UNIVERSITÀ DEGLI STUDI DI MILANO

PhD Dissertation

International and Public Law, Ethics and Economics for Sustainable Development (LEES)

Department of Public and International Law

AUTONOMY AND THE ANTHROPOCENE

Esteban ARCOS

Cycle 35Th

Supervisors: Prof. Lorenzo Sacconi and Prof. Mario Ricciardi

Milan April 2023

CONTENT

ACKNOWLEDGMENTS

INTRODUCTION

Preliminary remarks

It is Emmanuel Kant who, as J. B. Schneewind (2007) has shown, 'invented' the concept of autonomy as the free will [*Wille*] of reasonable beings imposing on themselves the law of their own will as a fact of practical reason. This idea of autonomy, as J. B. Schneewind argues, is more an invention than an explanation. The Kantian idea of autonomy has been the object of several objections. Starting by F. Schiller, passing through G. W. F Hegel and up to Max Scheler and others, Kant's idea of autonomy has been criticised as being too formal, too, abstract, or just a-historical. It is G. W. F. Hegel, however, who, reproducing the Aristotelian gesture, inscribes autonomy in social reality. Hegel's Political Philosophy removed from the Kantian idea of individual autonomy the moral-only characteristic, and introduced the historical formation of social reality in which autonomy is to play a role.

This critical current, which began with F. Schiller and G. W- F. Hegel and goes all the way to Nietzsche, was achieved by 'the philosophical twentieth century', to use Marlène Jouan's (2009) words. Indeed during all the 20th century, different disciplines and branches of philosophy deconstructed all subjectivism in the concept of autonomy. According to M. Jouan (2009), this deconstruction is the product of three critiques put together: psycholinguistic, socio-political and ethical-moral. On the psycholinguistic side, psychoanalysis and the philosophy of language, on the one hand, and the philosophy of mind and action, on the other, have overturned the traditional conception of the subject as an independent and self-controlled centre. Secondly, on the socio-political side, the critique is based on the fact that the subject is embedded in social relations and obligations. Finally, on the moral-ethical side, it is agreed that moral experience is more complex and that it must make room for desires, needs and other practical dispositions. As a result, autonomy was a concept that needed to be rethought.

As we will see later, there are at least two currents of thought (and a third one if we include moral psychology – see for example Jouan 2008) that have largely contributed to rethinking autonomy: Feminist theories, and Frankfurt School' social theory, in particular Axel Honneth's (1996) theory of recognition. What these two currents of thought have in common is that they both try to analyse the social conditions that make autonomy possible. Therefore, both theories represent a shift in the study of the concept of autonomy. The key issue here is to make visible the role of the intersubjective dependencies and interdependencies, and the institutional, or social conditions, that make autonomy *effectively* possible.

The Anthropocene

Etymologically, the word Anthropocene comes from the ancient Greek *anthropos*: 'human being', and *kainos* 'new; the suffix -cene in geology refers to geological epochs. Literally, the Anthropocene means 'the age of man'. The origin of the term can be traced back to 2000 when, during a scientific conference of the International Geosphere-Biosphere Programme (IGBP) in Mexico City, Paul Crutzen, a Dutch chemist who won the Nobel Prize in Chemistry for his work on the destruction of the ozone layer, exclaimed: 'Let's stop. We are no longer in the Holocene, we are in the Anthropocene'. Later, with fellow scientist Eugene Stoermer (2002) they developed the notion in a seminal article: 'Geology of Mankind'.

One of the first contributions of the Anthropocene concept is to move away from the exclusive focus on the climate issue that characterised environmental thinking at the end of the 20th century (e.g. the erosion of global biodiversity) (see Beau and Larrère 2016). Thus, the concept makes it possible to subsume very diverse realities under it, and to describe the contemporary link to nature (Federau 2017:16). As Alexander Federau writes: 'The notion seems to have come at the right time, and it has captured the zeitgeist, with its ambivalence, combining ecological Zeitgeist and transhumanist prometheism. The Anthropocene is capable of expressing a set of intuitions widely shared by those interested in the current state of socio-natural relations and the place of humans on Earth' (Federau 2017: 15).

The Anthropocene can therefore be defined as a new geological epoch marked by the predominant influence of human activities and the end of the climatic conditions that prevailed throughout the Holocene (Federau 2017: 13). The term (when the focus is on the *anthropos*) is used to designate the singularity of the contemporary period, where humanity appears as a real geological force capable of influencing and modifying the trajectory of the Earth's ecosystem, of disrupting most of the planet's major biogeochemical cycles. As Rémy Beau and Cathérine Larrère put it: 'For the first time in the history of the planet, a geological epoch would be defined by the capacity for action of a species: the human species' (Beau and Larrère 2016: 8).

At this point, it is useful to introduce an important distinction by French Anthropologist Philippe Descola (2016): the difference between 'Anthropisation' and 'Anthropocene'. Anthropisation is the way in which societies have developed by modifying the ecosystems with which they have coevolved. It translates the diversity of ways of inhabiting the planet by transforming the earth. The specificity of the Anthropocene, on the other hand, is 'the way in

which these transformations of the world have accelerated [...] and are producing cumulative effects that form a system on a global scale [...] a particular dynamic within which the weight of global systemic effects has become such that they threaten the very possibility for humans to have a grip on the orientation of local or regional trajectories of coevolution with the ecosystems they inhabit' (Beau and Larrère 2016: 13).

That said, there are several ways of understanding the Anthropocene as an encompassing conceptual framework. Indeed, the concept of the Anthropocene has been developed and explored by a variety of disciplines: geology, earth system sciences, geography, social sciences, archaeology and soil anthropology, ecology, international law, philosophy, history. Interest beyond the natural sciences is booming because it represents a 'revolutionary attempt to think about earth processes, life, human action and time together in a totalizing framework' (C. Hamilton et al. 2016: 2). Thus, we cand understand the Anthropocene in three different ways: a) a strict definition, that is, as a new geological epoch. In this respect, the Anthropocene is being formalised in order to integrate it into the geological time scale by identifying the global boundary stratotype section and point (GSSP) or 'golden spike'. This is the point of contact between two layers of sediments outcropping in a specific locality and makes it possible to identify the exact boundary between two geological layers (Magny 2021: 12); b) as conveying change at the level of the Earth System. Here the paradigm of reference is earth system sciences (climatology, geochemistry, oceanography etc.). The Anthropocene means in this case a change in the system. The evidence is not only geological, but also includes other parameters: sea level rise, erosion of biodiversity etc. The notion of planetary boundaries illustrates this approach. Finally, c) the Anthropocene reveal the advent of a radical change in the relationship of humans to their environment. In this perspective, changes in the Earth reflect changes in human societies, so that acting on environmental problems means acting on these societies. Our study therefore requires the last understanding of the Anthropocene.

