

SYMPOSIUM: THE POPE'S ENCYCLICAL AND CLIMATE CHANGE POLICY SHOULD WE CARE WHAT THE POPE SAYS ABOUT CLIMATE CHANGE?

Daniel Bodansky*

The brokerage firm, E.F. Hutton, used to have a tagline that went, “When E.F. Hutton speaks, people listen.” On climate change, the Pope has spoken, but will people listen? And should they? The first question is empirical; the second, normative.

The papal encyclical, *Laudato Si'*, was released in May 2015 to much acclaim. It is an extraordinarily wide-ranging document. Although I will focus, in particular, on its discussion of climate change, it is worth noting that the encyclical addresses virtually the entire litany of environmental problems—loss of biodiversity, hazardous chemicals and wastes, marine pollution, replacement of virgin forests with monoculture plantations, and lack of access to clean drinking water, among others—as well as related social problems such as extreme poverty and urban overcrowding.

The encyclical is not only wide-ranging in its scope, it is eclectic in its tone and analysis, combining a prosaic discussion of externalities, risk-benefit analysis, the circular economy, and the need for “enforceable” international agreements, with vivid, apocalyptic language (a sample: “the earth, our home, is beginning to look more and more like an immense pile of filth,”)¹ and spiritually-oriented sections with titles such as “The Mystery of the Universe,” “The Gaze of Jesus,” “Civic and Political Love,” and “Beyond the Sun.” But, although *Laudato Si'* covers all of the analytical bases, with sections on the scientific, economic, and political dimensions of the climate change problem, it sees climate change primarily as an ethical and spiritual problem, rooted ultimately in various evils of modernity: “rampant individualism,” a “self-centered culture of instant gratification,”² “a consumerist vision of human beings,”³ a belief in unlimited progress, and an “omnipresent technocratic paradigm.”⁴ The solution is a “bold cultural revolution”⁵—a “leap towards the transcendent”⁶—that “leads to a broader concept of quality of life.”⁷

Whatever influence the papal encyclical may have, it will not be because of the novelty of its arguments. Although powerfully written and reasoned, *Laudato Si'* does not say anything that had not been said before. Its message echoes E.F. Schumacher's classic 1970s book, *Small Is Beautiful*,⁸ exemplifying what John S. Dryzek

* Foundation Professor of Law, Sandra Day O'Connor College of Law, Arizona State University.

Originally published online 25 November 2015.

¹ POPE FRANCIS, *ENCYCLICAL LETTER LAUDATO SI' OF THE HOLY FATHER FRANCIS ON CARE FOR OUR COMMON HOME*, para. 21 (2015).

² *Id.* at para. 162.

³ *Id.* at para. 144.

⁴ *Id.* at para. 122.

⁵ *Id.* at para. 114.

⁶ *Id.* at para. 210.

⁷ *Id.* at para 192.

⁸ E.F. SCHUMACHER, *SMALL IS BEAUTIFUL: A STUDY OF ECONOMICS AS IF PEOPLE MATTERED* (1973).

characterizes as “green romanticism,” a discourse that, in Dryzek’s description, “seeks to change and save the world by changing the way individuals approach and experience the world, in particular through cultivation of more empathetic and less manipulative orientations towards nature and other people.”⁹

To the extent that the papal encyclical makes a difference in the climate change debate, it will because of its author rather than its arguments. Why might people give greater weight to the Pope’s opinions on climate change than to those of anyone else—me, for example, or Ted Cruz, or Leonardo DiCaprio? The Pope does not command any armies so his influence depends on his perceived legitimacy.

Although supporters make much of the fact that Pope Francis has some scientific training (he received a master’s degree in chemistry), he is not a climate expert, and has no particular scientific authority. Even the Intergovernmental Panel on Climate Change (IPCC)—which involves most of the world’s top climate scientists—has limited influence with climate skeptics and deniers, who label IPCC reports as “UN science” in an attempt to delegitimize their scientific claims. If even real climate experts have only limited ability to sway skeptics, certainly the pope is unlikely to do so.

For the faithful, papal encyclicals have religious authority if not infallibility.¹⁰ So it is possible that some of them may be swayed by the Pope’s message—although, ironically, the papal encyclical has been greeted much more enthusiastically by those who support strong climate change action, who I would venture to guess tend to be nonbelievers and otherwise have little use for the Pope’s opinions.

More generally, Pope Francis possesses moral authority. As his addresses to the UN General Assembly and the U.S. Congress demonstrate, what the Pope brings to the table is his voice. Whether or not his arguments have been made before, he serves as a megaphone, giving those arguments—as well as the climate change issue more generally—greater prominence.

In the short term, even the papal megaphone is unlikely to change countries’ positions in the UN climate change negotiations, which are supposed to finalize a new agreement in Paris in December.¹¹ Western countries are not going to accept that they have an obligation to pay for the “loss and damage” that developing countries suffer as a result of climate change. No country is going to accept a new institutional mechanism with strong enforcement powers, or make their emissions targets more stringent because the Pope has spoken. To the extent the encyclical has any direct effect on the negotiations, it may be to legitimize the demands by developing countries for new financial commitments by developed countries and for stronger provisions on loss and damage, and make them more prone to dig in. If so, then the effect of the encyclical may be to make agreement less likely in Paris, since these are not issues on which developed countries—and, in particular, the United States—have much wiggle room.

