

# **LAUDATO SI' AND THE LIMITS OF LAW: REFLECTIONS ON THE VOCATION TO PROTECT INTEGRAL ECOLOGY**

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## **I. INTRODUCTION**

“For all our limitations, gestures of generosity, solidarity and care cannot but well up within us, since we were made for love.”<sup>1</sup>

In 2015, Pope Francis’s widely anticipated encyclical, *Laudato Si’: On Care for Our Common Home*, was released to great public interest.<sup>2</sup> Although not the first papal document devoted to ecological

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\* Professor of Law, The Catholic University of America Columbus School of Law. Faculty website available at <https://www.law.edu/about-us/faculty-and-staff/directory/expert-faculty/silecchia-lucia/index.html>. I am very grateful to have had the opportunity to share these thoughts and receive valuable insights on them at the Conference on Sustainability and Integral Ecology in Business and Law: Ten Years After *Laudato Si’* at the University of Piura in Lima, Peru (July 1-2, 2025), co-sponsored by the University of Piura, University of St. Thomas, and the Terrence J. Murphy Institute. I am also grateful for Dean Stephen Payne and the Columbus School of Law at The Catholic University of America supporting this research. Finally, I appreciate all of the hard work completed by my student research assistants as this paper was prepared for publication.

1. Pope Francis, *LAUDATO SI’, ENCYCLICAL ON CARE FOR OUR COMMON HOME* ¶ 58 (2015) [hereinafter *Laudato Si’*] [https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20150524\\_enciclica-laudato-si.html](https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html).

2. See Carlo A. Pedrioli, *Pope Francis, Poverty and the Third Persona*, 21 J. GENDER, RACE & JUST. 367, 389 (2018) (observing that “[u]nlike most encyclicals and other papal writings, *Laudato Si’* generated extensive coverage from the secular media.”); *id.* at 380 (“Unlike most encyclicals, *Laudato Si’* generated extensive coverage from the secular media. One reason for the coverage likely was the controversial subject matter of the encyclical.”); Andrea Tilche & Antonello Nociti, *Laudato Si’: The Beauty of Pope Francis’ Vision*, REV. ENV’T., ENERGY AND ECON. 1, 3 (2015) (calling *Laudato Si’* “the most innovative among the many proposals put forward by world leaders in recent years”); John Copeland Nagle, *Pope Francis, Environmental Anthropologist*, 28 REGENT U. L. REV. 7, 9 (2016)

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(observing that *Laudato Si'* “has been widely praised and widely reported, far more than one would expect from an explicitly religious document.”); Michael S. Talbot, *A Catholic Response to Global Climate Change Migration*, 9 NOTRE DAME J. INT’L & COMP. L. 77, 77 (2019) (“Few encyclicals have received as much attention at the time of their publication as Pope Francis’s *Laudato Si'*. Perhaps because it was contemporaneous to efforts to establish the United Nations Sustainable Development Goals . . . and to garner support for the Paris Climate Agreement, some commentators saw it as the moral argument for a collective response to climate change.”); Peter Osuji, *Laudato Si' and Traditional African Environmental Ethics*, in INTEGRAL ECOLOGY: PROTECTING OUR COMMON HOME, 184–208, 194 (Gerard Magill & Jordan Potter eds., 2017) (theorizing that *Laudato Si'* “attracted attention because [Pope Francis] in a way, preempted, encouraged and influenced the discussions and policy outcomes of the United Nations International Conference on Climate Change held in Paris a few weeks after”); Mary Evelyn Tucker & John Grimm, *Integrating Ecology and Justice: The Papal Encyclical*, 91 Q. REV. BIO. 261, 261 (2016) (noting that, with respect to *Laudato Si'*, “media coverage . . . has been unprecedented, including coverage in all of the major newspapers and media outlets in the United States.”); *id.* at 263 (“For efficacy in awakening minds and hearts and for long-term educational awareness regarding environmental issues, this is a watershed document.”); Ottmar Edenhofer & Christian Flachsland, *Laudato Si': Concern for Our Global Commons*, in THE THEOLOGICAL AND ECOLOGICAL VISION OF LAUDATO SI': EVERYTHING IS CONNECTED 177–191, (Vincent J. Miller ed., 2017) (“The encyclical was anticipated with both high expectations and great fears – expectations on the part of those seeking support from the pope on a more just globalization and fears among those concerned that the pope might side with ambitious climate and environmental policies.”); Gerardo Ceballos, *Pope Francis' Encyclical Letter Laudato Si', Global Environmental Risks, and the Future of Humanity*, 91 Q. REV. BIO. 285, 286 (2016) (observing that *Laudato Si'* “had an immediate impact . . . and became a major contribution to the growing literature on the global environmental crisis.”); Christopher P. Vogt, *Laudato Si': Social Analysis and Political Engagement in the Tradition of Catholic Social Thought*, in INTEGRAL ECOLOGY FOR A MORE SUSTAINABLE WORLD: DIALOGUES WITH LAUDATO SI' 13–27 (Dennis O'Hara, Matthew Eaton & Michael T. Ross eds., 2020) (noting that “*Laudato Si'* received considerable attention from mainstream media outlets when it was released, and in the years since organizations such as Catholic Climate Covenant and the Vatican itself have maintained vigorous efforts to promote it. As a result, many people are encountering a papal encyclical for the first time in *Laudato Si'*.”); Vincent Miller, THE THEOLOGICAL AND ECOLOGICAL VISION OF LAUDATO SI': EVERYTHING IS CONNECTED, in *Introduction*, *supra* note 2, at 1–8, 2–3 (observing that *Laudato Si'* “was greeted with more attention and enthusiasm than any previous papal letter” and it “brought the moral authority of the Catholic Church to bear on the climate crisis”). For diverse perspectives on the importance of *Laudato Si'*, see generally ALL CREATION IS CONNECTED: VOICES IN RESPONSE TO POPE FRANCIS'S ENCYCLICAL ON ECOLOGY 9–30 (Daniel R. DiLeo ed., 2018) and CARE FOR THE

questions,<sup>3</sup> it was the first one in the formal genre of an encyclical. In the hierarchy of papal documents, this was deeply significant as encyclical letters are “one of the most authoritative teaching documents that a Pontiff can issue.”<sup>4</sup> This encyclical was a wide-

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WORLD: *LAUDATO SI' AND CATHOLIC SOCIAL THOUGHT IN AN ERA OF CLIMATE CRISIS* (Frank Pasquale ed., 2019).

3. See generally Pope John Paul II, *Message of his Holiness Pope John Paul II for the Celebration of the World Day of Peace: Peace with God the Creator, Peace with All of Creation* (Jan. 1, 1990), [https://www.vatican.va/content/john-paul-ii/en/messages/peace/documents/hf\\_jp-ii\\_mes\\_19891208\\_xxiii-world-day-for-peace.html](https://www.vatican.va/content/john-paul-ii/en/messages/peace/documents/hf_jp-ii_mes_19891208_xxiii-world-day-for-peace.html); Pope Benedict XVI, *Message of His Holiness Pope Benedict XVI for the Celebration of the World Day of Peace: If You Want to Cultivate Peace, Protect Creation* (Jan. 1, 2010), [https://www.vatican.va/content/benedict-xvi/en/messages/peace/documents/hf\\_ben-xvi\\_mes\\_20091208\\_xliii-world-day-peace.html](https://www.vatican.va/content/benedict-xvi/en/messages/peace/documents/hf_ben-xvi_mes_20091208_xliii-world-day-peace.html) (discussing Pope John Paul II's 1990 Message for the World Day of Peace and Pope Benedict XVI's sequel for the 2010 World Day of Peace. These were, prior to *Laudato Si'*, the most explicit discussions of environmental concerns in focused, topical statements.). For a further discussion of the works of Pope John Paul II and Pope Benedict XVI, and their predecessors, in the ecology arena, see generally Kevin W. Irwin, *Our Common Home*, 59 *THE HEYTHROP J.* 873, 874–876 (2018) [hereinafter *Common Home*]; Osuji, *supra* note 2, at 198–199; Tucker & Grimm, *supra* note 2, at 267–268; Pablo A. Blanco, *Laudato Si': Care for Creation at the Center of a New Social Issue*, 46 *J. REL. ETHICS.* 425, 426–431 (2018); Ryszard F. Sadowski, *The Concept of Integral Ecology in the Encyclical Laudato Si'*, 27 *DIVYADAAN* 21, 28–33 (2016); Peter K.A. Cardinal Turkson, *Integral Ecology and the Horizon of Hope: Concern for the Poor and Creation in the Ministry of Pope Francis, Trocaire 2015 Lenten Lecture 3*, 4–5 (Mar. 5, 2015), <https://www.trocaire.org/sites/default/files/pdfs/cardinal-turkson-lent-lecture-2015.pdf> [hereinafter *Horizon of Hope*]; Cardinal Peter Kodwo Turkson, *The Evolution of the Concept of Integral Ecology in Papal Teaching*, in *INTEGRAL ECOLOGY FOR A MORE SUSTAINABLE WORLD: DIALOGUES WITH LAUDATO SI'*, *supra* note 2, at xi–xxiv [hereinafter *Evolution of Integral Ecology*]; Dennis Patrick O'Hara, *Reframing Ecotheological Anthropology within a More Integral Ecology*, in *INTEGRAL ECOLOGY FOR A MORE SUSTAINABLE WORLD: DIALOGUES WITH LAUDATO SI'*, *supra* note 2, at 143–158, 145–146; Kevin W. Irwin, *Background to and Contributions of Laudato Si': On Care for Our Common Home*, *supra* note 2, at 15–30; Mary Evelyn Tucker & John Grimm, *Cosmology and Ecology in Laudato Si'*, in *ASPIRE*, *supra* note 2, 18, 64–79, 66–71; KEVIN W. IRWIN, A COMMENTARY ON *LAUDATO SI'* 11–32 (2016) [hereinafter *COMMENTARY*].

4. William N. Holden & William O. Mansfield, *Laudato Si': A Scientifically Informed Church of the Poor Confronts Climate Change*, 22 *WORLDVIEWS* 28, 29 (2018). For further commentary on the relevance of the encyclical form, see generally Albert C. Lin, *Pope Francis' Encyclical on the Environment as Private Environmental Governance*, 9 *GEO. WASH. J. ENERGY & ENVTL. L.* 33, 36 (2018)

ranging commentary<sup>5</sup> on the state of the world, with much to say to economists,<sup>6</sup> ecologists,<sup>7</sup> farmers,<sup>8</sup> theologians,<sup>9</sup> educators,<sup>10</sup>

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(“Previous popes have raised environmental concerns in less formal documents, but Pope Francis broke new ground by making the environment the subject of an encyclical.”); Pedrioli, *supra* note 2, at 377–78 (observing that “encyclicals . . . carry greater weight than papal homilies and audience, and encyclicals also carry greater weight than apostolic exhortations . . . . Beginning in the middle of the eighteenth century the modern encyclical began to take shape, and popes started to use encyclicals to issue authoritative teachings”). One of the most helpful discussions of the encyclical form is in COMMENTARY, *supra* note 3, at 3:

An encyclical is an authoritative teaching document from the pope. It is part of the ordinary magisterium and requires “religious assent” from the faithful to whom such a document is normally addressed . . . [A] papal encyclical is written by and published on the authority of the pope, is part of what is called “the ordinary magisterium” and is to be welcomed, studied, and followed. While dissenting from an encyclical is possible, nonetheless one should not dissent . . . without a good and defensible reason.

For creative commentary on what the use of the encyclical form might mean as a constitutional religious exercise matter, see generally Joseph J. Lorusso III, *A Jesuit and Nine Justices: Environmental Protest as Protected Religious Exercise*, 113 *GEORGETOWN L.J.* 167 (2024).

5. See Daniel Bodansky, *Should We Care What the Pope Says About Climate Change?*, 109 *AJIL UNBOUND* 127, 127 (2015) (describing *Laudato Si'* as “An extraordinarily wide-ranging document . . . [that] addresses virtually the entire litany of environmental problems . . . as well as related social problems such as extreme poverty and urban overcrowding.”); *id.* (noting that with respect to the encyclical’s style “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 and spiritually-oriented sections”); Stephen Schneck, *Laudato Si': On Care for Our Common Home by Pope Francis*, 37 *ENERGY L.J.* 79, 79 (2016) (calling *Laudato Si'* “a sweeping assessment of how the contemporary world’s understanding of the meaning and purpose of human life in relation to creation and the Creator has gone astray.”); *id.* at 80 (calling *Laudato Si'* “breathtaking in its boldness”); Nagle, *supra* note 2, at 9 (describing *Laudato Si'* as “breathtakingly ambitious”); JOSHTRON ISAAC KUREETHADAM, *THE TEN GREEN COMMANDMENTS OF LAUDATO SI'* 9 (2019) (describing *Laudato Si'* as “a very comprehensive and wide-ranging text, surveying a sweeping range of issues, spanning from climate change to creation theology and from favelas to coral reefs. It is the longest of all encyclicals

so far and covers a wide range of ecological, social, political, economic, theological, anthropological, cultural and related questions.”); Wolfgang Sachs, *The Sustainable Development Goals and Laudato Si'*, 38 *THIRD WORLD Q.* 2573, 2579 (2017) (“*Laudato Si'* covers a lot of ground, spanning from the destruction of creation to the unjust global order to the individual responsibility that each of us bears.”).

6. For discussion of the economic implications of *Laudato Si'*, see generally Eduardo Penalver, *Carbon Trading and the Morality of Markets in Laudato Si'*, in *CARE FOR THE WORLD: LAUDATO SI' AND CATHOLIC SOCIAL THOUGHT IN AN ERA OF CLIMATE CRISIS*, *supra* note 2, at 41–55; Holden & Mansfield, *supra* note 4, at 35–37; Steven A. Ramirez, *Social Justice and Capitalism: An Assessment of the Teachings of Pope Francis from a Law and Macroeconomics Perspective*, 40 *SEATTLE U. L. REV.* 1229 (2017); Yong-Gil Lee, *Integrating Circular Economy and Laudato Si': A Christian Framework for Sustainable Development and Environmental Stewardship*, 16 *RELIGIONS* 326, 326 (2025); Nathan Schneider, “*Truly Much Can be Done!*”: *Cooperative Economics from the Book of Acts to Pope Francis*, in *CARE FOR THE WORLD: LAUDATO SI' AND CATHOLIC SOCIAL THOUGHT IN AN ERA OF CLIMATE CRISIS*, *supra* note 2, at 145–166; Lucia A. Silecchia, *The Morality of Market Mechanisms*, 46 *ENVTL. L. RPTR.* 10005 (2016) [hereinafter *Market Mechanisms*]; Mark G. Hayes, *Creation and Creativity*, in *THEOLOGY AND ECOLOGY ACROSS THE DISCIPLINES: ON CARE FOR OUR COMMON HOME* 79–92 (Cecilia Deane-Drummond & Rebecca Artinian-Kaiser eds., 2018). For a discussion of the interplay between employment and economics, see generally *Laudato Si'*, *supra* note 1, ¶ 129.

7. See Calvin B. DeWitt, *Earth Stewardship and Laudato Si'*, 91 *Q. REV. BIOLOGY* 271, 271 (2016) (arguing that the “integral ecology” proposed by Pope Francis in *Laudato Si'* “warrants attention by every biologist and ecologist, as it does for everyone.”) and Edenhofer & Flachslund, *supra* note 2, at 178 (“Far more interesting were the reactions from the scientific community. It is unprecedented . . . for renowned scientific journals such as *Nature* and *Science* to publish favorable editorials before and after the publication of an encyclical. These journals commended . . . the pope’s desire for dialogue with the scientific community.”).

8. See, e.g., Matthew Philipp Whelan, *The Peril and Promise of Agriculture: An Agroecological Reading of Laudato Si'*, in *INTEGRAL ECOLOGY FOR A MORE SUSTAINABLE WORLD: DIALOGUES WITH LAUDATO SI'*, *supra* note 2, at 91–107. The specific challenges posed by food production, see generally *Laudato Si'*, *supra* note 1, ¶ 129. For specific analysis of the implications of genetically modified organisms in the agricultural realm, see *id.* ¶¶ 130–136.

9. See generally DERMOT A. LANE, *THEOLOGY AND ECOLOGY IN DIALOGUE: THE WISDOM OF LAUDATO SI'* (2020). The biblical theology of *Laudato Si'* is discussed with particular emphasis in *Laudato Si'*, *supra* note 1, ¶¶ 65–75.