The problem

If the 20th century blew a mortal blow to the idea of autonomy, the 21st century, as we have seen, with the recent concept of the Anthropocene, seems to toll the last bell for the idea of the rational and autonomous individual. The repercussions of the impact of the Anthropocene on the idea of autonomy touches equally the conditions that make autonomy possible, that is, the social order on which our idea of autonomy and freedom is based. As Hamilton et al. have

eloquently put it: 'the *social-only* [my italics] conceptions of autonomy, agency, freedom and reflexivity that have been modernity's pillars […] are trembling' (Hamilton et al. 2015: 5). Taking this remark seriously means then to recognise that the Anthropocene leads to a crisis of legitimation. As Mikael Carleheden and Nikolaj Schultz write: 'the Anthropocene leads us to a crisis of legitimation, where freedom as a common horizon for modern societies has vanished' (2022: 111). According to these authors, we can explore at least three paths in order to tackle the issue: 1) Continue the Hegelian tradition and focus on ethical attachments and entanglement between human and non-human in order to expand our conception of freedom; 2) replace the ideal of freedom with another legitimising principle: the value of connections between humans and non-humans inside Gaia (Latour 2018); or finally 3) to study 'the brutalisation of geo-social conflicts' (the intensification of social struggles over land and territory). This is the path that Carleheden and Schultz decide to study, even though they recognise the fundamental significance and urgency of elaborating the first two ways (Carleheden & Schultz 2022: 108). My purpose here, especially in chapter 1 and chapter 2, is in fact to provide some reflections that can help to guide us in the exploration of this uncharted territory: thinking a conception of freedom fit for the ecological crisis.

Theoretical Framework

I will follow in this dissertation two general theoretical frameworks from which to conduct my research. The first one is Axel Honneth's (1996) theory of recognition. To be sure, Honneth's theory of recognition, as we will see on chapter 1 and 2, cannot properly address the ecological question. However, I do think that the theory can guide us in developing what will call 'a *philosophy of recognition*' that can include our relationship with nature. In this sense the concept of recognition will constitute a central reference in our attempt at rethinking autonomy. One advantage of this concept is that it has a clear link with autonomy. Indeed, Honneth's theory of recognition is about what he calls "ethical life" [*Sittlichkeit*]. With this notion, he means 'to include the entirety of intersubjective conditions that can be shown to serve as necessary preconditions for individual self-realization' (1996: 173). Since autonomy is defined as the self-realisation of individual identity, the theory of recognition then can serve as theoretical framework. Indeed, I think there are at least two, pragmatic and theoretical, advantages to start our investigation from the theory of recognition. First, the concept of ethical life provides both a normative and critical framework from which to conceive a moral grammar to social conflicts based on experiences of contempt and injustice (Honneth 1994; Renault

2017). This moral grammar, I believe, could be extended to include the experience of nature as it might be lived through situations of environmental and climate injustice (Lejeune and Hess 2020)[1]. Second, because of its *formal* definition, the concept of ethical life, with its three spheres of recognition and practical relations-to-self[2], avoids becoming an interpretation of specific conceptions of the good life (Honneth 1996: 173)[3]. This implies that the content of nature as a further condition of subjectivity (i.e., nature must be part of the answer to what constitutes a successful life) need not be a concrete, distinct, historically determined, interpretation. Yet, it must have sufficient substantive content. Hence, I will argue that what might account for the substantive content of nature as the objective ethical relation of autonomy can be explained with the help of such hypothesis as the biophilia hypothesis, and by relying on methods such as eco-psychology and eco-phenomenology. These methods have as main subject the analysis of our experience of nature. Therefore, they could ultimately provide a substantive, empirical evidence of the importance of nature for the self-realisation of identity. However, it seems to me that any attempt at rethinking the ethical relational conditions of autonomy to include nature based on the theory of recognition must start by rethinking the concept of recognition itself. Consequently, following what I have called instead a 'philosophy of recognition', I will suggest rethinking recognition so we can include nature as an 'objective condition' of ethical life and autonomy.

This is where I turn to the second corpus of theoretical framework: The feminist approach to relational autonomy. What is interesting with this approach is that feminist theorists have put in question the dominant idea of autonomy, that is, the idea that autonomy is fundamentally individualistic and rationalistic. Feminist theorist therefore proceed, from this critique, to reconceptualise the concept of individual autonomy. To this purpose, they introduce de notion of 'relational autonomy'. As Catriona Mackenzie and Natalie Stoljar put it: this term 'does not refer to a single unified conception of autonomy but is rather an umbrella term, designating a range of related perspectives' (p. 4). These perspectives, they add, 'are premised on a shared conviction that persons are socially embedded and that agent's identities are formed within the context of social relationships and shaped by a complex of intersecting social determinants, such as race, class, gender, and ethnicity' (ibid). And they conclude: 'Thus the focus of

---

[1] In this sense, it is a complementary approach to Carleheden and Schultz third path.

[2]

[3] The desired characterizations must, then, be formal or abstract enough not to raise the suspicion of representing merely the deposits of concrete interpretations of the good life; on the other hand, they must also have sufficient substantive content to be of more help than Kantian references to individual autonomy in discovering the conditions for self-realization.

relational approaches is to analyze the implications of the intersubjective and social dimensions of selfhood and identity for conceptions of individual autonomy and moral and political agency' (ibid). The first two essays of this collection of papers are based then on this relational approach to autonomy. At stake is the possibility of considering nature as a constitutive relation of autonomy. However, since this is not a straightforward question, we need to find a methodology that can help to grasp nature constitutive role in fostering, or being a condition of, autonomy.

Remarks on methodology

As a predominantly philosophical investigation, the appropriate research method is, more so than anything else, the *philosophical method*. Method, in a philosophical enquiry, is nothing more than *the set of categories* employed to address the question at hand (e.g. recognition, reification, ecological self, and we could also imagine making *the Anthropocene*, and similar categories such as *thermocene*, *capitalocene*, *phronocene*, philosophical, historiographical, anthropological categories or *philosophema*[4]). In some cases, these categories form a *philosophical system*. Our research project does not intend to form such a system. It does, however, aspire to give a *systematic account* of the subject matter. In a way, our study could be described as aiming at forming a *theoretical design*[5].

There are, for the most part, two *methodological tools* that are constantly applied in a philosophical investigation: the *explanation* [*explication*], and the *commentary* [*commentaire*] or discussion of texts. The distinction corresponds to the difference between understanding "what an author truly said" (explanation) and "what he said that is true" (commentary)[6]. The *objective* of applying these tools is the elucidation of the subject at hand, and the *result* is a new understanding of its nature and the categories employed to address it. In this research I employ both methods.

