for the natural environment. See, e.g., Binder, supra note 12, at 4-5. Binder explains:
In addition, the Church posits that there is a right to a healthy environment.\textsuperscript{266} This suggests, then, that respect for the human person is intimately connected with guarantees that the human person will have those things necessary for a dignified existence—including a safe and clean environment. In his 1999 Peace Statement, Pope John Paul II encouraged promotion of this right, noting that “human dignity is linked to the right to a healthy environment. . . . A body of international, regional, and national norms on the environment is gradually giving juridic form to this right.”\textsuperscript{287}

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

Obviously, there are many roles for a human to play in the protection of the environment, and any useful model of environmental ethics must envision a specific role for humanity vis-a-vis the rest of the created world. The scope of this role is often controversial. Some overemphasize the power of human “dominion” over nature, while others entirely deny the distinct authority over creation that was given to humans. Catholic social teaching consistently posits that both of these views are erroneous, and that stewardship is the

Environmental justice advocates challenge the traditional environmentalist agenda and constituency as elite. In practical terms, they argue that golf courses or “endangered bunnies” are not more important than people of color and criticize mainstream environmentalism for excluding minority groups from its ranks.

\textit{Id.}

For a secular legal analysis of the difficulties inherent in striking the correct balance between the human and non-human parts of ecosystems, see Oliver A. Houck, \textit{Are Humans Part of Ecosystems?}, 28 \textit{Envtl. L.} 1 (1998); Daniel M. Warner, \textit{Time for a New Enlightenment}, 34 \textit{Am. Bus. L.J.} 455 (1997) (reviewing LUC FERRY, \textit{THE NEW ECOLOGICAL ORDER} (Carol Volk trans., 1995)).\textsuperscript{286} See, e.g., 1999 Peace Message, supra note 186. In addition to papal declarations on this topic, see, e.g., Omai Awakening, supra note 269, at 3 (declaring that “the State has an obligation to ensure a safe environment for its citizens”); id. at 4 (“The State . . . has the responsibility to promote ecological justice.”); \textit{Recommendations Submitted by the Holy See Regarding the World Conference on Human Rights} (Aug. 22, 1991), in SERVING THE HUMAN FAMILY, supra note 187, at 139, 141 (noting that “[T]here are rights which belong both to the individual and to the community, such as the right to peace, the right to development and the right to security in the environment”); CARE FOR CREATION, supra note 10, at 53 (“Individuals and peoples have a fundamental right to a safe environment.”).

\textsuperscript{287} 1999 Peace Statement, supra note 186, at para. 10.
model for human care and concern for the environment. A steward is one

288 CARE FOR CREATION, supra note 10, at 14 (“[I]n contrast to all other created beings, the human person is immediately given a responsibility for the rest of creation.”); CATECHISM, supra note 19, at 577 (“In the beginning God entrusted the earth and its resources to the common stewardship of mankind to take care of them, master them by labor, and enjoy their fruits. The goods of creation are destined for the whole human race.”); MURPHY, supra note 10, at 3 (noting that it is to God “and not only ourselves to whom we must render an account of our stewardship of his creation”); NORTHcott, supra note 12, at 128 (“Stewardship is a central theme of much humanocentric Christian writing on environmental themes and environmental ethics.”); JOHN PASSMORE, MAN'S RESPONSIBILITY FOR NATURE: ECOLOGICAL PROBLEMS AND WESTERN TRADITIONS 28-40 (1974) (discussing, generally, theories of stewardship); J. Baird Callicott, Genesis and John Muir, in COVENANT FOR A NEW CREATION: ETHICS, RELIGION AND PUBLIC POLICY 110 (Carol S. Robb & Carl J. Casebolt eds., 1991) (“The stewardship environmental ethic of Judaism and Christianity is especially elegant and powerful.”) [hereinafter COVENANT FOR A NEW CREATION]; id. at 112 (“The stewardship environmental ethic of Judaism and Christianity, accordingly, should get the intellectual respect it so very properly deserves. For the very large community of people who accept its premises it represents the most coherent, powerful, and practicable environmental ethic available.”); Saleem, supra note 279, at 13 (“Christian theology mandates that humans assume a stewardship over all natural creation.”); Lannan, supra note 10, at 353 (“Our stewardship of the earth is a kind of participation in God’s act of creating and sustaining the world.” (citing United States Catholic Conference, Faithful Citizenship: Civic Responsibility for a New Millenium (Oct. 19, 1999)); id. at 365-66 (“[H]uman beings are given the dual responsibilities of serving as stewards over their environment, and as agents acting on God’s behalf in the ongoing process of creation and redemption.”); id. at 372 (noting that stewardship involves both “custody of the land according to the civil laws governing property relationships... but subordinate to God’s laws and the purpose for which God created the land; and conservation of the land so that God’s creation might benefit present and future generations of humanity” (emphasis omitted)); Fifth World Environment Day, supra note 276, at 2 (noting statement of Pope Paul VI that a “celebration of the environment we live in should also be a day of appeal to all of us to be united as custodians of God’s creation”); Marini-Bettolo & Moroni, supra note 283, at 110 (“Naturally, consciousness does not place man out of and above the natural order... but makes him responsible for a correct management of the environment. This is one of the basic starting points of environmental ethics.” (emphasis omitted)); id. at 112 (“Man must program and govern his relation with plants, animals and other men in the awareness of his responsibility and of the reality of nature.”); id. (noting that in Scripture the duty of stewardship is portrayed “as a mixture of dominating the land, working it, looking after it, always in cooperation with God”); Hume, supra note 275, at 33 (“We do not own the earth, and it is better to think of ourselves as at the same time its children and its stewards. We cannot flourish humanly as we destroy it, or as we blind ourselves to its beauty.”); Care for Creation, supra note 270, at 1 (“Humans... have a special role and responsibility within creation. Humans are called to exercise... a dominion of service, wisdom and love.”);
who cares for property and possessions that belong to others. This involves both rights to the use of the property and obligations for its preservation. This is the model that Catholic social teaching advances. To play this role mandates wisdom, prudence, and morality in the command to exercise dominion and control over the created world.

Statement by Archbishop Renato R. Martino to the United Nations at the World Conference on the Sustainable Development of Small Island Developing States (Apr. 29, 1994), in SERVING THE HUMAN FAMILY, supra note 187, at 169-70. Archbishop Martino stressed that: Responsible stewardship and genuine solidarity are directed to the protection of the environment and to the inalienable right and dignity of all peoples to development. . . . The demand for the care and protection of the environment cannot be used to obstruct the right to development, nor can development be invoked in thwarting the environment.

For an extensive discussion of the stewardship model in Christianity generally, see EARTHKEEPING: CHRISTIAN STEWARDSHIP OF NATURAL RESOURCES (Loren Wilkinson ed., 1980).

A model of stewardship has also been advocated by writers approaching environmental problems from a legal or ecological perspective rather than a religious one. See, e.g., Chen, supra note 19, at 1268 (arguing that "the term 'stewardship' now stands as perhaps the most succinct expression of the new environmental awareness in agriculture"); Kevin Preister & James Kent, Using Social Ecology to Meet the Productive Harmony Intent of the National Environmental Policy Act, 7 HASTINGS W.-NW. J. ENVTL. L. & POL'Y 235, 241 (2001) ("The last decade has seen widespread interest in reclaiming the stewardship ethic, an ethic that has been alive and well within the culture of the West."); Karp, supra note 12, at 255 ("[W]e must govern our lives by an ethic of stewardship. . . . Of course, fulfilling our roles as stewards of the earth will cost us." (emphasis omitted)). Professor Karp discusses the notion of stewardship more fully in James P. Karp, A Private Property Duty of Stewardship: Changing Our Land Ethic, 23 ENVTL. L. 735 (1993) [hereinafter Duty of Stewardship]. For a further discussion of the implications of stewardship, see CARE FOR CREATION, supra note 10, at 79.

A steward is responsible to another for his actions. To whom are we called to render account for our stewardship . . . ? . . . This stewardship could be seen as triple:

- To God as the creator of all things;
- To the poor for whom God has a preferential love;
- To future generations.

See, e.g., CARE FOR CREATION, supra note 10, at 15 ("The dominion that human persons are to have over all other living beings and over the earth itself is one of responsibility, of making fruitful, of caring for with holiness and righteousness . . . . [T]his dominion is a sacred trust."); DALY & COBB, supra note 41, at 387 ("Any improvement of the relations
between human and other species will come about by better ways of exercising dominion, not by renouncing it."); DERRICK, supra note 9, at 79 (noting that while “man’s dominion over Nature is certainly present in Christianity, . . . it does not exist there in isolation: it is modified and controlled by other ideas—the overlordship of God, his immanence in creation . . . the goodness of all being, the wickedness of . . . arrogance and self-will, our perennial need for restraint”); MURPHY, supra note 10, at 90 (noting that humans are “to function as God’s surrogates . . . by exercising ‘dominion’ over the rest of the creation, but always consciously as God’s creatures themselves and accountable to him. . . . [T]his is part of the human distinctiveness, that humans alone are conscious of their creaturely status”); SCIENCE AND RELIGION, supra note 9, at 187 (“[B]iblical scholars tell us that ‘dominion’ does not mean domination, but rather our proper human role of standing in as God’s representatives to non-human nature.”); PREMAN NILES, RESISTING THE THREATS TO LIFE: COVENANTING FOR JUSTICE, PEACE, AND THE INTEGRITY OF CREATION 66 (1989). Niles explains:

To subdue the earth and have dominion over its creatures is the function given to man and woman who are created in the image of God, and are therefore required to exercise this God-given function in the way God would . . . . [T]o subdue and have dominion is not license to give free reign to human rapacity but to maintain cosmos against the threat of chaos.

Id.; id. at 68 (“The special place given to humanity in creation carries with it a God-given responsibility for the whole of creation both to participate in God’s continuing act of creation and to so manage creation that it does not return to chaos.”); Cintron, supra note 285, at 27. Persons, therefore, have dominion over creation. This dominion, however, has its limits. John Paul II insists that it may be exercised correctly only when creation is perceived and treated as a gift. . . . Those who believe in God will acknowledge creation as His gift for our well-being, to be respected as such. Those who accept the Bible will remember the limit placed over man’s activity in the garden.

Id. (emphasis omitted); id. at 36-37 (“By means of work the human person exercises dominion over nature, placing all things at the service of human life. This dominion . . . is not a reckless manipulation of nature . . . . Dominion escapes from becoming reckless manipulation only when work is placed at the service of the interior or spiritual life of the person.”); id. at 47 (“Fundamental to the proper exercise of this dominion is the conviction that these resources and riches of nature constitute a gift given to man. These are riches and resources which man finds and does not create.” (emphasis omitted)); id. at 179. Cintron expanded by stating:

[T]he integrity of creation has to be respected. . . . [D]ominion must be exercised in such a way that the integrity of creation is not defiled by a manipulation which renders it incapable of being offered to God . . . . [T]his defilement takes place when creation is not treated as a gift, a gift received, a gift offered in loving response.

Id. (emphasis omitted); Clifford, supra note 9, at 25 (discussing command to “subdue” and “have dominion” over creation); Lannan, supra note 10, at 371-72 (“Bishops in the United States have repeatedly emphasized in statements on the environment that stewardship does
criticized as being too focused on “dominion” at the expense of “stewardship.” With its pleas to humans to learn more and use their added

not give humanity absolute ownership of the earth and its resources; these belong to God.”); Fasting, supra note 185, at 1 (reporting Pope John Paul II’s comment that mankind “has the right to make use of the other created realities. But this does not authorize him to lord it over nature, much less to ruin it. On the contrary, he is called to become God’s coworker in caring for creation.” (emphasis omitted)); Hume, supra note 275, at 33 (noting that “dominion” in the ancient world meant an obligation rather than a privilege, as a sacred trust for the wellbeing of those governed’); Florida Bishops’ Letter, supra note 14, at 609 (warning that “dominion is not a power to exploit or use wantonly. Rather it is a stewardship, a caring cooperation in creation.”); Omai Awakening, supra note 269, at 3 (warning that “dominion comes with certain responsibilities. Firstly, limits must be placed with respect to their intervention in creation. Secondly, respect is required for the delicate order, balance and integrity of creation. Thirdly, they must accept an accountability to God for their actions’); Address of Pope John Paul II to European Bureau, supra note 187, at 554 (“Man’s vocation is to ‘cultivate’ and subdue the earth which God has entrusted to him. Among creatures, he is the only being who is responsible for the consequences of his action, not only for himself but also for future generations”); David E. DeCosse, Beyond Law and Economics: Theological Ethics and the Regulatory Takings Debate, 23 B.C. AFF. L. REV. 829, 838 (1996) (“Catholic teaching about the environment insists on a careful balance. . . . [T]he Catholic Church recognizes in the human person a primacy over the rest of creation . . . . Yet, this mandate to exercise ‘dominion’ can in no way be understood in the exploitive sense of ‘domination.’’’); Tropical Forests, supra note 184, at 4 (“The very fact that God ‘gave’ mankind the plants to eat and the garden ‘to keep’ implies that God’s will is to be respected when dealing with his creatures. They are ‘entrusted’ to us, not simply put at our disposal. We are stewards, not absolute masters.’’’); id. (“The created universe has been given to mankind not for selfish misuse but for the glory of God . . . .’’’); Marini-Bettolo & Moroni, supra note 283, at 112-13 (“[M]an can respond to God’s commandment by directing the functioning of the environment and the relations with other men in a responsible manner . . . using natural resources with a responsible knowledge of their limits and without any arrogance . . . .’’’); id. at 113 (noting that in the “Biblical view,” of world affairs, “[m]an is seen within nature, but at the same time he is called to a dialogue with God and to a responsible management of creation. His consciousness does not place him out of or above nature, but makes him responsible for its correct management”).

291 See, e.g., Lannan, supra note 10, at 368. Lannan explained this criticism:

Some ecologists and theologians have criticized the notion that humanity is more important than the rest of creation, or that humanity, more than other components of nature, will be the focal point of redemption. These critics condemn the “anthropocentrism” of more traditional views of redemption and humanity’s relation to the environment.

Id.; id. (“Others have criticized the idea of humanity’s stewardship over nature as an ‘uneological’ approach that is not sufficiently egalitarian in its distribution of power, value, and control among the components of nature.”); Barlow, supra note 9, at 792 (recounting the
knowledge as a way to become better stewards, however, Catholic social

view held by many that "Christianity has been blamed for the demise of the environment in the West"); Alex Geisinger, Sustainable Development and the Domination of Nature: Spreading the Seed of the Western Ideology of Nature, 27 B.C. ENVTL. AFF. L. REV. 43, 49 (1999). Geisinger explained:

In the Judeo-Christian tradition, nature is the result of an orderly, hierarchical succession, where man is created separate from the land, seas, flora, and fauna. As the last of God's creations, man was given domination over the rest of it. There is little equivocation regarding the extent of this dominion over the rest of the world.

Id.; id. at 49-50 ("The Judeo-Christian tradition thus has set a foundation for modern people to conceive of themselves as separate from and superior to nature. It places people in a separate sphere from the rest of the world's creations and provides an explicit basis for people to dominate . . . "(citation omitted)).

This negative view of Christianity's impact on the environment was, perhaps, stated most forcefully and controversially in Lynn White, Jr., The Historical Roots of Our Ecologic Crisis, 155 SCIENCE 1203 (1967). For an analysis of the varying environmental perspectives of different religious groups, see generally Andrew Greely, Religion and Attitudes Toward the Environment, 32 J. SCI. STUDY OF REL. 19 (1993). A more general discussion of the sometimes strained relationship between religion and environmentalism may be found in Religion and Environmental Crisis (Eugene C. Hargrove ed., 1986) and Douglas Lee Eckberg & Jean Blocker, Christianity, Environmental & the Theoretical Problem of Fundamentalism, 35 J. SCI. STUDY OF REL. 343 (1996).

5 WARD, supra note 36, at 56-57. Ward explained:

The reason why the new directions in science may prove more compatible with the Christian outlook lies precisely in this tradition of stewardship. Men cannot care properly for things they do not understand. The more they weigh all the consequences of their interventions, the more they grasp the full effects on nature of their machines and energy systems, the more possible it is for them to act not as conquerors but as stewards.