10. For extensive discussion of *Laudato Si'*’s guidance for educators, see generally *Laudato Si'*, *supra* note 1, ¶¶ 210–213; KUREETHADAM, *supra* note 5, at 143–159; Jesus Sanchez-Camacho & Jose Luis Villegas Moreno, *Foundations and*

architects,<sup>11</sup> artists,<sup>12</sup> and pastors.<sup>13</sup> It may, however, have been of particular interest to lawyers eager to see what, if anything, Pope Francis had to say about law's particular role.<sup>14</sup>

On this question, *Laudato Si'* painted an inconsistent, ambivalent portrait of law's suitability to this task. On the one hand, Pope Francis spoke passionately about the need for law at all levels to tackle the complexities of caring for our "common home" —the expansive term he consistently used to describe all that is at stake. Yet, throughout *Laudato Si'*, Pope Francis also expressed recognition of and, indeed, deep frustration with, law's inability to accomplish this in a meaningful way.

This tenth anniversary of *Laudato Si'* is an opportune time to consider whether its ambivalence about law's capacity reflects current reality and contemplate why this might be the case. In addition, the death of Pope Francis on April 21, 2025, sparked worldwide commentary on his legacy.<sup>15</sup> It is also time to consider

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*Implications of Integral Ecology and Sustainable Development Goals in Catholic University Education*, 15 RELIGIONS 480 (2024); Christopher Hrynkow, *Placing Integral Ecology at the Heart of Education*, in INTEGRAL ECOLOGY FOR A MORE SUSTAINABLE WORLD: DIALOGUES WITH *LAUDATO SI'*, *supra* note 2, at 301–316; and COMMENTARY, *supra* note 3, at 214–218.

11. *See generally* *Laudato Si'*, *supra* note 1, ¶¶ 44, 113, 147–153 (describing moral aspects of architecture and urban planning).

12. *See generally* THOMAS S. HIBBS, A THEOLOGY OF CREATION: ECOLOGY, ART AND *LAUDATO SI'* (2023).

13. *See generally* *Laudato Si'*, *supra* note 1, ¶ 214 (discussing importance of ecological education in seminary training); *id.* ¶¶ 235–238 (discussing the implications of integral ecology on the sacramental life of the Church).

14. *See* Pedrioli, *supra* note 2, at 373 (noting that "the potential significance of the Pope's discourse for legal systems around the world is great."). This attention to legal approaches also had a negative side effect in that "[t]he numerous policy proposals contained within *Laudato Si'* that cover matters of both human and natural ecology can allow one to cull sections that happen to fit one's ideological agenda. The reception of the encyclical within the United States attests to precisely that possibility." LUCAS BRIOLA, THE EUCHARISTIC VISION OF *LAUDATO SI'*: PRAISE, CONVERSION AND INTEGRAL ECOLOGY 93 (2023).

15. Certainly, *Laudato Si'* is a substantial cornerstone of that legacy. Devin Watkins, *Pope Francis Has Died On Easter Monday Aged 88*, VATICAN NEWS (Apr. 21, 2025), <https://www.vaticannews.va/en/pope/news/2025-04/pope-francis-dies-on-easter-monday-aged-88.html>.

whether there can be a new ethical framework for law to be a more productive tool to protect our common home.

After this Part One introduction, Part Two of this paper addresses the ambivalent perspective on law that is expressed in *Laudato Si'*, a document that appears both optimistic about, and frustrated with, law's capacity.<sup>16</sup> Part Three theorizes that part of the reason for the limits of law is ambiguity as to what care for our common home actually entails, and how broadly it should be construed. *Laudato Si'* used many different terms to describe the *res*, or the focus of its concern.<sup>17</sup> All of these terms have distinct meanings and are, in many contexts, used interchangeably, resulting in confusing definitional sprawl.

Thus, Part Four argues that law may be more effective in addressing narrow, discretely defined problems, but less capable of addressing the broader questions that Pope Francis raises under his preferred rubric of "integral ecology." The term integral ecology may be the encyclical's most enduring legacy.<sup>18</sup> It expresses the belief that

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16. This ambivalence is not limited to legal solutions. *Laudato Si'* also "reverses the current narratives, such as the catastrophist one of several environmentalist movements, which may lead to surrender, or the fear of global recession preached by the fossil fuel lobbies, or the blind faith in technology, as being capable of solving every problem . . ." Tilche & Nociti, *supra* note 2, at 4.

17. "*Res*," the Latin word for "thing" is often used in the context of trusts and other situations in which the object of concern must be clearly articulated. The ability to do so is critical to understanding the obligations of those who care for the *res* and to evaluating whether they have done so properly. However, as will be explained later, the subject of concern is not discretely defined in the pages of *Laudato Si'*.

18. See Anna Maria Vega Gutierrez, *Building a New Humanism for a Globalized World: The Contribution of Religion*, 23 *ECCLESIASTICAL L.J.* 294, 311 (2021) (noting that Pope Francis "has introduced important new concepts in the Church's social doctrine," in particular the idea that "everything is connected" in the encyclical *Laudato Si'* . . . and "social friendship" in the encyclical *Fratelli Tutti*); KUREETHADAM, *supra* note 5, at 106 (observing that "[m]any commentators have retained the concept of integral ecology as one of the most original contributions of the encyclical"); *id.* at 111 (calling integral ecology "the most remarkable feature about *Laudato Si'*"); *Common Home*, *supra* note 3, at 881 (calling integral ecology "the most distinctive contribution of the encyclical"); Blanco, *supra* note 3, at 425 (analogizing *Laudato Si'* to the first modern social encyclical, arguing that it "elevates the environmental crisis to new heights of theological reflection, making it into a new social issue, much like Leo XIII did for the industrial economy in the nineteenth century with *Rerum Novarum*");

caring for our common home cannot be focused narrowly on traditional environmental matters but must also embrace human relations, poverty, moral well-being, solidarity, intergenerational responsibility, economics, labor, technology, and protection of the family, to name but a few of the goods that must be “integrated” into any discussion. This expansive approach to ecology, however, has a breadth and depth that may lie well beyond the capacity of mere law. This section explains what those limitations may be.

Then, in Part Five, this paper proposes that a theory, borrowed from other branches of law, may offer a perspective on how law may contribute in a meaningful way. In other areas of law, a “duty to protect” is the obligation to prevent harm and to take action to prevent injury to other parties. In the context of the broad mandate demanded by integral ecology, a broad summons to a “vocation to protect” may be the most useful lens for contemplating how law may contribute to protecting integral ecology. This section will offer both the theoretical proposal and a practical checklist to evaluate decisions that may impact our common home. The paper concludes with a call for lawyers to take on this challenge with hope and with a humility that recognizes that legal approaches are merely one part of the response to Pope Francis’s appeal.

## II. *LAUDATO SI’* AND AMBIVALENCE ABOUT THE ROLE OF CIVIL LAW

“[A] legal framework . . . has become indispensable.”<sup>19</sup>

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COMMENTARY, *supra* note 3, at 102 (calling integral ecology “the most distinctive contribution of the encyclical”); *id.* at 117 (“There can be little argument, however, that the most important theological insight about ecology in [*Laudato Si’*] is summarized in the phrase integral ecology.”); Anthony Annett, *Our Common Responsibility for Our Common Home: The Activist Vision of LAUDATO SI’*, in *CARE FOR THE WORLD: LAUDATO SI’ AND CATHOLIC SOCIAL THOUGHT IN AN ERA OF CLIMATE CRISIS*, *supra* note 2, at 25–40, 28–29 (“Pope Francis calls attention to the deep and symbiotic relationship between environmental well-being and human well-being, which lies at the core of his theological idea of integral ecology. This marks an important new departure in Catholic social teaching.”).

19. *Laudato Si’*, *supra* note 1, ¶ 53.

Although *Laudato Si'* was certainly not intended to be a legal analysis, lawyers and legal scholars were most interested in its aspects that addressed the role that law—at all levels—might play in responding to the myriad challenges that the encyclical both raised and reflected.<sup>20</sup> In its 246 paragraphs, *Laudato Si'* mentioned concerns about issues as far-ranging as the international economy, poverty, technology, pollution, climate, consumerism, water scarcity, biodiversity, urban life, employment, drug use, social exclusion, mass communication, population control, food waste, international debt, cultural patrimony, indigenous communities, housing, transportation, family life, violence, social unrest, education, genetic modifications, misguided anthropology, use of private property, and the vulnerability of human life. This was certainly not a traditional exposition of strictly environmental problems.

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20. I have previously reflected on *Laudato Si'* in Lucia A. Silecchia, *Conflicts and Laudato Si': Ten Principles for Environmental Dispute Resolution*, 33 J. LAND USE 62 (2017) [hereinafter *Conflicts and Laudato Si'*]; Lucia A. Silecchia, *Laudato Si' and Care for Our Common Home: What Does it Mean for the Legal Professional?*, 6 SEATTLE J. ENVTL. L. 1 (2016); Lucia A. Silecchia, "Social Love" as a Vision for Environmental Law: *Laudato Si' and the Rule of Law*, 10 LIBERTY U. L. REV. 371 (2016) [hereinafter *Social Love*]; *Market Mechanisms*, *supra* note 6; and Lucia A. Silecchia, *Laudato Si' and the Tragedy of the "Throwaway Culture"* (2017) (unpublished paper available at <https://ssrn.com/abstract=2923124>). Prior to *Laudato Si'*, I had the opportunity to reflect more generally on the foundations of Catholic social teaching on ecology—the rich soil from which *Laudato Si'* emerged. See, e.g., Lucia A. Silecchia, *Environmental Ethics from the Perspective of NEPA and Catholic Social Teaching: Ecological Guidance for the 21<sup>st</sup> Century*, 28 WM. & MARY ENVTL. L. & POL'Y REV. 659 (2004); Lucia A. Silecchia, *The Call to Stewardship: A Catholic Perspective on Environmental Responsibility*, in AMERICAN LAW FROM A CATHOLIC PERSPECTIVE: THROUGH A CLEARER LENS 213–227 (Ronald J. Rychlak ed., 2015); Lucia A. Silecchia, *The "Preferential Option for the Poor: An Opportunity and a Challenge for Environmental Decision-Making*, 5 U. ST. THOMAS L.J. 87 (2008); Lucia A. Silecchia, *Discerning the Environmental Perspective of Pope Benedict XVI*, 4 J. CATHOLIC SOC. THOUGHT 227 (2007); Lucia A. Silecchia, *Toward a Pro-Life Environmental Movement*, 20 LIFE & LEARNING 155 (2010). All of these papers are available at [https://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=625430](https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=625430).

Unfortunately for those seeking simple answers, Pope Francis offered none.<sup>21</sup> Even the most cursory reading of *Laudato Si'* introduced a mixed picture of law's role, or potential role in responding to the litany of concerns Pope Francis raised.

In many respects, Pope Francis asserted that law is an effective and vitally necessary way to respond to threats to our common home.<sup>22</sup> He bluntly called on law makers at all levels to act with unmistakable urgency, declaring that “a legal framework which can set clear boundaries and ensure the protection of ecosystems has become indispensable.”<sup>23</sup>

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21. Indeed, this is true not only of lawyers since, with respect to all things, “*Laudato Si'* is not an encyclical letter for hasty action.” Tebaldo Vinciguerra, *Integral Ecology, Water, Climate Change*, 32 *ST. THOMAS L. REV.* 17, 18 (2019).

22. This aspect of *Laudato Si'* was discussed in Ileana M. Porras, *Laudato Si', Pope Francis' Call to Ecological Conversion: Responding to the Cry of the Earth and the Poor – Towards an Integral Ecology*, 109 *AJIL UNBOUND* 136, 141 (2016):

[I]t becomes evident that Francis counts on law and legal institutions to facilitate the transition [to integral ecology.] The encyclical is peppered with references to the need for more laws and regulation, better implementation, more enforcement, and better compliance. It specifically calls for more international governance . . . . [L]aw is presented as oppositional and virtuous.

*See also* Schneck, *supra* note 5, at 82 (“*Laudato Si'* is insistent about the need for laws, governments, and international bodies to be empowered sufficiently to coordinate and regulate human activity that might threaten the natural world.”).

23. *Laudato Si'*, *supra* note 1, ¶ 53. Although he did not elaborate, by “boundaries” Pope Francis likely meant limitations on harmful activities such as discharge of pollutants, harm to endangered species, use of dangerous products, etc. Secular commentators have also urged a robust legal framework and argued that faith-based traditions can play a role in bridging the gaps of an inadequate legal response. *See, e.g.*, Nadia Ahmad, *Faith-Based Approaches to Ecological Harmony and Environmental Protection*, 21 *RUT. RACE & L. REV.* 1 (2020) (“The failure to recognize and establish legal environmental rights and norms is perilous for the health of the planet and its populations. Using another source of obligations, such as faith-based approaches for ecological harmony and environmental protection, can work to realign delicate ecosystem balances.”); *id.* at 2 (“World religions emphasize the duty of the individual to care for the environment instead of a rights-based approach as expressed, for example, in international human rights

He also praised specific laws that accomplished significant goals. In particular, he spoke highly of the Basel Convention,<sup>24</sup> the Convention on International Trade in Endangered Species,<sup>25</sup> and the Vienna Convention<sup>26</sup> as examples in which legal mechanisms were used to combat identifiable, discrete problems.<sup>27</sup> Specifically, these three Conventions addressed transboundary transport of and disposal of hazardous wastes, international trade in endangered species of flora and fauna, and protection of the ozone level, respectively. It was unusual that Pope Francis cited individual legal instruments in this way, since this level of specificity is rare for papal encyclicals. However, this reflects law's importance in the panoply of tools needed to address the world's most pressing problems and offers hopeful insight into law's capacity for good. It also, however,

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law in terms of the human right to a healthy environment.”); *id.* at 5 (“The religious duty to protect the environment precedes international environmental law instruments.”).

24. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1673 U.N.T.S. 125 (Mar. 22, 1989) [https://treaties.un.org/doc/Treaties/1992/05/19920505%2012-51%20PM/Ch\\_XXVII\\_03p.pdf](https://treaties.un.org/doc/Treaties/1992/05/19920505%2012-51%20PM/Ch_XXVII_03p.pdf).

25. Convention on International Trade in Endangered Species of Wild Fauna and Flora, 993 U.N.T.S. 243 (Mar. 3, 1973) <https://cites.org/eng/disc/text.php>.

26. The Vienna Convention for the Protection of the Ozone Layer, 1513 U.N.T.S. 293 (Mar. 22, 1985) <https://treaties.un.org/doc/Publication/MTDSG/Volume%20II/Chapter%20XXVII/xxvii-2.en.pdf>.

27. *See generally Laudato Si'*, *supra* note 1, ¶ 168. According to commentators, Pope Francis may have hoped that climate questions could also be addressed successfully, like some of these prior legal initiatives. *See, e.g.,* Pedrioli, *supra* note 2, at 379 (“According to Bishop Marcelo Sorondo, chancellor of the Vatican’s Pontifical Academy of Sciences, the Pope in particular wished to influence the United Nations climate meeting in Paris in late 2015, which aimed to conclude two decades of negotiations regarding global emissions.”); Russell Powell, *Laudato Si’: Engaging Islamic Tradition and Implications for Legal Thought*, 40 SEATTLE U. L. REV. 1325, 1331 (2017) (calling *Laudato Si'* “strategically written and released in anticipation of the 21<sup>st</sup> Conference of the Parties of the United Nations Framework Convention on Climate Change in Paris in December 2015, which resulted in the adoption of the Paris Agreement.”); Massimiliano Montini & Francesca Volpe, *The Need for an “Integral Ecology” in Connection with the UN Sustainable Development Goals*, in CARE FOR THE WORLD: *LAUDATO SI' AND CATHOLIC SOCIAL THOUGHT IN AN ERA OF CLIMATE CRISIS*, *supra* note 2, at 56–67 (discussing impact of *Laudato Si'* on the United Nations 2030 Agenda).

provides a point of contrast to other circumstances in which the legal regime does not or cannot solve more diffuse problems.<sup>28</sup>

It is clear that Pope Francis recognized the significant limitations of law.<sup>29</sup> Indeed, one commentator observed that the legal regime has merely “a modest role in Francis’s vision of environmental issues.”<sup>30</sup> Sometimes, Pope Francis expressed this as frustration that good laws are not properly respected and enforced<sup>31</sup> or that they are undermined by varied forms of corruption.<sup>32</sup> Other times, he expressed profound, deeper doubt as to law’s utility—without more—to address care for our common home due to lack of concern,<sup>33</sup> the reactive nature of so

28. A similar point was made in Mary Ellen O’Connell & Marie-Claire Klassen, *Law for and from the Natural World*, in *THEOLOGY AND ECOLOGY ACROSS THE DISCIPLINES: ON CARE FOR OUR COMMON HOME*, *supra* note 6, at 213–226, 215 (praising the ozone convention and protocol as examples in which international environmental law “worked particularly well,” but noting that while this “demonstrates the capacity of international law to protect the environment [it] is seemingly an exception.”).

