Pope Francis’ Encyclical on the Environment as Private Environmental Governance

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Though conventional regulatory efforts by governments have generated some environmental improvements, climate change, pollution, loss of biodiversity, and other significant challenges remain. With increasing frequency, private organizations—including religious organizations—are stepping in to help tackle these challenges. Closer attention to such efforts is warranted in light of the number of religious adherents around the world and religion’s influence on individual perspectives and behavior.

This Article analyzes Pope Francis’ 2015 environmental encyclical, “Laudato Si’,” as a form of private environmental governance. Focusing on the effects of the encyclical, this Article explores efforts to disseminate and implement the encyclical, its effects on public views regarding climate change and other environmental issues, and its invocation in policy debates. 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. This Article explores these various modes of influence and compares the efforts of the Roman Catholic Church (hereinafter “Catholic Church” or “Church”) to implement the encyclical with private environmental governance initiatives by transnational corporations.

I. Background

Private environmental governance refers to “actions taken by non-governmental entities that are designed to achieve traditionally governmental ends such as managing the exploitation of common pool resources, increasing the provision of public goods, reducing environmental externalities, or more justly distributing environmental amenities.” Discussions of private environmental governance typically focus on corporate codes of conduct, certification systems, private standards, supply-chain contracts, and the like. The efforts of religious organizations to influence behavior, environmental policy, and underlying social values receive far less attention. Religious organizations, however, can powerfully shape behavior, society, and public policy.

A. Why Religion Matters to the Environment

1. The Potential Significance of Religion to Environmental Governance

The ways in which the Catholic Church dominated life in medieval Europe illustrates comprehensive private governance by a religious entity. In the words of one historian, the Church of the Middle Ages “was not just a government,” but the “whole of human society...” The Church defined rights and responsibilities, established and administered laws, collected taxes, provided public services, and raised and deployed armies. Admittedly, the Church’s power was...
wielded for private as well as public ends, and its actions sometimes had destructive effects.\textsuperscript{6}

In modernsecularsocieties, religious organizations are unlikely to assume the direct functions of government. Indeed, many would find it troubling if religious organizations attempted to do so. Nonetheless, religious organizations can exert a strong influence in society. For followers, religious narratives “shape adherents’ perceptions of and behavior toward the natural environment” and “provide meaning and purpose and explain the individual’s and group’s place in the world.”\textsuperscript{7} The deeply personal nature of religious practice and belief suggests that religious institutions can influence individuals’ behaviors, thoughts, and attitudes toward environmental issues in ways that other forms of private environmental governance largely cannot.

Religion’s broad reach further magnifies its potential role in environmental governance. Though parts of the world have witnessed increased secularization, religion remains a powerful force globally and in the United States. Eighty-four percent of the world’s population practices some religion.\textsuperscript{8} In the United States, 77% identify with some religious faith, and two-thirds of religiously affiliated adults report they pray every day and that religion is very important to them.\textsuperscript{9} Yet religious influence is reflected in more than just individual belief and conduct. Religious organizations exercise substantial economic, social, and political power through their investments, schools, organizations, and other initiatives, and often have their own substantial environmental footprint.\textsuperscript{10} As of 2016, in the United States alone, there were 549 Catholic hospitals, 221 Catholic colleges and universities, and over 6,000 Catholic schools.\textsuperscript{11} Domestically, Catholic institutions employed over one million people and spent an estimated $170 billion per year—numbers rivaling those of Walmart and other large corporations.\textsuperscript{12} Worldwide, there are over 5,000 Catholic hospitals, almost 10,000 Catholic orphanages, and 139,000 Catholic schools.\textsuperscript{13} While financial information is not readily available, the Church’s formidable resources have led some to describe it as one of “the wealthiest institution[s] in the entire world.”\textsuperscript{14}

Thanks to the breadth and depth of religious practice, religious organizations could contribute significantly to efforts to combat climate change and other environmental problems. Indeed, religious institutions have expressed strong interest in helping to address environmental concerns. In the months leading up to the Paris Climate Conference, for example, Buddhist, Muslim, Hindu, Jewish, and Christian leaders issued statements urging effective action on climate change.\textsuperscript{15} Of these statements, Pope Francis’ encyclical was the most prominent and extensive—and perhaps the one most likely to have a lasting influence. Approximately one in five Americans are Catholic,\textsuperscript{16} and the 1.1 billion Catholics worldwide comprise 17% of the world’s population.\textsuperscript{17} However, Laudato Si’ was not the Catholic Church’s first foray into environmental matters. For a number of years, the Church has expressed concerns about climate change in its teachings.\textsuperscript{18} However, concrete actions and accomplishments—at least prior to Laudato Si’—have been more difficult to identify.\textsuperscript{19}

