

Ethical Basis for a Just Transformation

Bryan Jenkins, Adjunct Professor, University of Adelaide

Ethical Practice in Impact Assessment

In impact assessment for proponent-led actions, there is a tension for practitioners between environmental ethics (the duty of care for and protection of the planet) and professional ethics (the duty to impartially place one's expertise at the service of a client). The IAIA Code of Professional Conduct addresses these tensions with its provisions (in abbreviated form) to:

- conduct activities with honesty and integrity;
- only conduct activities within one's areas of competence;
- promote sustainable and equitable actions;
- comply with all laws, regulations, policies, and guidelines;
- refuse to bias analysis or omit facts;
- disclose conflicts of interest; and
- acknowledge sources of information.

These provisions describe ethical behaviour rather than an ethical philosophy. While not incompatible with just transformations, this is insufficient to provide an ethical basis for them.

Ethics and Professional Identity Perspectives

Chenoweth (2020) distinguished five professional identity perspectives from interviews with environmental practitioners:

- Objective scientist: uses scientific method for measuring or testing hypotheses and focuses on technical quality and truthful reporting; ethical issues are resolved by appropriate standards and regulations.
- Problem solver: finds technical solutions to problems that will improve environmental management but not questioning whether the overall outcome is 'good' for the environment.
- Balance seeker: applies skills to allow solutions to emerge from consultations between development and environmental interests recognising this may involve compromises.
- Environmental advocate: uses professional capabilities to promote 'green' outcomes.
- Practice manager: manages people and resources to meet regulatory requirements and client expectations in a competitive situation.

Again, while not incompatible with just transformations, this is insufficient to provide an ethical basis for just transformations.

Ethical Theories and Philosophies

From the enlightenment, western philosophy focussed on anthropocentric frameworks. The libertarian perspective focuses on individuals, while the utilitarian perspective brings in a greater focus on society. The contractarian perspective considers the social contract between individuals and society, while the humanist perspective addresses practical actions to improve personal and social conditions.

Environmental concerns led to ecocentric frameworks. One is based on scientific ecology ecological principles. A second is the environmental pragmatist perspective focused on actual environmental problems. A third is a deep ecology perspective based on the intrinsic value of nature.

Indigenous ethical approaches do not distinguish between anthropocentric and ecocentric approaches. Rather, humans are seen as an integral part of the natural order. More recently there have been western ethical approaches seeking to integrate anthropocentric and ecocentric frameworks. One is establishing a moral imperative of sustainable development. A second is ecological humanism seeking to address the complexity of social and ecological systems and their interactions.

Anthropocentric Ethical Perspectives

Libertarian Perspective

Libertarianism upholds liberty as a core value. Libertarians seek to maximise autonomy and political freedom as well as minimise the state's encroachment on individual liberties. A key element is that the wealth of nations is achieved by people pursuing their own self-interest through competitive markets (Smith 1776).

This philosophy underpins market-based instruments in environmental management such as trading in water rights. Market-based competition is also reflected in the professional identity perspective of the practice manager.

However, there are significant limitations of the libertarian perspective for environmental management. Many environmental issues are associated with externalities – matters that are not reflected in market transactions, such as pollution from production activities. There are issues associated with environmental carrying capacity where resource users seeking to maximise their own self-interest lead to the carrying capacity of the environment being exceeded causing losses to all users: the “tragedy of the commons” (Hardin 1968).

Liberal philosopher, John Locke (1960 [1689]), added a proviso to liberal thinking on resource management that resources can be “taken from the commons only if there is enough and as good left for others”. This type of thinking led to the introduction of environmental impact assessment as an action forcing mechanism on agencies to identify the effects on the environment due to proposed actions so that those effects could influence decision making (Ortolano 1984). The philosophical basis for impact assessment is reflected in Locke's proviso to the libertarian perspective.

Utilitarian Perspective

The utilitarian philosophy focuses on outcomes. The most ethical choice is one that produces the “greatest happiness for the greatest number” (Brown and Schmidt 2010). The utilitarian concept has been influential in evaluating public works involving natural resources. It underpins benefit-cost analysis that has been used extensively to justify public investment in natural resource management, particularly water resource projects for water supply and flood control.