29. *But see* Porras, *supra* note 22, at 141 (arguing that *Laudato Si’* does not offer a critical view of law, describing it as “Francis’ seemingly uncritical acceptance of the virtuous character of our legal structures”). *See also* Eric T. Freyfogle, *Laudato Si’ and Private Property*, in *LAUDATO SI’ AND THE ENVIRONMENT* 21–37, 32–33 (Robert McKim ed., 2020) (describing ambivalence toward effective legal regulation at various levels).

30. Nagle, *supra* note 2, at 39.

31. *See, e.g.,* *Laudato Si’*, *supra* note 1, ¶ 142 (“[L]ack of respect for the law is becoming more common. Laws may be well framed yet remain a dead letter . . . . [C]ountries which have clear legislation about the protection of forests continue to keep silent as they watch laws repeatedly being broken.”); *id.* ¶ 167 (lamenting that the agreements in the 1972 Stockholm Convention “have been poorly implemented due to the lack of suitable mechanisms for oversight, periodic review and penalties in case of noncompliance.”); *id.* ¶ 174 (using regulation of international waters as an example of a situation where “conventions do exist, but fragmentation and the lack of strict mechanisms of regulation, control and penalization end up undermining these efforts.”).

32. *Id.* ¶ 179 (expressing concern that “enforcement of laws is at times inadequate due to corruption”); *id.* ¶ 182 (decrying “forms of corruption which conceal the actual environmental impact of a given project, in exchange for favors”); *id.* ¶ 197 (opining that “politics itself is responsible for the disrepute in which it is held, on account of corruption and the failure to enact sound public policies.”).

33. *Id.* ¶ 14 (“[M]any efforts to seek concrete solutions to the environmental crisis have proved ineffective, not only because of powerful opposition but also because of a more general lack of interest.”).

many environmental laws,<sup>34</sup> self-interest,<sup>35</sup> lack of full and informed public participation in decision-making,<sup>36</sup> political instability,<sup>37</sup> and the inevitable difficulty in anticipating future harms.<sup>38</sup>

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34. *Id.* ¶ 19 (observing, not merely with respect to law, that often “no measures are taken until after people’s health has been irreversibly affected.”) and *id.* ¶ 183 (claiming “[w]e need to stop thinking in terms of ‘interventions’ to save the environment in favor of policies developed and debated by all interested parties.”). *See also* Jennifer M. Mohamed, *Silent Spring +55: The Human Right to a Clean Environment*, 42 *ENVIRONS ENVTL L. & POL’Y J.* 35, 42–43 (2018) (describing the way in which international environmental law reacted to disasters such as the Bhopal pesticide disaster, the Chernobyl nuclear reactor crisis and the Exxon Valdez oil spill as several examples of the reactive nature of international environmental law).

35. *See e.g., Laudato Si’, supra* note 1, ¶ 169 (claiming that the ineffectiveness of the Conference of the United Nations on Sustainable Development (Rio+ 20) is “due to positions taken by countries which place their national interests above the global common good.”); *id.* ¶ 178 (claiming “governments are reluctant to upset the public with measures which could affect the level of consumption or create risks for foreign investment.”). Others have commented on the role of self-interest as a barrier to legal initiatives. *See, e.g.,* Daniel C. Esty, *Advancing a Just Transition to a Sustainable Future: Seven Dimensions of Equity to Consider*, 118 *AM. SOC’Y INT’L L. PROC.* 262, 263 (2024) (“[E]xecutives expressed concern about the risk of marketplace disadvantage if they were to re-gear their business models for a sustainable future ahead of the competition, bearing costs that those shirking emissions reduction obligations . . . would not have to absorb.”); Carol M. Rose, *Commons, Cognition and Climate Change*, 32 *J. LAND USE & ENVTL. L.* 297, 302 (2017):

One of the most easily understood consequences of collective action scenarios is distrust among the interested parties. The logic of the Tragedy of the Commons suggests the root of distrust: any given person, or group, or nation, is likely to ask, why should I make an effort when I am reasonably certain that others will not? My forbearance will just cost me, without doing much good in the long run, since others will take what I have tried to preserve.

36. *See, e.g., Laudato Si’, supra* note 1, ¶ 49 (attributing this to the “fact that many professionals, opinion makers, communications media and centers of power, being located in affluent urban areas, are far removed from the poor, with little direct contact with their problems.”). In particular, Pope Francis was concerned about the arrogance embedded in the attitudes of those who make decisions that

In addition to these specific critiques, Pope Francis expressed frustration that law simply has inherent limitations. He bemoaned “how weak international political responses have been,”<sup>39</sup> and decried “[t]he failure of global summits on the environment.”<sup>40</sup> In perhaps his most stinging critique of law’s limitations, he warned against believing that:

[T]he force of law will be sufficient to prevent actions which affect the environment because, when the culture itself is corrupt and objective truth and universally valid principles are no longer upheld, then laws can only be seen as arbitrary impositions or obstacles to be avoided.<sup>41</sup>

This is a deeply sobering perspective in a generally pessimistic encyclical. It is also one that is humbling to those who have devoted

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impact vulnerable people without ensuring that they are active participants in those decisions.

37. *See, e.g., id.* ¶ 181 (claiming that “policies related to climate change and environmental protection cannot be altered with every change of government.”).

38. *See, e.g., id.* ¶ 178 (decriing “myopia of power politics [that] delays the inclusion of a far-sighted environmental agenda within the overall agenda of governments.”).

39. *Id.* ¶ 54. He reiterated a similar concern several years later when he wrote to the Participants in the United Nations Framework Convention on Climate Change that “[w]e must seriously ask ourselves if there is the political will to allocate with honesty, responsibility and courage, more human, financial and technological resources to mitigate the negative effects of climate change, as well as to help the poorest and most vulnerable populations who suffer from them the most.” Pope Francis, *Message of the Holy Father Francis to the Participants in the United Nations Framework Convention on Climate Change* (Dec. 1, 2019) [https://www.vatican.va/content/francesco/en/messages/pont-messages/2019/documents/papa-francesco\\_20191201\\_messaggio-carolina-schmidt.html](https://www.vatican.va/content/francesco/en/messages/pont-messages/2019/documents/papa-francesco_20191201_messaggio-carolina-schmidt.html).

40. *Laudato Si'*, *supra* note 1, ¶ 54; *see also* Pope Francis, *id.* ¶ 166 (“[R]ecent world Summits on the environment have not lived up to expectations because, due to lack of political will, they were unable to reach truly meaningful and effective global agreements on the environment.”).

41. *Laudato Si'*, *supra* note 1, ¶ 123.

themselves to legal initiatives at the local, national, and international levels.<sup>42</sup>

Pope Francis also linked some of law's limitations to the international geopolitical framework that is based, to a large extent, on the sovereignty of nation-states.<sup>43</sup> He referred to the nation-state legal regime as one "inherited from the past."<sup>44</sup> He argued that nation-states have been weakened "because the economic and financial sectors, being transnational, tend[] to prevail."<sup>45</sup> In this

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42. Indeed, this is consistent with a generally pessimistic view that marks extensive swaths of the encyclical. See Sachs, *supra* note 5, at 2579 (observing that, in *Laudato Si'*, "[i]nstead of progressive optimism, linear improvement and thrilling expectations for the future, only sober, nuanced contemplations on the present await readers."). Not all, however, share my view that this encyclical is pessimistic. See, e.g., Douglas E. Christie, *Becoming Painfully Aware: Spirituality and Solidarity in Laudato Si'*, in *THE THEOLOGICAL AND ECOLOGICAL VISION OF LAUDATO SI': EVERYTHING IS CONNECTED*, *supra* note 2, at 120:

The honesty and severity with which *Laudato Si'* lays bare our spiritual alienation is balanced by a tone of hopefulness and even joy that runs throughout the encyclical . . . . In spite of so many reasons to feel pessimistic . . . the note of hope is so strong. The particular note of hope . . . gains strength and force . . . from its profound realism regarding our current predicament. There is no false hope here, no wishful thinking. But there is a deep conviction that we retain a capacity to regard the world with love and awe.

See also Zachary Loeb, *Towards a Bright Mountain: Laudato Si' and the Critique of Technology*, in *CARE FOR THE WORLD: LAUDATO SI' AND CATHOLIC SOCIAL THOUGHT IN AN ERA OF CLIMATE CRISIS*, *supra* note 2, at 108–122, (discussing the mixed tone of *Laudato Si'*).

43. See, e.g., *Laudato Si'*, *supra* note 1, ¶ 173 (urging international laws because "local authorities are not always capable of effective intervention. Relations between states must be respectful of each other's sovereignty, but must also lay down mutually agreed means of averting regional disasters . . . . Global regulatory norms are needed to impose obligations and prevent unacceptable actions.").

44. *Laudato Si'*, *supra* note 1, ¶ 175.

45. *Id.* ¶ 175. See also *Social Love*, *supra* note 20, at 376 (asserting that "Pope Francis views law as, perhaps, the only force strong enough to serve as a bulwark against an economic system that he believes has been destructive of human and natural ecology."). He also seems to be concerned that not all nations share a place

sense, he was deeply concerned that the ability of individual nation-states to govern with law, even with the best of intentions, is less likely to succeed today than in the past. In his view, there are now sources of power and influence that have greater force than states themselves. A global economy, a sophisticated international communication system, and transnational business entities are not confined to one nation but have the ability to exert influence on a global scale in ways that were not previously possible. In light of this, Pope Francis deemed it “essential to devise stronger and more efficiently organized international institutions, with functionaries . . . appointed fairly by agreement among national governments, and empowered to impose sanctions.”<sup>46</sup>

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at the table in international law making. See Erin Lothes Biviano, *Working Together to Address the Climate Crisis*, in *THE THEOLOGICAL AND ECOLOGICAL VISION OF LAUDATO SI’: EVERYTHING IS CONNECTED*, *supra* note 2, at 235–251, 237 (noting *Laudato Si’*’s perspective that “constructive solutions require global cooperation, a dialogue that takes counsel of all nations”); *id.* (arguing that effective global cooperation requires “attention to the needs of all nations, not simply the powerful few”).

46. *Laudato Si’*, *supra* note 1, ¶ 175. This may, however, be an unrealistic proposal, and one that could give rise to new problems even if it solves some existing ones. See Bodansky, *supra* note 5, at 128 (“No country is going to accept a new institutional mechanism with strong enforcement powers to make their emissions targets more stringent because the Pope has spoken.”). For further discussion of this problem, see, e.g., Nagle, *supra* note 2, at 42 (observing that “calls for global solutions have fared poorly in the context of climate change.”); Anne Marie Dalton, *Ecological Citizenship and the New Habitus*, in *INTEGRAL ECOLOGY FOR A MORE SUSTAINABLE WORLD: DIALOGUES WITH LAUDATO SI’*, *supra* note 2, at 237–266, 239–240:

[E]cological citizenship disrupts the notion of the ‘nation state.’ The nation state as the object of citizenship is challenged already by ideas about universal responsibility to those suffering from poverty and oppression worldwide . . . . [T]he ecological crisis also extends beyond national borders. However ecological citizenship pushes the concept of world citizen to that of Earth citizen. Ecological citizens bear responsibility not only to the stranger in their time as does the world citizen but also to the stranger of the future, to places, and to other species.

Eight years later, in his apostolic exhortation *Laudate Deum*, Pope Francis elaborated on this idea more fully. Perhaps in response to concerns that *Laudato Si'* had proposed an unrealistic or overly powerful international governing body, *Laudate Deum* clarified that:

It is not helpful to confuse multilateralism with a world authority concentrated in one person or in an elite with excessive power . . . . [T]hey must be endowed with real authority, in such a way to 'provide for' the attainment of certain essential goals. In this way there could come about a multilateralism that is not dependent on changing political conditions or the interests of a certain few.<sup>47</sup>

Although he did not fully develop this idea in any detail, it was Pope Francis's attempt to offer an approach that would be more effective than the individual nation-state without causing the potentially dangerous consequences that could flow from a powerful international entity.

Taken as a whole, then, *Laudato Si'* revealed both the necessity and insufficiency of law in protecting our common home in the robust, capacious way that Pope Francis sought.<sup>48</sup>

### III. AMBIGUITY AND DEFINITIONAL SPRAWL IN FRAMING THE LEGAL PROBLEM

“[E]verything in the world is connected.”<sup>49</sup>

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47. Pope Francis, *Laudate Deum* [Apostolic Exhortation on the Climate Crisis] ¶ 35 (Oct. 24, 2023) <https://www.vatican.va/content/francesco/en/apost-exhortations/documents/20231004-laudate-deum.html> [hereinafter *Laudate Deum*]. *Laudate Deum* was written as a follow-up to *Laudato Si'* and it was more directly focused on specific questions of climate change rather than the broader perspective of *Laudato Si'*. *Laudate Deum* reiterated many themes from *Laudato Si'*, with a greater sense of urgency and disappointment in the pace of global progress on ecological questions.

48. Put another way, *Laudato Si'* “envisions a prominent role for legal reform as well as personal conversion and behavioral change.” Lin, *supra* note 4, at 36. See also Nagle, *supra* note 2, at 12 (arguing that in *Laudato Si'*, “Pope Francis is a powerful advocate for a Christian environmental morality but a less convincing advocate for specific regulatory reforms.”).

There are many practical explanations for the limitations of law, including the difficulties of international jurisdiction, limited enforcement resources, competing theories as to which form of regulation or incentive is most effective, and lack of public enthusiasm for expensive controls, to name but a few. Yet, at its core, the limitations of our legal framework spring from more fundamental questions about what it means to protect our common home and what the scope of that undertaking really is. The role that law could and should play depends on how narrowly or broadly the problem is defined *ab initio*. The narrower the scope, the more effective law may be. As the scope broadens, however, it becomes increasingly difficult for law to have a meaningful impact. This tension makes it challenging to define law's proper role.

Throughout *Laudato Si'*, Pope Francis used a variety of terms to describe the object of his concern. The encyclical certainly addressed many of the issues traditionally viewed as environmental concerns. Yet, Pope Francis did not limit the encyclical to this. Instead, observers have noted that "*Laudato Si'* is not really even an environmental encyclical in that the natural environment does not play the starring role. Rather, it is an encyclical about humanity."<sup>50</sup>

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49. *Laudato Si'*, *supra* note 1, ¶ 16.

50. Nagle, *supra* note 2, at 10. See also BRIOLA, *supra* note 14, at 64 ("Despite popular perception, the encyclical covers far more than climate change. Topics include global inequality, technology, biodiversity, bioethics, and urban design."); Kureethadam, *supra* note 5, at 20 ("The contemporary ecological crisis is not merely an 'environmental' problem or even a host of environmental problems, as it is generally supposed. It is about the crisis of our very common home."); Edenhofer & Flachslund, *supra* note 2, at 177 (observing that *Laudato Si'* "is much more than an 'environmental' or 'climate' document. In fact, it discusses the ethical challenges of the twenty-first century: climate change, poverty, and inequality."); Porras, *supra* note 22, at 136 (opining that *Laudato Si'*'s "signature contribution to the evolving body of Catholic social doctrine [is] its recognition of the intrinsic value of nature"); *id.*, at 139 (stating that *Laudato Si'* "does not abandon the Christian doctrine that human beings are unique, in that they are created in the image and likeness of God, which is the source of their human dignity. At the same time, however, it insists on the intrinsic value of nature, a value that does not depend on the utility of nature for man."); Andrew J. Hoffman, *Laudato Si' and the Role of Religion in Shaping Humanity's Response to Climate Change*, ROSS SCHOOL OF BUSINESS WORKING PAPER NO. 1360, at 3 (Sept. 2015), calling *Laudato Si'*'s expansive vision of human ecology:

*Laudato Si'* used some terms familiar to environmentalists, such as “biodiversity,” “pollution,” “sustainable development,” “warming,” “climate,” “climate change,” “planet,” “environment,” and “earth.” Although these are complex matters, they are traditional areas of environmental inquiry.

These terms were broadened to include multifaceted systems such as “ecology,” “nature,” “natural environment,” “ecosystems,” “ecological culture,” “natural ecosystems,” “climatic system,” and “geosystem.” These are more expansive in that they introduce and incorporate the idea that all parts of the natural world interact with each other in ways that make it difficult to isolate one ecological concern from others.

This list was further broadened to encompass another panoply of terms even more expansive than what is traditionally considered in the environmental order. These terms included “human ecology,” “human environment,” “social environment,” “creation,” “created world,” “universe,” and “material universe.” These expand the universe of concern in significant ways, primarily because they incorporate and place a significant focus upon the human social order.