Pope Francis’ popularity among Catholics and even many non-Catholics magnifies the potential force of Laudato Si’.\textsuperscript{20} The so-called “Pope Francis effect”\textsuperscript{21} could boost not only church attendance and enthusiasm, but also support for the

\begin{itemize}
\item See Southern, supra note 4, at 19; see also Vincenti Ilati, Alter-Ecologies: Envisioning Papal & Ecomodernist Nuclear Energy Policy Futures, in Laudato Si’: Reflections on the Legal, Political and Moral Authority of Catholic Social Thought in an Era of Climate Crisis (Frank Pasquale & Michael Perry eds., forthcoming) at 6 (noting that some scholars have called attention to the Church’s “questionable history of suppressing human difference,” as well as its “hidebound tendencies and imperious history”).
\item See Beth Schaefer Caniglia et al., Civil Society, Social Movements, and Climate Change, in CLIMATE CHANGE AND SOCIETY: SOCIOLOGICAL PERSPECTIVES 255, 257 (Riley E. Dunlap & Robert J. Brulle eds., 2015).
\item See Caniglia et al., supra note 7, at 257.
\item See Earthly Concerns, Economist (Aug. 18, 2012), http://www.economist. com/node/21560536 (Walmart employed two million people in 2010 and General Electric’s revenue was $150 billion).
\item See CARA, supra note 11 (tab labeled “World Data Over Time”).
\end{itemize}
Church’s initiatives beyond strictly ecclesiastical matters. However, it remains to be seen whether the Pope’s popularity will translate into concrete changes in policy or behavior. Despite predictions that Francis’ charisma would reinvigorate the U.S. Catholic Church, religious observance among American Catholics has not risen.22

2. Religion and Climate Change

Religious initiatives pertaining to climate change have arisen against a backdrop of increasing urgency and continuing struggle to craft an effective global response. The Paris Agreement represents an important breakthrough after years of stalemate. Achieving the Paris Agreement’s ultimate objective of avoiding a 2°C temperature increase nonetheless poses a formidable challenge that will require a multifaceted strategy for reducing greenhouse gas (“GHG”) emissions. In light of the magnitude and complexity of the problem, identifying and adopting climate change mitigation approaches that complement or offer alternatives to conventional pollution regulation will be essential. For example, various proposals encourage more climate-friendly conduct by households and individuals, which are often overlooked as sources of pollution.24

A majority of Americans accept that climate change is occurring and support government action on the issue.25 However, many remain skeptical of or indifferent to the problem of climate change,26 which poses a unique challenge to effective communication and behavioral change. Individuals may not perceive climate change as important or pressing when the problem is framed—as is commonly the case—as an analytical, temporally and spatially distant risk that represents an (uncertain) future loss for society.”27 Rationalization, denial, or a sense of futility may make people reluctant to alter their behaviors to reduce their climate impact.28 And for some, skepticism of climate risk provides a means of expressing underlying cultural values that would be threatened by climate-motivated restrictions on commerce.29

Evangelical Christians, especially believers in an “endtimes” theology, are particularly hesitant to acknowledge climate change and support behavioral changes or policies to address it.30 Political conservatism and scientific skepticism, rather than religious belief per se, seem to best explain this resistance.31 Views of U.S. Catholics on climate change, in contrast to those of Evangelical Christians, tend to more closely resemble those of the general public.32 A survey just prior to the encyclical’s release found that the percentage of Catholics who agreed that the Earth is warming (71%), that the warming is caused by human activity (47%), and that climate change is a very serious problem (48%) was approximately the same as the general public (68%, 45%, and 46%, respectively).33 Among Catholic respondents, Democrats and Hispanics were far more likely than Republicans and non-Hispanics to agree with those statements.34

The effect of religion on adherents’ views varies by issue, complicating efforts to predict whether religion can motivate changes in attitudes or behaviors with respect to climate change. A 2010 survey found that religious beliefs have a stronger influence on adherents’ opinions with respect to abortion and same-sex marriage than with respect to other issues such as immigration and environmental protection.35 Within the Catholic Church, even the influence of a figure as popular as Pope Francis may be limited. When asked whether they look to the Pope for guidance on difficult moral questions, 11% of American Catholics answered “a great deal,” 30% said “some,” and 56% answered “not much” or “not at all.”36

26. See Elaine Howard Ecklund et al., Examining Links Between Religion, Evolution Views, and Climate Change Skepticism, ENV’T & BEHAV. 15 (2016) (“About 20% of the U.S. population is skeptical that climate change is occurring at all or that humans have a role in climate change.”)
27. Sander van der Linden et al., Improving Public Engagement With Climate Change: Five “Best Practice” Insights From Psychological Science, 10 PERSP. PSYCH. SCI. 758, 761 (2015).
30. See Ecklund et al., supra note 26, at 4; see also David C. Barker & David H. Bearce, End-Times Theology, the Shadow of the Future, and Public Resistance to Addressing Global Climate Change, 66 POL. RES. Q. 267, 269 (2012).
31. See Ecklund et al., supra note 26, at 16.
32. See Caniglia et al., supra note 7, at 259; PEP RESEARCH CTR., Catholic Divided Over Global Warming 9 (June 16, 2015), http://www.pewforum.org/2015/06/16/catholics-divided-over-global-warming/ [https://perma.cc/82XU-L5Q8].
33. See PEP RESEARCH CTR., supra note 32, at 1; see also Cox & Jones, supra note 21 (reporting that 73% of Catholics believe that the government should do more to address climate change).
34. See PEP RESEARCH CTR., supra note 32, at 1–2.
B. Laudato Si’ & Subsequent Statements

Pope Francis’ climate initiative could be critical in reaching climate skeptics of the Christian faith. 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. An encyclical, a type of papal letter, is considered the most influential type of document within the Catholic Church. Pope Francis’ environmental encyclical, Laudato Si’, addresses not just Catholic bishops or laity but “every person living on this planet.” This form of address is in keeping with the contemporary practice of directing encyclicals to “all people of goodwill.” However, the “comprehensive and inclusive nature” of Laudato Si’ in its entirety is unique. Noting that “[t]he majority of people living on our planet profess to be believers,” the encyclical calls on different “religions to dialogue among themselves for the sake of protecting nature.” Singling out the scientific community as well, the encyclical encourages science and religion to engage in an “intense dialogue” to benefit humanity and the environment.