A concern in applying a utilitarian approach to environmental management is the criteria for “happiness” for calculating utility. The criteria are primarily economic costs and benefits. Quantifying environmental values in economic terms is problematic although there have been creative approaches, such as opportunity costs and contingent valuation (Sinden and Worrell 1979). Also, the utilitarian framework can be used to justify actions where significant economic benefits override environmental costs, or economic benefits to one group can override costs to another group. The

concept of “ecosystem services” provides a means of calculating the benefits to humans provided by the environment (Costanza et al 1997).

Contractarian Perspective

The contractarian perspective is based on a perceived social contract whereby members of society surrender certain freedoms in order to enjoy protections and benefits of communal living. One example is Ostrom’s concept of community self-management for common pool resources (Ostrom 1990). This philosophy is consistent with the balance seeker as a professional identity perspective.

However, there are limitations on the adequacy of voluntary collective action to achieve sustainability outcomes when required actions for individual users impose costs that threaten their livelihood. Examples include the Paris Agreement for Climate Change where emission reduction commitments aren’t sufficient to limit global warming to 2°C (Nordman 2021).

Humanist Perspective

The humanist philosophy focuses on human well-being and advocates for human freedom, autonomy, and progress. It considers humanity is responsible for promoting and developing individuals, espouses equal and inherent dignity of all human beings and emphasises a concern for humans in relation to the world (Blackman 1974). Humanists engage in practical action to improve personal and social conditions (Copson 2015).

Humanist initiatives in environmental management have been in areas such as public access to open spaces and setting aside natural areas for common use (Humanist Heritage 2023).

Ecocentric Ethical Perspectives

Scientific Ecology Perspectives

Brennan (1988) considers the principles of scientific ecology as a possible philosophical basis for environmental management. Protection of endangered species is an example of applying a scientific ecology perspective in environmental practice. This aligns with the objective scientist as a professional identity perspective.

Brennan explores the concepts like competition, carrying capacity, niche, and stability. However, he concludes that because of the complex nature of ecology, it is hard to be sure that the proposed “laws” of ecology ever apply in an explanatory way to any real situation. He concludes that ecological science offers the prospect of decision makers being made of aware of matters relevant to practical decision making and it has the potential for reinterpreting some of the categories that are of fundamental importance in our ethical thinking.

Environmental Pragmatism Perspective

Environmental pragmatism promotes value pluralism, deliberative dialogue, and experimental policies (Light and Katz 1996). It focuses on actual environmental problems (Norton 2010). It bypasses theory-dependent questions on the value of nature, addresses scientific uncertainty through experimental approaches and learning from system response, and manages complexity by considering problems within nested systems.

An example in environmental practice, is adaptive management (Holling 1978). It is consistent with the problem solver professional identity perspective.

Deep Ecology Perspective

In contrast to environmental pragmatism which bypasses the value of nature, the deep ecology perspective emphasises the intrinsic value of nature. Value is not based on the utility of resources or ecosystem services, rather species and ecosystems have the right to exist, and the self-regulating and evolutionary processes within ecosystems need to be retained (Brennan 1988).

The environmental advocate professional identity perspective is compatible with a deep ecology ethical perspective. The deep ecology perspective is consistent with arguments that the environment should have legal rights (Stone 1972).

Integrated Human and Ecological Ethical Perspectives

Indigenous Perspective

The Māori environmental ethic is an example of an indigenous perspective where there is a bond between humans and the rest of the physical world that is immutable and inseparable. Humans are an integral part of the natural order (Roberts et al 1995).

The Māori environmental ethic and associated management practices are for conservation for human use and rahui (temporary prohibitions) were intended to ensure sustainability of resources for this purpose and not because of the intrinsic value of the resource. It is an ethic of sustainable utilisation of the environment primarily for food (Roberts et al 1995).

Indigenous approaches, like Māori culture, are strong on avoidance and prevention of adverse effects as well as prohibitions to allow natural recovery processes. However, many of today's sustainability issues require active intervention. Thus, indigenous ethical approaches would need to be extended to be a basis for a just transformation.