Finally, Pope Francis used the most comprehensive term of all, “integral ecology,” to describe the object of his concerns and our obligations. When care for our common home is perceived narrowly or as merely a set of discrete problems, law has a great capacity to create solutions. However, when it is expanded to the concept of “integral ecology”, this becomes far more difficult. As Pope Francis himself observed with respect to integral ecology, “it is no longer possible to find a specific discrete answer for each part of the problem.”<sup>51</sup>

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a bold appeal to reevaluate our worldviews, values and spiritual beliefs and relevant climate change and the broad sweep of environmental issues beyond that of strictly an ‘environmental issue,’ a label that has ghettoized the issue as one that is associated with a liberal environmental movement and all the cultural and political baggage that accompanies such a label.

51. *Laudato Si'*, *supra* note 1, ¶ 139.

#### IV. “INTEGRAL ECOLOGY” AND ITS CHALLENGES FOR LAW

“Integral ecology” was Pope Francis’s preferred lens through which we should view the obligation to care for our common home in a comprehensive way that encompasses all aspects of life on earth. Indeed, viewing the earth as a “home” rather than a mere planet or place invites this integral approach. This concept, and way of viewing ecology, is likely to be remembered as the encyclical’s key contribution to Catholic social thought, and one far more lasting than any of its specific scientific, economic, and political commentary. Yet, it is because *Laudato Si’* defined caring for “our common home” in this expansive and all-encompassing way that law’s role is diminished.<sup>52</sup>

##### A. THE BROAD MANDATE OF “INTEGRAL ECOLOGY”

In explaining integral ecology, *Laudato Si’* proclaims:

[I]t is no longer enough to speak only of the integrity of ecosystems. We have to dream to speak of the integrity of human life, of the need to promote and unify all the great values.<sup>53</sup>

and

[I]ntegral ecology includes taking time to recover a serene harmony with creation, reflecting on our lifestyle and our

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52. The broad scope of integral ecology does not merely make it more difficult for law to address the problem. For a discussion of additional “obstacles to integral ecology”, see generally Vincent Miller, *Integral Ecology: Francis’s Spiritual and Moral Vision of Interconnectedness*, in *THE THEOLOGICAL AND ECOLOGICAL VISION OF LAUDATO SI’: EVERYTHING IS CONNECTED*, *supra* note 2, at 11–28, 21–26.

53. *Laudato Si’*, *supra* note 1, ¶ 224.

ideals, and contemplating the Creator who lives among us and surrounds us.<sup>54</sup>

This is a broad mandate.<sup>55</sup> It emphasizes the fact that “everything is connected.”<sup>56</sup> By proposing integral ecology, *Laudato Si'* moved well beyond the mere environmental encyclical that was widely expected, to one concerned about all aspects of the human condition.<sup>57</sup> It also went far beyond attention to human economic and

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54. *Id.* ¶ 225. See also *id.* ¶ 10 (describing “how inseparable the bond is between concern for nature, justice for the poor, commitment to society, and interior peace.”). Pope Francis picked up this theme in his writings post-*Laudato Si'*. See, e.g., *Message of His Holiness Pope Francis for the World Day of Prayer for the Care of Creation* ¶ 1 (Sept. 1, 2020), [https://www.vatican.va/content/francesco/en/messages/pont-messages/2020/documents/papa-francesco\\_20200901\\_messaggio-giornata-cura-creato.html](https://www.vatican.va/content/francesco/en/messages/pont-messages/2020/documents/papa-francesco_20200901_messaggio-giornata-cura-creato.html) (“We exist only in relationships: with God the Creator, with our brothers and sisters as members of a common family, and with all of God’s creatures within our common home.”); *id.* ¶ 2 (“We cannot live in harmony with creation if we are not at peace with the Creator who is the source and origin of all things.”); *Message of His Holiness Pope Francis for the World Day of Prayer for the Care of Creation* (Sept. 1, 2023), <https://www.vatican.va/content/francesco/en/messages/cura-creato/documents/20230513-messaggio-giornata-curacreato.html> (“[A]n integral approach to respect for the environment involves four relationships: with God, with our brothers and sisters of today and tomorrow, with all of nature, and with ourselves.”).

55. See, e.g., Gerard Magill, *Laudato Si': A Commentary*, 11 *SPIRITAN HORIZONS* 80, 88 (2016) (describing the scope of *Laudato Si'* as “breathhtaking”). See also *id.* (“What is sought is an ethical ecology that is extraordinarily broad . . .”).

56. *Laudato Si'*, *supra* note 1, ¶ 117.

57. See, e.g., Powell, *supra* note 27, at 1330 (noting that “*Laudato Si'* wrestles with issues related to poverty, economics, inequality, and environmental degradation in the context of Catholic doctrine and social teaching.”); Anthony LeDuc, *Christian Humanism, Anthropocentrism, and the Contemporary Ecological Crisis*, 30 *NEW THEOLOGY REV.* 10, 15, (no. 2) (2018) (“The principle of a sound human ecology that promotes human dignity was reaffirmed and discussed by Pope Francis in . . . *Laudato Si'*, demonstrating its insensibility from any discussion on the natural ecology.”); Tilche & Nociti, *supra* note 2 (“The ‘integral ecology’, which Pope Francis proposes, requires the integration of the economic, social and cultural dimensions . . . This notion opens deep reflections on justice, which go beyond the relationships of today, implicitly including the ‘rights’ of future generations, with the qualification that intergenerational justice should be accompanied by intra-generational justice.”); *id.* (noting “the Pope’s view that the

social development, emphasized half a century earlier in Pope Paul VI's encyclical, *Populorum Progressio*.<sup>58</sup>

Integral ecology refers to the relationships we have with each other, with God, and with all aspects of the natural and, even, the man-made, built worlds. It is based on the view that ruptures in any of these relationships harm all of them.<sup>59</sup> In what may be one of

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ecological crisis is just one of the symptoms of the throwaway culture and of the technocratic paradigm which looks to the continuation of its internal logic.”); Porras, *supra* note 22, at 136 (“[T]he concept of integral ecology, grounded in human dignity and the intrinsic value of nature, may provide a way out of the impasse of ‘sustainable development’”); *id.* at 139 (“At first glance, the elements of the concept of integral ecology . . . seem merely to mirror those of sustainable development . . . Nevertheless . . . the concept of integral ecology . . . shifts the balance in a subtle but important and potentially radical way. The key is the emphasis on ‘ecology’ rather than development.’ The choice of ‘ecology’ signals a new sensibility attentive to the web of relationships that exist between living things, nature and matter.”); Tilche & Nociti, *supra* note 2 (“[T]he ecological challenge is also a social one”); *id.* (noting “the human and the natural environment deteriorate together”); *id.* (noting that the “integral ecology” proposed in *Laudato Si’* “required the integration of the economic, social and cultural dimensions”); Lin, *supra* note 4, at 36 (calling *Laudato Si’* “a marked departure from conventional environmentalism, which has tended toward incremental policy solutions that focus on efforts rather than underlying causes.”); Frank J. Barrett & Ryan Duns, *Organizational Implications of Pope Francis’ Integral Ecology*, 59 J. APPLIED BEHAV. SCI. 262, 266 (2023) (stating that integral ecology “refuses to consider the human apart from the environment and insists we reflect upon ourselves as part of it. Anthropology is inseparable from ecology, as who we are and where we are interpenetrated and condition one another”); *id.* at 267 (“Integral ecology insists that the fate of humanity is ineluctably bound to the fate of our planet.”).

58. Pope Paul VI, *POPULORUM PROGRESSIO*, ENCYCLICAL ON THE DEVELOPMENT OF PEOPLES (1967) [https://www.vatican.va/content/paul-vi/en/encyclicals/documents/hf\\_p-vi\\_enc\\_26031967\\_populorum.html](https://www.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_26031967_populorum.html). For further discussion of *Populorum Progressio*'s place in the lineage of *Laudato Si'*, see Talbot, *supra* note 2, at 79; Briola, *supra* note 14, at 66–67; Margaret R. Pfeil, *Fifty Years After Populorum Progressio: Understanding Integral Human Ecology in Light of Integral Ecology*, 16 J. CATH. SOC. THOUGHT 5 (2018); and *Common Home*, *supra* note 3, at 874.

59. See Martijn Cremers, *Corporate Social Responsibility in Light of Laudato Si'*, 64 J. CORP. CITIZENSHIP 63, 63–64 (Dec. 2016) (“[D]ue to the intertwined nature of these relationships, Pope Francis argues that each of these three broken relationships needs to be healed simultaneously”); *id.* at 67 (“We need to recognize with humility our limits and our dependence on nature, on each other and on God.”); *id.* (“[W]e are not self-sufficient, but as creatures we are dependent on nature, on each other and on God.”); Alyson C. Flournoy, *Integrative*

*Laudato Si'*'s most memorable lines, Pope Francis asserted that humanity "is not faced with two separate crises, one environmental and one social, but rather with one complex crisis which is both social and environmental."<sup>60</sup> This observation captures the interwoven scope of an integral ecology that includes natural systems, social systems, culture, daily life, the common good, and intergenerational solidarity.<sup>61</sup> Indeed, one commentator dubbed *Laudato Si'* "an ecclesiastical declaration of interdependence between humans and the rest of nature."<sup>62</sup> Integral ecology is also based on the premise that decisions made in any one area of human activity—the social, the political, the economic, the technological, the personal, or the spiritual—impact all other aspects of human activity and creation as a whole, both in the present and far into the future.

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*Environmental Law: A Prescription for Law in the Time of Climate Change*, 30 DUKE ENVTL. L. & POL'Y F. 225, 250 (2020) ("Many discussions of environmental protection place humans outside nature and reduce the focus to just the environment, ignoring the interrelationships between humans and nature and the reality that humans are part of the environment."); *id.* at 261 ("Ecosystem management, while an advance, did little to address the growing recognition that natural systems also interacted with human systems and that they operated at multiple geographic and temporal scales"); Jonathan Z. Cannon & Stephen Cushman, *Pope Francis, Laudato Si', and U.S. Environmentalism*, 42 WM. & MARY ENVTL. L. & POL'Y REV. 1 (2017) (observing that *Laudato Si'* "emphasizes ecological interconnectedness, a staple of contemporary environmentalist thought, but [Pope Francis'] concept of interconnectedness generously includes the equity and cohesion of human society as well as the health of natural systems."); Nagle, *supra* note 2, at 10 ("Francis stresses the relational character of environmental issues that turn on the relationship between the natural world, human cultures, humanity, and God. Environmental harm, in turn, results when we misunderstand or abuse those relationships.").

60. *Laudato Si'*, *supra* note 1, ¶ 139.

61. *See generally id.* ¶¶ 137–162. This chapter of *Laudato Si'* is devoted to a complete explication of integral ecology and its ramifications.

62. Cannon & Cushman, *supra* note 59, at 1. *See also* BRIOLA, *supra* note 14, at 70–71 ("Precisely through the ways that integral ecology connects everything, far from detracting from the concerns of either human ecology or natural ecology, Francis indicates that neither can be preserved without the other.").

## B. LAW'S SUITABILITY TO RESOLVING NARROW PROBLEMS

Arguably, law has consistently been most successful, at least in the short term, when it is directed toward addressing specific, discretely defined problems.<sup>63</sup>

An example from the United States' environmental law well illustrates this point. The National Environmental Policy Act ("NEPA")<sup>64</sup> was adopted with great fanfare on January 1, 1970, as it ushered in the United States' ambitious "environmental decade." NEPA began by proposing extremely broad goals and an ambitious environmental policy for the United States. Indeed, some of its statements on the interconnections between humans and their environs presented a rudimentary foreshadowing of integral ecology. NEPA began by stating a national environmental policy in terms that had a surprising breadth for fifty-six years ago:

Congress, recognizing the profound impact of man's activity on the interrelations of all components of the

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63. Flournoy, *supra* note 59, at 248:

Environmental law was constrained by a statutory framework that dictated a focus on air, water, endangered species, or pesticides, but failed to provide the tools to integrate these concerns and see the impacts on the broader natural systems. This approach . . . created huge early gains in terms of addressing what could be considered the low-hanging fruit – cleaning up the most obvious media-specific pollution and most egregious practices, including visible oil and pollution in many water bodies, dangerous smog levels, intentional killing of endangered species, and widespread use of organochlorine pesticides . . . [T]his yielded significant societal benefits. However, it failed to enable practitioners to focus on ecosystems as a whole.

*See also id.* (critiquing "the focus on . . . physical elements [that] overlooked the important role of social and economic systems and relationships – both the impact of environmental degradation on these systems and these systems' roles in causing degradation."). *But see* Nagle, *supra* note 2, at 22–24 (offering a more optimistic perspective suggesting that ecological integration is recognized in many ways in the United States' federal environmental laws).

64. National Environmental Policy Act, 42 U.S.C. §§ 4321–4336 (1970).

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 . . . 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.<sup>65</sup>

There are in this some early hints of integral ecology. Yet, in the fifty-six years since NEPA was passed, this grand vision does not garner nearly as much attention as NEPA's narrower, technical, and impactful provisions regulating mundane environmental impact statements.<sup>66</sup>

Other landmark American environmental laws, passed largely in the 1970s and 1980s, were narrowly sectoral, with individual federal statutes (and, often, state counterparts) enacted to address numerous particular concerns such as air,<sup>67</sup> water,<sup>68</sup> drinking water,<sup>69</sup>

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65. *Id.* § 4331(a).

66. *But see* DeWitt, *supra* note 7, at 272 (arguing that the lowly environmental impact statements mandated by NEPA “would become a way for implementing the ‘integral ecology’ of *Laudato Si’*.”).

67. Clean Air Act, 42 U.S.C. §§ 7401–7675 (1970).

68. Clean Water Act, 33 U.S.C. §§ 1251–1389 (1972).

69. Safe Drinking Water Act, 42 U.S.C. §§ 300f–300j (1974).

endangered species,<sup>70</sup> hazardous wastes,<sup>71</sup> nuclear wastes,<sup>72</sup> ocean dumping,<sup>73</sup> oil pollution,<sup>74</sup> pesticides,<sup>75</sup> and other toxic substances.<sup>76</sup>

The regulatory sphere was, in many ways, also siloed with various departments of the Environmental Protection Agency and other federal and state agencies organized by what they regulated, rather than by the more holistic approach that both modern ecological science and integral ecology invite and demand.<sup>77</sup> Yet, this traditional approach is well-suited to a legal regime designed to address specific problems. Individual statutes certainly vary in their efficacy. However, what they have in common is their focused attention to addressing specific problems, with measurable goals and results.<sup>78</sup>

A similar conundrum exists on the international level as well, where broad aspirations often fall short when more realistic legal regimes are required to realize them. The two best-known

70. Endangered Species Act, 16 U.S.C. §§ 1531–1544 (1973).

71. Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901–6992k (1976); Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601–9675 (1980).

72. Nuclear Waste Policy Act, 42 U.S.C. §§ 10101–10270 (1982).

73. Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. §§ 1401–1445 (1988).

74. Oil Pollution Act, 33 U.S.C. §§ 2701–2762 (1990).

75. Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 121–136y (1996).

76. Toxic Substances Control Act, 15 U.S.C. §2601–2697 (1976).

77. *See, e.g.,* Sadowski, *supra* note 3, at 24. “Pope Francis’ approach toward ecology is certainly influenced by the intellectual atmosphere of the century. Modern research clearly shows the complexity and manifold conditionings involved in the environmental crisis . . . . In order to understand the complex processes governing nature and the related civilization, it was necessary to develop new research methods capturing reality in an interdisciplinary, holistic, systemic and integral way.”

78. This positive outcome is reflected in Erin Ryan, *Public Trust Principles and Environmental Rights: The Hidden Duality of Climate Advocacy and the Atmospheric Trust*, 49 *HARV. ENVTL. L. REV.* 225, 335 (2025) (describing the traditional American environmental regime as one of “elaborate mechanisms of environmental law that have accomplished enormous gains toward more breathable air, drinkable and swimmable water, and biodiversity in just the few decades they have been operating at a national level”); *id.* at 344 (praising “traditional mechanisms of environmental law, which remain bedrock tools for effecting meaningful environmental governance in concert with these rights and obligations.”).

international declarations on the environment, the Stockholm Declaration of 1972<sup>79</sup> and the Rio Declaration of 1992<sup>80</sup> were also very broad statements about what the international community should do, with the expectation that international law would play a substantial role. Yet, the reality is that the broad exhortations included in these documents were difficult to translate into binding legal precedents.

Both of these documents hinted at aspects of Pope Francis's integral ecology.<sup>81</sup> The Stockholm Declaration, for example, proclaimed that “man is both creature and moulder of his environment.”<sup>82</sup> Building on this, and again foreshadowing the integral ecology of *Laudato Si'*, the Rio Declaration recognized “the integral and interdependent nature of the Earth, our home,”<sup>83</sup> and

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79. U.N. Conference on the Human Environment, *Declaration of the U.N. Conference on the Human Environment*, U.N. Doc. A/CONF.48/14/Rev.1, annex I (June 5–16, 1972) [hereinafter *Stockholm Declaration*].