Although sometimes described as a “climate change” encyclical, the document draws connections between the challenges of climate change and poverty and identifies a host of environmental and social concerns stemming from humanity’s relationship to the environment. As one commentator suggests, this distinctive “linking of environmental and climate discussions with issues of social justice, poverty, and economic inequality” has “the potential to transform the [climate] debate” by reframing climate change as more than an environmental concern. The encyclical represents a marked departure from conventional environmentalism, which has tended toward incremental policy solutions that focus on effects rather than underlying causes. Indeed, the encyclical broadly critiques the “dominant technocratic paradigm,” anthropocentrism, and market-centered development models that rely heavily on narrowly calculated costs and benefits. In response, the encyclical envisions a prominent role for legal reform as well as personal conversion and behavioral change. We must appreciate the environment “on its own terms,” the encyclical explains, “rather than as a standing reserve of resources to be deployed to advance our own purposes.” Ultimately, Laudato Si’ is significant not only because it comes from a popular and prominent public figure, but also because it situates climate change and other environmental challenges within a broader moral context.

Since issuing the encyclical, Pope Francis has continued to devote significant attention to climate change and other environmental concerns. In a September 2015 speech before the United Nations (“U.N.”), he declared the existence of “a true ‘right of the environment’ founded on humans’ dependence on the environment as well as the intrinsic value of all living things.” One year later, he called on the international community to fully implement the Paris Agreement: “Now governments are obliged to honour [sic] the commitments they made, while businesses must also responsibly do their part. It is up to citizens to insist that this happen, and indeed to advocate for even more ambitious goals.” Pope Francis similarly declared to delegates to the November 2016 U.N. climate conference that climate change “affects all humanity, especially the poorest and the future generations, . . . and call[s] us to the grave ethical and moral responsibility to act without delay . . . .” Following the 2016 U.S. Presidential elections, the Pope noted the “ease with which well-founded scientific opinion about the state of our planet is disregarded” and urged an audience of scientists “to offer a leadership that provides general and specific solutions for issues . . . [including] water, renewable forms of energy and food security.”

47. Pope Francis, supra note 1, at 75–87, 139, 141–43.
48. Id. at 127, 129 (calling for international, national, and local policies to address environmental problems); id. at 149 (stating that “it is we human beings above all who need to change”); see Lucia A. Silicechia, “Social Love as Vision for Environmental Law: Laudato Si’ and the Rule of Law,” 10 Liberty U. L. Rev. 371, 372 (2016), http://scholarship.law.edu/cgi/viewcontent.cgi?article=1956&context=scholar. One commentator contends that the Pope’s call for self-transformation and cultural change must be combined with mobilized political confrontation in order to address climate change and other concerns effectively. See Erik Olin Wright, Sociological Limitations of the Climate Change Encyclical, 5 Nature Climate Change 902, 903 (2015), http://www.nature.com/nclimate/journal/v5/n10/full/nclimate2797.html#feature DataAccess=true.
49. Frank Pasquale, A Critique of Mastery and an Ethics of Attention: From Spe Salvi to Laudato Si’, in IN LAUDATO SI’: Reflections on the Legal, Political, and Moral Authority of a Catholic Social Thought in an Era of Climate Crisis (Frank Pasquale & Michael Perti eds., forthcoming), supra note 6, at [2].
52. Pope Francis, Message on World Day of Prayer for Creation (Sept. 1, 2016).
54. Pope Francis, Address to Pontifical Academy of Sciences (Nov. 28, 2016).
II. Implementing Laudato Si’ and Gauging Its Influence

In spite of their broad reach, religious institutions generally have not demonstrated a strong ability to motivate environmentally positive behavior. For instance, highly religious Americans are no more likely than other Americans to recycle or to consider manufacturers’ environmental records in their purchasing decisions. Prior efforts by some Evangelical leaders to engage on climate change triggered a backlash of environmental skepticism among conservative Evangelicals. Laudato Si’ nevertheless could prove to be more effective than other initiatives, however, due to Pope Francis’ broad popularity and the significance of papal encyclicals within the Catholic Church.

Notably, the encyclical disclaims any intention “to settle scientific questions or to replace politics.” The Pope “doesn’t have an environmental regulatory agency or a compliant legislature at his disposal.” Nor does the Catholic Church aspire to a formal role in the “systems of governance” that it acknowledges as necessary to address problems of the global commons. The Catholic Church recognizes, however, that it can play a significant role in shaping “global regulatory norms.” In addition, it hopes to “apply moral pressure on the highest levels of civic and economic power.” Accordingly, the encyclical calls on all persons to act—officials, experts, and ordinary citizens alike. Furthermore, it suggests a multifaceted role for the world’s religions to inspire behavioral change and political action among adherents, raise environmental awareness, inform public debate, and engage in dialogue with one another and the sciences. This Part of the Article reviews the Catholic Church’s various efforts to disseminate and implement the encyclical’s teachings within the United States and globally, as well as within and outside of the Catholic world.

