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## The Earth Charter as a global ethic - a response of Brendan Mackey's paper

2017

Brendan Mackey's paper provides a very useful reflection on the Earth Charter 16 years on. He raises many issues and I shall focus on just a few.

Its failure to be taken up as a UN document as envisaged at the Rio conference in 1992 but rather its developing into a people's charter turns out in one sense to have been a strength because it prompted an in-depth consultation process throughout the world during the 1990s, which might not have happened if the UN had taken up the challenge itself.

I have always regarded it as a prime example of a global ethic. To quote from my contribution to the *The Earth Charter in Action – The Way Forward* (2012) (see also Dower 2003 and 2005):

'The Earth Charter is, in essentials, for the purposes of this discussion, a global ethic in the following three respects: first, it is a set of universal principles which are comprehensive in the sense of covering all the major areas of values applicable to human existence, but not comprehensive in the sense that they are tied to any one comprehensive world view, such as Buddhism and secular anthropocentrism; second, it is global in that it is actually accepted by large number of people from all over the globe; third, it is global also in that it was formed as a result of a wide process of global consultation. Furthermore, the Earth Charter is a public document available for endorsement by individuals who do so in the knowledge that they endorse something endorsed by hundreds of thousands of others. The values of the Earth Charter are not merely shared in the sense that they are the same for different people; they are shared in the stronger sense of people belonging to a community of shared values' (Dower 2012: 178)

Here I want to focus on the first point I made there to do with the diverse sources of support for it as a set of universal principles – because the point touches on an issue of importance to the question of how to get more to support it. It was a textbook example of the model of a global ethic indicated by Parekh who in 2005 talked of a global ethic which is both consented to and assented to – consented to because it emerges out of process of cross cultural dialogue, and assented to because each person or group had their own reasons for endorsing it. (Parekh 2005: 27)

What I find powerful about this model is the way it makes explicit that there needs to be two sources of legitimacy. Both are important. There is strength in the fact that there is wide-spread agreement across the world. It makes the Earth Charter a global ethic in the sense that it is globally accepted. It is of course not universally accepted i.e. THE global ethic– something the architects of the Earth Charter may have hoped for as emerging over the years as it became increasingly accepted. But consensus does not of itself confer legitimacy; people can agree on values that are to others unacceptable. There have to be reasons independent of the consensus for someone accepting the values and principles involved. Before expanding on this point, I should point out that the Earth Charter is a global ethic not the global ethic, precisely because there are other globally shared consensuses around, nor least the norms of the international free market or the value assumptions common in international relations between states – neither of which are from the point of view of Earth Charter supporters adequate or right in certain respects.

On the question of updating, Mackey's focus on the need for more stories to justify its principles brings out the need to emphasise the 'assent' part of the Earth Charter as a global ethic. But this touches of a big issue of interpretation of what kind of statement the Earth Charter is. Why might people have reasons to assent to it? One approach, favoured by Ron Engel who played a central role in forging the EC, is to see it as providing its own ethical vision, world-view or grand narrative, which in virtue of its form, content and completeness is itself sufficient ethical reason to endorse it or assent to it. (See e.g. Engel 2014) Another approach is to see it as a set of values and principles that a wide variety of people may come to accept as chiming with their philosophical, theological or otherwise understood world-views – whether they be Kantian, Utilitarian, Christian, Buddhist, enlightened anthropocentric, biocentric etc.

This is not of course to claim that *anyone* who is Kantian or Christian would affirm these values and principles or welcome the fact that there is convergence on them from different world-view perspectives – far from it. This is for two reasons which are important to recognise when we seek new supporters. First within every major theology or philosophy there are numerous interpretations not only of what the core belief really mean but also how they are to be translated into action-guiding values and principles in the light of their – often differing – understandings of how the world is i.e. the key facts. Second within each world-view – theological or philosophical – there are different views about the importance of convergence of values anyway. If for instance one asserts that one's own world-view is correct and others wrong in such a way that values are not worth much unless embedded in the correct world-view, one will disagree with others who welcome the convergence of values and are more inclined to think that different world-views have some measure of truth in them. It is the adherents of theologies and philosophies who are more inclined to the latter approach who welcome the emergence of shared values such as the Earth Charter.