80. Rio Declaration on Environment and Development, A/CONF.151/26 (June 3–14, 1992) [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.151\\_26\\_Vol.I\\_Declaration.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf) [hereinafter *Rio Declaration*].

81. *See, e.g.*, Flournoy, *supra* note 59, at 261 (arguing that after the Rio Earth Summit “sustainable development and sustainability emerged as new goals and quickly gained widespread acceptance. Among the integrative aspects of these new goals was the recognition that economics, environment, and society all interact. Because these systems are intertwined, understanding the impacts of actions on all three of them was essential.”). *But see id.* at 264 (lamenting that while “sustainability acknowledged the relevance of economics and social values and their connection to environmental protection . . . it uncritically accepted economic practices and social values as givens.”). For further discussion of the Holy See's intervention in these Conventions, *see generally Evolution of Integral Ecology*, *supra* note 3, at xvii–xix.

82. *Stockholm Declaration*, *supra* note 79, at 1. It went on to observe that the social and natural environments are intimately and inextricably intertwined. *See id.* (“Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights—even the right to life itself.”) and *id.* ¶ 6 (“To defend and improve the human environment for present and future generations has become an imperative goal for mankind – a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of worldwide economic and social development.”).

83. Rio Declaration, *supra* note 80, at Preamble.

proclaimed that “[p]eace, development and environmental protection are interdependent and indivisible.”<sup>84</sup>

Both statements were optimistic, ambitious, and comprehensive. The ensuing decades, however, have shown that while such declarations may have powerful political and social appeal, they only have legal impact to the extent that they inspire binding instruments to address more concrete, narrowly focused solutions to particular environmental questions.<sup>85</sup> Pope Francis, in his commentary on the Rio Declaration, also observed this when he lamented that it has “been poorly implemented due to the lack of suitable mechanisms for oversight, periodic review, and penalties in cases of noncompliance.”<sup>86</sup>

In contrast, each of the examples Pope Francis cited with approval in *Laudato Si’*—the Basel Convention, the Convention on International Trade in Endangered Species, and the Vienna Convention—were directed toward a particular crisis and created a focused regime to address that discrete problem.<sup>87</sup> They responded to complex scientific problems. However, the regulatory frameworks they created were traditionally structured to combat specific, measurable harms.<sup>88</sup> They also had the benefit of public support

84. *Id.* at 25.

85. For a general discussion of these international instruments and an argument in favor of a comprehensive international human right to a healthy environment, see generally Mohamed, *supra* note 34, *passim*.

86. *Laudato Si’*, *supra* note 1, ¶ 167.

87. In *Laudate Deum*, Pope Francis added an additional, specific example:

[T]he Ottawa Process against the use, production and manufacture of antipersonnel mines is one example that shows how civil society with its organizations is capable of creating effective dynamics that the United Nations cannot. In this way the principle of subsidiarity is applied also to the global-local relationship.

*Laudate Deum*, *supra* note 47, ¶ 37.

88. See, e.g., Jan Laitos & Lauren Joseph Wolongevicz, *Why Environmental Laws Fail*, 39 WM. & MARY ENVTL. L. & POL’Y REV. 1, 17 (2014) (observing that in the traditional legal regime, “[n]atural resource and environmental laws are often rigidly organized by resource . . . or environmental good . . . . Such laws tend to consider particular natural resources and environmental goods as independent ecosystems, existing apart or separate from each other.”).

because the problems they addressed—movement of hazardous wastes, harm to endangered flora and fauna, and protection of the ozone layer—were relatively easy to explain to both skeptics and supporters.<sup>89</sup> The public understood discrete problems such as the dangers of moving hazardous wastes. Photogenic animals were the face of the Endangered Species Act. Dire warnings about skin cancer risks spurred support for ozone protection. This is not the case with broader international laws and proposals involving more comprehensive questions that impose more sweeping demands, such as international frameworks regarding climate.<sup>90</sup>

Yet, “integral ecology” wants law to do more, just as it expects more of technology, politics, education, theology, and economics. Pope Francis said that although there is “growing jurisprudence dealing with the reduction of pollution by business activities,”<sup>91</sup> he believed that “political and institutional frameworks do not exist simply to avoid bad practice, but also to promote best practice, to stimulate creativity in seeking new solutions, and to encourage individual or group initiatives.”<sup>92</sup> Secular scholars have also argued in favor of a more comprehensive and integrated approach to legal frameworks.<sup>93</sup>

It is precisely this comprehensive and integrated approach, however, that law may not be well-suited to advance.<sup>94</sup> Indeed, at a

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89. The importance of such support should not be underestimated. *See, e.g.*, Nagle, *supra* note 2, at 38 (“Reliance on the democratic process to implement popular values lends popular legitimacy to environmental law.”).

90. This was most clear in, but not limited to, Pope Francis’s disappointment with international climate initiatives.

91. *Laudato Si’*, *supra* note 1, ¶ 177.

92. *Id.* Later on, Pope Francis continued to speak of the need for a more ambitious legal regime. *See id.* ¶ 197 (“What is needed is a politics which is farsighted and capable of a new, integral and interdisciplinary approach to handling the different aspects of this crisis.”).

93. *See* Flournoy, *supra* note 59, at 225 (arguing for an “integrative environmental law [that] focuses not on individual clients or patients but on transforming the substantive law, as well as the practice of environmental law to better address the environmental challenges we face.”).

94. To be effective, it has been noted that individuals need to believe that their initiatives may have practical, beneficial consequences and that the problem is a manageable one. *See, e.g.*, Joseph F. DiMento, *Laudato Si’*, *ENVT.: SCI & POL’Y FOR SUSTAINABLE DEV.*, Nov.–Dec. 2015, at 9, 10 (“For information to affect environmental behavior, people need both to see disaster as linked to

more fundamental level, it has been observed that “our habits run counter to integral ecology.”<sup>95</sup> Law certainly has the power to incentivize the good and create rewards for well-defined good behaviors or benchmarkable goals. However, the limits of law become clear in its ability—or lack thereof—to promote broader goodness, creativity, and initiative.<sup>96</sup> Pope Francis himself

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environmental problems and to be able to identify something that they can do to influence change.”); Flournoy, *supra* note 59, at 279 (describing practical ways in which environmental law might be framed in a more expansive way and yet avoid approaches that “collapse under the weight assigned them”); Nagle, *supra* note 2, at 43 (“[P]ursuit of a single, comprehensive federal statute or international treaty that is intended to solve the climate change problem is misguided. Instead, we should encourage a broad range of incremental and temporary efforts that allow us to address the discrete causes and effects of climate change and to adapt to our evolving scientific and social understandings of the problem.”); Laitos & Wolongevicz, *supra* note 88, at 3–4 (“We have been exceptionally aggressive in utilizing our legal institutions to manage, regulate, and protect environmental and natural resources, yet there is a growing consensus that the earth and its planetary systems are in serious trouble.”); Mohamed, *supra* note 34, at 57 (opining that “failures of the environmental law system and business-as-usual attitudes . . . are, for the most part, not due to a lack of regulation or litigation, but rather because of the fundamentally flawed philosophy that underlies the environmental law system itself.”); Rose, *supra* note 35, at 304:

All other things being equal, the larger the number [of parties], the less likely the participants will be able to perceive and verify the acts of others, the more likely that each will realize that they cannot observe and verify the acts of others, and the more likely the ensuing distrust. If we add heterogeneity of culture, beliefs and interest, then distrust appears to be entirely predictable.

For a more forceful critique of *Laudato Si'* in general, and its approach to law and politics more specifically, see Nicholas Capaldi, *A Critique of Pope Francis's Laudato Si'*, 40 SEATTLE U. L. REV. 1261 (2017).

95. Peter K.A. Cardinal Turkson, *Laudato Si's Challenge to Social Conscience: Society and Nature Together*, 11 INTERCULTURAL HUM. RTS. L. REV. 1, 7 (2016) [hereinafter *Society and Nature Together*]. Cardinal Turkson seems to be concerned that we regularly view problems in the narrow short term and do not or cannot contemplate the impact that many of our activities have beyond ourselves.

96. Others have commented that addressing large environmental questions is a challenge for law when it also implicates moral considerations. See, e.g., Lin, *supra* note 4, at 33 (observing that while “conventional regulatory efforts by governments

acknowledged this in *Laudate Deum*, when he drew an important contrast between successful and unsuccessful legal initiatives. He lamented:

Despite the many negotiations and agreements, global emissions continue to increase . . . . Still, in other themes related to the environment, when there was a will, very significant results were obtained, as was the case with the protection of the ozone level. Yet, the necessary transition towards clean energy sources . . . is not progressing at the necessary speed. Consequently, whatever is being done risks being seen only as a ploy to distract attention.<sup>97</sup>

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have generated some environmental improvements, climate change, pollution, loss of biodiversity, and other significant challenges remain.”); Laitos & Wolongevicz, *supra* note 88, at 1 (theorizing as to why environmental laws have failed to be effective). However, Laitos and Wolongevicz also argue in favor of legal incentives that appeal to the good in human nature. *See id.* at 24 (“Laws that encourage what to do may be more likely to motivate positive human action.”); *id.* at 47 (“Rather than rely on rules that seek to prevent humans from creating environmental damage by penalizing their bad behavior, new laws would either obligate humans, or create incentives for humans, to produce positive externalities.”); Melvin L. Otey, *Toward a Broader Theocentric Environmentalism*, 35 DUKE ENVTL. L. & POL’Y F. 1, 8 (2024) (“Legislation is essential, but it is ultimately limited in resolving ecological concerns, just as it is limited in curbing other social problems. The practical bounds of statutes and regulations are especially pronounced in situations involving personal decision-making”); *id.* (“[L]egislation alone will not ameliorate environmental problems . . . . Recognition that environmental statutes and regulations have mitigated – but not resolved – environmental exigencies suggests additional strategies are needed. These new strategies should include intentional appeals to faith communities.”); Charlie Evans, *Stewardship and Sackett: An Ecotheological Critique of the Supreme Court’s Narrowing of “Waters of the United States”*, 17 WASH. U. JURIS. REV. 109, 124 (2024) (arguing that the ecotheology perspective “critique[s] judicial opinions whose preoccupation with definitions, statutory history and plain meaning comes at the expense of acknowledging the consequences of those opinions on both people and place”); *id.* (arguing for “judicial analysis that acknowledges its own shortcomings when dealing with environmental statutes, recognizes those statutes’ ecological realities, and understands the faultiness of statutory history and definitional work largely divorced from the environmental goals at the heart of those statutes”).

97. *Laudate Deum*, *supra* note 47, ¶ 55.

This is a sober account of law's power. One commentator proposes deep "legal humility" for lawmakers addressing problems as broad-ranging as integral ecology:

[W]e should not exaggerate our ability to identify and achieve our societal goals. We do not always know enough about a problem, its causes, and the effects of various solutions to produce the results that we seek. Even if we are able to design and implement a law that achieves our goals, the law may also produce unintended consequences . . . . Our values may conflict, which can create unstable laws that depend on fleeting lawmaking majorities. On the other hand, sometimes we are able to employ the law to do exactly what we hoped. Legal humility reminds us to be alert for the possibility of either result.<sup>98</sup>

Such legal humility requires awareness of law's imperfections and, at times, outward inability, to address the problems the law is trying to resolve.

### C. LAW'S INHERENT LIMITATIONS

At the heart of this challenge lie some inherent features of law that impose limitations on what it can accomplish, even if its intentions are good. There are at least four inherent limitations that make it difficult for law to meet the multifaceted challenge posed by *Laudato Si*'s "integral ecology."

First, any law that does not have specific, measurable goals is simply difficult to explain and enforce. It is a great understatement to say that the goal of "integral ecology" is difficult to measure. A broad law incapable of effective enforcement and objective benchmarks can lead to disrespect for law as the public may perceive it to be weak, arbitrary, or ineffectual.<sup>99</sup>

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98. Nagle, *supra* note 2, at 45–46.

99. For further development of this idea, see generally Philip Booth, *Property Rights and Conservation: The Missing Theme of Laudato Si*, 21 *INDEP. REV.* 399, 409 (2017):

Second, law relies a great deal on concepts of proper jurisdiction and legitimate authority. By definition, integral ecology involves all aspects of human life and the whole of creation. Conceiving of a juridical approach that can address this while respecting both subsidiarity and sovereignty is a complicated problem. Even in a more narrow, traditional view of ecology, there is an uneasy division of regulatory authority between the national and local governments and between different branches of government.<sup>100</sup> This complexity is exacerbated on the international level when problems cross borders, but authority is bounded within nation-states.<sup>101</sup>

Third, lawmaking and interpretation are responsibilities that fall to legislators and to judges who are—to state the obvious—most often lawyers or experts in politics. Integral ecology demands expertise from many other fields<sup>102</sup> and from many who may be voiceless in

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[A] country with good governance, effective rule of law, and enforcement of private property in general is more likely to be able to protect effectively those environmental goods where limits do need to be put on commercial exploitation for the purposes of environmental protection. A state that performs well the task of enforcing property rights is more likely to be able to regulate the use of private property if that is deemed necessary because such regulation requires uncorrupt and efficient legal systems, law enforcement, and administration.

*See also* Ryan, *supra* note 78, at 241 (observing that “as regulatory scale increases, regulatory tools become even weaker, leaving international environmental law more aspirational than operational in many instances”).

100. For fuller discussion of this phenomenon, *see generally* Jonathan H. Adler, *Jurisdictional Mismatch in Environmental Federalism*, 14 N.Y.U. ENVTL. L.J. 130 (2005).

101. For discussion of the inherent difficulties in protecting our common home internationally and nationally, *see generally* Annett, *supra* note 18, at 31–34. *See also* Ryan, *supra* note 78, at 240 (lamenting that “the natural resource commons most in need of protection . . . very often defy jurisdictional boundaries, in that the benefits they confer and the harms we may cause them cross state lines”).

102. *See* KUREETHADAM, *supra* note 5, at 116 (observing that *Laudato Si'*'s integral approach is one that should “combine insights from all branches of human wisdom, from natural and human sciences, from social and political sciences, from theological and philosophical disciplines.”); *Common Home*, *supra* note 3, at 881 (“Part of the pope’s integral vision is to connect issues and fields of expertise not

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often understood together: morality, economics, science, spirituality, theology, liturgy and sacraments.”); Sadowski, *supra* note 3, at 35–36 (“Fragmented knowledge and unilateral study are in fact a new form of ignorance, if they are not combined with a broader vision of the reality.”); *Conflicts and Laudato Si’*, *supra* note 20, at 63 (“Environmental conflicts involve a level of expertise in science, technology, economics and law that is often rare among those charged with resolving them. Expertise in one of these areas may be common, but the ability to understand all of them and the ways in which they intersect is hard to come by.”); *id.* at 81 (“[L]awyers, scientists, economists, and ethicists all seem, at times, to speak different languages . . . . By definition, any expert who evaluates an environmental problem has an understanding of the situation that is limited by his or her training and relatively narrow area of expertise.”); O’Hara, *supra* note 3, at 146 (“Reductionist diagnoses of the past that tended to oversimplify complex issues and isolate data into discrete silos cannot foster the multifaceted dialogues that are necessary in integral ecology approaches fostering sustainable flourishing for all.”); LANE, *supra* note 9, at 18 (“The link between the ecological and the social is inseparable . . . . [E]cology cannot be separated from social or cultural or economic or ethical or religious issues or from the hard sciences and the soft sciences.”); Otey, *supra* note 96, at 1 (“Comprehensively redressing modern environmental concerns requires investment from a myriad of stakeholders, including communities of faith.”); Michael Yankoski, *Strategic Peacebuilding and an “Integral Ecology”*, in *THEOLOGY AND ECOLOGY ACROSS THE DISCIPLINES: ON CARE FOR OUR COMMON HOME*, 105–118, 116 (“*Laudato Si’* also affirms the necessity of integrating scientific approaches with wisdom traditions”); *id.* (arguing in favor of “epistemological humility, a willingness to draw from the methods and findings of a variety of sources and approaches”); Craig Anthony Arnold, *Working Out an Environmental Ethic: Anniversary Lessons from Mono Lake*, 4 WYO. L. REV. 1, 9–10 (2004):

To many environmental lawyers, environmental problems are legal problems requiring legal solutions. The lawyer’s cognitive bias in framing in the problem and limited set of skills to offer participants in environmental conflicts makes some sense; after all, legal education prepares people to be lawyers . . . not to be political scientists, philosophers, conservation ecologists, engineers, economists, sociologists, or urban planners. However, there is a growing awareness in both the legal profession and legal education of the problems associated with a lawyer’s failure to consider a client’s non-legal goals and needs, to consider the non-legal aspects of legal problems, to consider non-legal solutions, to work well on a team with non-lawyers, and to resist seizing control of the client’s dispute or problem.

legal deliberations.<sup>103</sup> In *Laudato Si'*, Pope Francis noted that “[a]ttempts to resolve all problems through uniform regulations . . . can lead to overlooking the complexity of local problems which demand the active participation of all members of the community.”<sup>104</sup> He made a similar point five years later when he wrote, “If we wish to dialogue, we should do this in the first place with the poor. They are not just another party to be won over, or merely another individual seated at a table of equals.”<sup>105</sup> Yet, there is frequently a

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*See also id.* at 12 (lamenting that “environmental law scholarship overemphasizes the role of law, instead of studying how the law fits into a larger picture that includes social forces, politics, economic considerations, ecology, social development and action, psychology, religious belief, natural phenomena and events, technology and many other factors.”).