A. The Catholic Church and Catholic Organizations

To understand the reach and limits of efforts to disseminate and implement Laudato Si’, a brief background on the organization of the Catholic Church and related institutions is useful. In the United States, the Catholic Church is organized into thirty-four metropolitan provinces (run by archbishops), containing 196 dioceses managed by bishops; the dioceses are further divided into 17,958 parishes run by priests and deacons. Bishops are answerable primarily to the Vatican and to a limited extent to the metropolitan archbishop. Notwithstanding this hierarchical structure, each diocese and each parish operates with a fair amount of autonomy. Other Catholic institutions, including religious orders and the schools and hospitals they operate, likewise enjoy a degree of independence.

1. Domestic Efforts

The U.S. Conference of Catholic Bishops (“USCCB”), which coordinates the policy and leadership of the Catholic Church in the United States, has been involved with climate change issues since at least 2001. In that year, the USCCB urged a “genuine dialogue” on, and response to, climate change “rooted in the virtue of prudence.” Calling for “[a]ction to mitigate global climate change . . . built upon a foundation of social and economic justice,” the organization expressed particular concern for the poor and for potentially “disproportionate and unfair burdens on developing nations.” Despite such expressions of concern, some observers have expressed doubt concerning the extent to which American Catholic leaders would embrace Laudato Si’. American bishops have been described as “more cautious and politically conservative” than Pope Francis on certain issues. Indeed, the USCCB has devoted greater attention to same-sex marriage, abortion, and other issues than to climate change, and it has apparently lagged behind some of its foreign counterparts in promoting the encyclical. Nonetheless, the organization has presented testimony and letters to Congress and other governmental actors supporting specific measures to address climate change.
change, citing Laudato Si.’ It also has initiated efforts to educate dioceses and priests to understand the encyclical.

Beyond the formal hierarchy of the Catholic Church, the Catholic Climate Covenant was founded in 2006 to implement Catholic social teachings on ecology. This nonprofit organization has organized petitions, letter writing campaigns, and other advocacy efforts in support of a national carbon pollution standard and international climate change efforts. After the 2016 elections, the organization met with Congressional leaders to express support for Obama-era efforts to combat climate change and to push for policies that promote jobs and economic growth while addressing the problem of climate change. The organization has also distributed teaching materials, study guides, and other resources on the encyclical within the U.S. Catholic Church.

At regional and local levels, parishes, schools, and other Catholic entities have identified and implemented measures to reduce GHG emissions or environmental impacts onsite. The Archdiocese of Chicago, for example, has committed to evaluating all its buildings for water use, energy use, and GHG emissions. Catholic institutions have also incorporated messaging aimed at reducing individual carbon footprints. Aided by University of Georgia scientists, the Archdiocese of Atlanta adopted an action plan that sets out “a menu of options that parishes and parishioners can take to start the difficult spiritual work of reversing the threat of global climate change and environmental degradation . . .” Jesuit universities and other Jesuit institutions have shown particular interest in incorporating the encyclical into their programs by organizing conferences, lectures, and reading groups. Although overall impact is difficult to measure, these efforts illustrate the potentially broad and varied reach of the Church.

2. International Efforts

International efforts to implement the encyclical have been spearheaded by the Global Catholic Climate Movement (GCCM), an international coalition of Catholic organizations, religious officials, and laity. Launched in early 2015, the GCCM has a mission of “bringing Laudato Si’ to life” by promoting change in three dimensions: within individuals, in lifestyles, and in the public sphere. Specifically, the GCCM’s efforts aim at: (1) an internal transformation, or “ecological conversion,” in individuals and local communities; (2) lifestyle changes among parishes and parishioners; and (3) policy measures to address climate change and other environmental threats. Some of the GCCM’s initiatives resemble initiatives adopted in the United States. For example, the GCCM released Eco-Parish Guide: Bringing Laudato Si’ to Life to assist parishes and individual parishioners in reducing emissions, advocating for climate justice, and caring for persons harmed by climate change. Other initiatives have looked to the private sector for inspiration. Of particular note is the GCCM’s proposed “Roman Catholic Church


75. See Camille von Kaseel, At “Laudato Si’” Turn 1, Catholics Vote Climate Education First, CLIMATEWIRE (June 14, 2016), https://www.clnewswire.com/stories/1060038771.


77. See Peter K.A. Turkson, President, Pontifical Council of Justice and Peace, Address at Boston College on Sustainable Humanity, Sustainable Planet (Sept. 28, 2015) (video), http://frontrow.bc.edu/program/turkson [https://perma.cc/7NY3-QW1H].