Id.; see also Fight Against Hunger Continues, supra note 187, at 3 (noting Pope John Paul II's remark that "[w]ith the aid of scientific expertise, sound practical judgment must point out the path which lies between the extremes of asking too much of our environment and asking too little, either of which would have disastrous consequences for the human family" (emphasis omitted)); id. ("Growing awareness of the finite resources of the earth casts into ever sharper relief the need to make available to all who are involved in food production the knowledge and technology required in order to ensure that their efforts will yield the best possible results."); Good of All, supra note 186, at 2 (noting Pope John Paul II's desire to "invite the scientific community to continue its research to better discern the causes of the imbalances linked to nature and to man, in order to anticipate them and to propose replacement solutions for situations which become intolerable"); Dwelling Place of Peace, supra note 183, at 11 (noting the teaching of Pope John Paul II that mankind "cannot, of course, dispose as he pleases of the cosmos in which he lives, but must, through his
teaching lays down the challenge of stewardship. The growing realization that there is an interconnectedness in all parts of nature is, in the view of Church teaching, a powerful inducement to be wise stewards out of concern for humanity and respect for the created world.293

intelligence, consciously bring the Creator's work to completion"; Environment is Both Home and Resource, supra note 46, at 2 (noting Pope John Paul II's confidence that "[i]f humanity today succeeds in combining the new scientific capacities with a strong ethical dimension, it will certainly be able to promote the environment as a home and a resource. . . and will be able to eliminate the causes of pollution and to guarantee adequate conditions of hygiene and health" (emphasis omitted)); Intervention of Ivan Marin to the World Conference on Natural Disaster Reduction (May 23-27, 1994), in SERVING THE HUMAN FAMILY, supra note 187, at 177, 178. This letter advocates efforts:

to intensify the studies that will allow us to know the natural laws which govern . . . natural phenomena in order to advance in technological development at the service of man, while observing ethical and ecological criteria; and in order to take care of creation with a deeper sense of responsibility on behalf of future generations.

Id.; Address of Pope John Paul II to European Bureau, supra note 187, at 554 ("Education in international solidarity and respect for the environment is urgently needed today."); Avery Cardinal Dulles, Catholic Social Teaching and American Legal Practice, 30 FORDHAM URB. L.J. 277, 286 (2002). Dulles discusses the Church's teachings despite scientific disagreement:

Catholic teaching clearly affirms the need for responsible stewardship to prevent the destruction of the environment. But, aware of the disagreements within the scientific community . . . 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.

Id.

293 See, e.g., CARE FOR CREATION, supra note 10, at 31 ("When the human person refuses to recognize his or her dependence on God, all of creation suffers in a mysterious way, because creation forms an inter-relational whole: God, the human person, the world."); id. at 53 ("Thoughtless exploitation now endangers future life on this earth, plant and animal as well as human."); NORTHCOTT, supra note 12, at 33 (claiming that "with environmental chaos comes social chaos and anarchy"); PROMISE OF NATURE, supra note 9, at 125 ("Ecology requires that we take into account the fact that all entities in nature are comprised of intricate relationships with one another."); Florida Bishops' Letter, supra note 14, at 610 ("[Nature] is part of a life-bearing and life-sustaining organism or system. Injury to any part has repercussions on the whole. There is an inherent punishment for destructive action against nature, and punishment falls upon the innocent as well as the guilty."); Omai Awakening, supra note 269, at 1 ("A relationship exists between the different elements of the ecosystem. Therefore, we cannot interfere in one area of the ecosystem without at the same time paying due attention to the consequences of such interference in other areas as well."); Care for
C. Obligations to Future Generations Must Influence Environmental Decision-Making

A third key principle is that of intergenerational responsibility and a mandate to preserve the health of the environment for those who come after the present generation. This is linked to the idea of stewardship, since...
stewards are caretakers of that upon which others have a claim. Those in

generations is ignored, or rejected, the care for the earth decreases. We see
this, for example, in the ecological disaster that is always menacing us.

Id.; International Solidarity, supra note 187, at 7 (noting Pope John Paul II’s warning that
mankind “is the only being who is responsible for the consequences of his action, not only
for himself but also for future generations for whom we must prepare a habitable world”); 
Population Problems, supra note 186, at 6 (reporting comment of Pope John Paul II that the
people of today “have precise duties towards future generations: this is an essential
dimension of the problem, and it impels us to base our proposals on solid prospects regarding
population growth and the availability of resources”); Creation’s Majestic Beauty, supra note
182, at 1 (noting Pope John Paul II’s reflection that “the human being has a specific
responsibility towards his living environment, not only for the present but also for future
generations”); Good of All, supra note 186, at 2 (reporting Pope John Paul II’s caution that
the resources of the earth should be used in a way that will make them “capable of
responding to the basic needs of present and future generations” because this “constitutes an
essential dimension of solidarity between generations”); Environment is Both Home and
Resource, supra note 46, at 2 (noting Pope John Paul II’s call for “the promotion of sufficient
resources for the poorest and for future generations” (emphasis omitted)); Human Being in
the Cosmos, supra note 269, at 16 (reflection of Canadian bishops that “sustainable
development stresses the need to avoid compromising the ability of future generations to
meet their own needs”); Address to Farmers and Workers, supra note 181. In this address,
Pope John Paul II admonished that:

As regards the use of God’s gift of the land, it is necessary to think a great
deal of the future generations, to pay the price of austerity in order not to
weaken or reduce—or worse still, to make unbearable—the living
conditions of future generations. Justice and humanity require this too.

Id.; Care for Creation, supra note 269, at 3 (advocating recognition of “an intergenerational
ethic where the needs of future generations are included in present-day decisions”); World
Hunger: A Challenge for All, supra note 293, at 900 (warning that “generation after
generation, we must see ourselves as the temporary stewards of the resources of the earth and
the production system”); Tropical Forests, supra note 184, at 2 (“Is it possible . . . that the
indiscriminate destruction of tropical forests is going to prevent future generations from
benefitting [sic] from the riches of these ecosystems in Asia, Africa and Latin America?”);
Letter from Bishop William Skylstad to the Senate Appropriations Committee, Mar. 31, 1997
(copy on file with author) (“[T]here is a societal obligation that requires us not to leave future
generations with depleted natural resources or an unhealthy environment.”); Dulles, supra
note 292, at 281. A cautioning Dulles stated:

In recent years it has become alarmingly evident that human beings have
the capacity to ravage the earth . . . and to mutilate the beauty of God’s
creation. 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.

Id.
future generations will have a claim to receive a world preserved for their use. This requires that the present generation takes this obligation seriously by doing long-term planning as well as short-term remediation. This principle is also linked to the demand that human life and dignity be respected, by mandating that this concern extend to those yet unborn, and thus distant from us not just geographically, but also temporally.

In practical terms, this may be one of the more difficult principles of Catholic teaching to implement. At the same time that the obligations to future generations are forcefully noted, the need to care for the present generation is not to be neglected. That is, "[t]here are moral imperatives both to preserve the environment for future generations (and for creation's sake) and to ensure that our contemporaries have the wherewithal to live with dignity." Ecology and the Common Good: Catholic Social Teaching and Environmental Responsibility, in "AND GOD SAW THAT IT WAS GOOD", supra note 9, at 183, 191.

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

In the Church's tradition of subsidiarity, thought must also be given to addressing environmental problems at the correct level, neither over-localizing or over-globalizing. The Church has consistently taught that

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295 The stewardship model bears some resemblance to the trustee model. As one commentator noted, "We have . . . received the world in trust. The future is, therefore, actually part of our present." CARE FOR CREATION, supra note 10, at 64.

296 That is, "[t]here are moral imperatives both to preserve the environment for future generations (and for creation's sake) and to ensure that our contemporaries have the wherewithal to live with dignity." Ecology and the Common Good: Catholic Social Teaching and Environmental Responsibility, in "AND GOD SAW THAT IT WAS GOOD", supra note 9, at 183, 191.

297 For further discussion, see infra note 387 and accompanying text.

298 See, e.g., NORTHCOTT, supra note 12, at 36 (arguing that "[t]his new localism in environmental campaigning is a very hopeful sign, for some would argue that global environmentalism has produced far more rhetoric and unenforceable international regulations and treaties than it has genuine action to preserve particular local habitats and ecosystems"); 5 WARD, supra note 36, at 60 ("These two principles—of subsidiarity and effective responsibility—suggest that the modern state offends good order by claiming too much power from smaller bodies and also by claiming . . . responsibilities which it is too small and too incompetent to fulfill[]."); id. at 61 ("The jurisdiction claimed by the nation state today is both too great and too small."); id. at 25 ("[U]rgent economic problems require solutions which can only be achieved at a planetary level. But the means of solving them are still in the hands of national governments."); Francisco di Castri, Global Crisis and the Environment, in STUDY WEEK, supra note 46, at 7, 27-28. Di Castri notes the difficulty in ascertaining the
subsidiarity requires that the appropriate "level" of society should resolve problems and that disputes and difficulties should be resolved at the lowest possible level. Thus, Catholic teaching strongly supports placing moral obligations on individuals to take responsibility for their own actions that may have environmental consequences. Likewise, it also urges that when the individual action is incapable of widespread effectiveness, local governments and institutions or national governments should devote themselves to improving their local situations, particularly because they are often in the best position to understand the intricacies of the problem.

In spite of this priority to individuals and low-level government entities, the Church also contributes a global perspective to this problem. As an international actor, the Church continually reminds the world community that environmental questions are directly linked to the economic development of nations and people. This reality often requires problem solving on an correct level of governmental intervention in environmental affairs, since:

[Intergovernmental organizations and programmes are forced even to magnify shortcomings and bottlenecks of national institutions. Evaluation is even more rejected in order not to hurt national susceptibilities. In particular, governing bodies of international programmes tend to provide most unrestricted and unconditional support, instead of exerting their original function of guidance and evaluation.

Id.; see also DeCosse, supra note 290, at 845.

While the principle of subsidiarity favors action by the "smaller and lower bodies," it is important to note that it neither precludes action by the state nor by the largest polity within a state. The principle asks whether there are aspects of environmental protection that require the federal government's involvement. Clearly there are: among them, the many environmental and public health problems that cross state lines, the need in some aspects of regulatory law for uniform federal standards, and the federal government's power to enforce laws that less powerful state and local agencies cannot.

Id.

For discussion of "authentic development," see, e.g., Lannan, supra note 10, at 377-78 (discussing how authentic development is to be defined and advanced); International Solidarity, supra note 187, at 7 (noting comments of Pope John Paul II that the Church is "attentive to the maintenance and protection of the environment as well as to problems concerning development, in accordance with her own anthropological viewpoint. . . . The environment and development both involve the human person, the centre of creation. Economic and political decisions regarding the environment must . . . serve individuals and peoples" (emphasis omitted)); Good of All, supra note 186, at 2 (noting Pope John Paul II's remarks that ecological initiatives "should be based on a conception of the world which
places man at the centre and respects the variety of historical and environmental conditions, making sustainable development possible, capable of responding to the needs of the entire population of the world’’); *Perfecting the Universe*, supra note 1, at 6 (noting the explanation of Pope John Paul II that “[a] complete conception of work and business enterprise also requires the harmonization of production with protection of the environment, a precious good that should be handed down intact to the new generations. . . . Economic progress that destroys or pollutes the land results in serious impoverishment for all” (emphasis omitted)); *Hume*, supra note 276, at 34 (“In the case of countries of the south, many experience such an urgent need to attract corporate investment that they may waive taxes as well as normal controls over the local environment, especially in the case of mining.”); *New Mexico Bishops’ Statement*, supra note 36, at 1 (advocating “conception of authentic development offering a direction for progress which respects human dignity and the limits of material growth”); *Omai Awakening*, supra note 269, at 2 (warning of the link between economic poverty and environmental degradation by positing that “[m]any developing states in their eagerness to increase the standard of living of their peoples, pay insufficient attention to environmental safeguards”); *Himes*, supra note 46, at 5 (“Any environmental ethic which is suitable must be one that integrates strategies for economic development with those for ecological balance.”). *Himes* commented on the connection between the environment and social problems:

>[N]o environmental ethic can avoid confronting the pressing questions involved in the relationship between ecology and development. We cannot solve the environmental issue without also addressing the needs of the world’s poor. At the same time, keeping the environment in mind will prevent us from proposing development programs which are ecologically unsustainable.

*Id.* at 7; *World Hunger: A Challenge for All*, supra note 293, at 883 (“Food shortages place the future of [the poor] in jeopardy since they eat crop seeds, plunder natural resources, and accelerate soil erosion, degradation or desertification on their lands.”); *Tropical Forests*, supra note 184, at 5 (“A desperate fight against poverty threatens to deplete these important resources of the planet. . . . [F]oreign debt has forced . . . countries to administer unwisely their hardwood resources in the hope of reducing that debt.” (emphasis omitted)).

In the secular legal literature, a similar concept is also advocated under the name of “sustainable development.” *See, e.g.*, *Karp*, supra note 12, at 253 (advocating a view of development that demands that “(1) we must limit our consumption of natural resources to the satisfaction of our existing ‘needs’ . . . ; and (2) this generation owes a responsibility or duty to future generations”); *id.* (warning that we “must balance environmental, social and economic interests in making decisions”); Bjorn Lomborg, *The Environmentalists Are Wrong*, N.Y. TIMES, Aug. 26, 2002. Lomborg explained:

Development is not simply valuable in itself, but in the long run it will lead the third world to become more concerned about the environment. Only when people are rich enough to feed themselves do they begin to think about the effect of their actions on the world around them and on future generations.
Thus, Church teaching urges the world community to turn its attention to those problems that require multi-nation solutions, and to render assistance to those nations unable to provide for their own ecological improvement. By drawing attention to the environmental dangers of war, especially in the writing of American bishops, Church teachings also ad-

Id. Many have commented on this global interconnectedness that is so much a part of environmental issues. See, e.g., Lannan, supra note 10, at 375 ("Today, more than ever before, human beings are able to impact the rest of creation, for better or worse, on a global scale."); Karp, supra note 12, at 265 ("Because nations are economically and ecologically linked to each other, it is essential that in the long run steps taken to reach sustainable development be harmonized among nations."); id. at 268 ("[E]verything is tied together. Like the web of life, poverty, welfare disparity within and among nations, jobs and destruction of the environment are all a part of the same intransigent malaise"); New Mexico Bishops’ Statement, supra note 36, at 1 (advocating “a worldview affirming the ethical significance of global interdependence and the common good”); Himes, supra note 46, at 6 ("Issues of the environment move us to re-define the common good in more global terms with a recognition that the well-being of creation requires an understanding of the common good that includes environmental well-being at a trans-national level.").

This need may become more urgent as the environmental problems of developing nations become more acute. See KEMPTON ET AL., supra note 12, at 26. These authors warn that:

[T]he third world will soon displace industrialized countries as the major source of greenhouse gases, primarily due to their increased consumption of fossil fuels . . . . [G]lobal environmental problems, such as global warming, ozone depletion, and species extinction, cannot be solved only by working in the developed countries.

Id. See MCDONAGH, supra note 19, at 138 ("Even before the invention of gunpowder, war always had a deleterious effect on the environment. The traditional damage is dwarfed by the capacity of modern nuclear, chemical and biological warfare to destroy the earth."); STOCKHOLM TO JOHANNESBURG, supra note 10, at 69 ("Pope John Paul II also returns to the ever-present problem of violence. The degree to which war and internal conflicts affect the environment and in particular their destructive impact on the land itself is often overlooked."); Population Problems, supra note 186, at 6 (noting Pope John Paul’s comment that “conservation of resources presupposes peaceful coexistence, since—as is generally recognized—wars are among the worst causes of environmental damage”).

The damage to the environment that could be caused by war—both nuclear and conventional—was a theme in a 1983 pastoral letter of the United States Catholic Bishops that addressed themes of war and peace and highlighted ecological concerns as a dangerous consequence of warfare. See United States Catholic Bishops, The Challenge of Peace: God’s Promise and Our Response (1983), in CATHOLIC SOCIAL THOUGHT, supra note 51, at 492 ("[N]uclear war threatens the existence of our planet; this is a more menacing threat than any
monish the world community to pursue that peace that prevents intentional or foreseeable resource degradation.