103. *See, e.g., Conflicts and Laudato Si'*, *supra* note 20, at 64 (observing that “[r]esource and power disparities may arise between and among the stakeholders.”); *id.* at 69 (noting that “there are often parties deeply affected by environmental disputes whose voices are never heard, whose insights are never thought, and who are often spoken of or about, and not with”); *id.* (observing that often parties can be omitted from critical environmental discussions due to “well-intended paternalism, by simple carelessness, or by a more sinister desire to dominate those who are weaker”); Adler, *supra* note 100, at 133 (noting that “efforts are most likely to be optimal where those who bear the costs and reap the benefits of a given policy determine how best, and even whether, to address a given environmental concern.”); Esty, *supra* note 35, at 264:

Sustainability requirements . . . must be established in an open and transparent process that builds on sound science and rigorous analysis, but also reflects a diversity of views and perspectives. The legitimacy of the standards that emerge depends on the process being inclusive not only of those with expertise (or the resources to hire expertise) but also of the voices of historically disengaged or marginalized communities. Irrespective of the substantive outcome of any particular negotiation or standard-setting exercise, transparency and inclusivity are now seen as fundamental to policymaking procedures being deemed fair.

104. *Laudato Si'*, *supra* note 1, ¶ 144.

105. Pope Francis, *Querida Amazonia* [Post-Synodal Apostolic Exhortation] ¶ 26 (Feb. 2, 2020), [https://www.vatican.va/content/francesco/en/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20200202\\_querida-amazonia.html](https://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20200202_querida-amazonia.html) [hereinafter *Querida Amazonia*]. *See also id.* (indicating that the poor are “our principal dialogue

lack of effective and meaningful ways—or efforts to find ways—to include a comprehensive range of expertise and lived experience in the law-making process.<sup>106</sup>

Fourth, law is inherently uncomfortable with the unknown. Because law has a unique coercive force,<sup>107</sup> it can be viewed with skepticism when it tackles unpredictable issues.<sup>108</sup> Doctrines such as the precautionary principle provide some mechanisms to address this.<sup>109</sup> However, integral ecology, with its perspective that

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partners, those from whom we have the most to learn, to whom we need to listen out of a duty of justice, and from whom we must ask permission before presenting our proposals.”); *id.* ¶ 37 (“[L]et us sit around the common table, a place of conversation and of shared hopes.”).

106. However, this task may not be as simple as well-intended advocates may wish it to be. *See* Deane-Drummond, *supra* note 6, at 193:

Finding ways to join up these different forms of knowledge may be rather more challenging than Pope Francis imagines, not least because each has become so specialized that common language does not necessarily reflect common concepts . . . . [I]t is vitally important to start new and holistic ways of thinking about problems, rather than isolating them into their separated disciplinary fragments. At the same time, lowest common denominator approaches will not work well either. Somehow the depth of each intellectual discipline needs to be retained in the dialogue, so that it is genuine, rather than superficial.

107. This force is unique because law has the ability to take property through the imposition of a fine or other penalties and to take liberty through the imposition of criminal sentences. Although those bound by law may participate indirectly in law making by electing those responsible for the law, the law is not freely consented to in the same way that contractual obligations may be assumed.

108. *See e.g.*, Ylan Nguyen, *Constitutional Protection for Future Generations from Climate Change*, 44 *HASTINGS CONST. L.Q.* 347, 350–51 (2017):

Many argue that current generations owe no duties to future generations either because (1) we cannot ascertain the preferences or predict the conditions for future generations; or (2) because future generations do not yet exist and, therefore, we are not statutorily or morally bound to protect them. Critics have argued that science cannot accurately predict the future.

109. The “precautionary principle” is succinctly defined in the Rio Declaration, *supra* note 80, at Principle 15 (“Where there are threats or serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”). For further

“everything is connected,”<sup>110</sup> runs directly counter to law’s quest for greater certainty before imposing enforceable restrictions. This is particularly true when those restrictions have immediate, guaranteed costs but future benefits that are less certain.<sup>111</sup>

Beyond these four technical limitations on law, there is also a moral component necessary to foster care for our common home and advance integral ecology. While law is, certainly, a teacher with a powerful ability to shape moral consensus and establish priorities,<sup>112</sup> it is ill-suited to do so in the absence of public support. As one commentator noted, “history and experience have demonstrated that enduring social change requires both a change of law and of culture . . . [E]ffective legal change rarely comes without societal readiness.”<sup>113</sup> Or, in Pope Francis’s words:

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discussion of the precautionary principle in the context of *Laudato Si*, see generally *Laudato Si*, *supra* note 1, ¶ 186 and COMMENTARY, *supra* note 3, at 132–133.

110. *Laudato Si*, *supra* note 1, ¶ 117.

111. Nagle, *supra* note 2, at 46 (“Humility toward the environment emphasizes the need for restraint and for care given our lack of knowledge about the environmental impacts of our action. Humility toward the law cautions against exaggerated understandings of our ability to create and implement legal tools that will achieve our intended results.”).

112. Porras, *supra* note 22, at 141:

Law is a social structure and must be seen as reflecting society’s deepest aspirations for the future and as providing the architecture to achieve those ends. In this sense, law is a means by which society’s ethical norms are not only expressed but transformed. The idea of the law as both product and productive reminds us that law is not an end in itself but an ever-evolving means, and what it is reaching towards is always subject to revision and contestation.

113. Steven W. Bender, *The Teachings of Pope Francis Symposium: Toward a Common Good for Our Common Home*, 40 SEATTLE U. L. REV. 1167, 1173 (2017). See also *Conflicts and Laudato Si*, *supra* note 22, at 75 (“[T]here are limits to what law can realistically accomplish, and it can be short-sighted to place too much confidence in law, while ignoring other necessary ingredients in forming solutions to the world’s most intractable problems.”); Annett, *supra* note 18, at 36:

[V]irtue can be infectious – the good habits of one person can encourage good habits in others, which can in turn mold better social

The existence of laws and regulations is insufficient in the long run to curb bad conduct, even when effective means of enforcement are present. If the laws are to bring about significant, long-lasting effects, the majority of the members of society need to be adequately motivated to accept them, and personally transformed to respond.<sup>114</sup>

This reflection posed two critical questions:

- (1.) Is there any legal framework that incorporates, in some way, the moral considerations that drive integral ecology?
- (2.) What shape can law take if it is to have any effective role in addressing the complexities of integral ecology?

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norms. Even so, *Laudato Si'* makes clear that individual initiative is not enough, as uncoordinated actions cannot solve complex social problems . . . . Ecological conversion entails not only individual conversion, but also community conversion.

114. *Laudato Si'*, *supra* note 1, ¶ 211. *See also Querida Amazonia*, *supra* note 105, ¶ 58 (“[I]ntegral ecology cannot be content simply with fine-tuning technical questions or political, juridical and social decisions. The best ecology always has an educational dimension that can encourage the development of new habits in individuals and groups.”); *id.* (“A sound and sustained ecology, one capable of bringing about change, will not develop unless people are changed.”); *Laudate Deum*, *supra* note 47, ¶ 70 (“[T]here are no lasting changes without cultural changes, without a maturing of lifestyles and convictions within societies, and there are no cultural changes without personal changes.”). *But see id.* ¶ 69 (“[T]he most effective solutions will not come from individual efforts alone, but above all from major political decisions on the national and international levels.”). Others have made observations similar to Pope Francis. *See, e.g., O’Connell & Klassen*, *supra* note 28, at 213 (calling law “the most important, readily available means for putting ideas with global impact into action” while also observing that “law is only as effective as our commitment to it allows. The greater our respect for law, the more successful it can be as a tool for accomplishing our goals.”); *id.* at 214 (“[R]egardless of how good rules for environmental protection are, the greater problem may lie in commitment to, and compliance with, law that requires a good measure of altruism.”).

## V. THE VOCATION TO PROTECT

“Only those who serve with love are able to protect.”<sup>115</sup>

Given law’s inadequacies—its greater suitability to banning the bad rather than promoting the good, and its limitations on shaping hearts and minds— it seems clear that law is most effective when channeled to narrow ends rather than to *Laudato Si*’s far broader goal of “integral ecology.”<sup>116</sup> Certainly, this should inspire a “new humility about the capacity of law and lawyers.”<sup>117</sup>

However, more is needed if law is to play an effective role in advancing integral ecology. Lawmakers need an overarching ethical framework for laws intended to protect integral ecology. One possible framework borrows a concept from other fields of law—the “responsibility to protect”—as the lens through which to view law’s

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115. Pope Francis, *Homily of Pope Francis at Mass, Imposition of the Pallium and Bestowal of the Fisherman’s Ring for the Beginning of the Petrine Ministry of the Bishop of Rome* (Mar. 19, 2013), [https://www.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco\\_20130319\\_omelia-inizio-pontificato.html](https://www.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco_20130319_omelia-inizio-pontificato.html) [hereinafter *Inaugural Homily*].

116. That said, *Laudato Si*’ can impact law in myriad ways that may not be obvious or direct: “The encyclical relates to formal law in several ways: it can inform the law, it can raise (or lower) support for new laws, it can function as soft law and become a foundation for hard law, and it can motivate extra-legal efforts that complement the law while operating independently of it.” Lin, *supra* note 4, at 22.

117. Flournoy, *supra* note 59, at 282. A similar cautionary note about law’s limitations was sounded in Arnold, *supra* note 107, at 49:

[T]he ‘old days’ in which federal legislation, federal regulator programs, and citizen suit . . . litigation dominated the environmental movement have given way to a more pluralistic approach . . . . Achieving environmental conservation and an environmental ethic that is actually embraced by people, organizations, and institutions in their behaviors and practices requires a multidimensional approach, beyond primary reliance on environmental law.

role in Pope Francis’s vision of integral ecology.<sup>118</sup> If law’s purpose is seen as protecting from harm what is of greatest value, it may promote integral ecology in a more principled and effective way. To distinguish this proposal from that used in other contexts, and to emphasize its moral component with respect to integral ecology, this is more appropriately called the “vocation to protect” rather than the more commonly used “responsibility to protect.”

#### A. “PROTECTION” AS A THEME IN *LAUDATO SI’*

*Laudato Si’* and other discussions of integral ecology suggest that a “vocation to protect” may be the welcome moral theory to guide law’s role. Reflecting on the Book of Genesis, Pope Francis explained that God “has entrusted the world to us,”<sup>119</sup> and that scripture:

tells us to ‘till and keep’ the garden of the world . . . .  
‘[K]eeping’ means caring, protecting, overseeing and preserving . . . . Each community can take from the bounty of the earth whatever it needs for subsistence, but it also has the duty to protect the earth and to ensure its fruitfulness for coming generations.<sup>120</sup>

He built on this discourse when he said, “we come together to take charge of this home which has been entrusted to us.”<sup>121</sup>

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118. Others have addressed the link between environmental claims and the protective function of international human rights law. *See generally* Mohamed, *supra* note 34, at 38 (claiming that environmental problems “interfere with a state’s duty to protect, respect, and fulfill the human right to life as well as the aspirational rights to water, good and dignity of person.”).

119. *Laudato Si’*, *supra* note 1, ¶ 6. *See also id.* ¶ 116 (critiquing the view that “protection of nature was something that only the fainthearted cared about,” and stating that human ‘dominion’ over the universe should be understood more properly in the sense of responsible stewardship.”); *id.* ¶ 124 (proclaiming that “[d]eveloping the created world in a prudent way is the best way of caring for it.”).

120. *Laudato Si’*, *supra* note 1, ¶ 67.

121. *Id.* ¶ 244. Pope Francis further elaborated on this theme in later statements. *See, e.g.*, Pope Francis, *Hope and Act With Creation: Message of His Holiness Pope Francis for the World Day of Prayer for the Care of Creation* ¶ 7 (Sept. 1, 2024), <https://www.vatican.va/content/francesco/en/messages/cura->

This draws directly from the ideal of stewardship, first addressed in the ancient Book of Genesis. Many argue against the stewardship paradigm, fearing it holds a deeply embedded arrogance.<sup>122</sup> However,

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[creato/documents/20240627-messaggio-giornata-curacreato.html](https://creato/documents/20240627-messaggio-giornata-curacreato.html) (“The earth is entrusted to our care, yet continues to belong to God. This is the ‘theological anthropocentrism’ that marks the Judeo-Christian tradition.”); *id.* ¶ 8 (“The protection of creation . . . Is not only an ethical issue, but one that is eminently theological, for it is the point where the mystery of man and the mystery of God intersect.”). See also JOSHTROM ISAAC KUREETHADAM, *CREATION IN CRISIS* 329 (2014) (“The stewardship of creation is the first and primary task entrusted to Adam, the first human being . . . It is the first commandment given to humanity.”); DANIEL P. CASTILLO, *AN ECOLOGICAL THEOLOGY OF LIBERATION: SALVATION AND POLITICAL ECOLOGY* 11, 71 (2019) (“[I]t is by virtue of the fact that human persons are created in the image of God that they are called to shepherd and humanize the earth.”).

122. The most famous, or infamous, version of this critique was in Lynn White, *The Historical Roots of Our Ecologic Crisis*, 155 *SCI.* 1203 (1967), which laid the blame for modern environmental ills squarely at the feet of Christians who, White believed, had misunderstood or abused the mandate to care for creation. Indeed, “it was White who chose to make his critique of western Christianity a central thesis, rather than a subordinate theme, and it is at least in part for this choice that his essay provoked the most widespread reaction within religious communities.” Cannon & Cushman, *supra* note 59, at 4. See also *id.* at 4–8 (discussing, more broadly, the impact of White’s critique on anthropocentric views of ecological stewardship); Nagle, *supra* note 2, at 13–14 (describing impact of White’s critique); Hoffman, *supra* note 50, at 4 (explicating criticisms directed toward an arrogant, contemptuous approach to stewardship); BRIOLA, *supra* note 14, at 83 (“The compassionate anthropology of an integral ecology offers an alternative to the tyrannical anthropocentrism of the technocratic paradigm.”); Dinah Shelton, *Dominion and Stewardship*, 109 *AJIL UNBOUND* 132 (2015) (critiquing the way in which dominion is “often put forward to justify harming or destroying aspects of nature.”); DeWitt, *supra* note 7, at 274–76 (discussing competing perspectives on stewardship); Blanco, *supra* note 3, at 426 (“While some see in . . . Genesis . . . a justification for inconsiderate exploitation of nature and therefore reason to criticize the Catholic Church, the pontifical texts consistently say that humans are not given permission to destroy nature.”); Maria Antonia Tigre, *Exploring the Bedrock for Earth Jurisprudence*, 22 *RUTGERS J.L. REL.* 223, 235–236 (2022) (exploring White’s negative perspective on the impact of religion on ecology); Paddy Woodworth, *Does Laudato Si’ go far Enough?*, in *LAUDATO SI’ AND THE ENVIRONMENT* 105–134, 109–111 (Robert McKim ed., 2020) (presenting a sharply critical perspective on the language of “dominion”). For discussion of the complexity in applying competing creation narratives to modern discussion of ecological responsibility, see generally Margaret Daly-Denton, *Laudato Si’ and the Reinterpretation of Scriptures in Light of the Ecological Crisis*, in *LAUDATO SI’*

properly understood, stewardship still describes how humanity should view its ecological responsibilities.<sup>123</sup> Stewards bear the responsibility of both creating and respecting frameworks that protect and cherish the God-given gifts that fill the world. In this way, the stewardship ideal does not tolerate abusive domination.<sup>124</sup> Rather, it imposes a unique, heavy burden that no other part of creation bears.<sup>125</sup>

Usually, a steward has specific assets to protect. The concept of “integral ecology” significantly expands the portfolio of treasures entrusted to flawed human stewards. This does not render the model of stewardship wrong, but it significantly complicates and expands the stewards’ obligations. No longer is the steward merely responsible for protecting specific assets. Rather, “integral ecology” demands that a loyal steward must contemplate how assets both known and not easily identified can be protected in isolation as well as in relation to each other.