79. See Heald, supra note 73, at 8-9.


82. See Smith, supra note 80.


84. See Jesuit Institutions Rise to Pope Francis’ Challenge of Laudato Si’ as Ecencyclical Celebrates 1 Year, IGNATIAN SOLIDARITY NETWORK (June 14, 2016), https://ignatiansolidaritynetwork.blogspot.com/2016/06/jesuit-rosalba-francis-francisco-laudato-si-encyclical-1-year.html [https://perma.cc/CCN-JUW9]; see also Tucker & Grim, supra note 41, at 282-83 (noting Pope Francis is a Jesuit, and there are twenty-eight Jesuit universities in the United States, 150 Jesuit universities around the world, and 324 Jesuit secondary schools).


87. Id. at 2-7.

88. See generally id.
Global Sustainability Program” that would recognize the collective environmental footprint of an institution with over a billion members and hundreds of thousands of facilities. If implemented, such a program would be akin to corporate environmental sustainability programs that measure, report, and seek to reduce the environmental impacts of large multinational corporations. The GCCM has been active in public advocacy as well. The group has encouraged divestment from fossil fuels, prompting a handful of Catholic organizations—ranging from a diocese in Brazil to a U.S. health care institution that operates twenty hospitals—to remove fossil fuel investments from their portfolios. The GCCM also organized Catholic participation in the April 2017 Climate Action March in Washington, D.C. and other cities.

The preceding discussion illustrates the multifaceted nature of efforts to promote the encyclical within the Catholic Church and other Catholic institutions. These efforts reflect a strategy of long-term and ongoing dissemination and engagement rather than a one-off approach. Serving as a foundation for the Church’s climate change strategy, the encyclical declares that the environment is a matter eminently suitable for Church consideration and action, and not a political issue to be avoided.

B. Broader Society

In a pluralistic society, the relevance of Laudato Si’ to those outside the Church remains an open question. Nonetheless, the encyclical is “addressed to all people of good will,” and it deliberately calls on those outside the Church to join in its mission. As the following discussion illustrates, the Vatican has not hesitated to engage with institutions and persons outside the Catholic Church as it implements the encyclical.

1. Outreach Beyond the Catholic Church

The encyclical itself invites other religions to cooperate on environmental concerns. Noting the concern expressed by other churches and non-Christian religious institutions regarding the environment, the encyclical provides an extensive discussion of comments by the spiritual leader of the Eastern Orthodox Church (Orthodox Patriarch Bartholomew), and refers to the teaching of a Muslim mystic (Ali al-Khawas).

95. See id. at 5.
96. See id. at 7.
99. Pope Francis, supra note 1, at 45.
100. Id. at 12–13, 147–48.
101. Id. at 147–48.
102. Id. at 17.
103. Id. at 8–9.
104. Id. at 168; see Christoph Bals, A Successful Provocation for a Pluralistic Global Society, GERMANWATCH 38 (Aug. 2016), www.germanwatch.org/en/12697 (noting that this “is the first time an encyclical has referred to a Muslim author.”).
111. See Catholics Twice as Likely to Agree With Pope Francis on Climate Change Than Disagree, But Many Still Unfamiliar With Views, PUB. RELIGION RESEARCH INST. (Aug. 31, 2015), http://www.prrist.org/spotlight/catholics-twice-as-likely-to-agree-with-pope-francis-on-climate-change-than-disagree-but-many-still-unfamiliar-with-views (August 2015 survey finding that 20% of Catholics were unaware of Pope Francis’ position on climate change); ASSOC. PRESS-NORC CTR. FOR PUB. AFFAIRS RESEARCH, supra note 20, at 2–3 (finding one month after encyclical’s release that only 31% of Americans and a similar share of American Catholics had heard of encyclical); ASSOC. PRESS-NORC CTR. FOR PUB. AFFAIRS RESEARCH, AMERICAN ATTITUDES TOWARD THE POPE FOLLOWING HIS VISIT TO THE UNITED STATES 2 (2016), http://www.apnorc.org/PDFs/PopeInAmerica/October%202015%20Monimbus%20export_FINAL.pdf (October 2015 survey finding that 36% of Americans were aware of the encyclical); CARA, supra note 11, at 3–4 (finding one year after release that...
However, two-thirds of those aware of the Pope’s views agreed with his concerns. Among the general public, the encyclical and related efforts appear to have slightly increased concern regarding climate change and support for action. In the wake of the encyclical, American Catholics are somewhat more likely to worry about climate change, perceive climate change as a moral issue, and believe that human activities are responsible for climate change. Perhaps the encyclical’s most significant impact has been to raise awareness that climate change will harm the poor, people in developing countries, and future generations.

Further analysis of public opinion has found effects largely consistent with cultural cognition theory, which posits that people interpret information about risk in ways that reflect their cultural values. Namely, liberals became more concerned about climate change and its risks in response to the encyclical, whereas conservatives became less concerned. These results led the authors of one study to declare that the Pope’s message “backfired with conservative Catholics and non-Catholics, who not only resisted the message but defended their preexisting beliefs by devaluing the Pope’s credibility on climate change.”

However, it would be a mistake to conclude from these findings that Laudato Si has failed to be influential. As noted above, overall levels of concern about climate change have risen modestly. The Catholic Church has made progress in framing climate change as a moral problem that affects people, not just the environment—a framing that could especially help to overcome indifference to the issue. Most importantly, the Church’s implementation of Laudato Si is multifaceted, long-term, and global. No single survey can fully capture its effect on public opinion nor can surveys alone measure its overall effectiveness.