The above-mentioned methods are general methods of philosophical investigation. I also adopt at some point a more specific methodology: phenomenology which is a philosophical tradition originated with Edmund Husserl. One of the central aspects of phenomenology is that

---

[4] See Christophe Bonneuil & Jean-Baptiste Fressoz, (2013). *L'événement Anthropocène, La Terre, l'histoire et nous,* Paris, Éd. Du Seuil, coll. « Points Histoire », 2016.
[5] This is what some authors would call "grand theory". See A. Bryman, (2012). *Social Research Methods,* Oxford University Press, Fourth Edition, p. 21.
[6] See Dominique Folscheid & Jean-Jacques Wunenburger & Philippe Choulet, (1992). *Méthodologie philosophique*, Paris, Puf, coll. « Quadrige manuels », 2016.

its main concern is describing what is experienced, that is, the 'phenomena'. The phenomena in this case is nature, or the experience of nature. Our research therefore calls on to eco-phenomenology as a way to give a content to the idea that nature can be considered a condition of the self-realisation of the individual identity, in other words, of autonomy. Indeed, eco-phenomenology, as Ted Toadvine puts it: 'emphasizes inquiry into the basic epistemological and ontological assumptions that frame the contemporary relationship with nature as a starting point for reevaluating ethical and political alternatives' (p. 174). Finally, it also needs to be mentioned eco-psychology as a useful method to explore our experience of nature. Eco-psychology emerged in the United States in the 1970s. Its principal aim was to address and respond the ecological degradation in order to challenge the system that produces the erosion of the relationship between humans and nature. Eco-psychology then helps to understand the erosion of this bond and helps to restore it. For our research, eco-psychology mainly provides empirical arguments in favor of the role of nature in fostering the self-realisation of individual identity, that is, of autonomy.

Description of the content

This dissertation is the result of the compilation of two submitted articles to *Environmental Values* and *Environmental Ethics* (chapter 1 and chapter 2) and what I call 'interdisciplinary vignettes'. Chapter 1 and chapter 2 explore two different notions of autonomy: autonomy as self-realisation of the individual identity, and autonomy as self-limitation. Both chapters build on the same theoretical and methodological framework. The third chapter, following the interdisciplinary nature of the programme that allowed this dissertation, addresses some related aspects, such as the idea of justice, from a human rights and law perspective. I will give a short description of each chapter.

First chapter addresses the question raised by the Anthropocene of rethinking the concept of autonomy defined as the self-realisation of individual identity. It explores the 'strong hypothesis' according to which nature is a necessary precondition of our qualitative experience of the world and a constitutive relation of autonomy. With this aim in view, I attempt to rethink the concept of recognition to conceive an *attitude of adequate recognition in the form of love of nature* that can serve as the foundation of an 'ecological ethos' and 'objective' condition of autonomy. This chapter, as I have said, calls on ecopsychology and ecophenomenology to develop the idea of autonomy reconceived as the self-realisation of an *environmental identity*.

Second chapter starts form the degrowth perspective on limits. It raises the question of how ecological limits can be compatible with freedom. It is therefore a contribution to the elucidation of the idea of autonomy as self-limitation. In this chapter, I put forward the hypothesis that if ecological limits are to be compatible with freedom, they need to be recognised. Therefore, from an environmental ethics perspective, and based on the idea of a recognitive attitude of nature, I argue that ecological limits can reveal the volitional nature of the individual and the collective, that is, their autonomy as self-limitation. Self-limitation is the specificity of the virtue of *phronesis.* Rethinking *phronesis* as form of systemic or ecological thinking can therefore help to conceive a principle of action, and a satisfactory environmental ethic, for the Anthropocene epoch.

Third chapter is divided into two subparts or interdisciplinary 'vignettes'. First part is about the idea of justice in the context of climate change. In other words, it is about *climate justice* and justice between *non-overlapping generations* or *intergenerational justice.* It explores the human rights approach as a viable approach for providing strong normative arguments that can explain *what is wrong with climate change.* But this approach needs to be completed with a *theory of intergenerational morality* that considers appropriate attitudes toward the future. This theory, from a consequentialism of rights perspective, is concerned with limiting harms to future people. Finally, the last vignette tackles the question of accountability of corporations. It explores the question of how accountability of multinational corporations can be achieved. One mechanism to achieve this is through due diligence as pillar for the enforcement of human rights obligations. We illustrate this point, in a sustainable development context, by referring to climate change litigation. This vignette then completes nicely, from a law perspective, the reflections put forward in the first vignette on climate justice.

REFERENCES

Beau, Rémi, and Catherine Larrère. *Penser l'anthropocène*. Domaine Développement Durable. Paris: Presses de Sciences Po, 2018.

Bonneuil, Christophe, and Jean-Baptiste Fressoz. *L'événement Anthropocène : La Terre, l'histoire et Nous*. Nouvelle édition révisée et augmentée. Points. Histoire H517. Paris: Editions du Seuil, 2016.

Campbell, Sue. 'Catriona Mackenzie and Natalie Stoljar, Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self. New York, Oxford University Press, 2000'. *Hypatia* 17, no. 2 (2002): 165–68. https://doi.org/10.1017/S0887536700012599.

Carleheden, Mikael, and Nikolaj Schultz. 'The Ideal of Freedom in the Anthropocene: A New Crisis of Legitimation and the Brutalization of Geo-Social Conflicts'. *Thesis Eleven* 170, no. 1 (2022): 99–116. https://doi.org/10.1177/07255136221104293.

Choulet, Philippe, Dominique Folscheid, and Jean-Jacques Wunenburger. *Méthodologie Philosophique*. 3e édition. Quadrige. Manuels. Paris: Presses Universitaires de France, 2013.

Crutzen, Paul J. 'Geology of Mankind'. *Nature (London)* 415, no. 6867 (2002): 23–23. https://doi.org/10.1038/415023a.

Federau, Alexander. *Pour Une Philosophie de l'Anthropocène*. Paris: Presses universitaires de France, 2017.

Hamilton, Clive. *The Anthropocene and the Global Environmental Crisis : Rethinking Modernity in a New Epoch*. Routledge Environmental Humanities. Abingdon, Oxon: Routledge, 2015.

Honneth, Axel. *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. 1st MIT Press ed. Studies in Contemporary German Social Thought. Cambridge, Mass: MIT Press, 1996.

Jouan, M. *Psychologie Morale: Autonomie, Responsabilité et Rationalité Pratique*. Textes Clés de Psychologie Morale. J. Vrin, 2008.

Jouan, Marlène. *Comment Penser l'autonomie : Entre Compétences et Dépendances*. Ethique et Philosophie Morale. Paris: Presses universitaires de France, 2009.

Lejeune, Caroline, and Gérald Hess. 'L'expérience vécue de la nature: un levier pour transformer le politique dans un monde fini'. *VertigO : la revue électronique en sciences de l'environnement* 32 (2020). https://doi.org/10.4000/vertigo.27457.

Magny, Michel. *L'anthropocène*. Que Sais-Je? N° 4209. Sciences. Paris: Presses universitaires de France, 2021.

Renault, Emmanuel. *L'expérience de l'injustice : Essai Sur La Théorie de La Reconnaissance*. Ed. revue et aug. Poche. La Découverte 466. Paris: La Découverte, 2017.

Schneewind, Jerome B. *The Invention of Autonomy : A History of Modern Moral Philosophy*. Cambridge: Cambridge Univ. Press, 2007.

Toadvine, Ted. 'Phenomenology and Environmental Ethics'. In *The Oxford Handbook of Environmental Ethics*, edited by Stephen M. Gardiner and Allen Thompson. Oxford University Press, 2017.