As between these two approaches mentioned earlier – the Earth Charter as its own world-view and the Earth Charter as supportable from many world-views – there are two issues, theoretical and practical. The theoretical issue concerns its ontological status – what kind of 'thing' is it? Whilst I am inclined to see it as a very rich set of values and principles supportable from many world-views, the issue is a deep philosophical one which there is no space for discussion in this essay. On the practical issue, we have to ask the question: if promoting the Earth Charter as a new world-view or promoting it as something to be supported from many world-views likely to gain more adherents? I am inclined to take the view 'horses for courses' - that is, presenting it as something that could be a world-view in its own right AND as something others may have good reason to endorse from their own standpoint is the right approach: a lot will depend on context and audience. But I think it is clear that Mackey's approach confirms my sense of it as a set of values that needs be endorsed from many perspectives, and that we should encourage the development of this.

If the Earth Charter is a set of values and norms that are global in their content, that is those endorsing them see them as applicable to all human beings, then we need to recognise that whilst the Earth Charter is itself one set of values and norms i.e. ONE global ethic (as a normative universal framework), there are various ethical theories that may support it. If we see a global ethic as not merely a set of values and norms but a set of values and norms PLUS the justifying story, then in the latter sense there may be quite a variety of global ethics (plural) for which the Earth Charter is the or a central normative part. This is not a problem so long as the fact of different justifying stories only leads to healthy dialogue about them and not antagonism or divisive attitudes. Dialogue (as part of continuing source of legitimation) *between* those who support the Earth Charter is indeed important, but also with those of different persuasions.

I have suggested above that consent or consensus on core values does not confer legitimacy on its own unless there are reasons, independent of the consensus, that the consenter assents to, but of course it is equally true that if a thinker merely focusses on her own theoretical reasons for accepting a set of globally applicable values without attempting to achieve agreement about values with others with other sets of reasons, then the scope for effective engagement with the world is limited., which is why the Earth Charter as a widely *shared* statement is important. I have suggested a fairly sharp contrast between consent and assent, but it is worth adding that there is one consideration that blurs the difference. If, as in the case with the Earth Charter, the consensus

is between people all over the world with diverse cultural backgrounds and also the conditions of dialogue are ones of genuine equality, then a reason for assenting to the product of that dialogue is the fact that such a global ethic escapes the charge, often levelled against global ethics, that it is the product of western cultural imperialism. But that reason is hardly sufficient on its own – which is why the justifying story is needed.

My main focus in this chapter has been on the relationship of the Earth Charter to global ethics in the latter's several senses. But there are a number of other points Mackey raises which I wish to comment on more briefly.

Mackey's suggestion that we think of the Earth Charter as soft law is an intriguing idea, but if we work with it, we need to recognise that there are different degrees or kinds of soft law documents. The UN Universal Declaration of Human Rights (1948) is soft law, but its soft law character can have and has had more normative leverage e.g. in leading to the later UN Covenants (1966), because it was passed by the UN. The Opinion of the World Court in 1996 on the legality of nuclear weapons was a soft law judgement which has been appealed to in legal cases, but it and also other UN pronouncements eventually led to the UN decision in 2017 to ban nuclear weapons. Even if as I hope the UN were to endorse the EC, it would still initially be soft law, albeit with more normative leverage than the Earth Charter has now as a people's charter. Its form would change only if it moved to becoming covenant law. But the imperatives in the latter would be more carefully circumscribed than in the Earth Charter which in its imperative aspects is radical, and is in a sense a document speaking truth to power.