3. Effects on Politicians, Policymakers, and Policy

The encyclical’s influence on politicians and other policy makers—or lack thereof—may be as important as its influence on public opinion. Release of the encyclical gave rise to hopes that the Pope “could be in a position to break the partisan deadlock over climate change” by virtue of being the religious leader of a faith closely associated with U.S. conservative elites. However, public statements in response to the encyclical suggest that the encyclical has not swayed many politicians in the United States. Those who were already proponents of strong action on climate change hailed the document, whereas opponents responded negatively. Even Republican presidential candidates of the Catholic faith rejected the Pope’s views. As Jeb Bush remarked, for example, “I don’t get my economic policy from my bishops or my cardinals or my pope.” Similarly, Republican Senator of Pennsylvania Rick Santorum urged the Church to “leave[e] science to the scientists.”

In contrast, Democratic President Barack Obama described the Pope’s call to action as a measure he “deeply admire[d].” Similarly, former Secretary of State, Hillary Clinton, a Methodist, declared herself to be “deeply moved” by Pope Francis’ teachings on climate change and “urge[d] Americans of every faith and political persuasion to listen to...”
what he has to say.” Former Minnesota Senator Al Franken and five co-sponsors introduced a resolution declaring that “the Senate stands with Pope Francis,” and that “immediate action must be taken to significantly reduce greenhouse gas emissions . . .” Other Democratic politicians praised the encyclical, including House of Representatives Minority Leader Nancy Pelosi, California Governor Jerry Brown, and California Senate President pro tem Kevin DeLeon.

Perhaps the most tangible influence of Laudato Si’ was in shaping the Paris climate talks. Issued six months prior to the climate talks, the encyclical was aimed at the leaders and representatives gathered in Paris as well as citizens who could pressure their leaders for policy change. Upon its release, various U.N. officials, including former U.N. Secretary-General Ban Ki-moon and former U.N. Framework Convention on Climate Change Executive Secretary Christiana Figueres, praised the encyclical’s call to action on climate change. The announcement of the encyclical was the subject of a formal U.N. gathering, and in September 2015 Pope Francis delivered an address to the U.N. General Assembly focusing on ecological concerns. At the Paris climate summit, the GCCM presented a petition featuring the signatures of nearly one million Catholics in the hopes of urging global leaders to keep global temperature rise below 1.5°C. During the talks, a panel on the encyclical was held at the Notre Dame Cathedral. While it may be impossible to quantify the Catholic Church’s precise contribution to the Paris Agreement, world leaders repeatedly invoked the encyclical at Paris, and the Philippine delegation, who used the petition as a talking point during the negotiations, credited it as having “a very critical role in the campaign to raise the ambition in Paris.”

III. Reflections on Laudato Si’ as Private Environmental Governance

This part steps back from the details of implementing Laudato Si’ and offers broader reflections on Laudato Si’ as a form of private environmental governance.

A. The Catholic Church as Transnational Corporation?

As noted at the outset, private environmental governance typically refers to the development and application of standards by private actors, including transnational corporations (“TNCs”). The Catholic Church resembles a TNC in its size and reach, a fact that suggests their potential comparability in analyses of private environmental governance. Might it be useful to think of the Catholic Church or other large religious organizations as TNCs, and can we apply what we know about private environmental governance in other contexts to religious institutions?

I. Differences

Obviously, religious entities and for-profit corporations differ in significant ways. TNCs are profit-maximizing entities engaged primarily in selling goods or services, whereas religious entities are not. For-profit corporations focus on the bottom line, the present, and the secular, whereas religious entities—at least in theory—prove a worldview and relate to the transcendent. Moreover, the profit incentives and organizational structure of corporations suggest a

124. See Tucker & Grinn, supra note 41, at 263.
125. See Tucker & Grinn, supra note 77 (quoting Pope Francis) (“It is fundamentally in the hands of people and in their ability to organize. It is in their hands, which can guide with humility and conviction this process of change.”); see also Pope Francis, supra note 1, at 131 (“Public pressure has to be exerted in order to bring about decisive political action.”).
127. See Tucker & Grinn, supra note 41, at 266.
129. Tucker & Grinn, supra note 41, at 263. The U.N. General Assembly adopted a sustainable development agenda shortly after the Pope’s address. Id.
131. See Tucker & Grinn, supra note 41, at 263.
134. See Elizabeth C. Kourouz et al., The Business Case for Corporate Social Responsibility, in The Oxford Handbook of Corporate Social Responsibility 83, 94 (Andrew Crane et al. eds., 2008) (discussing “view that business is primarily an economic actor”).
responsiveness to demands of shareholders and the public that may be lacking among religious institutions. Even so, religious institutions similarly face pressure from donors and adherents to take certain positions, and they likewise compete against each other and against secular rivals for the attention and resources of adherents.

Corporations and religious organizations also may differ in terms of their ability to implement positions or strategies across an entire organization. TNCs face various challenges in implementing Corporate Social Responsibility (“CSR”) strategies through their subsidiaries, including: problems of coordination, disparate shareholder expectations and institutional contexts, and lack of institutional control. The Catholic Church, in contrast, is known for its hierarchical structure. The enunciation of Catholic social doctrine in an encyclical is considered authoritative, “requiring the religious submission of intellect and will of Catholics.” Religious institutions nonetheless vary in terms of their ability to speak and act in a unitary fashion. Unlike the Catholic Church, other religious institutions may lack clear structures, chains of authority, or even codified beliefs. Even within the Catholic Church, national and local responses to the encyclical have varied widely.