CHAPTER 1

AUTONOMY AS THE SELF-REALISATION OF AN ENVIRONMENTAL IDENTITY

If we acknowledge that in the Anthropocene, 'the *social-only* [my italics] conceptions of autonomy, agency, freedom and reflexivity that have been modernity's pillars […] are trembling' (Hamilton et al. 2015: 5), then clearly the Anthropocene leads us to a crisis of legitimation (Carleheden and Schultz 2022). The question then is: If the autonomy of the individual is indeed the central value for the legitimation of our modern social-historical world[7], what can autonomy in the Anthropocene mean? My hypothesis is this: If autonomy is to be possible in the conditions of the new geological epoch, then nature must be a central aspect of the good and a constitutive relation of individual self-realisation. In other words, I will try to show that autonomy must be reconceived as the self-realisation of an ecological identity. Contemporary theoretical work on the concept of autonomy mainly focuses on elucidating the *conditions* that make autonomy possible[8]. These conditions represent, as Edgar Morin puts it, 'the conceptual infrastructure' of autonomy (2008: 180). The question then is: how to understand the claim that nature is a condition that makes autonomy possible, i.e., that nature can be a *constitutive* relation of autonomy?

I suggest that one way to account for what I will call the 'objective' condition of autonomy is to see if an element *conceptually* linked to autonomy can also help us think of nature as a constitutive aspect of the relational field that makes autonomy possible. I believe the concept of recognition can serve this purpose. However, it is commonly agreed, starting with the author of *the theory of recognition*, Axel Honneth, that there cannot be a recognitive attitude of nature. In the same line, Sociologist and Philosopher Hartmut Rosa states: 'In my view, any attempt to comprehend our relationships, for example, to art, nature, and things along with the needs, desires, and experiences related to them in terms of a theory of recognition comes up short' (2019: 276). My aim is to explore the possibility that we can, in fact, think of our relationship with nature in terms of what we can call a *philosophy* of recognition[9]. Of course, this requires

---

[7] Axel Honneth writes: 'other conceptions of the good are quickly subsumed under the notion of autonomy, to which they ultimately only manage to add new layers' (2014: 15). And he adds: 'Today, at the beginning of twenty-first century, it is nearly impossible to articulate one of these other values of modernity without immediately grasping them as facets of the constitutive idea of individual autonomy' (*ibid.*). See also C. Taylor (1989) and J. Nedelsky (2011: 41-45).

[8] In short, the subjective, in a large sense of the word, intersubjective and social conditions. Or, in Edgar Morin words, 'human autonomy is an inseparable individual/society/species trinity' (2008: 177).

[9] One important dimension of the concept of recognition that I cannot develop here is the idea that recognition contains a *cognitive* aspect, which during the transformation of recognition into mutual recognition, has come to

reformulating the concept of recognition itself, particularly to overcome its anthropocentric-focused definition.

In the first section, I start by laying the base of the conceptual framework of autonomy. I underline the idea that autonomy requires the concept of the subject as the self-realisation of an environmental identity. Then, based on a relational approach to autonomy, I introduce the idea that autonomy can be redefined to include the self-realisation of an ecological ethos, and I make the claim that this ecological ethos is a necessary addition to the concept of ethical life. In the second section, I discuss the concept of recognition and propose a reformulation to conceive of the idea of care and love of nature as a form of adequate recognition. In the third section, I consider the relationship between identity, nature and autonomy. I develop the idea of autonomy redefined as the self-realisation of an environmental identity. In the conclusion, I give an example of an ecological ethos that derives from a recognitive attitude of care and love of nature. Finally, I introduce the notion of ecological self to account for the fundamental participatory mode of being implicit in the recognitive attitude of love of nature at the heart of the endeavour of reconceiving autonomy in the Anthropocene.

THE CONCEPTUAL FRAMEWORK OF AUTONOMY IN THE ANTHROPOCENE: EXPANDING THE CONSTITUTIVE RELATIONS OF AUTONOMY

The subjective condition of autonomy

I will start from the following assumption: the question of the subject is the question of freedom, i.e., the autonomy of the individual. Thus, taking the contemporary idea of autonomy defined as the self-realisation of the individual identity as the starting point[10], and considering the predicaments of the new geological epoch, I suggest formulating the issue as follows: The question of the subject is the question of autonomy redefined as the self-realisation of an environmental identity. At stake is the idea that nature is a necessary precondition for individual self-realisation, that is, of autonomy.

---

be lost to the point that, as we will see, it now constitutes the opposite of recognition. However, I believe that recognition should be defined not only as an attitude that is effective in action (*praxis*), but also as participatory *knowledge* (*theoria*).

[10] Clearly, this contemporary definition of autonomy contrasts with the Kantian 'invention' of autonomy (Schneewind 2007) and specially with the modern (liberal) understanding of autonomy as rooted in the idea of an independent, transparent, rational individual self. Accordingly, I adopt an intersubjective, relational approach to autonomy whose focus is the self-realisation of individual identity and the conditions that make it possible.

To grasp the link I suggest establishing between nature and identity, I will draw on Charles Taylor's (1989) analysis of modern identity. For C. Taylor, the question of identity and the question of the good life 'turn out to be inextricably intertwined themes' (*op. cit.*, p. 3). According to Taylor, meaningful life is imbedded in frameworks-definitions, viz. qualitative distinctions of the incomparably higher ends or goods that define the horizon within which we can take a stand on what is good, valuable, what ought to be done etc. (*op. cit.*, p. 27). Thus, defining our identity is like having to orient oneself within a *moral space*. As C. Taylor puts it: 'it belongs to human agency to exist in a space of questions about strongly valued goods' (*op. cit.*, p. 31). In this space, where 'we cannot do without some orientation to the good' (*op. cit.*, p. 33), qualitative distinctions of the good are 'contestable answers to inescapable questions' (*op. cit.*, p. 41).

Later, we will see how this moral space of questions could be coupled with an ontological and relational space, i.e., an onto-relational space in which (the value of) nature can emerge as an 'answer' to the inescapable question of the good life. Only then will it be possible to see nature not only as a necessary precondition for self-realisation, but also as a constitutive relation of autonomy redefined as the self-realisation of an environmental identity. What matters here is the claim that (the value of) nature must be part of the answer to what it is to live a meaningful life. What is more, it must be part, to use C. Taylor's wording, of the category of 'hypergoods', viz. 'goods which not only are incomparably more important than others but provide the standpoint from which these must be weighed, judged, decided about' (*op. cit.*, p. 63).

To summarise my purpose up to now: If the subjective condition of autonomy requires the concept of the human subject as an agent, i.e., the idea that to be a human agent (selfhood) is inseparable from taking a stand on the question of what a meaningful life (the good) is; and if we further assume that nature is part of the qualitative distinctions that help us to define the good life, then what autonomy requires is the concept of the subject as the self-realisation of an environmental identity. In the broadest sense, this means including in the definition of autonomy the ecological dependencies and interdependencies that constitute the material and spiritual bases of our human condition. At stake is a new understanding of autonomy as self-realisation of an environmental identity, or better yet: as the self-realisation of an 'ecological

self', viz. 'a form of moral subjectivity needed for a non-anthropocentric ethics of care and concern' (Brown 2014: 146)[11].