Mackey rightly note that parts of the Earth Charter are directive and thus provide imperatives for action. Part of it are indeed couched in idealist visionary language such that almost anyone of good will, whether in government or business or not, could subscribe to it. But parts of it are not and are much more challenging. In that respect it goes *well beyond* the consensuses of UN documents and indeed most conventional thinking – consider its emphasis on *human* development as opposed to a vision of development premised on the centrality or priority of economic growth, its recognition of the intrinsic value on the non-human world whereas most UN documents and conventional thinking still remains anthropocentric in a fairly unenlightened way, and its approach to the use of force, close to being even if not pacifist, as a far cry from the just war assumptions of most people, certainly most people in power.

But these imperatives, as Mackey notes, also provide an ethical framework for individual action. Mackey implies that anyone accepting the Earth Charter is signing up to a demanding ethic for their own lives. He is surely right, but I want to sound a note of caution. No individual could or should do all in her power on any one of them, let alone all of them taken together. This kind of issue came up at the time when Singer published his influential paper (Singer 1972) on the ethic of aid, encouraging us to accept the principle of doing everything in our power consistent with our other ethical obligations, to prevent very bad things from happening like suffering and death. Whilst, as I have argued, our obligation to help others is powerful (particularly to reduce our dependence on practices that harm others), it is not an overwhelming one, given the point of ethics is to enable people to have the space to lead full lives themselves. This point is not meant as a criticism of Mackey's point but to provide a rider to it. Some moral imperatives are more in the nature of imperfect duties not perfect duties. Some imperatives for instance to do with not lying are indeed pressing on all occasions (perfect duties), but others are about our following the imperative in ways that are consistent with all the other ethical considerations that shape our practical decisions, allowing for some latitude and choice over the time and occasion for following them (imperfect duties).

I agree with Mackey's suggestion that we should have an addendum on the relationship with the Sustainable Development Goals (SDGs) as passed by the UN in 2015. But we have to accept that, partly because it emerged from widespread consultation too and partly because it is a UN-agreed statement, it is a powerful and widely – indeed far more widely – accepted set of goals than the EC, that wear their values on or just under their sleeves. We cannot in all honesty say the Earth Charter *adds* ethical values that are altogether missing from the SDGs, but what we can say is that

they can certainly *amplify* them, and show that the SDGs as a whole reflect an ethical vision which is given a (or even the) full articulation in the Earth Charter. An explicit mapping that shows the overlaps but not total coincidings would be useful and help make the Earth Charter relevant to those who don't see its relevance now.

As Mackey poignantly remarks, the Earth Charter was a product of a more optimistic age in the last two decades of the 20<sup>th</sup> Century, along with an increasing acceptance/emergence of global ethics /world ethics thinking and the idea of global citizenship. All these ideas are clearly under attack from certain quarters in the world. The Earth Charter and global ethics thinking of which it is part may be on the back foot, that does mean they aren't firmly rooted on the ground. Ethical truth and reason are not rendered redundant by shifts in popular thinking. Global Ethics and the Earth Charter as a key part of it remain fully relevant, and engagement with them is even more pressing in these fraught times.

## References

Dower, N., 2003, *Introduction to Global Citizenship, Edinburgh*, Edinburgh University Press.

Dower, N., 2005, 'The nature and scope of global ethics and the relevance of the Earth Charter', *Journal of Global Ethics*, vol. 1, No 1.

Dower, N., 2012, 'The Earth Charter and Global Citizenship: A Way Forward', <http://earthcharter.org/virtual-library2/images/uploads/ENG-Dower.pdf>, 178-179.

Engel, J. R., 2014, 'Summons to a New Axial Age: The Promise, Limits, and Future of the Earth Charter', in L. Westra & M Vilela, *The Earth Charter, Ecological Integrity and Social Movements*, London: Routledge.

Parekh, B., 2005, 'Principles of a Global Ethic; in J. Eade, and D. O'Byrne, eds, *Global Ethics and Civil Society* Ashgate, Aldershot.

Singer, P., 1972, 'Famine, affluence and morality', *Philosophy & Public Affairs* I, 229-243, and, extended, "Rich and poor" in P. Singer, 1979, *Practical Ethics* Cambridge University Press, Cambridge.