Finally, religious entities and for-profit corporations are treated differently under the law. Importantly, corporations can engage in lobbying and political advocacy, whereas religious organizations risk losing their tax-exempt status if they do so. Thus, certain avenues of governance may be off-limits to religious organizations.

2. Similarities

Notwithstanding these differences, commonalities between corporations and religious organizations suggest that CSR efforts could offer valuable insights for analyzing private environmental governance by religious organizations. Large religious organizations, like TNCs, are powerful and far-reaching institutions. The various avenues by which TNCs engage in environmental governance—shaping environmental policies, implementing environmental regulations, and adopting environmental management systems—could offer a useful blueprint for religious institutions.

Internally, corporations may redesign products, alter manufacturing practices, or adhere to voluntary environmental, health, and safety standards. Although religious organizations largely do not engage in resource-intensive activities such as manufacturing, they nevertheless have a sizeable environmental footprint. Internal efforts to reduce the size of that footprint can yield significant environmental benefits.

Externally, corporations may not only engage in philanthropic activities and environmentally beneficial projects, but also exercise control beyond formal corporate boundaries. Though TNCs are not legally responsible for the wages, working conditions, or environmental impacts of suppliers and contractors, many TNCs recognize that suppliers and contractors’ social and environmental performance can be a source of economic risk. TNCs address such risk by requiring adherence to corporate codes of conduct and engaging in other forms of supply chain management. Such corporate social responsibility efforts demonstrate that businesses are not purely economic actors, but are political and social actors as well.

Like TNCs, religious organizations often reach broadly across national borders and beyond formal institutional boundaries. That reach extends not just to followers, but also to suppliers, students, and investment targets. The Catholic Church and other Catholic institutions control immense financial resources, whereby spending and investment deci-


140. Jayabal, supra note 38, at 56, 59-60. Within the Catholic Church, such teachings, referred to as “ordinary magisterium,” can be contrasted with the “extraordinary magisterium,” which is issued specifically ex cathedra solely on matters of faith and morals, concerning divine revelation, by the Pope or by the Pope and bishops in union, and is by definition infallible, requiring the full assent of faith of Catholics.

141. See Halura-DeLay, supra note 136, at 262.

142. See Goldberg, supra note 72.

143. See 26 U.S.C. § 501(c)(3) (2012). Another difference in legal treatment is that the Establishment and Free Exercise Clauses offer churches the autonomy to engage in certain employment and other practices that are forbidden to corporations. See Angela C. Carmella, After Hobby Lobby: The "Religious For-Profits" and the Limits of the Autonomy Doctrine, 80 Mo. L. Rev. 381, 385-84, 398 (2015), http://law.missouri.edu/lawreview/files/2015/06/6.Carmella.pdf (discussing various ways in which the autonomy doctrine protects the institutional integrity and normative role of churches).


145. See Rondinelli & Berry, supra note 137, at 70, 78.

146. See supra notes 10-14 (accompanying text).

147. See Rondinelli & Berry, supra note 137, at 75.


149. Id. at 364.

150. Id. at 364-70.

151. See Kurucz et al., supra note 134, at 94. This point is highlighted by the reactions of various corporations to President Trump’s decision to withdraw from the Paris climate agreement. See Ahadighe Abrams & Lucinda Shen, “Climate Change Is Real,” Business Leaders React to President Trump’s Withdrawal From the Paris Agreement, FORTUNE (June 2, 2017), http://fortune.com/2017/06/01/paris-climate-agreement-business-leaders-react/, Arianna Skibell, More Companies Moving to Price Carbon—Report, GREENWIRE, Sept. 12, 2017 (noting the increasing number of companies that have implemented carbon pricing internally, despite the lack of any legal requirement to do so).

152. See Dale Jamieson, Why Laudato Si’ Matters, Env’tt Mag., Nov.-Dec. 2015, at 19 (“Organized more like a multinational corporation that a nation-state, the Catholic Church and its members are spread across all the countries of the world.”).
3. Offering a Unique Perspective

While religious institutions share some commonalities with TNCs, they are uniquely positioned to offer an alternative framework for thinking about environmental challenges. Conventional approaches to environmental problem solving, as reflected in command-and-control regulation or market-based incentives, often rely upon instrumental calculations of costs and benefits. Even private environmental governance initiatives—private standards, certification systems, supply chain requirements, and the like—frequently assume instrumental framings. These private initiatives may foster a broader, more socially oriented understanding of costs and benefits than corporate accounting approaches, but they speak largely in utilitarian terms, referencing a “triple bottom line” or “do[ing] well by doing good.”