The Moral Imperative of Sustainable Development

Using Kant's categorical imperative as a basis, it has been argued that sustainability can be taken as a categorical imperative and should be a universal law for all (Mulia et al 2018, Chenoweth et al 2022). Kant's categorical imperative includes three fundamental laws: (1) act only to that maxim whereby you can at the same time will that it becomes a universal law (principle of universality); (2) act so that you treat humanity whether in your own person or in the person of every other, never indirectly as a means to an end but always at the same time as an end (principle of humanity), and (3) the ultimate condition of harmony with practical reason is the idea of the will of every rational being as a universally legislating will (principle of autonomy) (Kant 1993 [1785]).

According to the principle of universality, it can be asserted that it is the duty of a moral agent to act that pure air, pure water, and fertile land can be availed and easily accessible to other fellow humans, non-humans, and to future generations. The humanity principle provides a basis for social sustainability. Within Kantian philosophy, humanity, being the most prominent moral and strategically rational species on the planet, has duties to nature not only as the environment affects human moral agency but also in terms of nature's existence as a fundamental end in itself (Gilroy 1998).

This approach to sustainability based on moral reason is a way of unifying anthropocentric and ecocentric ethical views. Kant's categorical imperative can be interpreted as a duty of everyone to act to preserve the planet for future generations consistent with the principles of intergenerational equity (Mulia et al 2018). This can be referred to as the categorical sustainability principle: "act only according to the maxim that your action if adopted universally would sustain human society and all forms of life indefinitely" (Chenoweth et al 2020).

Ecological Humanism

Brennan (1988) has advocated for ecological humanism as a way of bringing together anthropocentric and ecocentric perspectives. Rather than trying to define a universal approach to defining what is right, he considers that it is necessary to consider the context of relevant natural and social systems, and the complexity of species and ecosystems, as well as interactions between humans and nature. He considers that we need to allow for multiple perspectives in making decisions.

He argues intervention in natural systems is an inevitable aspect of the human situation, just as it is for all species. However, that intervention needs to be governed by priority principles. Brennan cites Taylor (1986) as an example the principles that are needed, for example, “minimum wrong” – limiting damage done in pursuit of non-basic interests in cases where this damage involves the basic interests of other organisms; and “distributive justice” – if satisfaction of basic interests requires use of the same limited resources, then these resources should be apportioned fairly.

Analysis as complex social-ecological systems is needed to address the context of decisions. Decisions should involve people affected by those decisions and reflect the diversity of perspectives relevant to the decision. While adaptive management is one possible strategy to address environmental issues, Brennan also considers transformative strategies may also be needed, for example a shift from a market economy to a circular economy to address pollution and waste management strategies.

Conclusions

There can be ethical dilemmas for environmental practitioners in relation to undertaking proponent-led impact assessment. Impact assessment represents the “Lockean proviso” on pursuing self-interest by proponents. There can be a natural tension between proponent self-interest and what is best for the environment. It is unreasonable to expect that impact assessment of proponent-led development will lead to transformative environmental leadership.

In democratic societies with an emphasis on individual liberty, impact assessment is a vital component of environmental management. However, we are seeing different approaches to development and its assessment that reflect integrated human and ecological ethical perspectives.

Two possible ethical approaches were identified that integrate human and ecological values. The categorical sustainability imperative involves a universal principle that every action is considered in a sustainability framework. A potential way of achieving this is aligning development proposals with UN Sustainable Development Goals (United Nations 2015). The EU taxonomy for sustainable activities to guide financial investment is designed to achieve this alignment. This requires a proposal to make a “substantial contribution” to at least one environmental objective and do “no significant harm” to any other environmental objective (Dusik and Bond 2022). Traditional impact assessment can play a role in sustainability assurance on whether the proposal involves significant harm (Jenkins 2022).

Ecological humanism takes a contextual approach reflecting the complexity of nested social-ecological systems. This can be achieved in practice through regional sustainability transition strategies. For transformative approaches, the focus of assessment is on a transition to alternative sustainable future including project closures (not just new developments as in traditional impact assessment). While proponents are key participants, assessments need government coordination.

Furthermore, there needs to be community engagement in decision processes and not just through traditional impact assessment processes (Jenkins 2023).

While traditional impact assessment is an essential component of environmental management in a liberal democracy, for transformative environmental changes, we need to be looking beyond traditional impact assessment approaches for societal transformation to sustainability.

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