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AND THE ENVIRONMENT, *supra* note 32, at 137–151 and Willis Jenkins, *The Mysterious Silence of Mother Earth in Laudato Si’*, 46 J. REL. ETHICS 441 (2018).

123. See Cannon & Cushman, *supra* note 59, at 10–11 (“*Laudato Si’* does not disavow the notion of stewardship . . . . For Pope Francis, however, stewardship is only the beginning. The goal is the realization of a community of creatures.”).

124. For a discussion of the difference between the dominion model and the stewardship paradigm, see Evans, *supra* note 101, at 126 (arguing that it was “[p]erhaps in response to connections between this dominion framework and exploitation of the environment [that] an ostensibly more cooperative conception emerged through a stewardship model”).

125. For discussion of the ways in which this burden is unique to the human person – and the dangers of downplaying this – see *Laudato Si’*, *supra* note 1, ¶ 78 (describing human responsibility for creation); CASTILLO, *supra* note 121, at 11 (criticizing “the tendency of anti-anthropocentric criticism to minimize the responsibility that the human person bears toward nonhuman creation”); *id.*:

We would do well to be wary of the human capacity for hubris. Nonetheless, the danger of this line of criticism is that it can serve simply to relieve the human person of any sense of ethical responsibility. In alleviating the burden of responsibility of hearing and responding to the cries of the earth and the poor, anti-anthropocentrism arguments ironically open the way for the human person to lapse freely into unfettered narcissism.

Beyond mere stewardship, Pope Francis also used the term “culture of care” to describe humanity’s obligations.<sup>126</sup> Indeed, “care” is the term that appears in the very subtitle to *Laudato Si'*.<sup>127</sup>

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126. *Laudato Si'*, *supra* note 1, ¶ 231. The year after *Laudato Si'*, Pope Francis reiterated this call in Pope Francis, *Message of His Holiness Pope Francis to His Excellency Mr. Salaheddine Mezouar, Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco and President of the 22<sup>nd</sup> Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP22)* (Nov. 7–18, 2016), [https://www.vatican.va/content/francesco/en/messages/pont-messages/2016/documents/papa-francesco\\_20161110\\_messaggio-cop22.html](https://www.vatican.va/content/francesco/en/messages/pont-messages/2016/documents/papa-francesco_20161110_messaggio-cop22.html) (calling participants in COP22 “to promote seriously a ‘culture of care which permeates all society’ . . . care in relation to creation, but also for our neighbour, near or far in space and time”). He addressed this again prior to COP26. See Pope Francis, *Address of His Holiness Pope Francis to the Participants in the Meeting “Faith and Science: Towards COP26* (Oct. 4, 2021), <https://www.vatican.va/content/francesco/en/speeches/2021/october/documents/20211004-religione-scienza-cop26.html> (“[E]ach of us is fundamentally responsible to care for others and for the environment.”); *id.* (“[C]are is also a care to respect: respect for creation, respect for our neighbour, respect for ourselves and for the Creator, but also mutual respect between faith and science.”). See also Tilche & Nociti, *supra* note 2 (“Pope Francis proposes love as the overarching paradigm . . . This will encourage a ‘culture of care’ to permeate all society, an assumption of responsibilities to take care of the planet and of the quality of life of all.”); COMMENTARY, *supra* note 3, at 95 (discussing the invitation to care in *Laudato Si'*); *id.* at 119–120 (describing the distinctions between care and stewardship); Schneck, *supra* note 5, at 83 (“Integral ecology integrates a profound awareness of our covenantal responsibilities to God as caretakers of creation in every aspect of our lives.”); Alexandre A. Martins, *Laudato Si': Integral Ecology and the Preferential Option for the Poor*, 46 J. REL. ETHICS 410, 419 (2018) (“The option for the poor is at the center of Francis’s account of how to address the ecological crisis, This is because it is also a socio-economic crisis that the forces of the market cannot solve . . . . A new paradigm based on care must be developed.”); BRIOLA, *supra* note 14, at 63 (“[I]ntegral ecology . . . sets forth a vision and charge of care that responds to the cries of the earth and the poor and, through this broad lens, can contribute to a global conversation.”); *id.* at 85 (“In a way that stewardship and dominion language cannot convey, the imperative to care extends to human and nonhuman creation alike.”). For a comprehensive litany of all the resources that *Laudato Si'* commands us to take under our care, see DeWitt, *supra* note 7, at 273.

127. It also appears frequently throughout *Laudato Si'*. “The word care appears forty times in the encyclical to describe human’s relationship to creation, capping off an evolution from descriptions like dominate and subdue, as found in John Paul II, to relying primarily on the language of care, as introduced by Benedict XVI.” BRIOLA, *supra* note 14, at 82. See also *Common Home*, *supra* note 3, at 880 (“The subtitle of the encyclical bears an important subtext throughout the document.

He hoped for a world in which “social love moves us to devise larger strategies to halt environmental degradation and to encourage a ‘culture of care’ which permeates all of society.”<sup>128</sup> A culture of care can also counterbalance its tragically destructive counterpart, the “throwaway culture” so often condemned by Pope Francis.<sup>129</sup>

Choosing the term “care” over “stewardship” is a change in both meaning and tone:

The terminology of stewardship appears [in *Laudato Si*] only twice, but care comes up dozens of times. This bespeaks an intimate relationship that goes beyond jobs and accountability. Stewards can work within the boundaries of their responsibilities, and not deal with what falls outside those boundaries . . . . But if I care, I look to the objects of my care . . . and I see no absolute boundaries of my engagement. I might even die for them.<sup>130</sup>

However, in both the obligations of stewardship and the culture of care emerges one common theme. Both serve the vocation to protect. Both those who are stewards and those who care do many important

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Except for two occasions . . . the pope eschews the word ‘stewardship’ and resolutely uses the term ‘care’ for our common home.”); KUREETHADAM, *supra* note 121, at 333 (“Fashioned in the image and likeness of God, the human being is expected to tend creation with the same care and compassion of God.”).

128. *Laudato Si*, *supra* note 1, ¶ 231.

129. See, e.g., BRIOLA, *supra* note 14, at 77 (“A throwaway culture endangers the very possibility of loving and caring for others in their own value.”); COMMENTARY, *supra* note 3, at 161–66 (describing the varied aspects of the throwaway culture).

130. *Society and Nature Together*, *supra* note 95, at 4–5 (“Integration is the opposite of fragmentation and isolation . . . . [L]et us see nature as an integral part of a greater whole which includes the social, political and spiritual, material goods, the economic sphere and so on.”); KUREETHADAM, *supra* note 5, at 189–90 (describing the use of the term “care” as “a subtle paradigm shift . . . from the oft-used stewardship language that has dominated Christian theology of creation for decades . . . [T]he term stewardship . . . appears just twice in the entire encyclical. Pope Francis lays emphasis on care for creation rather than on stewardship.”); *id.* at 190 (“To care is authentically human and authentically Christian.”); *id.* at 191 (“An ethics of care is rooted in a specific view of the world as a network of relationships.”).

things vis a vis that or those entrusted to them. At the core of their responsibilities, both serve as protectors.

In *Laudato Si'*, Pope Francis specifically referenced protection in the varied and specific contexts of endangered species,<sup>131</sup> cultural patrimony,<sup>132</sup> wisdom,<sup>133</sup> public places,<sup>134</sup> common areas,<sup>135</sup> the ozone layer,<sup>136</sup> the open seas,<sup>137</sup> biodiversity,<sup>138</sup> human embryos,<sup>139</sup> mankind,<sup>140</sup> forests,<sup>141</sup> the environment,<sup>142</sup> the world,<sup>143</sup> nature,<sup>144</sup> ecosystems,<sup>145</sup> the earth,<sup>146</sup> employment,<sup>147</sup> the future,<sup>148</sup> the vulnerable,<sup>149</sup> and others.<sup>150</sup> This vast portfolio of treasures to be safeguarded suggests that the goal of “protection” is consistent with integral ecology’s ambitious reach.<sup>151</sup>

Pope Francis proposed “protection” as a key theme in his inaugural homily when he began his papal, or “Petrine” ministry:

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131. *Laudato Si'*, *supra* note 1, ¶¶ 42, 80.

132. *Id.* ¶ 143.

133. *Id.* ¶ 200.

134. *Id.* ¶ 232.

135. *Id.* ¶ 151.

136. *Id.* ¶ 168.

137. *Id.* ¶ 174.

138. *Id.* ¶¶ 37, 169.

139. *Id.* ¶ 120.

140. *Id.* ¶ 79.

141. *Id.* ¶ 142.

142. *Id.* ¶¶ 141, 170, 175, 192, 209, 211.

143. *Id.* ¶¶ 5, 216.

144. *Id.* ¶¶ 19, 78, 116, 120, 139, 194, 201.

145. *Id.* ¶¶ 42, 53.

146. *Id.* ¶¶ 67, 90.

147. *Id.* ¶ 124.

148. *Id.* ¶ 177.

149. *Id.* ¶¶ 186, 198.

150. *Id.* ¶ 179.

151. See *Horizon of Hope*, *supra* note 3, at 3 (“[T]he call to be protectors is integral and all-embracing. We are call[ed] to protect and care for both creation and the human person. These concepts are reciprocal and, together, they make for authentic and sustainable human development.”); Tobias Winright, *Peace on Earth, Peace with Earth: Laudato Si' and Integral Peacebuilding*, in DiLEO, *supra* note 2, at 195–211, 197 (“As peacemakers, Christians should not contribute to the destruction of others, whether people or planet, but should be protective keepers of our kin – both human and non-human.”); COMMENTARY, *supra* note 3, at 120 (compiling a list of treasures for which *Laudato Si'* demands our care).

The vocation of being a “protector,” . . . is not just something involving us Christians alone; it also has a prior dimension which is simply human, involving everyone. It means protecting all creation, the beauty of the created world. It means respecting each of God’s creatures and respecting the environment in which we live. It means protecting people, showing a loving concern for each and every person, especially children, the elderly, those in need, who are often the last we think about. It means caring for one another in our families . . . It means building sincere friendships in which we protect one another in trust, respect and goodness . . . [E]verything has been entrusted to our protection, and all of us are responsible for it. Be protectors of God’s gifts!<sup>152</sup>

He then went on to teach that:

[T]o be “protectors,” we also have to keep watch over ourselves! . . . Being protectors . . . means keeping watch over our emotions, over our hearts, because they are the seat of good and evil intentions . . . . [C]aring, protecting, demands goodness.<sup>153</sup>

Pope Francis’s predecessor, Pope Benedict XVI, spoke of “protection” as the moral basis for law itself when he addressed the General Assembly of the United Nations and said “[t]he principle of ‘responsibility to protect’ was considered . . . the foundation of every action taken by those in government with regard to the governed.”<sup>154</sup>

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152. *Inaugural Homily*, *supra* note 115. For further discussion of this homily and the development of the idea of “protectors,” see generally *Common Home*, *supra* note 3, at 878; COMMENTARY, *supra* note 3, at 32–33; and Jame Schaefer, *Converting to and Nurturing Ecological Consciousness – Individually, Collectively, Actively*, in DILEO, *supra* note 2, at 136–153, 147.

153. *Inaugural Homily*, *supra* note 115.

154. Pope Benedict XVI, Meeting with the Members of the General Assembly of the United Nations Organization, *Address of His Holiness Benedict XVI* (Apr. 18, 2008), [https://www.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf\\_ben-xvi\\_spe\\_20080418\\_un-visit.html](https://www.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf_ben-xvi_spe_20080418_un-visit.html) [hereinafter *Pope Benedict U.N. Address*]. This statement of Pope Benedict, as well

He called this “an aspect of natural reason shared by all nations,”<sup>155</sup> and identified human dignity as “the foundation and goal of the responsibility to protect.”<sup>156</sup> As echoed in *Laudato Si'*, “[l]iving our vocation to be protectors of God’s handiwork is essential to a life of virtue; it is not an optional or a secondary aspect of our Christian experience.”<sup>157</sup> Hence, in the context of integral ecology, law’s role might best be seen as one that supports the vocation to protect.<sup>158</sup>

#### B. THE RESPONSIBILITY TO PROTECT IN ANALOGOUS CONTEXTS

A legal responsibility to protect already exists in many other contexts.

Most recently, the International Court of Justice issued an Advisory Opinion with respect to the Obligations of States in Respect of Climate Change.<sup>159</sup> This opinion, focused on climate change specifically, asserted that there is a “duty to co-operate for the protection of the environment [that is] part of customary international

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as other Vatican statements regarding the responsibility to protect are discussed more fully in Esther D. Reed, *Responsibility to Protect and Militarized Humanitarian Interventions: When and Why the Churches Failed to Discern Moral Hazard*, 40 J. REL. ETHICS 308, 309–314 (2012).

155. *Pope Benedict U.N. Address*, *supra* note 154.

156. *Id.*

157. *Laudato Si'*, *supra* note 1, ¶ 217.

158. For discussion of the particular way in which a theory of protection can bolster the well-being of future generations, *see generally* Nguyen, *supra* note 109. *See also* Tigre, *supra* note 122, at 252:

Because humans can transcend nature, God also commanded them to preserve nature as a duty of care for what belongs to God. Creation in the image of God entails human responsibility for the whole of humanity. Humans must, therefore, protect nature through their efforts, thereby becoming partners of God . . . . The religious principle of “do not destroy” can provide spiritual support for a range of environmental policies that highlight human responsibility toward the physical environment.

159. Obligations of States in Respect of Climate Change, Advisory Opinion, 2025 I.C.J. 187 (Jun. 23, 2025), <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf> [hereinafter *Advisory Opinion*].

law and can also serve as a guiding principle for the interpretation of other rules.”<sup>160</sup>

Beyond the climate context, specific international environmental laws also assert the obligation to protect certain common assets from harm, particularly when they are not limited to one nation.<sup>161</sup> For example, conventions regarding ecosystems, migrating endangered species, and oceans have as their core the responsibility to protect resources that, paradoxically, belong both to no one and to everyone.

On the domestic level in the United States, the ancient public trust doctrine also asserts that there is a responsibility of the sovereign to protect valuable resources “in trust” for the public at large and for future generations.<sup>162</sup> Indeed, there is substantial debate on the state and federal levels as to the constitutional implications of the right to protect environmental interests through the public trust doctrine,<sup>163</sup>

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160. *Advisory Opinion*, *supra* note 159, ¶ 142. The opinion went on to assert that there is a “duty to prevent significant harm to the environment and the duty to cooperate for the protection of the environment.” *Id.* ¶ 147. *See also id.* ¶ 268 (“[T]he Court considers that the climate change treaties establish stringent obligations upon States to ensure the protection of the climate system and other parts of the environment . . .”).

161. *See, e.g., id.* ¶¶ 115, 121–129 (citing the Charter of the United Nations, the United Nations Framework Convention on Climate Change, the Kyoto Protocol, the Paris Agreement and the United Nations Convention on the Law of the Sea, the Ozone Layer Convention, the Biodiversity Convention and the Desertification Convention as examples of international instruments protecting particular environmental treasures), and Edenhofer & Flachslund, *supra* note 2, at 182 (“[R]ecognition of the atmosphere and the climate as a shared good of the global commons could possibly have international legal consequences. For example, an obligation to protect could be invoked should the atmosphere be threatened.”).

162. A full discussion of the public trust doctrine lies beyond the scope of this paper. For the seminal scholarly analysis of the public trust doctrine in the United States, *see generally* Joseph Sax, *The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention*, 68 MICH. L. REV. 471 (1970). For a more recent, fulsome discussion of this doctrine in the modern environmental context, *see generally* MARY CHRISTINA WOOD, *NATURE’S TRUST: ENVIRONMENTAL LAW FOR A NEW ECOLOGICAL AGE* (2014).

163. For a recent discussion of this question, *see generally* Ryan, *supra* note 78. Professor Ryan succinctly describes the public trust doctrine in these terms:

Over . . . hundreds and even thousands of years, this fundamental principle has gradually transformed from a doctrinal affirmation of

and how standing to do so is established.<sup>164</sup> In the statutory and administrative realm, the very name of the entity charged with enforcing environmental laws is, not accidentally, named the Environmental Protection Agency, embedding the obligation to protect within its very name.

In the tort realm, there is debate as to whether and when there are affirmative duties to protect third parties from harm by warnings or rescues.<sup>165</sup> In laws governing care for vulnerable persons, legal frameworks focus first and foremost on protection from harm and neglect.<sup>166</sup> Laws imposing obligations to disclose particular dangers or threats to public safety are, again, intended to protect parties from imminent harms.