E. The Right to Private Property and the Mandate to Use Property for the Common Good Must Both be Respected in Environmental Policies

It has been noted that “[w]hen John Paul II has discussed ecological matters, he has often done so in light of the morality of property.” This accurately reflects the tension that constitutes this fifth key element of Catholic ecological teaching. On the one hand, the Church teaches respect for private property and the freedom of individuals to use their property as they, in their wisdom, see fit. Indeed, as the discussion of papal encyclicals illustrates, a vigorous “defense of the right to private property has been a constant theme of modern Catholic social teaching.”

On the other hand, however, this privately owned property must be not be used to harm the common good because of the teaching that the world’s riches are destined for the common good of all. The necessity to consider the world has known.” [hereinafter The Challenge of Peace]; id. at 505 (“Wars mark the fabric of human history, distort the life of nations today, and, in the form of nuclear weapons, threaten the destruction of the world as we know it.”); id. at 519.

In the nuclear arsenals of the United States or the Soviet Union alone, there exists the capacity to do something no other age could imagine: we can threaten the entire planet. For people of faith this means we read the Book of Genesis with a new awareness . . . . [T]he destructive potential of the nuclear powers threatens . . . even the created order itself.

Id. (citations omitted); id. at 552. (“Since war, especially the threat of nuclear war, is one of the central problems of our day, how we seek to solve it could determine the mode, and even the possibility, of life on earth. God made human beings stewards of the earth; we cannot escape this responsibility.”); id. at 562 (“We are the first generation since Genesis with the power to virtually destroy God’s creation.”).

304 DeCosse, supra note 290, at 837.

305 See, e.g., Lannan, supra note 10, at 372 (“Catholic social teaching does defend individuals’ rights to private property.”).

306 See supra notes 51-123, and accompanying text.

307 DeCosse, supra note 290, at 837.

308 For an extensive analysis of the role of the “common good” in weighing ecological concerns, see generally CARE FOR CREATION, supra note 10, at 21 (noting that “the universal destination of created goods . . . . calls for a fair sharing of the goods of this earth among all peoples, according to the criterion of justice tempered with charity”); id. (“God created all
things for the good of all."); Stockholm to Johannesburg, supra note 10, at 58-59 (noting that God "destined the goods of this earth for the good of all" and that "[e]veryone without exception is invited to the table of creation, the goods of which either come directly from the hands of the Creator or are the result of human activity"); Ecology and the Common Good: Catholic Social Teaching and Environmental Responsibility, in "AND GOD SAW THAT IT WAS GOOD," supra note 9, at 183-95 [hereinafter Ecology and the Common Good]. See also Clifford Longley, Structures of Sin and the Free Market: John Paul II on Capitalism, in THE NEW POLITICS: CATHOLIC SOCIAL TEACHING IN THE TWENTY-FIRST CENTURY 97, 99 (Paul Vallely ed., 1998) ("The fundamental principle of Catholic Social Teaching is that of the common good—the notion that there exist some shared or public values which transcend the rights of individuals."); id. at 113 (calling the environment "part of the universal common good which we must all work tirelessly to protect"); World Hunger: A Challenge for All, supra note 293, at 899 (noting that "[a]t the very heart of social justice lies the principle of the universal and common destination of the goods of the earth"); Archbishop Jorge Maria Mejía, Welcoming Address to the International Conference "Toward the World Governing of the Environment" 1 (June 2, 1994) (transcript on file with the author) ("[O]ne of the benefits of the environmental question has been to rediscover, if not to discover outright for many, the common destination of created goods." (emphasis omitted)); id. at 2 ("That the goods of creation belong strictly to every human creature . . . seems to offer, I believe, the proper foundation for any kind of responsible environmental action. I insist: responsible environmental action, which indeed means: ethically sound." (emphasis omitted)); id. ("[I]t is my duty to share and transmit those goods I enjoy, enriched, purified and improved; improved meaning here more perfectly conformed to human dignity and therefore to a certain quality of human life." (emphasis omitted)); id. at 3 (noting the positive role that law may play in the protection of the common good, since "goods destined for all can only be properly protected by a universally valid juridical system. Otherwise one party . . . will subordinate and humiliate the other, plundering those goods which are proper to the weaker party"); DeCosse, supra note 290, at 840 ("[A]ll manifestations of ownership always must be evaluated on the basis of the prior and pre-eminent principle of the universal destination of the world's goods"); Lannan, supra note 10, at 380 (noting that "[t]he principle of Catholic social teaching most often invoked to address environmental justice issues is the common good"); Called to Share the Table of Creation, supra note 185, at 1 (noting Pope John Paul II's observation that the Church "has repeatedly preached the universal destination of the goods of creation . . . as a central theme of her social teaching" (emphasis omitted)). This article also reported Pope John Paul II's lament that:

the earth with all its goods . . . is unfortunately in many ways still in the hands of a few minorities. . . . [A]ll human beings need a share in those goods in order to reach their fullness. It is thus all the more painful to note how many millions of people are excluded from the table of creation.

Id. (emphasis omitted); Care for Creation, supra note 269, at 2 (noting that "private property and accumulated wealth are not an absolute right because these carry a 'social mortgage' at the service of the global common good."); Good of All, supra note 186, at 2 (reporting comment of Pope John Paul II that "[m]an has the responsibility of limiting the risks to
the common good thus poses a limitation on the use of private property if contemplated uses run counter to the common good or the common destination of goods to benefit all. While recognizing the right to private ownership of property, that privately owned property is to be used for the common good.

A thoughtful explication of this difficult balance was undertaken by the United States Conference of Catholic Bishops in 1995. That year, the Conference issued its USCCB Statement on Takings in response to Congress' proposed Omnibus Property Rights Act of 1995.

In the Statement on Takings, the bishops acknowledged the "complexity of the task." After acknowledging the complexity, however, the bishops identified three components from the Catholic "[m]oral [f]ramework" that provide guidance on how to achieve the proper balance between private property rights and the public good. They wrote:

1. [P]rivate property is a moral good, though a limited one entailing responsibilities as well as rights;
2. [I]n promoting the common good, government plays a necessary and legitimate role in balancing the private and public dimensions of the common good for the benefit of the entire society, the wider human family and future generations; and
3. [W]ith respect to public health and welfare, safety, and the environment, government has special responsibilities.

creation by paying particular attention to the natural environment, by suitable intervention and protection systems considered especially from the viewpoint of the common good and not only of viability or private profit); New Mexico Bishops' Statement, supra note 36, at 1 ("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."); id. (arguing in favor of "[a]n understanding of the universal purpose of created things"); Omai Awakening, supra note 269, at 2 ("God gave the earth to all of mankind for the sustenance of all.").

See Ecology and the Common Good, supra note 308, at 188 ("The goods of the earth, insofar as they are for human use, are according to Catholic social teaching given by God for the good of all.").


Statement on Takings, supra note 310, at 1.

Id. at 2.
because unrestrained private efforts and market forces sometimes do not promote the common good, especially as it relates to regional and global problems and our responsibilities to future generations.314

While this analysis provides no hard or fast rules for resolving this balance, it injected an ethical and religious perspective into a harsh political debate.

F. Environmental Concerns are also Moral Concerns which Require Radical Rethinking of Consumer Culture

Finally, the Church’s teachings reflect the view that ecological responsibility is linked to personal morality and obligations.315 It is the moral obligation of individuals to consume prudently and to avoid the wasteful acquisitiveness that can result in resource depletion and environmental degradation.316 Although this is not easily transferrable to policies or programs,

314 Id. The bishops go on to describe the environment as the “classic case of a clear common good issue.” Id. at 4. The need for a balanced perspective in this area, the bishops write, is particularly a particularly direct instruction to resolving this conflict as it highlights areas of moral concern with which Catholic social thought urges policy makers to grapple. Id. at 6.
315 See, e.g., Lannan, supra note 10, at 373 (“Catholic bishops and theologians now regard environmental degradation as a significant consequence of sin.”); Good of All, supra note 186, at 2 (noting comment of Pope John Paul II that “[o]n the basis of the covenant with the Creator . . . everyone is invited to a profound personal conversion in their relationship with others and with nature. This will enable a collective conversion to take place and lead to a life in harmony with creation”); Fasting, supra note 185, at 1 (encouraging “penitential practice[] [of fasting] as a deeper education in respect for the environment” and as an “antidote[] to intemperance and greed, opposing the sense of having and of enjoying at all costs” (emphasis omitted)); Omai Awakening, supra note 269, at 2 (“The ecological crisis is a moral crisis precisely because of the imbalances in the relationship between man, his productive activities, science and creation.”); id. at 5 (“[O]ur response must go beyond environmental, economic or social remedies. Fundamentally, there must also be a moral response.”).

Secular authors have, at times, also advocated a view that stresses the importance of personal morality as a key element of environmental reform. See, e.g., Karp, supra note 12, at 254 (warning that “ending war with the planet must include a value change, an ethical change; a short-run fix for an immediate self-serving goal is inadequate.”); id. at 263 (asserting that “people must be held accountable for their actions”).
316 Care for Creation, supra note 10, at 89 (“A lifestyle that is sober and that is marked by respect for the environment reflects a recognition of God’s love for each person and for all of creation.”); Dorr, supra note 10, at 127 (positing that “Earth has enough . . . basic
resources to ensure that everybody in the world is reasonably well fed and has the necessities for a fully human life—provided those resources are shared equitably and no nation or group is too greedy”); GRANBERG-MICHAELSON, supra note 42, at 49 (“In the end, the control of greed, and the attraction of living a good life that is in harmony with creation’s gifts and resources, requires spiritual commitment and inspiration.”); NORTHcott, supra note 12, at 28 (“It is the rise in consumption (and waste) levels amongst the richest nations in the twentieth century, and amongst rich people in poor nations, which accounts for much of the increased detrimental impact of human activity on the environment.”); id. at 37 (“Pope John Paul II has argued that the ecological crisis is a direct consequence of human sin, of greed and of the modern tendency for instant gratification through consumerism.”); id. at 314 (“The virtues have profound ecological as well as human significance and resonance.”); PROMISE OF NATURE, supra note 9, at 67 (alleging that “the proximate origins of the crisis consist, for the most part, of the economic immoderation that is rapidly using up our nonrenewable natural resources.”); STOCKHOLM TO JOHANNESBURG, supra note 10, at 59 (“The richer nations are consuming an excessive amount of the goods of the earth. This calls not only for a profound change in their typical consumer lifestyle, but also legal guarantees concerning the responsible management of the earth’s resources.” (citations omitted)); id. at 58 (noting the “immense dignity to this stewardship which means that the person actually collaborates with God through his or her work and intelligence”); Lannan, supra note 10, at 379 (discussing problems arising when “wealthy communities us[e] a disproportionate percentage of natural resources, and poor communities bear[] a disproportionate burden of environmental degradation”); Population Problems, supra note 186, at 6 (noting the observation by Pope John Paul II that it is those countries with a “high level of consumption” that are the countries “most responsible for the pollution of the environment”); Good of All, supra note 186, at 2 (noting Pope John Paul II’s desire to “encourage public authorities and all men and women of good will to question themselves about their daily attitudes and decisions, which should not be dictated by an unlimited and unrestrained quest for material goods without regard for the surroundings in which we live”); Omai Awakening, supra note 269, at 3 (“Maintaining a proper ecological balance also requires us to assess our patterns of consumption.”); 1999 Peace Message, supra note 186 (noting Pope John Paul II’s admonition that “[t]he danger of serious damage . . . calls for a profound change in modern civilization’s typical consumer life-style, particularly in the richer countries”); Bishop James T. McHugh, Ecology and Population: Birth Rate Does Not Create Greatest Drain on Resources, in SERVING THE HUMAN FAMILY, supra note 187, at 617, 620. Bishop McHugh remarked:

[T]he new solidarity called for by Pope John Paul II is absolutely necessary for the global management of the world’s environmental problems. It is not simply a matter of counting heads and proclaiming that there are too many people. Rather it is a matter of adjusting our lifestyles and global strategies to protect, enhance and sustain human life as well as the global ecosystem.

Id. For a fuller discussion of the urgency of the need to adopt a less wasteful approach to the goods of the earth, see generally Paul J. Wadell, Taming an Unruly Family Member: Ethics
this ethical component is a key factor in Catholic environmental ethics, and provides a moral mandate to private individuals that complements those given to institutions and governments.

IV. THE ORIGINS OF NEPA’S ENVIRONMENTAL POLICY GOALS

Just as the recent emergence of Catholic social teaching on the environment built on traditional teachings, so too the development of secular environmental principles was not a “sudden inspiration.” Rather, it was the recently emerging perspective that excessive and wasteful consumption underlies many environmental woes, nor, of course, is it a uniquely religious perspective that the control of consumption is essential if progress is to be made in the improvement of the environment. Rather, legal writers and ecologists have articulated a consistent theme. See, e.g., Harold Coward, Religious Responses to the Population Sustainability Problematic: Implications for Law, 27 ENVTL. L. 1169, 1170 (1997). Coward notes:

[D]eveloping countries argued that the problem is not one of overpopulation in the South, but of excessive consumption of the earth’s resources by the well-off few in the North . . . . [A] baby born in Europe or North America . . . will likely consume thirty times the earth’s resources . . . as a baby born in a developing country.

Id.; Karp, supra note 12, at 255. Karp noted that being responsible stewards of creation will require a lifestyle change. . . . [I]t will force us to reconsider how much we consume, how we generate our energy, how we transport ourselves and whether the products we consume were produced in an environmentally-benign manner. Those of us who have pondered these questions have already taken an important step toward becoming the earth’s stewards.

Id.; Bobertz, supra note 14, at 745 (quoting 1970 remark of Senator Muskie, who noted, “It is easy to blame pollution only on the large economic interests, but pollution is a by-product of our consumption-oriented society. Each of us must bear his share of the blame.”).

product of much slow development that blossomed a generation ago with the passage of NEPA on January 1, 1970. NEPA was, of course, not the first time that American law turned its attention to environmental protection. From the common law perspective, the doctrines of nuisance, trespass, and negligence have long been used to combat environmental ills.\textsuperscript{319} From a statutory

\textsuperscript{318}AGENDA FOR THE FUTURE, supra note 317, at 46; see also ENVIRONMENTAL POLICY AND ADMINISTRATIVE CHANGE, supra note 317, at 10 ("Today's environmental problems are shaped by the policies that previous generations created to address earlier environmental problems and opportunities."); Beyond NEPA, supra note 317, at 204 ("NEPA was more than a response to an upsurge of public concern; the concepts incorporated into the Act were the result of a process of congressional learning and debate that spanned a decade and included numerous legislative proposals.").

perspective, the Rivers and Harbors Act\textsuperscript{320} well over a century ago began Congressional efforts at environmental regulation. The 1940s, 1950s and 1960s also saw the passage of earlier iterations of many of our comprehensive modern statutes. Nevertheless, the convergence of numerous events—political, social, ecological and legal—that came together in the late 1960s and early 1970s changed the face of environmental law in a way that no other era did.\textsuperscript{321}

Long before NEPA, there was a growing perception—and, indeed, the unfortunate reality—that American law lacked a comprehensive vision for

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\textsuperscript{321} While a full discussion of the history of the environmental movement is beyond the scope of this paper, an excellent introduction to the historical development of environmental policy in the United States since the colonial period may be found in \textit{Managing the Environment, supra} note 317, at ix. Andrews explained the varied history of environmental policy:

American environmental policy has \ldots{} old[\ldots] roots. It includes not only the recent burst of legislation intended to protect the environment, but all the policies by which Americans have used the powers of government to exploit, transform, or control their natural surroundings. These include nearly four hundred years' worth of policies. . . . Some recent policies are genuinely new, but far more are attempts to change or offset policies already in effect. . . .

\textit{Id.} (emphasis omitted); \textit{see also} \textit{Environmental Policy and NEPA: Past, Present, and Future} (Ray Clark & Larry Canter eds., 1997) [hereinafter \textit{Environmental Policy and NEPA}]; KEMPTON ET AL., supra note 12; R. Clark, \textit{NEPA: The Rational Approach to Change}, in \textit{Environmental Policy and NEPA}, supra, at 15, 16. Clark explained American roots of environmental concern:

In the United States, the origins of public concern for environmental quality can be traced at least as far back as the 19th century, in the writings and activities of conservation philosophers such as Henry David Thoreau, George Perkins Marsh, and John Muir, and into the 20th century with such spokespersons as Theodore Roosevelt, Gifford Pinchot, Aldo Leopold, and Rachel Carson.