The intersubjective condition of autonomy

After the modern critique of the classical concept of the human subject, it is safe to assume that the only viable conception of the subject is a 'decentred' (Honneth 2007a) and 'relational self' (Nedelsky 2011). The focus here is on the dependencies and interdependencies that enable individuals to develop their capacities. As Jennifer Nedelsky puts it: 'We are usually dependent on particular others and always dependent on the webs of relations of which we are part.' (*op. cit.*, p. 28). What is important here is that these 'nested' relations consist not only of personal and social structures of relationships, but also of wider 'relational patterns' that include the earth itself as 'both condition and effect of these relationships' (*op. cit.*, p. 20-22).

By the same token, autonomy best makes sense as 'decentred autonomy' (Honneth 2007a) or as 'relational autonomy' (Mackenzie and Stoljar 2000). In both cases, the idea of autonomy conveys the sense that the relations of dependency and interdependency in which the subject is immersed are in fact *constitutive* of autonomy. In other words, the notion of 'relational autonomy' articulates the general idea that individuals are socially embedded and their identity is shaped by a 'complex of intersecting social determinants' (Mackenzie and Stoljar 2000: 4; for Honneth see 2007: 191). More importantly, it shows 'the need to think of autonomy as a characteristic of agents who are emotional, embodied, desiring, creative, and feeling, as well as rational, creatures' (*op. cit.*, p. 21).

Based on this relational approach –the idea that relational autonomy is a characteristic of emotional and embodied agents, i.e., agents with practical dispositions and attitudes–, I claim that autonomy can be reconceived as the self-realisation of an 'ecological ethos', that is, an *attitude* that 'requires that individuals act with an appropriate degree of respect and care for the environment' (Butt 2009: 57). Respect and care, or, as I will argue, love of nature could account for nature as a constitutive relation of autonomy, and as an 'answer' to the question of the good

---

[11] I do not claim that autonomy should be defined uniquely in terms of the self-realisation of an ecological self, or that an ecological self should be the unifying concept of self-identity. I therefore disagree with Charles S. Brown's claim that the ecological self should be understood as the integration of the various layers of the self: the body-self, the narrative or social self, and the reflective self (Brown 2014: 152). I think an environmental identity is like any another 'microidentity' (Varela 1999): a part of 'the pluralities of the human identity' (Sen 2007). Having said that, I use the term 'environmental identity' to refer to the socially constructed identity, and I use the term 'ecological self' to refer to the fundamental mode of participation implicit in the recognitive attitude toward nature on which I suggest rethinking autonomy (*cf.* sec. 0 and the conclusion).

life. Moreover, I think the realisation of an 'ecological ethos' is conceptually linked to a form of environmental virtue ethics. Indeed, environmental virtue ethics is about how things (i.e., nature) matter, and this, as Ronald Sandler (2017) points out, is explicated through the virtues, i.e., *inter alia*, through respect, care and love. This virtues language, as we will see later, has the advantage of allowing us to grasp the systemic nature of the relational self, that is, the fact that: 'Relational selves shape and are shaped by all interactions.' (Nedelsky 2011: 31). Therefore, because virtues are self-producing, i.e., can be cultivated, the idea of an ecological ethos as a constitutive relation of autonomy implies that autonomy has not only a *reflecting* but also a *systemic* component[12].

Toward an objective condition of autonomy

From the perspective of the relational approach, nature is another level of relationships constitutive of autonomy. The task now is to find an element conceptually linked to autonomy that can also account for nature as part of the relational field that makes autonomy possible. I suggest the concept of recognition can serve this purpose. In this sense, Axel Honneth's (1995) theory of recognition could provide a theoretical framework that can serve here to develop the rudiments of a *philosophy of recognition* that can include, and account for, our relationship with nature. Indeed, the concept of 'ethical life' [*Sittlichkeit*], with its three spheres of recognition and practical relations-to-self[13], is 'meant to include the entirety of intersubjective conditions that can be shown to serve as necessary preconditions for individual self-realisation' (*op. cit.*, p. 173). My suggestion is that the notion of 'ecological ethos' is a necessary addition to the concept of 'ethical life'. At issue is the idea that nature is a precondition for individual self-realisation. Moreover, the theoretical advantage of the concept is that, because of its *formal* definition, we do not need the interpretation of a specific conception of the good life (Honneth 1995: 173). On the one hand, this tells us that the content of nature in our hypothesis (nature must be part of the answer to what constitutes a meaningful life for all) need not be based on a distinct, historically determined conception of nature (leavening it open to different

---

[12] *Reflecting*: the fact that we have the capacity to 'have thoughts, desires, and attitudes that are *about* our own attitudes, desires, and thoughts' (Frankfurt 2004: 17 [Author's italics]). *Systemic* = rotative causality: 'In other words, the constitution of a self-organized system produces new properties which will give it its autonomy, its autonomy produces qualities, and at the same time it is these qualities which give it its autonomy' (Morin 2008: 177). Applied to the case treated here: if we say that (relational) autonomy is a characteristic of embodied agents, and that an ecological ethos is a disposition of the autonomous agent (by hypothesis), then, thus defined, autonomy is akin to an activity that self-produces the conditions that make the emergence of an ecological ethos possible. This is what I mean by 'systemic component' of autonomy. See also *infra* sec. 0.

[13] These are: love and self-confidence; rights and self-respect; solidarity and self-esteem (Honneth 1995).

sociocultural determinations). On the other hand, it also tells us that the content of nature must be sufficiently substantive (thus avoiding complete indetermination). In the final section, I will provide some clues that could help identify the substantive content of nature or 'objective' condition of ethical life, subjectivity and autonomy.

RECONCEIVING RECOGNITION: LOVE OF NATURE AS A FORM OF ADEQUATE RECOGNITION

If, as Honneth argues, 'the original mode of recognition consists in […] the affirmation of positive qualities of human subjects or groups' (2007b: 329), then it is obvious that all non-human entities are excluded as 'objects' of recognition from the outset. Here mutuality, 'two-way recognition', is indeed the only explanatory and normative principle of the concept of recognition (Laitinen 2010). The affirmation of nature based on a recognitive attitude therefore requires that we rethink the concept of recognition beyond its too narrow anthropocentric-focused definition. However, I posit that the reformulated concept must retain two basic premises from the original definition: recognition a) is an *attitude* [*Haltung*] *rendered effective in action*; and b) *an expression of an independent motivation* (Honneth 2007b: 329-330). I will come back to these two points in the following sections.

Moving beyond the affirmation of positive qualities of the individual definition of recognition, in his 2008 book *Reification and Recognition*, Honneth develops a more socio-ontological conception of recognition that differs significantly from the original definition. Here recognition is 'a kind of antecedent interaction that bears the characteristic features of existential care' (*op. cit.*, p. 41). Honneth's idea is that recognition is genetically and conceptually primary to cognition (*op. cit.*, p. 40 and 52). In other words, for Honneth, because recognition requires a form of attachment, it is prior to grasping the world based on purely epistemic concepts[14]. Indeed, 'antecedent recognition', as he calls it, 'always and necessarily contains an element of involuntary openness, devotedness, or love' (*op. cit.*, p. 45). For this reason, recognition represents a form of elementary intersubjective interaction, an activity that does not yet entail the perception of the specific value of the individual; it lies, Honneth writes, "below the threshold at which that particular form of mutual recognition takes place in which the other person's specific characteristics are affirmed' (*op. cit.*, p. 51).