On the other hand, to the extent that the encyclical raises the profile of the climate change issue, then it could enhance the general pressure on states to reach a successful outcome in Paris. The Paris conference is widely viewed as a last opportunity for the international community to come together to combat climate change. Expectations are already high for the conference and the papal encyclical contributes to the background assumption that failure is not an option. That assumption was not enough to save the 2009 Copenhagen Conference, for which expectations were even higher.¹² But, at the margin, it could make a difference.

In the longer term, the papal encyclical could influence the international negotiations by way of domestic politics. If the papal encyclical has a significant influence on public opinion within key countries, then this could eventually have an effect on their positions internationally, at least in democratic states. One recent poll suggests

⁹ JOHN DRYZEK, *THE POLITICS OF THE EARTH: ENVIRONMENTAL DISCOURSES* 153 (1997).

¹⁰ Joseph Clifford Fenton, *The Doctrinal Authority of Papal Encyclicals*, 121 AM. ECCLESIASTICAL REV. 136 (1949).

¹¹ UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE, *Inputs from Parties received during ADP 2-11*.

¹² Daniel Bodansky, *The Copenhagen Climate Change Conference: A Postmortem*, 104 AJIL. 230 (2010).

that the so-called “Francis Effect” has already raised concern about climate change issue in the United States, particularly among Catholics, more than a third of whom say that the Pope’s views about climate change have influenced their own.¹³

Thus far I have been considering whether people will listen to the Pope. Should they do so? Certainly, there is much to admire in the papal encyclical. Up until now, climate change has been debated primarily in scientific and economic terms. Is climate change occurring? Are people responsible? Do the benefits of taking action outweigh the costs? Can we reduce our emissions at an acceptable economic price? Will doing so harm our competitiveness? These are the types of questions that have received most of the attention, at least in the United States. The Pope rightly seeks to make climate change a moral issue as well, a question of justice between rich and poor both within countries and internationally, as well as across generations. As he emphasizes, climate change raises profound ethical problems, resulting from the fact that the people who will be most affected by global warming had little to do with causing it.¹⁴ If his encyclical makes people perceive global warming as a serious moral issue, as the poll mentioned earlier suggests may be beginning to occur, this could have a profound effect on the politics of climate change.

But while the Pope’s emphasis on the moral dimensions of climate change is salutary, it comes at the expense of his treatment of the economic and technological dimensions of the issue. This is perhaps most apparent in the encyclical’s dismissal of emissions trading, which the Pope describes as a “ploy.”¹⁵ But the Pope’s mistrust of emissions trading betrays a more fundamental ambivalence about economics and technology. Although the encyclical employs economic concepts and acknowledges that technology has “remedied countless evils,”¹⁶ the Pope clearly does not believe that economics or technology can provide an answer to the climate change problem; solving climate change will require a moral and cultural revolution, a return by people to a simpler lifestyle.

This is where I part company with the Pope. The fact that climate change is a moral issue does not mean that it is not also an economic and technological issue. As the famous IPAT formula teaches, environmental Impacts are a function of three factors: Population, Affluence, and Technology.¹⁷ The Pope focuses almost entirely on affluence, arguing that the cause of climate change is “extreme and selective consumerism”¹⁸ and “insatiable” growth.¹⁹ In doing so, he erases the other two variables in the IPAT formula. He asserts that population is not the problem, reflecting Catholic dogma.²⁰ And, he is almost equally dogmatic in denying that technological progress could provide a solution to the climate change problem, labeling the concept of “unlimited material progress” a “myth.”²¹

Of course, we don’t know whether technology will develop rapidly enough to prevent dangerous climate change or whether, in doing so, it will not raise other problems. So I think it would be irresponsible for us to

¹³ YALE PROGRAM ON CLIMATE CHANGE COMMUNICATIONS, THE FRANCIS EFFECT: HOW POPE FRANCIS CHANGED THE CONVERSATION ABOUT CLIMATE CHANGE (2015).

¹⁴ The Pope is, of course, not the first to emphasize the moral dimensions of the climate change problem. See, e.g., DONALD A. BROWN, THE ETHICS OF CLIMATE CHANGE: NAVIGATING THE PERFECT MORAL STORM (2012); STEPHEN M. GARDINER ET AL., CLIMATE ETHICS: ESSENTIAL READINGS (2010); DALE JAMIESON, REASON IN A DARK TIME: WHY THE STRUGGLE AGAINST CLIMATE CHANGE FAILED – AND WHAT IT MEANS FOR OUR FUTURE (2014).

¹⁵ POPE FRANCIS, *supra* note 1, at para. 171.

¹⁶ *Id.* at para. 102.