The responsibility to protect has gained particular traction in international human rights law, most prominently in the past two decades.<sup>167</sup> In 2005, a resolution of the United Nations General

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sovereign authority over trust resources to a legal recognition of sovereign responsibility to protect them for public and future generations – historically to preserve public access, but increasingly for environmental reasons as well.

*Id.* at 233.

164. *See id.* at 269–320 (describing cases from various nations asserting standing of future generations to claim the right to protection from environmental harms – and the obligations of sovereigns to provide it).

165. This complex area lies well beyond the scope of this paper, as the tort obligations turn on many factors including, in particular, the nature of the relationships between the parties. For a thoughtful analysis of this question, *see generally* Amelia J. Uelmen, *Where Morality and the Law Coincide: How Legal Obligations of Bystanders May be Informed by the Social Teachings of Pope Francis*, 40 SEATTLE U. L. REV. 1359 (2017).

166. This is particularly true in the cases of minor children and with respect to laws governing guardianships for vulnerable adults. In these realms, the law seeks to uphold the dignity and autonomy of the child or vulnerable adult while, at the same time ensuring that there are protections to safeguard them against those who would exploit or neglect them.

167. A full discussion of this doctrine lies beyond the scope of this paper. For fuller commentary on the responsibility to protect in the context of international human rights law, *see generally* Monica Hakimi, *Toward a Legal Theory on the Responsibility to Protect*, 39 YALE J. INT'L L. 257 (2014); Reed, *supra* note 154; Mehrdad Payandeh, *With Great Power Comes Great Responsibility? The Concept of the Responsibility to Protect within the Process of International Lawmaking*, 35

Assembly<sup>168</sup> asserted that a responsibility to protect compels nations to take action when other nations violate basic human rights in specific, serious ways,<sup>169</sup> identified as genocide, war crimes, ethnic cleansing, and crimes against humanity.<sup>170</sup> This reaffirmed a general

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YALE J. INT'L L. 469 (2010); Carsten Stahn, *Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?*, 101 AM. J. INT'L. L. 99 (Jan. 2007). See also INT'L COMM'N ON INTERVENTION AND STATE SOVEREIGNTY, THE RESPONSIBILITY TO PROTECT (2001); UNITED NATIONS OFF. ON GENOCIDE PREVENTION AND THE RESP. TO PROTECT, COMPENDIUM OF PRACTICE: IMPLEMENTATION OF THE RESPONSIBILITY TO PROTECT 2005–2016 (2016).

168. G.A. Res. 60/1, (Sept. 16, 2005) [hereinafter *A/Res/60/1*].

169. The concept is succinctly summarized in Hakimi, *supra* note 167, at 248:

First, each state must protect its population from atrocities. This proposition is well established in international law, but experience demonstrates that states sometimes fail their own populations. [The Responsibility to Protect's] key innovation is its second proposition: that the broader international community should step in, when necessary, to help at-risk populations. Unlike the first proposition, the second is widely understood not to be legally operative.

See also *id.* at 261 (“Duties to protect require states to try to restrain third parties from violating rights.”); *id.* at 264 (“Duties to protect are due diligence duties, meaning that the state is responsible only if it . . . should have done more to restrain the third party.”).

170. *A/Res/60/1*, *supra* note 168, § IV (138). These provisions were a response to multiple 1990s human rights atrocities and they identified limited circumstances in which the international community could and should take action. See Office on Genocide Prevention and the Responsibility to Protect, *About the Responsibility to Protect*, <https://www.un.org/en/genocide-prevention/responsibility-protect/about> [hereinafter *About the Responsibility to Protect*]:

Following the atrocities committed in the 1990s in the Balkans and Rwanda, which the international community failed to prevent, and the NATO military intervention in Kosovo, which was criticized by many as a violation of the prohibition of the use of force, the international community engaged in a serious debate on how to react to gross and systematic violations of human rights.

principle of “non-interference in the internal affairs of States”<sup>171</sup> while simultaneously declaring that “[n]o state can stand wholly alone”<sup>172</sup> and that “[t]he international community should, as appropriate, encourage and help States to exercise this responsibility.”<sup>173</sup>

In the spirit of both subsidiarity and respect for national sovereignty, this placed the primary responsibility to protect on individual states.<sup>174</sup> However, the resolution later stated that when this is ineffective, “[t]he international community . . . has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means . . . to help protect populations . . . in a timely and decisive manner, [and] through the Security Council . . . on a case-by-case basis . . . should peaceful means be inadequate and national authorities are manifestly failing to protect their populations.”<sup>175</sup>

This resolution has been controversial, sparking debate as to whether this doctrine should be expanded beyond the four specified wrongs it cites<sup>176</sup> and whether it may unduly encourage military action.<sup>177</sup> Yet, it admitted forcefully that there can be a legal

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*See also* David Scheffer, *Atrocity Crimes Framing the Responsibility to Protect*, 40 CASE WESTERN J. INT'L L. 111 (2007) (explaining the narrow parameters for the responsibility to protect).

171. A/Res/60/1, *supra* note 168, § I (5).

172. *Id.* § I (7).

173. *Id.* § IV (138).

174. Individual states are those closest to the source of problems and, in most circumstances, the most capable of addressing them. *See About the Responsibility to Protect*, *supra* note 171 (“[S]overeignty is not just protection from outside interference – rather is a matter of states having positive responsibilities for their population’s welfare and to assist each other.”).

175. A/Res/60/1, *supra* note 168, § IV (139).

176. Indeed, it has been proposed that this should be expanded in a particular way to include ecological harms. For various perspectives on the wisdom of this idea, *see generally* Linda A. Malone, *Green Helmets: Eco-Intervention in the Twenty-First Century*, 103 AM. SOC’Y INT’L L. PROC. 19 (2009); Gareth Evans, *The Responsibility to Protect in Environmental Emergencies*, 103 AM. SOC’Y INT’L L. PROC. 27 (2009).

177. For a detailed discussion of religious perspectives on the responsibility to protect, *see generally* SEMEGNISH ASFAW, GUILLERMO KERBER & PETER WEIDERUD, *THE RESPONSIBILITY TO PROTECT: ETHICAL AND THEOLOGICAL REFLECTIONS* (2005); Reed, *supra* note 154.

obligation to protect when a problem is significant, and a broad response is needed.

### C. VOCATION AS A MORAL FRAMEWORK

However, what I propose here is different, and these examples drawn from the law of torts, guardianships, duties to disclose, and human rights law are mere analogies. As analogies, they emphasize that law has a significant protective function in varied contexts, and that this is law's traditional task. I propose the "vocation to protect" as the moral framework for law's role in safeguarding our common home.<sup>178</sup>

Without a sound moral framework, one of two undesirable outcomes may result. On the one hand, the task of promoting integral ecology may be so overwhelming, and law's limits so paralyzing, that it may be easier to conclude that law simply has no role. Alternatively, because integral ecology is so broad, it may have the opposite effect, encouraging vast intrusion of law into all areas of human life in ways that may infringe on human freedom, or expand governmental authority beyond healthy limits.

Those working within legal systems are not accustomed to addressing problems in the comprehensive, holistic way that integral ecology demands.<sup>179</sup> To advance integral ecology demands an honest

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178. Others have argued that this is also to be seen as a moral framework even in those contexts where it is a legal framework as well. *See, e.g.*, Stahn, *supra* note 167, at 108. Note that this proposal does not envision a new, different or independent legal obligation.

179. For additional perspective on this, *see* Celia Deane-Drummond, *A New Anthropology? Laudato Si' and the Question of Interconnectedness*, in *LAUDATO SI' AND THE ENVIRONMENT*, *supra* note 29, at 189:

Justice is about what it means to be in right relationships with one another and, according to classic traditions, what is due to another. But there are different ways of parsing this out. In Western traditions, where situations of injustice arise, the response is often legal and punitive . . . . [T]here are important lessons to be learned from ways of conceiving what justice requires that put a much greater emphasis on the importance of maintaining interconnectedness between individuals rather than on punishment for crimes committed.

assessment of all that threatens our relationships with our Creator, each other, and the treasures of creation.

Certainly, *Laudato Si'* presents a long litany of these interconnected threats. However, it “is far less powerful in its explication of the proper solutions to our environmental problems than it is in its diagnosis of those problems. This is not surprising because [Pope] Francis is much more of an expert on theology and morality than . . . on jurisprudence, political science, and administrative theory.”<sup>180</sup> *Laudato Si'* proposes what treasures need protection, but leaves to others, including lawyers, the task of determining how to do so. With respect to integral ecology, “interconnectedness is undisputed, but the appropriate legal response remains contested.”<sup>181</sup>

The vocation to protect, in effect, calls for an examination of conscience for lawmakers to see whether, and where, law fails in its responsibility to protect against threats to integral ecology. These threats can be seen in the obvious abuses of the natural world. However, they are also everything that harms the dignity of the human person. They are the ways in which fundamental human rights are violated, the ways in which those who are weaker can be exploited by those who are stronger, and they are all the ways in which the throwaway culture claims all too many victims when those who are most vulnerable are not protected and defended against harm.

#### D. IMPLEMENTING A “VOCATION TO PROTECT”

Law might not be capable of advancing the good in the way that integral ecology proposes. But, to protect is a vocation that lawmakers at the local, national, regional, and international levels can pursue. As Pope Francis stated in a discourse on the culture of care,

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180. Nagle, *supra* note 2, at 33.

181. *Id.* at 25. See also Pope Francis & Ecumenical Patriarch Bartholomew, *Joint Message on the World Day of Prayer for Creation* (Sept. 1, 2017), [https://www.vatican.va/content/francesco/en/messages/pont-messages/2017/documents/papa-francesco\\_20170901\\_messaggio-giornata-cura-creato.html](https://www.vatican.va/content/francesco/en/messages/pont-messages/2017/documents/papa-francesco_20170901_messaggio-giornata-cura-creato.html) (“[T]here can be no sincere and enduring resolution to the challenge of the ecological crisis and climate change unless the response is concerted and collective, unless the responsibility is shared and accountable . . .”).

“our plans and projects should always take into account their effects on the entire human family and consider their consequences for the present and for coming generations.”<sup>182</sup>

Thus, when undertaking the challenges of lawmaking, the vocation to protect demands consideration that is not limited to a technical assessment of what is being regulated, prohibited, required, or incentivized, but far more. It demands that lawmakers consider, with respect to all statutes, treaties, and conventions:

1. What is it intended to protect?
2. What do science, economics, and other relevant disciplines say about whether the proposed approach in fact protects effectively? Have honest opinions been sought even when they do not fit a particular political agenda?
3. What parts of integral ecology are harmed rather than protected if the measure is enacted? How will those be addressed? If the measure will protect some parts of integral ecology at the expense of harming others, how will this balance be struck?
4. What are the long-term benefits and harms that will be imposed on future generations by a failure to act? What are the short-term benefits and harms that will be imposed on today’s generation by acting? How can these be reconciled in situations when both parties have a burden to bear and need protection?
5. How can the impact of the legal regime be evaluated in a way that is a clear and honest assessment as to whether it protects what it should? Who will be responsible for doing so?
6. Who was “at the table” when the proposals were being considered, and do they represent various perspectives on all that must be protected? Were they consulted in a timely way, before decisions were made and before decision-making had proceeded to a point where changing strategy would have been difficult?
7. Have specific legal responsibilities been directed to that level of government—international, national, or local—that is best able to protect?

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182. Pope Francis, *Message of His Holiness Pope Francis for the Celebration of the 54<sup>th</sup> World Day of Peace: A Culture of Care as a Path to Peace* (Jan. 1, 2021), [https://www.vatican.va/content/francesco/en/messages/peace/documents/papa-francesco\\_20201208\\_messaggio-54giornatamondiale-pace2021.html](https://www.vatican.va/content/francesco/en/messages/peace/documents/papa-francesco_20201208_messaggio-54giornatamondiale-pace2021.html).

This requires that lawmakers understand what it is they are protecting. It is not simply a matter of regulating against harms, but affirmatively, honestly embracing a view that, at its core, law is to protect. No more than is necessary, but no less.

With this moral perspective on law, those who are addressing what appears to be a narrow issue with which law is traditionally best suited, must view that issue in the broader context demanded by *Laudato Si'*. This recognizes two critical realities. Specific laws are best directed toward narrow problems. The vocation to protect respects this, understanding that law is best suited to addressing well-defined questions. However, integral ecology demands that these laws be evaluated, amended, and enforced in light of whether and how they satisfy the vocation to protect the interwoven treasures of our common home. Hence, the laws must be reviewed not merely in terms of whether they accomplish what they set out to do, but with a holistic perspective on the impacts—for good or otherwise—that they may have on integral ecology.

## VI. CONCLUSION

“Many things have to change course, but it is we human beings above all who need to change.”<sup>183</sup>

In the end, lawmakers may take from *Laudato Si'* a sobering message of their own limitations, an urgent call to expand their role in dramatic ways, or both. What they should also see is the urgency of the call to profound conversion.<sup>184</sup>

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183. *Laudato Si'*, *supra* note 1, ¶ 202.

184. *See, e.g., Social Love*, *supra* note 20, at 372 (“*Laudato Si'* . . . includes a profound, nearly desperate plea for personal conversion, arguing that this is the only way to foster enduring and proper relationships between God, each other, and creation . . .”); Hoffman, *supra* note 50, at 6 (noting that *Laudato Si'* “is quite explicit in its call for changes in our behavior.”); Cannon & Cushman, *supra* note 59, at 40 (“If one believes, as Pope Francis does, that we are in an environmental crisis with serious social implications, or in a social crisis with serious environmental ones, changes in our values and behavior are essential to human flourishing as well as to natural systems.”); Nagle, *supra* note 2, at 33 (noting that *Laudato Si'* “presumes that we are willing and able to change our individual lifestyles, and to advocate effective regulatory restraints, even though both the

Pope Francis's words proved prophetic. Merely three months after his death, the International Court of Justice opined:

International law . . . has an important but ultimately limited role in resolving this problem. A complete solution to this daunting, and self-inflicted, problem requires the contribution of all fields of human knowledge, whether law, science, economics, or any other. Above all, a lasting and satisfactory solution requires human will and wisdom—at the individual, social and political levels—to change our habits, comforts and current way of life in order to secure a future, for ourselves and those who are yet to come.<sup>185</sup>

Certainly, “[a] long-running tension in legal matters has always been to determine the appropriate line between what can be achieved through individual morality and when the coercive force of law is required to incentivize individual moral decisions.”<sup>186</sup> Pope Francis warned that “we cannot presume to heal our relationships with each other without healing all fundamental human relationships.”<sup>187</sup>

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historical evidence and Christian anthropology suggest otherwise.”); *Horizon of Hope*, *supra* note 3, at 8 (“[B]inding regulations, policies and targets are necessary tools for addressing poverty and climate change, but they are unlikely to prove effective without moral conversion and a change of heart.”); *id.* at 9 (“Certainly international agreements are important, they can help. But they are not enough in themselves to sustain change in human behaviour.”).

185. *Advisory Opinion*, *supra* note 159, ¶ 456.

186. *Social Love*, *supra* note 20, at 394. See also Neil Ormerod, *The Technocratic Paradigm: Diagnosis and Therapy*, in *INTEGRAL ECOLOGY FOR A MORE SUSTAINABLE WORLD: DIALOGUES WITH LAUDATO SI'*, *supra* note 2, at 209 (“[P]olitical and economic changes will only be successful in the long run if they can be sustained by cultural meanings and values that elicit our commitments to such changes rather than having them imposed simply by political fiat.”); David Cloutier, *Personal Conversion and Civic Love: Individual and Social Change in Laudato Si'*, in *ALL CREATION IS CONNECTED: VOICES IN RESPONSE TO POPE FRANCIS'S ENCYCLICAL ON ECOLOGY*, *supra* note 2, at 168–180 (exploring ways in which both law and individual virtue are intertwined); and CASTILLO, *supra* note 121, at 52 (saying that Pope Francis “repeatedly asserts that the integral ecology for which he calls requires a personal and societal embrace of limitation, restraint and humility”).

187. *Laudato Si'*, *supra* note 1, ¶ 119.

Truly, only the most naïve or arrogant of lawmakers would see in law the ability to heal “all fundamental human relationships.”<sup>188</sup> However, viewing law through the lens of the vocation to protect may be a perspective well suited for law to meet the awesome responsibility proposed by Pope Francis’s broad vision of “integral ecology.”

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188. *See Conflicts and Laudato Si'*, *supra* note 20, at 85 (“Love is not frequently discussed—at least not openly—in legal analysis. It is hard to quantify, identify, or generate in a meaningful way. Even the best of legal regimes cannot mandate it.”).