\textit{Id.; id.} at 17 (noting that the language of NEPA “had antecedents and was rooted in the conservation writings of the early twentieth century, the economic efficiency and public health lexicon in the 1950s, and the environmentalism of the 1960s”).
environmental policy. While environmental problems were addressed on an ad hoc or, more derogatorily, "slapdash" basis and while there were early, un-enacted predecessors to NEPA considered in the 1950s and early 1960s, none of them came to fruition. During the 1960s, there were sporadic uncoordinated efforts to deal with various aspects of the "environmental problem." Most of these efforts, however, were responses to specific problems and did not attempt, let alone achieve, a coherent statement of public policy or philosophy with respect to the relationship of humanity to the natural world. Perhaps, as is true with all policy developments, it was not until the need for such a comprehensive vision became urgent that attention turned to crystalizing a sweeping set of environmental principles.

Attention turned toward filling this vacuum in the 1960s. During that decade, a number of high profile environmental issues generated public and political pressure for environmental reform. In the words of one commen-

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322 Sandler, supra note 317, at 140.
323 See id. at 140-41 (discussing legislative antecedents to NEPA).
324 See, e.g., Matthew J. Lindstrom, Procedures Without Purpose: The Withering Away of the National Environmental Policy Act's Substantive Law, 20 J. LAND RESOURCES & ENVTL. L. 245, 248 (2000) (discussing historical development of environmental policy initiatives in the decade prior to NEPA); id. at 249-50 (noting that "by the late 1960s, one hundred twenty members of Congress had bills in nineteen committees of the House and Senate dealing with environmental issues").
325 Indeed, many commentators have discussed, more generally, how American environmental law—for better or worse—has always been quite reactive and has developed in response to particular events. See, e.g., Jerry L. Anderson, The Environmental Revolution at Twenty-Five, 26 RUTGERS L.J. 395 (1995). This phenomenon should not be regarded as unique to NEPA.
326 See, e.g., Alyson C. Flournoy, 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 . . . . The legal and policy response to this awakening was a dramatic and prolonged one: the enactment and implementation of a massive structure of statutory law, beginning with the National Environmental Policy Act (NEPA).") id. at 88 ("Public outrage over the burning Cuyahoga River, the oil-soaked seals in Santa Barbara and the exposure to hazardous waste at Love Canal suggested a dramatic conflict between American society's ethical impulses and a legal regime that provided little environmental protection." (citations omitted)); Lindstrom, supra note 324, at 247 (noting that at the start of the 1970s "the timing was perfect for NEPA's passage[]" since "Congress was ready to respond to a growing popular concern for improvements in environmental quality as pollution choked cities, rivers caught fire, and oil drenched beaches"); Michael P. Vandenbergh, The Social Meaning of Environmental Command and Control, 20 VA. ENVTL. L.J. 191, 205 (2001) ("Public sentiment against pollution increased throughout the decade preceding the enactment of the
tator, "in the late 1960s a number of previously separate environmental issues suddenly converged, creating an image of environmental destruction powerful enough to mobilize mass public concern, and to unify previously disparate advocacy groups into a far broader alliance." At the same time, and complementing this, a number of prominent authors wrote books advocating environmental policy reform. These books, and the urgency of their messages, generated much public attention. As a result of these developments

environmental laws in the 1970s, and it is unlikely that these laws created, rather than reflected, the newly emerging norms against pollution."); Margaret A. Shannon, Will NEPA be "An Agenda for the Future" or Will It Become "A Requiem for the Past"?, 8 BUFF. ENVT'L. L.J. 143, 149 (2000) (reviewing AGENDA FOR THE FUTURE, supra note 317) (noting that "public tide turned when a river in Ohio caught fire and an oil slick covered the beaches of Santa Barbara. It was in this political, social, and economic environment that NEPA emerged"); Jackson, supra note 274, at 405 (criticizing the way in which "our governmental institutions have too often reacted only to crisis situations" and the fact that "[w]e always seem to be calculating the short-term consequences of environmental mismanagement, but seldom the long-term consequences or the alternatives open to future action" (emphasis omitted)); id. at 406 (advocating "intelligent decisions which are not based in the emotion of conservation's cause ceblére of the moment" (emphasis omitted)); AGENDA FOR THE FUTURE, supra note 317, at 15 (noting that ",[t]he number and membership of non-governmental environmental organizations grew exponentially after 1960"); Meiners & Yandle, supra note 319, at 948-52 (discussing high profile environmental news events of the 1960s and their impact on federal environmental policy-making).

MANAGING THE ENVIRONMENT, supra note 317, at 225; see also KEMPTON ET AL., supra note 12, at 4 (reporting survey data indicating that "Americans have become significantly more proenvironmental since the sixties, and especially since 1980; their environmentalism goes deeper than just opinion or attitude to core values and fundamental beliefs about the world").

The most notable of these writers was Rachel Carson. The 1962 publication of her book, Silent Spring, is widely hailed as a landmark in the nascent environmental movement. See KEMPTON ET AL., supra note 12, at 60-61 (reporting findings that popular writers in the 1960s and 1970s brought ecological concerns to the lay public); R.B. Smythe, The Historical Roots of NEPA, in ENVIRONMENTAL POLICY AND NEPA, supra note 321, at 10-11 (discussing impact of Rachel Carson’s writing on environmental policy development); Earl Blumenauer, Entrepreneurial Environmentalism: A New Approach for the New Millennium, 30 ENVTL L. 1, 2 (2000) ("The modern environmental movement in the United States accelerated with the publication of Rachel Carson’s Silent Spring in 1962. Her powerful and insightful description of the toll pollution was taking on the natural environment spurred an entire generation to greater awareness and, more importantly, to greater public involvement."). Additional authors whose environmental work garnered public and political attention in this era included: BARRY COMMONER, THE CLOSING CIRCLE (1971); PAUL EHRlich, THE POPULATION BOMB (1968); STEWART UDALL, THE QUIET CRISIS (1963).
and the political and public attention they garnered, Congress began the long process of creating NEPA.  

Advocated most forcefully in Congress by Senator Henry Jackson (D-WA), the passage of NEPA was wildly hailed as a major development in establishing a comprehensive environmental vision for the United States—a vision that had hitherto been lacking. In the words of Senator Jackson, the passage of NEPA "constituted Congressional recognition of the need for a comprehensive policy and a new organizing concept by which governmental functions can be weighed and evaluated in the light of better perceived and better understood environmental needs and goals." In the view of many, it

329 For further discussion on the developments leading up to NEPA and the catalysts for it, see generally AGENDA FOR THE FUTURE, supra note 317, at 14-18, 25-47. In addition, a detailed description of NEPA's passage through Congress can be found in Yannacone, supra note 317, at 9-11.

330 Senator Jackson has been praised as "the most articulate and effective advocate of [NEPA] in the 91st Congress." AGENDA FOR THE FUTURE, supra note 317, at xx.

331 See, e.g., Lindstrom, supra note 324, at 245 (calling NEPA's passage "the beginning of a new era of environmental governance" and "part of a legal movement away from a dependence on common law and a move towards public law as a means of pursuing and enforcing more effective environmental quality" (citation omitted)); Preister & Kent, supra note 290, at 236 ("The evolutionary outcome of over ten years of congressional discourse, [NEPA] is the nation's most comprehensive environmental law. The purpose of the law is to help public officials make decisions based on an understanding of environmental consequences and take actions that protect, restore, and enhance the environment."); Michael C. Blumm, A Primer on Environmental Law and Some Directions for the Future, 11 VA. ENVT'L L.J. 381, 381 (1992) ("Prior to the signing of NEPA, there was no effective national environmental legislation in the United States."); Ledewitz & Taylor, supra note 13, at 611-12 ("The American public law of environmental protection, as opposed to the common law approach of nuisance, for example, is commonly dated from the enactment of the National Environmental Policy Act . . . ." (citation omitted)); Cheryl A. Calloway & Karen L. Ferguson, The "Human Environment" Requirements of the National Environmental Policy Act: Implications for Environmental Justice, 1997 DET. C. L. REV. 1147, 1151-52 (1997) (noting that NEPA "contains the most comprehensive and far reaching national policy statements regarding environmental issues of any environmental statute"); AGENDA FOR THE FUTURE, supra note 317, at xiv ("[T]he greater significance of NEPA may lie in its articulation of values and goals which could guide the nation . . . ." (emphasis omitted)); see also Joseph L. Sax, The (Unhappy) Truth About NEPA, 26 OKLA. L. REV. 239, 240 (1973) (noting that NEPA "arose out of a concern that many agencies had been insufficiently sensitive to the environmental costs of their programs").

332 Jackson, supra note 274, at 407. A similar sentiment was expressed in 1963 when Professor Lynton Caldwell argued that the time had come to begin to view environmental
was the passage of NEPA—a statute “described as both the environment’s ‘Magna Carta’ and ‘Ten Commandments’" that ushered American environmental law into its modern era. Following on the heels of NEPA was the passage of—or substantial amendment to—such statutes as the Clean

issues holistically and to consider a comprehensive environmental policy to govern decision making in the field. He wrote,

The intellectual foundations for an environmental policy focus are being laid. The social and material pressures toward such a focus are already present. The need for a generalizing concept of environmental development that will provide a common denominator among differing values and interests is becoming clearer. . . . Environmental thinking has resulted both from an examination of past environmental errors and from a growing awareness of the probable consequences of present environmental decisions.

Caldwell, supra note 2, at 138.

Lindstrom, supra note 324, at 245; see also Blumm, supra note 331, at 382 (calling NEPA “[t]he centerpiece of U.S. environmental law”); Richard S. Arnold, The Substantive Right to Environmental Quality Under the National Environmental Policy Act, [1973] 3 Envtl. L. Rep. (Envtl. L. Inst.) 50,028, 50,028 (June 1973) (calling NEPA “our nation’s most widely applicable expression of environmental policy”); Preister & Kent, supra note 288, at 236 (“NEPA is a sterling piece of legislation.”); ROBERT L. FISCHMAN & MARK S. SQUILLACE, ENVIRONMENTAL DECISIONMAKING 147 (3d ed. 2000) (calling NEPA “one of the most significant of all the statutes passed by Congress to protect the nation’s environment”); Michael C. Blumm, The National Environmental Policy Act at Twenty: A Preface, 20 ENVTL L. 447, 448 (1990) (calling NEPA “the nation’s basic environmental charter, the environment’s Magna Carta”) [hereinafter NEPA at Twenty]; K.S. Weiner, Basic Purposes and Policies of the NEPA Regulations, in ENVIRONMENTAL POLICY AND NEPA, supra note 321, at 61 (stating that NEPA, “the nation’s environmental Magna Carta, stands out among federal laws as a model of brevity and simplicity”).

See, e.g., MANAGING THE ENVIRONMENT, supra note 317, at 285 (“[T]he enactment of NEPA marked the beginning of the environmental era in U.S. governance.”); WILLIAM MURRAY TABB & LINDA A. MALONE, ENVIRONMENTAL LAW 235 (1997) (calling NEPA “the first step in 20 years of remarkable environmental activism in the United States”); Anderson, supra note 325, at 396 (calling enactment of NEPA “the first shot of the environmental revolution” and noting that in the four years immediately following NEPA’s enactment, “Congress passed major legislation on virtually every facet of the environment”); Shannon, supra note 326, at 151 (calling the decade following NEPA’s passage “the ‘environmental decade’ with dozens of statutes passed ranging from comprehensive pollution control to positive public land management”); NEPA at Twenty, supra note 333, at 449 (noting that the passage of NEPA “began a decade of unprecedented environmental legislation”).
Water Act, the Clean Air Act, the Toxic Substances Control Act, the Endangered Species Act, the Solid Waste Disposal Act, and the Comprehensive Environmental Response, Compensation, and Liability Act. Each of these statutes, in their own sphere, attempted to implement environmental improvement in a practical way for a particular media.

In its broad scope, however, NEPA was more sweeping and ambitious than the litany of more specific statutes that followed it. Indeed, it has been said that NEPA "reads more like a constitution than a typical statute." At the time of NEPA's passage, Senator Jackson reflected on the grand purpose he hoped that the then-new statute would fulfill:

A statement of environmental policy is more than a statement of what we believe as a people and as a nation. It establishes priorities and gives expression to our national goals and aspirations. It provides a statutory foundation... for guidance in making decisions. What is involved is a congressional declaration that we do not intend, as a government or as a people, to initiate actions which... will do irreparable

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341 In Calvert Cliffs' Coordinating Committee v. United States, 449 F.2d 1109 (D.C. Cir. 1971), one of the first significant cases to interpret NEPA, the court observed that NEPA was, in the realm of environmental statutes, "the broadest and perhaps most important of the recent statutes." Id. at 1111; see also id. (noting that NEPA "is cast in terms of a general mandate"); Peterson, supra note 317, at 50,035. Peterson notes that NEPA imposes a broad scope of environmental responsibility upon federal agencies. Unlike other environmental protection statutes which begin with broad declaration of purpose but then limit federal agencies to specific duties, NEPA declares a comprehensive national environmental policy and imposes both procedural and substantive duties on federal agencies to implement that policy.

Id. (citation omitted); Rediscovering NEPA, supra note 317, at 1 ("We don't even write [statutes] like NEPA anymore—three pages long, free of legalistic jargon, and still relevant a quarter century later.").
342 Weiner, supra note 333, at 61.
damage to the air, land, and water which support life on earth . . . . [W]e must strive in all that we do, to achieve a standard of excellence in man’s relationships to his physical surroundings. If there are to be departures from this standard of excellence they should be exceptions to the rule . . . .

Since its passage, NEPA has been widely imitated, both in its procedural requirements and in its policy declarations. Over the past three decades, NEPA has had an enormous impact on citizens, communities, federal agencies and others in the fields of environmental management, economic development and business. At least seventeen states have adopted environmental impact assessment laws, modeled to various extents upon NEPA. Up to eighty nations have been inspired to create environmental review processes to assist in their decision making.

115 Cong. Rec. 40,416 (1969), quoted in Nicholas C. Yost, NEPA’s Evolution: The Decline of Substantive Review: NEPA’s Promise—Partially Fulfilled, 20 Env. L. 533, 533-34 (1990). Others have also commented on the broadly ambitious goals of NEPA. See, e.g., Agenda for the Future, supra note 317, at 145 (“NEPA articulates core values in American society which, although long latent, are now finding expression. It also expresses new values in environmental stewardship . . . .”); NEPA at Twenty, supra note 333, at 448 (“NEPA’s aspirational language conveyed the hope of a nation embarking on a formidable task: reversing a national environmental decline . . . .”).

See, e.g., Managing the Environment, supra note 317, at 285-86 (noting that NEPA “ha[s] been emulated by over half the U.S. state governments, by over eighty other national governments, by regional economic institutions . . . and by international lending institutions”); Lindstrom, supra note 324, at 245 (noting that NEPA’s “policy values and impact statement procedures have been copied by over twenty-five states; eighty other national governments and numerous economic and political institutions like the World Bank, Asian Development Bank and European Union have emulated it as well” (citation omitted)); Houck, supra note 285, at 173 (observing that NEPA “[t]ook over the federal establishment like a new language, spawn[ed] ‘little NEPAs’ in nearly half of the states, spread to Europe, Latin America, and the Far East at the speed of fast food outlets, and [became] a bedrock principle of international environmental law” (citations omitted)); Preister & Kent, supra note 288, at 236. These authors argue that:

NEPA has had an enormous impact on citizens, communities, federal agencies and others in the fields of environmental management, economic development and business. At least seventeen states have adopted environmental impact assessment laws, modeled to various extents upon NEPA. Up to eighty nations have been inspired to create environmental review processes to assist in their decision making.