---

[14] He writes: 'our actions do not primarily have the character of an affectively neutral, cognitive stance toward the world, but rather that of an affirmative, existentially colored style of caring comportment' (*op. cit*., p. 38).

Because of the primacy of recognition over our cognitive grasp of the world, the concept of antecedent recognition seems, at first sight, suited to our purpose. After all, the authors Honneth refers to at the start of his study: Lukács, Heidegger and Dewey, were all convinced that engaged praxis, care, and interaction take priority over the disinterested contemplation of nature (*op. cit.*, p. 60). However, contrary to the intuitions developed by these authors, Honneth reaches the opposite conclusion: Recognition is not a necessary precondition of our cognition of nature as it is for our relations to other persons (*op. cit.*, p. 63-64). The reason is that the developmental psychology and social theories on which he bases his reasoning are all limited to the interpersonal world (*op. cit.*, p. 60).

Regarding nature, recognition means only 'respecting those aspects of meaning in an object that human beings accord that object.' (*op. cit.*, p. 63). Consequently, nature can *get* recognition only in an *indirect* way[15]. In other words, only 'existential values' can *get* recognition, viz. affective and esthetical values that we accord to nature because of its esthetical properties or spiritual, symbolic and cultural significations (Hess 2013: 72-73; see also Sandler 2007: 55). Therefore, it is in *giving* recognition to other people's subjective feelings, and to the meanings and values that their attitude confers to nonhuman *singular* objects, that we can, in a derivative sense of the term, speak of *giving* recognition to nature.

However, this account does not satisfy our hypothesis according to which nature *is* a precondition and a constitutive relation of autonomy. Indeed, the hypothesis implies that nature can *be* recognised, that it can be the object of a (direct) attitude of recognition. Therefore, it is not hard to see that Honneth's concept of antecedent recognition, at least with regard to nature, is ultimately rooted in the mutual recognition paradigm. Again, what our hypothesis requires is that we move beyond this anthropocentric model; in other words, that we accept 'the strong hypothesis' according to which nature *is* indeed a necessary precondition for our qualitative experience of the world[16]. One way to demonstrate this is to follow Honneth's method and to show that, conceptually and genetically, *nature can be recognised*, viz. that it can be the object of an attitude or 'stance' of (adequate) recognition. Only then can we proceed to show that

---

[15] Here I apply A. Laitinen's 'two-part' approach: 'an unrestricted normativist account concerning *recognizing and being* recognized, and a more restricted account concerning *giving and getting recognition*' (2010: 330 [Author's italics]). The latter approach corresponds to the mutual recognition paradigm. I will come back to this point shortly.

[16] Honneth writes: 'Only when it could be claimed here as well that recognition enjoys a categorial priority over cognition could he prove in the end that in treating nature instrumentally, we violate a necessary precondition of our social practices. I don't see how one could carry off such a proof today.' (2008: 61).

nature constitutes a necessary precondition for individual self-realisation, and from there, reconceive autonomy as the self-realisation of an environmental identity and ecological self.

Conceptual arguments for a recognitive attitude of nature

To provide categorial proof of the thesis according to which nature *can* be the object of an attitude of recognition, I will draw on Arto Laitinen's (2010) insightful essay on the scope of recognition. Laitinen proposes a two-part approach to elucidate the scope of recognition based on two insights: 'the mutuality-insight' and 'the adequate regard-insight'. These two insights lead to, respectively, a restricted and unrestricted view of recognition.

'Mutuality-insight' corresponds to the mutual recognition paradigm of the theory of recognition to which I referred above and is best captured by the statement 'only recognizers can be recognized' (art. cit., p. 320). However, the restrictive view, as we saw with Honneth's concept of 'antecedent recognition', from the outset rules out nature as a possible 'object' of recognition. Consequently, the conceptual possibility of recognising nature ultimately depends on the unrestricted view: the 'adequate regard-insight' which Laitinen defines as an appropriate response to the normatively or evaluative significant features of the other (art. cit., p. 323-5). Adequate recognition, therefore, is about *responsiveness* to the normative relevant features of the other. As Laitinen puts it: recognis*ing* 'is a matter of *any* normatively called for, or required, responses, based on *any* normatively relevant features, had by *any* beings' (art. cit., p. 326 [author's italics]).

From this argument it follows: First, that the adequate recognition-insight overcomes, although it does not rule out, mutuality as the explanatory and normative principle of recognition (Laitinen 2010: 328 *sq.*). Second, it is now conceptually possible to think of nature, as a bearer of normatively relevant features, as an 'object' of recognition. Finally, because there is a plurality of entities that can be the 'object' of an attitude of recognition, based on a variety of normatively relevant features, things (as appropriate to the context), matter in different ways (Sandler 2017: 231). This is because there is a diversity of kinds of responses or equally reasons to respond (Laitinen 2010: 323-4 and *infra* section 3).

At this point, a parallel can be drawn with the way environmental virtue ethics frame our relationship with nature. Indeed, given the diversity of natural entities and normatively relevant features, how things matter is, like in the adequate recognition-insight, fundamentally

pluralistic[17]. As Sandler puts it: 'It [how things matter E.A.] is articulated through substantive specifications of the domain and dispositions constitutive of a wide variety of virtues…' (2017: 229). I remarked above that among these virtues we can count care, respect and love of nature. Thus, if recognition consists in an appropriate response to the normatively relevant features of nature[18], then, as an environmentally responsive virtue (see Sandler 2007 chap. 2 in particular p. 42-3), the substantive specification of an adequate recognitive attitude of nature can be expressed in terms of love of nature (see *infra* conclusion).

The scope of love as a form of recognition

The idea that there can be an attitude of love of nature *as a form of recognition* is not straightforward. The question is analogue to the question regarding the scope of recognition: Which things, and under which conditions, can be said to be the object of love as a form of *recognition*? This time, however, the question concerns the specific response, i.e., *love*, that counts as an adequate attitude of recognition. As Heikki Ikäheimo (2012: 20) points out, the question is crucial for the viability of the notion of solidarity beyond the circle of primary relationships (see also Honneth 1995: 107); and, in our case, for the idea of a form of solidarity with nature (*infra* section 3).

For Ikäheimo, however, love as a recognitive attitude is *essentially* of an *interpersonal* nature (2012: 17-19). It supposes, he argues, '*valuing from the perspective of the object*', i.e., 'taking the object as a being with a perspective' which is another way of saying as a *person* (art. cit., p. 18 [author's italics]). This, Ikäheimo observes, is quite different from the act of simply *valuing* the object, which does not involve taking the object as a person (*ibid.*). If this is so, then, contrary to our hypothesis, love of nature as a form of recognition is simply inconceivable.