Religions can articulate neglected rationales for environmental protection and frame environmental problems in a very different language. As one editorial on the encyclical suggested, “[t]he reality is that we care [about nature] because we love,” and the encyclical “reminds us that the living world provides not only material goods and tangible services, but is also essential to other aspects of our well-being.” Religion “engages questions of fundamental meaning and value,” and “poses moral danger and virtue in ways that persuade not only intellectually but also emotionally.” Religious discourse communicates not only through “cold, cognitively demanding moral reasoning,” but also through “hot” messaging that appeals to the emotions. Indeed, the encyclical is not a white paper on environmental protection; it is a “powerful story—a meta-narrative—about the human condition.” Under Pope Francis’ critique, climate change is but one symptom of a more fundamental dilemma regarding the human condition, and at the heart of this dilemma is the role of religious institutions.


156. Salamon, supra note 154, at 119.


158. See Kevin M. Stack & Michael P. Vandenbergh, The One Percent Problem, 111 Colum. L. Rev. 1385, 1394–96 (2011) (identifying various instances in which the law exempts small contributors from regulation).

159. See Rondinelli, supra note 155, at 18–19.

160. See BRIDGET M. HUTTER & JOAN O’MAHONY, ESRE CTR. FOR ANALYSIS OF RISK & REGULATION, THE ROLE OF CIVIL SOCIETY ORGANIZATIONS IN REGUL.

161. See id. at 17–18.


163. See David A. Hunter et al., INTERNATIONAL ENVIRONMENTAL LAW & POLICY 1408 (5th ed. 2015).

164. See Caniglia et al., supra note 7, at 237 (“The most basic way that movements change the social landscape is through framing grievances in ways that resonate with members of civil society.”).


of the critique is a rebuke of the "technocratic paradigm" that "tends to dominate economic and political life." To replace this paradigm, the encyclical urges an "ecological conversion" rooted in moral reasoning and manifested in personal and political change.171

IV. Evaluating Laudato Si'

Much attention has been trained on whether Laudato Si’ has influenced U.S. public opinion or Christians’ views on climate change. However, an evaluation of the effectiveness of the Catholic Church’s efforts to implement the encyclical should not rest narrowly on short-term movements in public opinion or on other relatively quantifiable indicia of immediate success. Given the broad and continuing nature of those efforts, accounting for the various avenues of influence over the long term may not be possible for some time.

As discussed above, religious institutions exert influence through a wide range of mechanisms, including but not limited to the conversion of personal beliefs. The GCCM’s strategy, which focuses on the distinct but related areas of personal values, behavioral change, and public policy, captures nicely the multidimensional nature of such influence. Ultimately, the effectiveness of the encyclical should be examined within each of these spheres.172

Moreover, the Catholic Church is a global institution, and the encyclical’s impact should be judged from a global perspective. An international assessment could reveal important regional differences. For example, the encyclical has triggered a stronger response in developing countries and southern Europe than in the United States.173 Some commentators, noting the encyclical’s roots in the liberation theology movement, suggest that the encyclical could prove especially influential in Latin America, the movement’s birthplace.174

Ultimately, the encyclical is better understood as a launching pad for the Catholic Church’s new activism on environmental concerns, rather than as a singular event. Other encyclicals have served as a foundation for decades of instruction and practice.175 Similarly, Laudato Si’s influence can be expected to grow, “especially if the Pope continues to speak on the topic, if Bishops, Cardinals and priests amplify the teachings in their dioceses, and if Catholics talk to each other and to non-Catholic friends about the issue.”176 The encyclical seeks a “fundamental paradigm shift,” rather than “quick fix activism.”177 As Cardinal Turkson, Pope Francis’ point man on the encyclical, has argued, “Catholic institutions are committed to seeing farther and deeper, to looking beyond the current popular and conventional positions . . . [w]hat Catholic institutions should bring to the public square is a constant focus on the moral framework in which climate change arguments should occur.”178

V. Conclusion

The encyclical’s most important contribution to combating climate change may be in “provid[ing] inspiration for a long-missing ethical vision for the environmental movement” and offering a “compelling narrative [or framing] of transformative social change” that “provokes moral visions, conversations, and deliberations about where society needs to go.”179 Laudato Si’ advances discussion regarding what sustainable development should mean and why it matters to all of us,180 reminding us of the potentially critical role of religion in tackling environmental challenges.

At the same time, excessive reliance on the encyclical to catalyst change views and behaviors on climate change would be a mistake.181 The core mission of the Catholic Church or other religious organizations is not to solve climate change or achieve some other secular objective. More generally, religious organizations should not be viewed primarily as just another tool of private environmental governance. They march to the beat of a different drummer, and their goals are not limited to the physical world in which we live.

170. See Pope Francis, supra note 1, at 75, 81.
171. Id. at 131, 157–60; see also Wright, supra note 48, at 902–03 (summarizing encyclical’s call for cultural transformation "that subordinates instrumental reasoning to ethical reasoning"); Ana Paula Carvalho, The Pope’s Encyclical as a Call for Democratic Social Change, 5 Nature Climate Change 905, 907 (2015) ("[T]he Pope repeatedly urges individuals and civic groups to engage with the politics of climate change and pressure governments to develop effective measures.");
173. See Bals, supra note 98, at 11.
176. Martch et al., supra note 105, at 3.
177. Bals, supra note 98, at 43.
178. Turkenson, supra note 77.
179. Brule & Antonio, supra note 50, at 901.
180. Pope Francis, supra note 1, at 118, 141; see also Jamiees, supra note 152, at 19 (characterizing encyclical as “a first really important environmental text of the twenty-first century”).