Id. (citation omitted); Blumm, supra note 331, at 384 (“[A]lthough NEPA is not a panacea for environmental protection, it has inspired a number of imitators—at the state level, in other countries and in areas unrelated to the environment.” (citation omitted)); Nicholas A. Robinson, International Trends in Environmental Impact Assessment, 19 B.C. Env’t L. Aff. L. Rev. 591 (1992) (“Since Congress conceived [of environmental impact assessment] . . . , more than seventy-five jurisdictions have required [such assessments] by law.”); id. at 610 (“Congress was inspired twenty years ago when it adopted NEPA. The ready, voluntary adoption of [environmental impact assessment] around the world is testimony to that
the overall success of NEPA has been hotly debated. It has been described as having "the unusual honor of being the most successful environmental law in the world and the most disappointing," as well as being "a complex and subtle piece of legislation, not susceptible to simple explanation or interpretation." Indeed, the success of the entire environmental movement has

congressional good sense."); see also Christopher Wood, What Has NEPA Wrought Abroad?, in ENVIRONMENTAL POLICY AND NEPA, supra note 321, at 99 (outlining impact of NEPA in the international community). But see NEPA at Twenty, supra note 333, at 451 ("NEPA suffers from a declining reputation at home on its twentieth anniversary, even as its concepts spread abroad.").

345 See Shannon, supra note 326, at 149 ("Section 101 is a statement of enduring principles that continue to be reflected in international agreements, conventions, and treaties.").

346 Oliver A. Houck, Is That All?, 11 DUKE ENVTL. L. & POL'Y F. 173 (2000) (reviewing AGENDA FOR THE FUTURE, supra note 319). A similarly ambivalent evaluation of NEPA’s success can be found in MANAGING THE ENVIRONMENT, supra note 317, at 290 ("Overall, NEPA . . . provided a farsighted vision of the need for an integrated national environmental policy, and an innovative series of steps toward the creation of such a framework. . . . For all its foresight and innovation, NEPA remained only a first step toward a national environmental policy."); Bradley C. Karkkainen, Toward a Smarter NEPA: Monitoring and Managing Government’s Environmental Performance, 102 COLUM. L. REV. 903, 904 (2002) (noting that NEPA, “the statute that launched the ‘environmental decade’ of the 1970s, has been hailed as one of the nation’s most important environmental laws. It has also been condemned with equal vigor on grounds that it imposes costly, dilatory, and pointless paper-shuffling requirements” (citation omitted)); TABB & MALONE, supra note 334, at 235 (lamenting that “the real-world contribution of NEPA to environmental quality is sometimes questioned and often misunderstood”); Shannon, supra note 326, at 144 (noting that the “[t]hirty years [since NEPA’s passage] did make a difference, but not as much expected when it comes to realizing the potential of The National Environmental Policy Act”); Victor B. Flatt, The Human Environment of the Mind: Correcting NEPA Implementation by Treating Environmental Philosophy and Environmental Risk Allocation as Environmental Values Under NEPA, 46 HASTINGS L.J. 85, 86 (1994) (observing that NEPA has had a “very checkered and litigious history”); MANAGING THE ENVIRONMENT, supra note 319, at 11 (“The United States in 1970 adopted a National Environmental Policy Act, but it has never translated this into any overall plan or strategy to guide its agencies toward common goals.”); Peterson, supra note 319, at 50,045 (“The performance of federal agencies in implementing the national environmental policy has been erratic.”); Beyond NEPA, supra note 319, at 205 (“Despite its influence . . . NEPA has not come near to realizing its full potential either at home or abroad.”).

likewise been debated. Nevertheless, it is indisputable that NEPA was a landmark in American environmental legislation. There are some components of NEPA that have been the subject of much attention. These include its famous requirement of environmental

\[348\] Anderson, supra note 325, at 397 (lamenting that in environmental matters, “success has been spotty. The enormous energy expended to purify the environment seems to be full of sound and fury, signifying, in the end, not much”); id. at 398 (“In isolated instances, . . . success has been dramatic. Judging by how close we are to achieving the goals set out in 1970, however, we must conclude that, overall, our efforts have been only marginally successful, with several major disappointments.”); id. (“[I]f we compare our progress toward environmental purity to the amounts of time, money, and energy spent, the environmental machinery proves to be an inefficient clunker . . . .”); id. at 410 (concluding that, although the success of the environmental movement has been spotty, it has “at least . . . scraped off the top layer of muck and nabbed the most significant environmental offenders”); id. (critiquing environmental progress on the grounds that “Congress focused on individual environmental problems rather than the environment as a whole. The piecemeal approach—responding to each separate crisis and treating distinct resources separately and differently—simply has not worked very well. Environmental law cries out for coordination and integration in order to be more effective”); Bobertz, supra note 14, at 712-13 (criticizing complexity of modern environmental statutes and lamenting that in this area of law, “what is there, once uncovered after painstaking study and acronym translation, often turns out to be nothing more than incantations of impossible promises, strategies of deadline avoidance, loopholes for favored industries, and heaping piles of regulatory minutiae” (emphasis omitted) (citations omitted)); id. at 741 (lamenting the “massiveness, disorganization, and incomprehensibility that plague environmental law”); Vandenbergh, supra note 326, at 193-95 (noting that while “laws that imposed command and control requirements beginning in the early 1970s have led to significant reductions in emissions of targeted pollutants and improvements in environmental quality in the United States,” “it is [also] not at all clear that the United States is on track to achieve the overall national objective of a sustainable environment identified in the National Environmental Policy Act”); Dennis D. Hirsh, Symposium Introduction: Second Generation Policy and the New Economy, 29 CAP. U. L. REV. 1, 2 (2001) (noting that the past quarter century “has brought us significant environmental protection. . . . [O]ur air and water and land are cleaner and better protected today than they were twenty-five years ago, and . . . this progress is largely due to . . . statutes and to the federal and state programs that implement them”); Richard B. Stewart, A New Generation of Environmental Regulation, 29 CAP. U. L. REV. 21 (2001) (providing general critique of environmental law’s “first generation”); Dennis A. Rondinelli, A New Generation of Environmental Policy: Government Business Collaboration in Environmental Management, [2001] 31 Envtl. L. Rep. (Envtl. L. Inst.) 10,891 (Aug. 2001) (evaluating success of environmental programs to date and outlining proposals for reform).

\[349\] For a general discussion of major litigation involving NEPA provisions, see generally William M. Cohen & Margo D. Miller, Highlights of NEPA in the Courts 181-92, in ENVIRONMENTAL POLICY AND NEPA, supra note 321 (reviewing landmark NEPA cases).
impact statements ("EIS") and its establishment of the Council on Environmental Quality ("CEQ"). In the view of many, NEPA is best known for—and, perhaps most effective because of—its procedural EIS requirements. These EIS requirements have been widely copied throughout the

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350 See NEPA, § 102(C), 42 U.S.C. § 4332(C) (2000). NEPA requires that all federal agencies:

[I]nclude in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,
(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
(iii) alternatives . . .
(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
(v) any irreversible and irrevocable commitments of resources which would be involved in the proposed action should it be implemented.

*Id.*


There is created in the Executive Office of the President a Council on Environmental Quality . . . . The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. . . . Each member shall be a person who . . . is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in light of the policy set forth in subchapter I of this chapter; to be conscious of and responsive to the scientific, social, aesthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

*Id.*

352 Many have noted the greater and, perhaps, disproportionate amount of attention currently paid to NEPA's procedural requirements. See, e.g., CALDWELL, supra note 317, at 37 (criticizing the "widespread opinion [that] developed and proliferated that the writing of impact statements was the primary purpose and intent of NEPA"); Timothy Patrick Brady, Comment, "But Most of It Belongs to Those Yet to be Born": The Public Trust Doctrine, NEPA, and the Stewardship Ethic, 17 B.C. ENVTL. AFF. L. REV. 621, 637 (1990) (lamenting "the virtually exclusive focus on the EIS in most disputes involving NEPA"); Bart Brush, Note, Environmental Quality: National Environmental Policy Act, 22 ENVTL. L. 1163, 1163 (1992) ("Despite the rhapsodic language of section 101, the more prosaic section 102 has been of greater concern to federal agencies and courts."); Hughes, supra note 317, at 1159
world and by many individual states. As observers have praised the environmental impact aspect of NEPA, it has been noted that such environmental assessment "is a proven technique used to ensure that governmental actions avoid or minimize unanticipated adverse effects. It provides a process for institutionalizing foresight."

Before the substantive and procedural requirements of NEPA are established, however, the very first part of NEPA articulates a "Declaration of National Environmental Policy" for the United States. It is this part of NEPA that is the subject of this discussion. In the Congressional "Declaration of Purpose" for NEPA, the very first stated goal of the statute is:

To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

Thus, NEPA’s Section 101—hailed as a "major statement of this country’s environmental ethic" and "NEPA’s core"—contains a very broad, ("Although section 101 recites broad national environmental policy and goals, the courts have focused on section 102, which prescribes procedures for federal agencies to incorporate environmental considerations in their decision-making processes."

353 For a fuller discussion of NEPA’s international impact, see generally Wood, supra note 344, at 99 (summarizing NEPA’s effect on law abroad, with particular attention to the laws of Canada, Australia, and New Zealand, as well as, more generally, European and developing countries).

354 Robinson, supra note 344, at 591 (emphasis omitted); see also id. at 593 ("The process of making cautious and informed decisions, with preventative measures to avert unwanted environmental degradation, is the essence of [environmental impact assessment].").

355 Indeed, the temptation to focus on NEPA’s procedural requirements to the exclusion of emphasis on its policies has been cited as a serious flaw in NEPA understanding. See, e.g., AGENDA FOR THE FUTURE, supra note 317, at xvi-xvii ("To regard ... Section 102 ... as the essence of the Act is to misinterpret its purpose . . . .").


357 TABB & MALONE, supra note 334, at 235; see also AGENDA FOR THE FUTURE, supra note 317, at 30 (calling § 101 "[the most important and least appreciated provision of NEPA"). Holly Welles, The CEQ NEPA Effectiveness Study: Learning from Our Past and Shaping
idealistic set of policy principles that sets forth in a secular way what Catholic social teaching does in a religious way.\textsuperscript{359}

NEPA's policy statement, "modeled around notions of sustainability and ecosystem balance,"\textsuperscript{360} has both been widely praised as a comprehensive vision of environmental policy\textsuperscript{361} and harshly criticized or mourned as being

\textit{Our Future, in} ENVIRONMENTAL POLICY AND NEPA, \textit{supra} note 321, at 193 (calling NEPA "the nation's most eloquent declaration of environmental policy"); Calloway & Ferguson, \textit{supra} note 331, at 1151-52 (calling NEPA § 101 "the most comprehensive and far reaching national policy statements regarding environmental issues of any environmental statute"); \textit{id.} at 1153 (calling NEPA's language "profound"). \textit{But see Flourney, supra} note 326, at 70 (urging, with respect to environmental law generally, although not specifically NEPA, that "[o]ne cannot simply look at the hortatory statements of policy in a statute and accept them as stating 'an ethic'" (citation omitted)).

\textsuperscript{359} Sandler, \textit{supra} note 317, at 142.

\textsuperscript{360} Indeed, the similarities between NEPA and the Catholic Church's teachings on the environment are evidenced in one commentator's description of NEPA:

NEPA's prose reads unlike other statutes. It speaks of creating conditions in which man and nature can coexist in "productive harmony." It calls for efforts to prevent or eliminate damage to the biosphere and for greater understanding of ecological systems. It promises the widest range of uses of the environment "without degradation." It recognizes the "worldwide and long-range character" of environmental problems. And it refers to the federal government as an environmental trustee for present and future generations. The language is constitution-like in tone . . .

\textit{NEPA at Twenty, supra} note 333, at 449 (citations omitted); see also \textit{AGENDA FOR THE FUTURE, supra} note 317, at 2 ("The reconciliation of differences regarding the place of environment in public policy thus became—and remains—a problem that is political, judicial, administrative, and, at its base, ethical."); \textit{id.} at 33 ("Section 101 of NEPA establishes the principles and goals of environmental policy and is, in essence, a declaration of values. It is difficult to adjudicate values . . . ."); Shannon, \textit{supra} note 326, at 149 (reviewing \textit{AGENDA FOR THE FUTURE, supra} note 317) (calling § 101 of NEPA "a statement of societal responsibility [that] defines the bounds of ethical decisions in public policy").

\textsuperscript{361} See, \textit{e.g.}, \textit{id.} (calling NEPA's statement of environmental policy "arguably the most cogent yet holistic environmental law ever written, providing a vision of sustainability for this nation's future"); \textit{id.} at 248 (calling the intent behind NEPA's environmental policy to be "profound, clear, and ecologically progressive"); \textit{id.} at 249 (calling NEPA's environmental goals "the heart and soul of NEPA's directives to federal agencies" and "positive law binding on all parts of the federal government"); \textit{id.} at 263 (praising NEPA's declaration of environmental policy because it "forced the political landscape to integrate interagency environmental planning, ecosystem awareness, future generational rights, recycling, renewable resources, and valuing non-quantifiable ecological values . . . . NEPA certainly
ineffective. Indeed, one commentator noted that “the neglect of the policy intent of productive harmony laid out in section 101 has limited the ability of NEPA to achieve its potential.” The major and oft-repeated criticisms of NEPA’s grand policy statement revolve around charges that:

- its high principles lack “teeth” and legal enforceability;

shook the federal government’s decision-making foundation” (citation omitted)); id. at 267 (lauding NEPA as “a well-articulated, concise, consistent, and flexible statute that, if fully supported by the federal courts and the President, could be a foundation for global sustainability”); AGENDA FOR THE FUTURE, supra note 317, at 146 (noting that while “the substantive goals of NEPA have been only partially internalized in government agencies . . . NEPA has nevertheless had a positive impact on policy and administration in the United States and a catalytic effect on the policies of nations abroad”); MANAGING THE ENVIRONMENT, supra note 317, at 286 (noting that, with regard to § 101, “[t]he significance of this policy statement was widely overlooked. Conventional wisdom dismissed it as merely philosophical or rhetorical preamble . . . (However, it provided a sweeping statutory grant of authority to the president and executive agencies to take action to protect the environment”); Preister & Kent, supra note 288, at 236 (praising NEPA as “a sterling piece of legislation”).

See AGENDA FOR THE FUTURE, supra note 317, at 38 (“The substantive provisions of Section 101 have been dismissed, in effect, as idealistic rhetoric, as administratively inoperable and as judicially unenforceable.”); Lynton K. Caldwell, Implementing NEPA: A Non-Technical Political Risk, in ENVIRONMENTAL POLICY AND NEPA, supra note 321, at 25, 31 (calling NEPA’s policy statement “[t]he most important and least understood provision of NEPA”); id. at 37 (criticizing the way in which “[t]he substantive provisions of Section 101 were dismissed, in effect, as harmless rhetoric and as judicially inoperable” when “the language of Section 101 was explicit and mandatory”); Beyond NEPA, supra note 317, at 205 (“The goals and principles declared in section 101 have been treated as noble rhetoric having little practical significance.”); id. at 214 (lamenting that NEPA’s “achievements look best when compared with past abuse and neglect. They are much less impressive when viewed in relation to present and future needs”); Shannon, supra note 326, at 149 (“The legal history of Section 101 principles is disappointing at best.”).

Preister & Kent, supra note 288, at 239.

Section 101 of NEPA acts as a self-regulating rudder that guides policy makers toward equilibrium. Somewhere along the line, the NEPA ship lost its rudder. An overemphasis on section 102 has led to a focus on compliance—whether the procedures were followed—rather than on policy questions that should direct the EIS. Adherence to section 102 at the expense of section 101 has led to conflict, litigation and stalled decisions.

Id.