¹⁷ The IPAT formula was originally put forward in Paul R. Ehrlich & John P. Holdren, *Impact of Population Growth*, 171 SCIENCE 1212 (1971). For a discussion, see DANIEL BODANSKY, THE ART AND CRAFT OF INTERNATIONAL ENVIRONMENTAL LAW 39–44 (2009).

¹⁸ POPE FRANCIS, *supra* note 1, at para. 50.

¹⁹ *Id.* at para. 193.

²⁰ *Id.* at para. 50.

²¹ *Id.* at para. 60. For a quite different perspective than the Pope’s, see Mark Sagoff, *Do We Consume Too Much?*, ATLANTIC, June 1997.

put all of our eggs in the technology basket. But to put none of them there, or to deny that the basket even exists, seems equally misguided.

The Pope's lack of appreciation for economics and technology is also apparent in his portrayal of our current predicament. He speaks of the "decline in the quality of human life,"²² emphasizes the problem of extreme poverty, and decries a world filling up with "filth."²³ But, while I agree there is much to be concerned about, it is also important to recognize that we have made significant progress in tackling many environmental problems, including ozone depletion and urban air quality, and that billions of people have been lifted out of poverty over the last several decades, largely through the spread of markets and technology.

The Pope's emphasis on the need for a moral transformation suggests that the encyclical is ultimately concerned not just with the environment but with the human soul. Climate change skeptics often claim that environmentalists are concerned not so much about preventing climate change as about changing people's lifestyles—that environmentalists' real goal is to get people to return to a simpler, less consumption-oriented way of life—to wear hairshirts, so to speak—and that they are using the climate change issue merely as a means to that end. I think this criticism caricatures the views of many if not most of those working on the climate change issue. Personally, I would be delighted if technology was able to prevent climate change, while allowing me to continue my present lifestyle or, even better, to increase my levels of consumption and travel.

But I think the papal encyclical is more fairly vulnerable to this criticism. The Pope repeatedly calls for a return to a simpler, less consumer-oriented lifestyle. While the Pope's concern for the environment is obviously heartfelt,²⁴ I don't think the Pope would be happy with a solution to the climate change problem that left the social and spiritual problems that he associates with modern society unchanged. Like Rahm Emmanuel,²⁵ the Pope apparently believes that one should never let a serious crisis like climate change go to waste. We should use it as an opportunity to push for a broader transformation.

Will the Pope be successful? Although I am not an expert on social psychology, successful politicians need to be, and few are campaigning on the Pope's platform of reduced economic growth and consumption. At least in the short term, most politicians seem to think that arguments to reduce emissions will be more effective if they are grounded in people's self-interest than in moral abstinence. Much of the climate debate focuses not on the need to reduce our levels of consumption and production, but on economic arguments that the benefits of reducing emissions outweigh the costs, or even better, that we can achieve the Holy Grail of green growth, where reducing emissions will lead to increased economic growth.. As is appropriate given his position, the Pope eschews these arguments that people can, in effect, have their cake and eat it too. But whether he will be more successful than the Biblical prophets in persuading people of the error of their ways is an open question.

We do know that moral revolutions happen, sometimes quite quickly.²⁶ And when they do, they demonstrate the wisdom of the remark that there is nothing more powerful than an idea whose time has come. If the papal encyclical contributes to a reconceptualization of climate change as a moral problem—if people begin to believe they have a moral obligation to limit their emissions—then its influence could be profound.

It is, of course, only several months since the Pope issued his encyclical. Even if we do not take as long a view of history as the Chinese leader, Zhou En Lai, who, when asked in the 1970s about the impact of the

²² POPE FRANCIS, *supra* note 1, at para. 43-47.

²³ *Id.* at paras. 21, 161.

²⁴ After all, his namesake, Saint Francis of Assisi, has been called the "patron saint" of ecology. Lynn White, Jr., *The Historical Roots of Our Ecologic Crisis*, 155 SCIENCE 1203 (1967).

²⁵ WALL STREET J., *Rahm Emanuel: You never want a serious crisis go to waste*, YOUTUBE (Nov. 19, 2008).

²⁶ KWAME ANTHONY APPIAH, *THE HONOR CODE: HOW MORAL REVOLUTIONS HAPPEN* (2011).

French Revolution, responded that it was still too early to say,²⁷ we may feel that pronouncements about the impact of the encyclical are premature. If I had to guess, I think it more likely that the climate change problem will be solved through politics, economics, and technology than through a moral transformation that makes people accept lower levels of consumption. But all of these are uncertain, so pursuing change along as many avenues as possible is only prudent. The papal encyclical certainly adds a powerful new voice to the climate change debate, and does an enormous service in highlighting the moral dimensions of the problem.

²⁷ Probably not totally apocryphal, TEL AVIV UNIVERSITY, SCIENCE AND TECHNOLOGY EDUCATION CENTER, KNOWLEDGE TECHNOLOGY LAB. Although the story has become legend, recent evidence suggests that Zhou thought the questioner was asking about the student uprising in Paris in the 1960s, not the 18th century French Revolution, Dean Nicholas, *Zhou Enlai's Famous Saying Debunked*, HISTORYTODAY, June 15, 2011.