To avoid this difficulty, we could usefully apply Laitinen's 'two-part' approach. In this light, Ikäheimo's personifying interpretation of love as a form of recognition looks like another version of the 'mutuality-insight' where 'there always needs to be two-way recognition for

---

[17] As Laitinen remarks, recognition is not only a matter of attitudes: 'It can be a matter of acting, emoting, expressing the attitudes or emotions, a matter of statuses, relations, etc.' (2010: 335). And further on, he writes: 'Variations in the features in question lead to different varieties of recognition' (art. cit., p. 337); 'What unites these is that they are responses that are called for, or required, by normatively significant features, and that it is meaningful to expect such responses, and that lack of such responses may rightly be experienced as lack of recognition' (art. cit., p. 338).

[18] Does this not suppose in some way the primacy of cognition which we said however, following Honneth, that it presupposes recognition? As we will see, an ontogenetical account of recognition as a form of love can help us avoid this apparent contradiction.

even one-way recognition to take place' (Laitinen 2010: 319). But if, as we saw, recognition *is* indeed responding adequately to the normatively relevant features of the object, *any* object, then only an *unrestricted* account of love can help us develop the idea of love of nature as a form of adequate recognition. This, however, requires that we think of recognition not so much as, or not only as, a (cognitive) attitude, but rather as a *relational emotion*[19].

Ontogenetical arguments for a recognitive attitude of nature

I will start from the following intuition put forward by Harry G. Frankfurt (2004: 17) that love 'may be peculiar to the members of our species'. To give a more substantive basis to this intuition, I refer to Chilian Biologist Humberto Maturana's thesis that love is the basic emotion constitutive of our bodyhood and manner of living (Maturana and Verden-Zöller 2008). According to Maturana, we human beings are the present form of a lineage with neotenic characteristics, i.e., a lineage defined and constituted by the conservation and progressive expansion into adulthood of a way of living in which the basic emotion is love, as in 'the mother/child relation of mutual body acceptance, nearness, and mutual care in playfulness and total trust' (*op. cit.*, p. 67). Hence, to reconfigure the concept of recognition to conceive a recognitive attitude toward nature in the form of love as a form of adequate recognition, I will build on the ontogenetical claim that love is the basic emotion of our body- (and social!) self. Indeed, through a 'dialectical' argument, as it were, I will presently show that the concept of love captures the basic quality of the concept of recognition while at the same time overcoming its anthropocentric limitations.

Building on Maturana's biology of love, the German psychologist Gerda Verden-Zöller (in: Maturana and Verden-Zöller 1993) has shown that love and intimacy play a fundamental role in the child's social and individual self-development. This is reminiscent of Honneth's analysis of the basic relation of self-confidence based on love defined as 'a symbiosis refracted by mutual individuation' (Honneth 1995: 107)[20]. Both concepts of love and recognition therefore share the same developmental roots. The difference, I think, lies in the corporeal dimension of love in specifying the attitude and, as we will see, the relational space of interaction. However, it must be said that since *The Struggle for Recognition* (1995), Honneth has increasingly taken into consideration what he calls otherwise 'the materiality of

---

[19] See n. 1717
[20] Love, in other words, is the 'cognitive' acceptance of the other's independence supported by an affective relation of shared concern: 'Thus, in speaking of recognition as a constitutive element of love, what is meant is an affirmation of independence that is guided –indeed, supported– by care' (Honneth 1995: 107).

recognition', viz. the fact that 'intersubjectivity emerges genetically from pre-linguistic forms and configurations of social communication strongly linked to the body' (Honneth 2001: 164)[21]. This approach culminates in his 2008 book where, as we have seen, the concept of antecedent recognition is developed with a strong focus on the emotional, quasi-existential, pre-categorial form of intersubjective interaction. But Honneth's symbiotic definition of love and of antecedent recognition as a feeling of emotional attachment to a second person's perspective (Honneth 2008: 41-46), both belong, as I have argued, to the 'mutuality-insight' despite the elementary, primary essence of the latter. This is not, I believe, the case with Maturana's definition of love:

> love is the domain of those relational behaviours through which another arises as a legitimate other in co-existence with oneself (Maturana and Verden-Zöller 2008: 55).

Unlike Honneth's definition, which describes only the (intersubjective) relation, Maturana's definition captures the relation *and* the subject, viz. the relational and body-self. In other words, we see here that love, as a relational emotion, is a subjective (biological) albeit relational characteristic of the (embodied) agent[22]. Hence the fact that quite paradoxically, at least from the point of view of the 'mutuality-insight', love is as a matter of fact 'intrinsically unidirectional' (Maturana and Verden-Zöller 2008: 55)[23]. As Maturana puts it: 'the loved one arises as a legitimate other through the behaviour of the lover without necessarily being an active participant in a loving or any other relation with the lover' (*ibid.*). Moreover, because emotions constitute dispositions for actions (*op. cit.*, p. 54-55), the idea of love (of nature) as a form of adequate recognition can be perfectly understood as an *attitude rendered effective in action.*

This *unrestricted* account of love has further implications: First, the loved one, the object, the other, *is* recognised ('arises as a legitimate other') without necessarily being a recogniser ('an active participant'). Therefore, if the other need not be a recogniser, a person, *any* other can be an object of experience (e.g., nature). Second, if love is intrinsically unidirectional, then its relational quality can only be understood in terms of an invitation to coexist. Third,

---

[21] For the most part, I have used the English version of all references when I was able to find them. For the few references in French, like here, and in Spanish, the translations are all mine.

[22] I certainly don't think this definition contradicts Honneth's definition of love and recognition. I believe the two definitions are compatible. They capture different aspects of the same thing. I am tempted to say that one could almost speak of recognition and love (in Maturana's sense) as interchangeable terms.

[23] Compare to Frankfurt's (2004: 66) statement: 'It may seem, then, that the way in which the necessities of reason and of love liberate us by freeing us from ourselves.'

mutuality is a 'by-product' and not necessarily the explanatory and normative principle of recognition. Used in an environmental context, the idea of love of nature as a form of adequate recognition means: The recognition of nature's otherness, viz. its exteriority, radical alterity and autonomy (Maris 2018: 201-212)[24]. Moreover, recognising nature's autonomy transforms it into a 'partner' in a 'dialectical', as opposed to a 'dichotomous' (nature-culture), relationship within the relational domain of coexistence brought about by the emotional dynamic of the lover/recogniser, i.e., in Virginie Maris' words, 'a space for exchange, dialogue [E.A. and] reflexivity' (*op. cit.*, p. 201)[25].

AUTONOMY AS THE SELF-REALISATION OF AN ENVIRONMENTAL IDENTITY

If my reformulation of recognition is convincing, then the path opens to think of nature: a. as an ethical relation; b. as a normative source; and c. as a constitutive relation of autonomy redefined as the self-realisation of an environmental identity.

Nature as an ethical relation

One way to show that nature is an ethical relation is to come back to the observation that the question of identity is analogue to specifying a moral space in which we orient ourselves, and frameworks-definitions of the good are answers to the question of what meaningful life is. I stated that for nature to be considered as a source of qualitative distinctions of the good, we needed to see how, in the first place, the natural world can be considered a legitimate part of this space. As we will see presently, the concept of recognition as I redefined it above in terms of love can help grasp this point.