See, e.g., MANAGING THE ENVIRONMENT, supra note 319, at 286 (“The significance of this policy statement was widely overlooked. Conventional wisdom dismissed it as merely philosophical or rhetorical preamble, not enforceable by the courts and therefore
unimportant."; Lindstrom, supra note 324, at 246 (lamenting that NEPA "rests on a very shallow legal foundation"); id. at 264 (lamenting the fact that courts "have been ambivalent with respect to the practical significance of its substantive provisions") (quoting Lynton K. Caldwell, Foreward, in ENVIRONMENTAL POLICY AND ADMINISTRATIVE CHANGE, supra note 317, at xi-xiii); id. at 266 (criticizing "lack of judicial review of NEPA's policy goals and the lack of executive oversight and enforcement"); Houck, supra note 285, at 174 ("Thirty years after the enactment of NEPA, 'is that all?' remains its most haunting question."); id. at 177 ("The real problem with NEPA is that it attempts the impossible."); id. at 179-80 (discussing difficulty of enforcing NEPA's broad policy statements because "[t]hey are inspiring, but they are not law. Almost by definition, they cannot be law... Motivational as they may be, they lack the precision that would allow someone in our system, ultimately a reviewing court, to say, 'this is over the line'"); id. at 181 (noting that the difficulty of implementing NEPA's broad environmental principles is that Congress did not "appreciate the impossibility of saying something as general as 'Be Environmental!' to the federal establishment as a whole and expecting it to happen, or to be enforced when it did not happen"); id. (lamenting that "NEPA could not have it both ways, the aspirationally general and the enforceably specific"); id. at 237-38 (discussing flaws of substantive NEPA implementation); Yost, supra note 343, at 534 ("I believe NEPA's procedural provisions have been extraordinarily successful in achieving their somewhat constrained goals. Substantive review under NEPA is quite another question. Here I believe NEPA's promise is essentially unfulfilled, a circumstance for which the United States Supreme Court holds primary responsibility."); Brady, supra note 352, at 636-37. The author explains:

Because of the strange combination of sweeping policy statements, or substantive goals, with the narrow procedural requirement of the EIS, NEPA suffers from a sort of a statutory split personality... [T]he goal of NEPA—the creation of a productive harmony between people and nature—is often lost in the emphasis on procedural compliance.

Id. (citations omitted).

But see Blumm, supra note 331, at 383 (claiming that while NEPA "could be construed as merely a statement of good intentions on the part of the federal government, the federal courts treat it more seriously"); Arnold, supra note 333, at 50,031 ("It is true that § 101 does not do everything for the environment. It is a far cry from that truism to the conclusion that it does nothing, or at least nothing for which judicial remedy exists."); id. at 50,033 ("That Congress has not in NEPA itself erected a procedural mechanism for enforcement is immaterial. That is the business of the courts."); id. at 50,040 (claiming that "the conclusion that claims of violation of § 101 are cognizable by the courts is not at all surprising. It is simply a traditional application of the general rule that administrative action is reviewable absent a clear showing to the contrary"); Brady, supra note 352, at 640 ("[T]he text of NEPA itself would seem to belie any contention that NEPA is merely a procedural statute, NEPA mandates that all policies, regulations, and public laws... be interpreted and administered to the fullest extent possible according to NEPA's substantive goals.").
- its scope has been construed narrowly by the courts;\(^\text{365}\) and
- its stated ideals may be too vague to be effectively implemented.\(^\text{366}\)

This problem has been compounded by the debate as to whether the ideals of

\(^{365}\) See, e.g., Preister & Kent, supra note 288, at 237 (faulting NEPA’s “lack of attention to the human dimensions of the decision making process. The social, economic and cultural effects of decisions are seldom, or at least not systematically, considered as required by NEPA”); Yost, supra note 343, at 540 (arguing that Supreme Court’s narrow view of NEPA has “truncate[d] the development of NEPA’s substantive impact and deprive[d] the nation of the full reach of Congress’ purpose in enacting the statute”); Brady, supra note 352, at 643 (lamenting that “NEPA is interpreted so as to render policy goals virtually meaningless”); Karkkainen, supra note 346, at 906 (noting that “[t]he usual complaint in the legal literature is that NEPA lacks vitality because it has been ‘eviscerated’ over the years by a string of narrowing Supreme Court interpretations that elevated procedure over substance”); David C. Shilton, Is the Supreme Court Hostile to NEPA? Some Possible Explanations for a 12-0 Record, 20 ENVTL. L. 551, 551 (1990) (“The Supreme Court has never decided against the government in a case under the National Environmental Policy Act . . . . The Court has consistently rebuffed plaintiffs’ efforts to construe NEPA as an open-ended charter for courts to require procedures not expressly set out in the statute.”); Houck, supra note 346, at 185-86 (declaring it “hard to imagine a venue more hostile to NEPA . . . than the Supreme Court . . . . Of the twenty-two cases raising NEPA issues to the Court over the last thirty years, none—not one—has been decided in a fashion that favored the application of the statute to the facts”); Yost, supra note 343, passim (noting judicial reluctance to enforce the substantive goals of NEPA § 101); Brady, supra note 352, at 646 (“Although NEPA could be treated as a statute of real substance, such an interpretation would require reversal of Supreme Court precedent, which is unlikely to occur.” (citation omitted)); Preister & Kent, supra note 288, at 236 (“Judicial interpretations have clearly favored treatment of NEPA as procedural and not substantive law.” (citation omitted)).

For a more comprehensive and general discussion of the Supreme Court’s lack of enthusiasm for NEPA enforcement, see Shilton, supra.

\(^{366}\) See, e.g., FISCHMAN & SQUILLACE, supra note 333, at 147 (“Besides creating the [CEQ], the legislation seemed to be little more than a ‘motherhood bill’ to the casually-observing lawmaker. Indeed, a large portion of the first section, [Section] 101, is devoted to a detailed legislative expression that the federal government is in favor of a good clean environment.”); Clark, supra note 321, at 18 (calling the language of NEPA “very eloquent but general”); Shilton, supra note 365, at 565 (“While section 101 sets out important policy goals for the nation, there is no apparent way to translate these into judicially manageable standards for resolving individual controversies.”); Maria C. Holland, Comment, Judicial Review of Compliance with the National Environmental Policy Act: An Opportunity for the Rule of Reason, 12 B.C. ENVTL. AFF. L. REV. 743, 744 (1985) (lamenting that NEPA’s “loosely drafted language has produced a variety of judicial interpretations”). But see Caldwell, supra note 362, at 31 (stating that these NEPA principles, “while necessarily stated in general terms . . . are hardly vague in purpose (as alleged by some commentators).”)
§ 101 were ever even intended to have any binding legal impact. Yet, despite these limitations, NEPA was, and remains, the United States’ clearest declaration of environmental goals and values.

This precise question is explored fully in Arnold, supra note 333. In his article, Mr. Arnold explores the question, “does NEPA create any substantive rights enforceable in the courts?” Id. at 50,028. He appears to answer that question in the affirmative:

Presumably Congress intended to accomplish something by writing § 101 into positive law. It is always possible, of course, that the statute... is a political compromise, designed to sound reassuring but actually to produce nothing concrete. Such a conclusion... should be reached only as a last resort ... A close inspection of the words of § 101 reveals that the conclusion not only need not, but may not, be reached.

The language of NEPA has, surprisingly, remained largely unchanged. See AGENDA FOR THE FUTURE, supra note 317, at ix (noting that while “Congress has made numerous exceptions to NEPA’s application... there has been virtually no change in its text since its enactment in 1969”); MANAGING THE ENVIRONMENT, supra note 317, at 285 (noting that NEPA’s “brief text remained unchanged by any significant amendment”).

For a more critical view, however, see generally William F. Pedersen, “Protecting the Environment”—What Does That Mean?, 27 LOY. L.A. L. REV. 969 (1994), arguing that there is, in fact, no coherent environmental policy for the United States. Mr. Pedersen laments that:

With no tie to national institutions and values, our environmental programs operate largely without regard to that broader world and with remarkably little influence on it... These defects in our ends and means reflect a failure of political dialogue—a failure to pay serious public attention to the design and function of government institutions, or to the values they embody.

Id. at 969. While Mr. Petersen quite correctly criticizes media-specific statutes such as the Clean Water Act for lacking broad policy attributes, however, his critique does not analyze the National Environmental Policy Act and the contribution it might make in filling this perceived gap. For a similarly gloomy perspective, see also Eric T. Freyfogle, The Ethical Struggle of Environmental Law, 1994 U. ILL. L. REV. 819, 840 ("Try as we might, we cannot piece together Congress’s pronouncements into a coherent moral order, or even into a premeditated vision of ecological well-being.").
V. NEPA Principles Evaluated in Light of Catholic Social Thought

As is true of Catholic social teaching, the broad principles of NEPA are highly idealistic. In addition, as is also true of Catholic social teaching, NEPA’s statement of goals does not provide much specific guidance as to how to attain the environmentally sound benefits desired. Senator Jackson observed that, with the passage of NEPA, “[e]nvironmental values which had in the past been ignored with impunity were suddenly elevated as a matter of Federal law to the status of national goals.” Nevertheless, this statement of goals, like those in Catholic ecological teaching, lacks specificity with regard to specific policies. As the D.C. Circuit Court of Appeals observed about NEPA § 101, “the general substantive policy of the Act is a flexible one. It leaves room for a responsible exercise of discretion and may not require particular substantive results in particularly problematic instances.” Much the same could be said of Catholic social teaching in this field.

In addition, in some respects, NEPA is a secular declaration of ethical concerns as they can be embodied in law rather than in faith. It has been

370 See AGENDA FOR THE FUTURE, supra note 317, at xiv (stating that “[NEPA] expresses a maturing of values that are widely but not yet universally shared by Americans”); Yost, supra note 343, at 549 (claiming “[i]t would be hard to imagine an act passed with higher hopes”). In a less positive light, however, NEPA’s broad policy perspectives have been accused of reflecting “[t]he credulous hope and fuzzy moral thinking of th[e] early” environmental era. Freyfogle, supra note 369, at 834.

371 Jackson, supra note 274, at 407.

372 See AGENDA FOR THE FUTURE, supra note 317, at xvi (“[NEPA’s] practical significance may be overlooked because while the Act declares values . . . it does not confer individual rights, nor regulate private behavior.”); id. at 11 (observing, with regard to NEPA’s principles, that “as [statements] of values they are unavoidably general”); Caldwell, supra note 362, at 34 (lamenting that while “the principles of NEPA appear to have wide popular support, appreciation of the action required for its implementation has not been firmly internalized in American political ethos”); Clark, supra note 321, at 18 (calling language of NEPA “very eloquent but general”); Beyond NEPA, supra note 317, at 208 (noting that NEPA’s “substantive principles were general, as is appropriate for a declaration of national policy”).


374 See Vandenbergh, supra note 326, at 201 (“[L]aw is expressive in the sense that it can signal, reinforce or change social meaning.”); Barlow, supra note 9, at 782 (analyzing argument that “when action required for compliance with a regulatory system also is suggested by the citizen’s personal value system, the citizen is more likely to respect and
said that “[a]s traditional institutions, such as custom, religion, and family, have receded in importance as setters of social norms, law has filled the niche. Today, many people tend to derive their moral bearings from the law. The law . . . sets the ethic by which we live.” Because NEPA is a philosophical statement as well as a legal one, it is important to consider what NEPA posits as moral and ethical principles. In light of this, the broad objectives of NEPA are worth studying as a set of ethical principles as well as legal principles.576

Because of these similarities, a comparison between the two sets of environmental principles—those found in Catholic social teaching and those articulated in NEPA—is useful. The analysis that follows begins this comparison with a discussion that may be useful for a better understanding of both the Catholic perspective and the American secular/legal perspective on environmental responsibility and values. If, as has been argued, “we have reached a point at which a more systematic inquiry into the ethics of our law support the regulation”); Brady, supra note 352, at 629-30 (noting that while “law often expresses society’s sense of what is and is not acceptable, and what is or is not right or wrong,” it is also true that law “is not limited to its traditional function of mirroring accepted values. Law sometimes may actually leap ahead of society, anticipating and setting new values and new standards of conduct” (citation omitted)); Shannon, supra note 326, at 149 (calling NEPA’s § 101 “a statement of societal responsibility [that] defines the bounds of ethical decisions in public policy”). Indeed, as one secular legal commentator noted, “[t]he central and enduring challenge of environmental governance remains the fact that the human environment is in fundamental respects a common good.” MANAGING THE ENVIRONMENT, supra note 317, at 368.

But see Tarlock, supra note 13, at 194 (arguing that “environmental law and management should derive their primary political power and legitimacy from science, not ethics” (citation omitted)).

375 Karp, supra note 12, at 250; see also Coward, supra note 10, at 1180 (opining that “religion in its responses to population, consumption, and ecology problems can become a powerful coworker with law”). Religion and law can work powerfully together to protect both humans and nature from unethical exploitation. Law, with policy makers, can provide minimal international standards. But if the aim of law in areas like population and ecology is to change human behavior, then law needs the help of religions and their maximal values.

Id. at 1185.

376 For an alternate perspective, albeit one not focused on NEPA, see generally Flournoy, supra note 326, asserting that “it is not clear that environmental laws do reflect any clearly articulated ethic that should be called environmental.” Id. at 66.
is both possible and necessary," then the time is particularly ripe for such an exploration.

The time is also ripe for a greater openness to considering the contribution that religious values may make to creating and shaping that secular/legal perspective. In a legal system that prides itself on the separation of church and state, there is a danger in becoming too eager to dismiss ethical principals that have a religious belief at their base while adopting, perhaps, the exact same principals if they are justified on neutral, non-religious grounds. In an area so fraught with ethical choices as environmental policy, however, it seems inevitable that people of good will, will, of necessity, consult their religious views for guidance. If this be so, it seems wise to openly acknowledge that reality, and allow for the honest introduction of religious principles into the debate as religious principles.

NEPA has been called a “stunningly simple statute,” and this is true of its policy statement. NEPA outlines three primary goals or policies that should be advanced as actions are undertaken and programs are enacted that will have an effect on the environment.

A. NEPA § 101(a)

NEPA’s first policy advocates the “crea[t] and maint[en]ce [of] conditions under which man and nature can exist in productive harmony.. . .” In the fuller description of this policy, the statute goes on to say:

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377 Id. at 69.
378 For an insightful discussion as to why environmental law is an area particularly appropriate for discussion of religious values, see generally Kent Greenawalt, The Limits of Rationality and the Place of Religious Conviction: Protecting Animals and the Environment, 27 WM. & MARY L. REV. 1011 (1986).
379 Karkkainen, supra note 346, at 909; see also FISCHMAN & SQUILLACE, supra note 333, at 147 (calling NEPA “exceptionally brief and straightforward”); Kenneth S. Weiner, Basic Purposes and Policies of the NEPA Regulations, in ENVIRONMENTAL POLICY AND NEPA, supra note 321, at 61 (noting that NEPA “stands out among federal laws as a model of brevity and simplicity”); id. (“Concise and to the point, NEPA reads more like a constitution than a typical statute.”); AGENDA FOR THE FUTURE, supra note 317, at xv (“Its text is short and free from jargon.”). But see Bartlett, supra note 347, at 51 (calling NEPA “a complex and subtle piece of legislation, not susceptible to simple explanation or interpretation”).
380 NEPA, § 101(a), 42 U.S.C. § 4331(a) (2000). One commentator has elaborated more fully on this expression of the “policy” underlying NEPA, arguing that the broad purpose of § 101 is to establish a policy that “proposes an integration or a balance between people and nature,
The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.\textsuperscript{381}

This section of NEPA has much in it that is consistent with traditional Catholic teachings with regard to environmental affairs. It expresses opti-
mism that humans and nature can "exist in productive harmony," although, as a practical matter, there may be difficulties in achieving this balance.382 This reiterates Catholic principles that suggest that humanity should not be perceived as the villain in environmental matters even though, of course, mankind is capable of imposing great harm on the natural world.

This principle also seems to be human centered in its discussion of the importance of sound environmentalism to "the overall welfare and development of man."383 Senator Jackson once said of NEPA’s policy goals:

These goals are “man” oriented. They are concerned with humanity and man’s relationship to his surroundings. By way of contrast, most Federal resource policies and laws are “object” oriented. Human values and aspirations tend to be submerged in programs and numbers, and the issues tend to become quantitative and objective. Qualitative, humanistic considerations are too often lost in legislative and administrative efforts to adjust or redefine man’s changing relationship to his environment.384

382 The meaning of this section is explored more fully in Caldwell, supra note 362, at 32. This statement has often been interpreted to require a balancing of equities, primarily economic and environmental, but the intent of NEPA would not be achieved by offsetting (but still retaining) an economic “bad” with an environmental “good,” as mitigation measures often attempt. More consistent with the spirit of the act would be a synthesis in which “productive harmony” is attained and transgenerational equity is protected.

Id. More broadly, Professor Caldwell has suggested that this ideal of balance is an integral part of NEPA overall. See AGENDA FOR THE FUTURE, supra note 317, at xv (“The environment and the economy are not dichotomies requiring ‘balance.’ Conflicts may indeed occur . . . but the economy is an integral part of the larger human environment. The appropriate relationship is synthesis—not balance.” (emphasis omitted)). One commentator suggests, however, that NEPA has not yet been successful in achieving this balance. See Holly Kaufman, The Role of NEPA in Sustainable Development, in ENVIRONMENTAL POLICY AND NEPA, supra note 321, at 313, 315 (“One of the many unfulfilled provisions of NEPA . . . is the need to minimize competition among three of society’s most pressing needs: human welfare, a healthy environment, and a productive economy.”). For a discussion of the various views held by Americans with regard to the complex relationships between humanity and the environment, see generally KEMPSON ET AL., supra note 12, at 40-60.


384 Jackson, supra note 274, at 408; see also id. at 413 (arguing that “[e]nvironmental policy . . . is concerned with the maintenance and management of those life-support
This is similar to the Church’s concern that the protection of the environment not blind policy-makers to the needs of humans. By noting the importance that must be paid to the “social” and “economic” realms, NEPA mirrors the holistic approach to ecological issues and sustainable development advocated by Catholic social teaching.

Likewise, this policy echoes the Church’s observations that there are “interrelations” in nature and that these complex relationships must all be weighed in environmental consideration. Although NEPA, like Catholic social teaching, declines to state exactly what measures should be taken in light of this interrelation, it does make abundantly clear that a harm to part of the ecological order may have widespread and unanticipated consequences.

This declaration of policy also appears to respect and mirror Catholic teaching on subsidiarity. On the one hand, because NEPA is the National Environmental Policy Act, its primary thrust concerns the role of federal agencies in environmental assessment. Nevertheless, however, this policy declaration also advocates cooperation between federal, state and local systems—natural and man-made—upon which the health, happiness, economic welfare and physical survival of humanity depend).

This broad view is discussed in Kaufman, supra note 382, at 314. Kaufman outlined:

Not only does NEPA establish sustainable development as national policy, it explicitly includes nearly all the sustainability provisions called for by contemporary sustainable development proponents. These include:

- Integration of human, environmental, and economic needs
- Public participation in decision making
- Intergenerational equity
- Use of environmental indicators and accounting
- Need for scientific analysis with recognition of its limits
- Recognition of the interrelationships among population growth and density, technology, industry, and other influences on the environment
- Incorporation of sustainability goals in all federal agency policies
- Consistency of policies within agencies
- Cooperation among agencies
- Cooperation among state and local governments, private entities, and the international community...

Id.; see also id. at 319 (“NEPA has clear limitations as a tool for sustainable development, but it does spell out an exemplary sustainable development policy for the country.”).

See note 294 and accompanying text (exploring the Catholic perspective on the interconnectedness of nature).
governments. Although this broad policy does not describe how this "cooperation" should take place, it recognizes that there are different levels of authority that may be properly and necessarily involved in tackling environmental challenges.\(^{387}\) In addition, NEPA's policy statement claims, consistent with subsidiarity, that non-governmental "public and private organizations" also have a role to play in environmental policy-making.\(^{388}\) This, too, is an important element of subsidiarity respected by NEPA's broad policies.

Finally, consistent with Catholic social teaching, this first NEPA policy notes the critical attention that should be paid to intergenerational responsibility. That responsibility gets greater attention later in NEPA.\(^{389}\) Its place in this first policy declaration, however, helps to highlight its importance in the NEPA framework, mirroring its centrality to Catholic ecological teachings.

Hence, in its broad strokes, this first NEPA policy is strikingly similar to the ecological vision found in Catholic teaching.

B. NEPA § 101(b)

The second of NEPA's principles is more detailed and contains more substance. Although it begins by stating broadly that the federal government shall "use all practicable means . . . to improve and coordinate Federal plans, functions, programs, and resources,"\(^{390}\) this policy then has six subparts which, in greater detail,\(^{391}\) require the Federal Government to ensure that the Nation will:

"(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations . . . ."\(^{392}\)

This reiterates the concern for intergenerational responsibility as articulated in Catholic social thought and noted by many writers who approach

\(^{387}\) See discussion supra Part III.D. (discussing subsidiarity in Catholic tradition).

\(^{388}\) Id. (discussing the important roles various entities have to play).

\(^{389}\) See infra discussion accompanying notes 392-99.


\(^{391}\) See REDISCOVERING NEPA, supra note 317, at 4 (describing these six subparts as "the guts of NEPA's commands to the agencies").

environmental issues from a legal or secular perspective.\footnote{See, e.g., Karp, supra note 12, at 269.} Although this is a difficult balance,\footnote{Id.; see also Brady, supra note 352, at 622 (noting that today's environmental problems “may be traced in part to the problem-solving of a series of present generations who did not consider the environmental impacts of their actions” (citation omitted)), id. at 635 (calling NEPA “[t]he preeminent statute concerning the present generation’s duty to future generations”); Mark Eliot Shere, Building Trust: Conservatives and the Environment, 20 Harv. J.L. \\& Pub. Pol’y 829, 833 (1997) (“It is our children’s birthright to find the world cleaner than the one we inherited, and it will be their duty to do better still.”); Joan L. McGregor, Property Rights and Environmental Protection: Is This Land Made for You and Me?, 31 Ariz. St. L.J. 391, 431-35 (1999) (discussing moral implications of “our duties to the future”); Tarlock, supra note 13, at 222-23 (“The underlying philosophical principle of much environmental management is the duty of inter-generational equity. . . . This principle has been rapidly adopted as the ethical norm against which major international agreements and mandates must be tested.” (citation omitted)); Slifer, supra note 279, at 158 (“[I]f the core reason behind preserving the environment is to preserve the Earth for the enjoyment and use of future generations . . . [d]oes it really make sense that we limit the number of humans in the future generations . . .?”); Agenda for the Future, supra note 317, at 14. In a general consensus on the way the world works and man’s place in the system, conservation of the environment for transgenerational equity would be a value held by nearly everyone. But that consensus has not been reached, and many environmental issues are controversial—at odds with traditional concepts of entitlement and values. Id.; Kempton et al., supra note 12, at 95-102 (describing strong feelings among Americans in favor of preserving the environment for future generations); Yannacone, supra note 317, at 12 (calling NEPA § 101(b)(1) “[a] recognition of the responsibility of each generation to enhance and maintain to the greatest extent possible the quality of the environment for the benefit of future generations”); Edith Brown Weiss, What Obligation Does Our Generation Owe to the Next? An Approach to Global Responsibility: Our Rights and Responsibilities to Future Generations for the Environment, 84 Am. J. Int’l L. 190, 198 (1990) (discussing the moral implication arising from inter-generational responsibility); id. at 200 (observing that “[t]he theory of intergenerational equity finds deep roots in international law” (citation omitted)).} and this NEPA policy provides no guidelines on how
to strike it wisely,\textsuperscript{395} it is telling that NEPA’s drafters highlighted this point. In the words of Senator Jackson, one of NEPA’s staunchest advocates:

The needs and the aspirations of the future generations make it our duty to build a sound and operable foundation of national objectives for the management of our resources for our children and their children. The future of succeeding generations in this country is in our hands. It will be shaped by the choices we make. We will not, and they cannot escape the consequences of our choices.\textsuperscript{396}

Also striking is the way in which NEPA identified environmental responsibility in terms of a “trustee” model.\textsuperscript{397} This mirrors the emphasis in

\textit{Future}, 87 GEO. L.J. 2025 (1999). As Professor Heinzerling frames the debate:

The fact that this country has constructed a vast regulatory apparatus aimed at preventing harms in the distant future, including harms even to people who do not yet exist, seems to contradict claims that individual and collective actions are dominated by shortsightedness, selfishness, and parochialism. . . . [Others] are troubled that we attend so closely to the future when the present, too, presses upon us its urgent demands. They claim that if only we put the future in its proper place, demoting it in importance relative to the present, we would see that many of the things we now try to avoid . . . do not make much of a difference in our lives, and that some of the things we sometimes ignore . . . could greatly improve our lives in the here and now.

\textit{Id.} at 2025-26.

\textsuperscript{395} See Freyfogle, supra note 369, at 834 (lamenting that, “[i]f indeed humans stand as trustees for the future, what are our duties, and where do we find a copy of the trust agreement? Neither NEPA nor its legislative history offered any answers”).

\textsuperscript{396} 115 CONG. REC. S40417 (daily ed. Dec. 20, 1969) (statement of Sen. Jackson); see also REDISCOVERING NEPA, supra note 317, at 15 ("praising NEPA because it gives . . . future generations a seat at the table where decisions are to be made").

\textsuperscript{397} See Bartlett, supra note 347, at 52 (noting NEPA’s “substantive emphasis on trusteeship for succeeding generations”). The trustee model is discussed more fully in Weiss, \textit{supra} note 393, at 199 (“As members of the present generation, we hold the earth in trust for future generations. At the same time, we are beneficiaries entitled to use and benefit from it.”) and at 200 (“Each generation is thus both a trustee for the planet with obligations to care for it and a beneficiary with rights to use it.”). In addition, see generally Holland, \textit{supra} note 366, at 746-64 (explaining the desirability of analogizing NEPA’s provisions with charitable trust law). Other secular commentators also advocate the trustee or stewardship model for guidance. See, e.g., Michael McDonald, \textit{Prescriptions from Religious and Secular Ethics for...}
Catholic social teaching on the notion of stewardship. Like stewards, trustees bear the responsibility for maintaining and preserving property that does not belong to them. With this responsibility comes the obligation to use that property wisely while recognizing that it is not purely for one's own benefit. Naturally, there are differences in meaning between "stewards" and "trustees," with the latter having a far more legal tone and background. The central theme, however, is similar and consistent.

"(2) Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings..."

This NEPA goal, like Catholic social teaching, recognizes the importance of the human element of the environment. Indeed, in commenting on the policies underlying NEPA, one commentator noted that:

Congress explicitly recognized the link between the health of the physical and social environments. It is recognized that people are part of the ecosystem, and long-term sustainability depends on human communities being a part of decision making and having a stake in sustainable practices. Efforts to understand the social environment must be made in conjunction with biophysical resource assessment. The goal is land management practices that sustain both physical environment and human communities.

\[\text{Reference Text}
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This broad focus is not without its critics.\textsuperscript{402} As is true of Catholic social thought, however, this NEPA goal emphasizes the importance of the natural environment to preserving the dignity of the human person by providing both for physical benefits as well as the intangible benefits that flow from a clean environment. This goal also concerns itself with preserving the cultural aspects of the environment, as does Catholic teaching, recognizing that there is much in the man-made environment that can be good and beautiful.\textsuperscript{403} Indeed, this focus of NEPA very closely mirrors the plea of Archbishop Martino who urged:

\begin{quote}
Let us strive to give to every man, woman and child a safe and healthy physical environment. Let us join forces in providing
\end{quote}

environmental, economic, and social science disciplines"); Jackson, \textit{supra} note 274, at 403 (declaring that “new concern for values which cannot easily be translated into the language of the market place can be felt and seen in citizen efforts to save open spaces, parks, and natural beauty”); \textit{id.} at 414 (“Environmental policy is concerned with the total environmental needs of man—ethical, aesthetic, physical, and intellectual as well as economic.”); Yannacone, \textit{supra} note 317, at 12 (calling NEPA § 101(b)(2) a provision that “made it the duty of the federal government . . . to strive to protect the quality of the environment and to plan, design, and construct projects in order to protect and enhance every American’s habitat”); Bartlett, \textit{supra} note 347, at 52-53.

Given its substantive emphasis on trusteeship for succeeding generations, aesthetically and culturally pleasing surroundings, and preservation of important historic, cultural, and natural aspects of national heritage, it is clear that NEPA is not founded exclusively on a market model of society . . . . NEPA is based on presumptions about the public interest . . . about cooperation . . . , and about the cultivation of important values . . . .

\textit{Id.}

\textsuperscript{402} See Tarlock, \textit{supra} note 13, at 198 (asserting that “[t]he thrust of environmentalism is not, and never has been, the enhancement of human dignity, but rather the need for humankind to subordinate itself to two communities, future generations and ecosystems, neither of which has a legal personality” (citation omitted)); \textit{id.} at 223 (claiming “[e]nvironmentalism’s central insight has been to demonstrate the need to supplant the Enlightenment view that humans are sovereign over nature with one which appreciates the many instrumental as well as intrinsic values of nature”).

\textsuperscript{403} Naturally, a discussion of culture, cultural property and its links to environmental preservation is beyond the scope of this paper. In addition, the protection of cultural property involves far more than NEPA. For a fuller discussion of this complex legal area, see generally \textit{INTERNATIONAL ENVIRONMENTAL POLICY}, \textit{supra} note 190, at 199-210 (discussing international efforts to preserve aspects of the human cultural environment); Patty Gerstenblith, \textit{Identity and Cultural Property: The Protection of Cultural Property in the United States}, 75 B.U. L. REV. 559 (1995).
them with real opportunities for development. But, in the
process, let us not allow them to be robbed of their souls... . [T]he aesthetic value of the environment must also be
considered and protected, thus adding beauty and inspiring
artistic expression to development activities.\footnote{404}

Obviously, this NEPA goal parts company with Catholic social teaching
in its more parochial attention to assuring these environmental benefits for
"all Americans" without discussion of the international situation and environ-
mental conditions in other nations.\footnote{405} Almost by definition, the Catholic
perspective is more global in scope than NEPA aims to be. In this, the two
approaches diverge. It is not only in § 101(b)(2) that NEPA manifests a
purely domestic environmental agenda, but in all the provisions of NEPA's
§ 101 policy declaration, the focus is predominantly domestic.\footnote{406} This is
curious not merely because this is inconsistent with Catholic social teaching,
but because it is inconsistent with later provisions of NEPA that urge
international involvement,\footnote{407} or refer to "people" rather than "Americans.\footnote{408}

\footnote{404 Second Statement of Archbishop Martino, supra note 193, at 122, 127.}
\footnote{405 See AGENDA FOR THE FUTURE, supra note 317, at 15 ("In the earlier years of the
environmental movement in America most critics failed to recognize its international
character."); MANAGING THE ENVIRONMENT, supra note 317, at 11 ("American
environmental policy has been overwhelmingly concerned with domestic issues . . . . This
preoccupation may become increasingly problematic in a twenty-first-century world in which
both environmental impacts and the economic forces that cause them are increasingly
global.").}
\footnote{406 In 1989, Representative Gerry Studds (D-MA) proposed H.R. 1113 (101st Congress, 1st
Session) and Senator John H. Chafee (R-RI) introduced the Senate counterpart to that bill.
AGENDA FOR THE FUTURE, supra note 317, at 158. The legislators' proposed bills would have
amended NEPA § 101(b) to add § 101(b)(7) which would have added, as an American
environmental policy, "to provide world leadership in ensuring a healthy and stable global
environment." Id. (quoting proposed NEPA § 101(b)(7)). This amendment never passed. See
also Philip Michael Ferester, Revitalizing the National Environmental Policy Act:
Substantive Law Adaptations from NEPA's Progey, 16 HARV. ENVTL. L. REV. 207, 257-69
(1992) (proposing NEPA amendments).}
\footnote{407 See, e.g., NEPA § 102(F), 42 U.S.C. § 4332(F) (2000) (describing the necessity to
"recognize the worldwide and long-range character of environmental problems and, where
consistent with the foreign policy of the United States, lend appropriate support to initiatives,
resolutions, and programs designed to maximize international cooperation in anticipating and
preventing a decline in the quality of mankind's world environment"). For further discussion
of NEPA's international implications and, more broadly, the international impact of
American environmental law, see generally Comment, NEPA's Role in Protecting the World
“(3) [A]ttain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences . . . .”

This aspect of NEPA policy highlights the need to balance the desire to protect the environment while still getting “beneficial use” from it. These “beneficial uses” presumably include primarily economic activity, but also can include recreation and development of other types as well as the “beneficial use” that comes from making land available for development, housing, and employment needs. As is true of Catholic social thought, this establishes that environmentalism cannot be pursued at all costs. Unfortunately, as is also true of Catholic social teaching, this statement of a goal is not accompanied by a clear indication as to how that goal is to be achieved nor how the difficult balance is to be struck between conservation and “beneficial use.”

“(4) “[P]reserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice . . . .”

As was true of § 101(b)(2), this goal also adopts a very broad view of the environment and encourages environmental policy makers to consider “historical” and “cultural” aspects of the environment as well as the natural environment itself. Indeed, as one commentator has observed, “[a]s the
decision making landscape has changed over the last thirty years, it is the social, cultural and economic aspects of decisions that most trouble people and that drive current resource decisions."^{412} This is consistent with the Catholic perspective that humanity is a part of nature and that those things created by humans are worthy of preservation in their own right, along with the beauty of the natural world.

"(5) [A]chieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities . . . ."^{413}

In this goal, there are several policies that are consistent with Catholic social teaching, as well as a source of conflict. Consistent with and supportive of Catholic teaching is the goal that there be a "wide sharing of life's amenities . . . ."^{414} Wide disparities in resources are consistently condemned in Catholic teaching. That teaching urges that the common good—and with it, equitable sharing of resources—is to be pursued by those with control over the riches of creation. NEPA's goal that the amenities of life be broadly shared is entirely consistent with this teaching.^{415} While NEPA's approach seems to be geared only to domestic inequities rather than global ones, the principle remains the same.

Where this section of NEPA may conflict with Catholic teaching is in its allusion to population as a factor to be "balanced" in the resource equation.^{416} Surely the attention to be paid to "resource use" is consistent with

\[\text{see generally A. Dan Tarlock, *City Versus Countryside: Environmental Equity in Context*, 21 FORDHAM URB. L.J. 461 (1994) (discussing need for attention to "sustainable cities" on both national and international levels).}\]

^{412} Preister & Kent, *supra* note 288, at 249.


^{414} *Id.*

^{415} See Yannacone, *supra* note 317, at 13 (commenting that in NEPA § 101(b)(5), "Congress has . . . implied that the rights of underprivileged American citizens to a high standard of living should not be sacrificed as a result of the national environmental policy to protect the environment").

^{416} Some of the problems with preserving population control that are raised in Catholic social teaching have also been raised from a secular/legal perspective as well. *See, e.g.*, Abrams, *supra* note 401, at 1091 (questioning "[c]an we reliably measure the relationship between population and environment? Can birth rates be decreased without violating human rights?"); *id.* at 1093 (noting that "the single-minded attention of some states to reaching demographic targets through increased contraception and sterilization has led to serious human rights
the exhortations against excessive greed and consumerism that appears continually in encyclicals and pastorals. It is not clear what NEPA’s drafters meant, however, with regard to consideration of population questions. If it meant only to point out that population has an impact on resource needs and on allocation issues, there is nothing about it that is inconsistent with Catholic teachings. If the goal, however, is to encourage population control as a means of achieving widespread sharing of resources, then the inconsistency with Catholic social teaching is clear.

"(6) [E]nhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources."418

As is true of Catholic social teaching, this NEPA goal concerns itself with the goal of sustainability and the need to be wise stewards of finite resources and to devote wisdom to ascertaining alternatives. This is consistent with the Church’s teachings that environmental and ecological decision-making should be undertaken with an eye toward the future and a concern for ensuring that the needs of today do not foreclose the world’s ability to meet the needs of tomorrow. Although Catholic teaching is concerned with ensuring an adequate quality of life in the present, it has, in recent years, acknowledged that there are limitations on many natural resources.

417 According to one commentator, NEPA § 101(b)(5) “is a recognition by Congress that uncontrolled magnitude and distribution of population underlies many of this nation’s environmental and resource problems.” Yannacone, supra note 317, at 13.

C. **NEPA § 101(c)**

The final NEPA policy, concerning environmental responsibility, states that “[t]he Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.”\(^{419}\) Consistent with Catholic teaching, this NEPA policy links the creation of rights with the declaration of a responsibility and in so doing is consistent with recurring themes in Catholic social thought.

As has been true of recent declarations of John Paul II,\(^ {420}\) this NEPA principle recognizes that each should have a “healthful environment” and that this is not merely an idealistic goal or a bonus for the well-off.\(^ {421}\) This is a

\(^{419}\) NEPA § 101(c), 42 U.S.C. § 4331(c) (2000); see, e.g., Lindstrom, *supra* note 324, at 264-66 (discussing rationale for a Constitutional amendment regarding environmental rights); Ledewitz & Taylor, *supra* note 13, at 611-24 (discussing environmental issues from a Constitutional law perspective); Tarlock, *supra* note 13, at 198 (noting that “[t]he Constitution . . . is not a source of environmental rights and duties because environmental values were not at the forefront of Enlightenment thinking”); Ledewitz & Taylor, *supra* note 13, at 599-600 ("[C]onstitutional law, which has never evolved an environmental ethic, either stands mute in the face of looming crisis, or serves as a minor impediment to coping with the crisis."); Caldwell, *supra* note 362, at 32 (noting “the absence of any direct provision in the Constitution for environmental policy or protection, in contrast to explicit provisions for property rights and civil rights”); *id.* at 33 (arguing that “[a]n environmental protection amendment to the Constitution could clarify equities between private rights and public interests. It could reduce litigation in environmental affairs and reduce arbitrary and unpredictable policy making by the federal courts.").

For an explanation of some of the legal difficulties inherent in such a Constitutional provision, see Houck, *supra* note 285, at 190 n.72.

Once the Constitution were to declare a policy of environmental protection, that declaration would, of course, trump statutory law. Nevertheless, that declaration would be subject to a multitude of interpretations by the Supreme Court . . . . At bottom, however, one finds the same difficulty in framing a constitutional amendment that confronted Congress in enacting the substantive policies of NEPA in 1969—the need to say something sufficiently general to be of wide application and sufficiently specific to be capable of enforcement.

\(^{420}\) See *supra* Part II.C.

\(^{421}\) As one commentator has noted, NEPA § 101(c) “echoes both people’s use of the environment and the . . . environment in its own right . . . .” Weiner, *supra* note 333, at 66-67; *see also* Yannacone, *supra* note 317, at 31 (calling NEPA § 101(c) an “indication that
particularly important assertion in light of the fact that, in reality, the poor often do not enjoy such healthful environments and degradation of the environment in a poor region is often not the subject of the same attention as degradation elsewhere.\footnote{Brad Mank, Remarks to Law Professors' Christian Fellowship Annual Conference, Environmental Justice and the Poor (Jan. 4, 2003) (notes on file with author). Mr. Mank discussed the fact that evidence suggests that poor people are more subject to environmental harms because they live on less valuable land, have less political clout or legal representation, and often "move toward the nuisance" since land near an environmental nuisance is less expensive. Many religious groups have advocated for environmental justice, but this is often made more complicated because of the need for the jobs that often come along with environmentally harmful development.} This is consistent with the Church's involvement in the environmental justice movement\footnote{See supra notes 412-15, and accompanying discussion.} as well as its teachings that urge full solidarity among all and respect for the rights of all to the goods of the world.

NEPA, however is not quite as forceful on this score as Catholic teaching has been. While Pope John Paul II has advocated adding the right to a clean environment to the International Declaration of Human Rights,\footnote{See supra notes 417-21, and accompanying discussion.} NEPA stops short of establishing a fundamental legal, Constitutional, or statutory right to a clean environment.\footnote{For fuller discussions of the legal issues surrounding the creation of a federal constitutional right to a clean environment, see generally Janelle P. Eurick, \textit{The Constitutional Right to a Healthy Environment: Enforcing Environmental Protection Through State and Federal Constitutions}, 11 INT'L LEGAL PERSP. 185 (2001); Fernando M. Pinguelo, \textit{Laboratory of Ideas: One State's Successful Attempt to Constitutionally Ensure A Healthier Environment}, 4 BUFF. ENVTL. L.J. 269 (1997); Bruce Ledewitz, \textit{Establishing a Federal Constitutional Right to a Healthy Environment in Us and In Our Posterity}, 68 MISS. L. J. 565 (198); Armin Rosencranz & Shiraz Rustomjee, \textit{Citizens' Right to a Healthful Environment}, 25 ENVTL. POL'Y & L. 324 (1995); Mary Ellen Cusack, \textit{Judicial Interpretation of State Constitutional Right to a Healthful Environment}, 20 B.C. ENVTL. AFF. L. REV. 173 (1992); \textit{Beyond NEPA}, supra note 317, at 223-28.} This has resulted in the interpretation of NEPA in a way that "ensure[s] that the provision was not construed to give any citizen a court-enforceable right to a healthful environment."\footnote{JOHN BONINE & THOMAS O. MCGARTY, \textit{THE LAW OF ENVIRONMENTAL PROTECTION} 27 (2d ed. 1992); see also id. at 26-27 (describing changes evident in legislative history that downgraded the fundamental nature of the right to a clean environment).} While some state law has asserted a state constitutional right
to a clean environment, this was not recognized in NEPA. Clearly, there were Congressional compromises and prudential concerns that influenced NEPA's passage in a way that Catholic social thought need not face. Thus, the force with which the Catholic Church asserted a right to a healthy environment reflects a greater freedom from the need for such political expediency. NEPA does, however, apply similar force when echoing the Church's insistence on individual, personal responsibility for a clean environment.

427 See AGENDA FOR THE FUTURE, supra note 317, at 164 (discussing state constitutional rights to a healthy environment); Eurick, supra note 425, at 185-86 ("At this time at least 50 different countries and 21 individual states within the United States recognize some form of the constitutional right to a healthy environment."); id. at 185-86 n.4 (listing state constitutional provisions protecting environmental rights); id. at 201-10 (comparing various state constitutional provisions).

428 This adaptation of a Constitutional right to a clean environment has been advocated by some of NEPA's observers. See, e.g., AGENDA FOR THE FUTURE, supra note 317, at 146 (arguing that the high ideals of NEPA "deserv[e] recognition in the fundamental law of the nation—its Constitution"); see also id. at 161-65 (detailing arguments in favor of a Constitutional amendment regarding environmental rights); Eurick, supra note 425, at 188 ("[T]he time is right for the United States to recognize the right to a healthful environment using the theory of substantive due process . . . . guarantees and a healthful environment.").

429 See, e.g., AGENDA FOR THE FUTURE, supra note 317, at 36 ("A constitutional bill of rights . . . was rejected as requiring a protracted process of uncertain result, and doubt regarding whether right to a 'healthful' or 'decent' environment could be judicially defined.").

However, not all observers believe that these practical concerns mean that a constitutional protection is entirely unworkable. See Eurick, supra note 425, at 210-11. Application of the right to a healthful environment at the national level, as in India, and at the state level in the United States illustrate that the right to a healthful environment is a workable concept . . . . Further, each decision upholding the right to a healthful environment proved that the right is capable of effective enforcement within the judicial system. . . . The federal courts of the United States can recognize the right to a healthful environment within the right to life provisions of the Fifth and Fourteenth Amendments by using the theory of substantive due process. Further, federal courts can use strong state and international precedent as a guide to define what the right will add to the rights already held by United States citizens.

Id.; see also id. at 211-22 (describing legal initiatives to recognize environmental protection).

For a complete historical account of the complex relationship between the Constitution and the environment, see generally MANAGING THE ENVIRONMENT, supra note 317, at 51-70.

430 NEPA § 101(c), 42 U.S.C. § 4331(c) (2000). A similar theme has been echoed in the legal literature. See, e.g., Anderson, supra note 325, at 426 (noting that "[t]he next generation of environmental laws will be able to harness the power of the economy only if the public
Indeed, one commentator has noted that "NEPA should also be able to serve as a vehicle to bring the stewardship ethic into law." This urges individuals to avoid the temptation to shirk responsibility to others in protecting environmental health and welfare. This advocacy is strikingly similar to the moral exhortations consistently urged by Catholic teaching.

decides that the environment is worth the individual sacrifice"; id. at 429 (noting "that individual land use has environmental consequences far beyond individual property boundaries"); Karp, supra note 12, at 245-46 (lamenting the environmental consequences of the fact that in much modern thought, "the earth is our amusement park, and within it we ride the dizzying roller coaster of materialism. ... Buy it, use it, throw it away"); Abrams, supra note 401, at 1095 ("[I]n order to achieve sustainable consumption, the hard choices must be made to reduce consumption. ... [T]he law may be useful in influencing the quality of consumption, but sustainability will only be achieved when the values motivating the quantity of consumption are changed."); Rena I. Steizor, Myths of the Reinvented State, 29 CAP. U. L. REV. 223, 231 (2001) (noting theory that now "the worst sources of pollution are people, not companies ... . Because second generation problems are caused by sources that are ubiquitous and far more marginal economically than the polluters of yore, command and control must give way to persuasion and the creation of positive incentives to do the right thing"); Slifer, supra note 279, at 117 (pointing out that "[t]he United States consumes thirty percent of the world's resources, yet makes up only five percent of the world's population. [T]hus ... some commentators state that overconsumption and the destructive practices that pollute the water and air must be addressed"); Blumm, supra note 331, at 397. Blumm noted that:

environmental problems, once thought to be mainly a product of large, selfish corporate interests, are now believed to be largely a consequence of individual activities. To alter these activities, attitudes towards the environment must change. This change in personal ethics costs much less than behavioral changes induced by government regulation.

Id. (citations omitted); Heinzerling, supra note 394, at 2025 (noting that "[a]ttention to the future ... encourages, perhaps even necessitates, the kind of mindset and life style that many environmentalists embrace: frugal and simple, and humble in the face of uncertainty"); id. at 2067 (warning that "[p]resent actions may create a kind of dependency ... . The status quo achieves a kind of presumption or priority simply because it is the status quo").

Brady, supra note 352, at 641; see also Shere, supra note 393, at 832 ("People are responsible for the natural world because this world has been entrusted to us by a higher Creator.").

Caldwell, supra note 2, at 134 (lamenting that "there appears to be no clear doctrine of public responsibility for the human environment as such. It therefore follows that concern for the environment is the business of almost no one in our public life" (emphasis omitted)); Vandenberg, supra note 326, at 192-93 (lamenting that "the command and control system also may have conveyed a second, more subtle, social meaning: 'individuals' or 'citizens' are distinct from 'polluters,' and the former are not the source of environmental problems. . . ."
VI. CONCLUSION

Over the years, both American law and Catholic social teaching have confronted the growing complexity of environmental protection. Each in its sphere of competence has articulated principles to guide present and future decision-making in this arena. While these broad principles lack the specificity needed to mandate specific policies and programs, they offer ethical foundations for moving toward such greater specificity.

Unfortunately, until recent times, religious organizations have not played a major role in the creation of environmental policies. This is changing rapidly, as a growing realization develops concerning the significant moral underpinnings of ecological problems. As can be seen by comparing Catholic social thought and NEPA’s broad environmental goals, these two bodies of environmental principles bear many striking similarities to each other, even though they developed with very little interaction between them. It can also be seen, however, that there are several important distinctions to be made between NEPA and the Catholic perspective.

The principles of Catholic social thought can help inform secular discussions of environmental policy. They are rooted in an international, long-range perspective that could prove valuable in policy-making which is often in danger of being parochial and short-sighted. It can also contribute a humanistic perspective to the discussion that expresses optimism about humanity while, at the same time, warning about the destructive capacity of human activity undertaken without a moral perspective.

As a result, this indirect meaning may have discouraged the development of social norms concerning individual responsibility”); id. at 197 (asserting “that not only is the public unaware of its contributions to many of the remaining environmental problems, it is under the illusion that it is not a contributor to them”); id. at 213 (arguing that “with the possible exception of a small handful of hardcore environmentalists, social norms that reflect the role individuals play in causing [environmental] problems and that stigmatize relevant behaviors are not prevalent in most communities”).

As has been observed, “science alone is an insufficient basis for an understanding of the universal. . . . By itself, science cannot teach us exactly why our environment is to be treasured and preserved.” PROMISE OF NATURE, supra note 9, at 12; see also NORTHCO, supra note 12, at 105 (warning that views that value “the natural world [but] do not also address the[ ] fundamental ideological, moral and social aspects of the environmental crisis may not . . . be sufficient to produce the ecological reorientation of modern societies which the crisis seems to require”); Flournoy, supra note 326, at 118 (“[T]he continued maturation of a body of law appropriate to our society’s needs and values depends on greater awareness of the values and ethics we currently embrace through our laws.”).