According to Maturana, emotions create the *space* in which they exist and are conserved (Maturana and Verden-Zöller 2008: 56). Like virtues, emotions are systemically self-produced. Aristotle famously wrote: 'For the things we have to learn before we can do them, we learn by doing them […] so too we become just by doing just acts […]' (*NE* II 1 1103a). In a similar way, emotions are realised in themselves –e.g., love is realised in loving (Maturana and Verden-Zöller 2008: 55). Therefore, recognition or love of nature, because of its virtue-like

---

[24] That is: a moral and *sovereign* entity (Maris 2018: 207-212), 'free from external control' (Jamieson 2018: 488 *sq.*).
[25] 'For to "work together [*faire avec*]" with nature, one must know one's partner, and in order to know it, one must give it a chance to exist in his own way, without hindrance' (Maris 2018: 235).

quality, can be cultivated as an ecological ethos[26], and, ultimately, as a systemic component of the permanent 'rotative recursivity', as E. Morin puts it, that defines autonomy (see *supra* note 12).

Emotions then create a *relational space* that constitutes a *way of living*. As Maturana puts it: 'The interaction space or medium in which a living system exists arises together with the living system in its distinction by the observer as the domain of existence that contains it.' (*op. cit.*, p. 41). Or, in phenomenological terms: 'place is the composite of the relations between affective bodies' (Bannon 2013: 270). My suggestion is that if we couple this onto-relational space with Taylor's 'moral space'[27], we can conceive the idea of nature not only as an 'answer' to the question of the good life, but also as an *ethical relationship*. A return to back into the world in wich ethcis translates into our ability to relate to nature via attention and love (aaltola p. 194 Indeed, one consequence of this argument is a new understanding of individualisation (identity) as differentiation within continuity. As Bryan E. Bannon puts it: 'individuals are defined by the nature of the relations into which they enter' (2013: 270). Hence, the onto-relational and moral space is a space of continuity where, by means of the emotional dynamics of recognition/love, interaction and partnership define a mode of living, viz., in Val Plumwood's words, an ethics of 'multiparty, mutualistic ethical relationships' (2002: 202). The concept of 'solidarity', as understood by V. Plumwood, centred on 'the logic of the One and the Other' (*ibid.*), perfectly illustrates this point. Indeed, for Plumwood, 'solidarity', aimed at recognising 'the Othering of nature', is about the 'affirmation of both continuity and difference between humans and nature, […]' (*op. cit.*, p. 201).

Finally, the reconfiguration of the ethical space that I propose here, where the natural world now appears as our 'kin, "our relations"' (Turner and Mathews 2020: 4), likewise calls for the reconfiguration, in line with an *asymmetrical*, unrestricted account of love, of recognition's *reciprocity* characteristic into a form of *nonreciprocal sharing*, viz. the responsibility 'to "give back" to our non-human relations' (*op. cit.*, p. 5). As Robin Wall Kimmerer puts it: 'Gifts from the earth or from each other establish a particular relationship, an obligation of sorts to give, to

---

[26] Cheryl Hall writes: 'Cultivating love for the web of life means cultivating a cognitive-emotional understanding and appreciation of its distinctive value, nurturing the attitude that it is deserving of support, and developing an abiding commitment to actively support its well-being' (2019: 222).

[27] Note that the attractive/repulsive (i.e., emotional) character of our relationship with the world is at the heart of Taylor's qualitative distinction of the good concept (see Rosa 2019).

receive, and to reciprocate' (2013/2020: 25)[28]. This particular relationship is reciprocity as nonreciprocal sharing, viz. *gratitude* toward nature (Wood 2020)[29].

Nature as a normative source for autonomy

I will use Harry G. Frankfurt's concept of love to elucidate the claim that nature can be a normative source of autonomy, or that nature, in C. Taylor's words, can be a 'hypergood'[30]. According to Frankfurt, 'love is a species of caring about things, and its possible objects include whatever we may care about in certain ways.' (1999: 129). For Frankfurt, like for Maturana, caring is a basic structure of our human condition; an indispensably foundational activity that provides ourselves with 'volitional continuity', and in that way 'constitute and participate in our own agency' (Frankfurt 2004: 17). Love, Frankfurt argues, helps us identify the answer to the question of how to live by identifying the things that a person cares about (*op. cit.*, p. 23). In other words, because 'love moves us', i.e., configures our will by specifying the things we care about, our individual identities are fully expressed and defined (*op. cit.*, p. 50). As Frankfurt puts it: 'Love makes it possible, in other words, for us to engage wholeheartedly in activity that is meaningful.' (*op. cit.*, p. 90).

Since the nature of love is volitional (Frankfurt 1999: 129), a person 'acts autonomously only when his [/her] volitions derive from the essential character of his [/her] will' (*op. cit.*, p. 132). And we saw that a person's identity is defined by what he/she loves. Thus, if nature can be an object of love, and I argue that this can be the case, then not only nature can be a defining aspect of our identity, but also it can have normative claims upon us since 'Love is itself, for the lover, a source of reasons' (Frankfurt 2004: 37)[31] in the same way that adequate recognition, as a 'response model', is a source of reasons to respond to the variety of normatively relevant features of the object (Laitinen 2010: 323-32). The fact that love makes it possible for us to engage in activity that is meaningful explains that the idea of love of nature as a form of

---

[28] –'All flourishing is mutual', writes Robin Wall Kimmerer, 'Soil, fungus, tree, squirrel, boy –all are the beneficiaries of reciprocity' (2013/2020: 20)

[29] '[A]s an environmental virtue', Nathan Wood writes, 'gratitude is an attitude in which we actively will the environment to be what it is out of a sense of respect for its non-instrumental value, not merely because it benefits us in some way … [It is] being grateful when we do not receive any specific benefit or in cases where there is no specific agent that intends to directly benefit us'. (2020: 489). Note that *recognition as gratitude* is one of the meanings of the French word *reconnaissance* [recognition] (see Ricœur 2004).

[30] Hypergoods relate to our being moved by them (Taylor 1989: 73). Hypergoods, therefore, represent motivations for action.

[31] Frankfurt writes: 'Loving someone or something essentially *means* or *consists in*, among other things, taking its interests as reasons for acting to serve those interests.' (2004: 37 [Author's italics]).

adequate recognition can therefore be understood as an *expression of an independent motivation*, viz. an expression of our volitional nature or autonomy.

Autonomy as the self-realisation of an environmental identity

I introduce the notion of environmental identity to capture the idea that nature is both a necessary precondition of our qualitative experience of the world and a constitutive relation of autonomy. An 'environmental identity' is like any other collective identity (i.e., a *social construction* and a *motivating force*) with the particularity that it is also the product of interaction with nature (Clayton 2003: 45-46). As Susan Clayton puts it: 'an environmental identity is one part of the way in which people form their self-concept: a sense of connection to some part of the nonhuman natural environment, based on […] emotional attachment' (*op. cit.*, p. 45). Looking into this interaction with nature, into the 'experience of nature' defined as 'the participative knowledge of a relational and embodied subject' (Hess 2018: 106), could help, I believe, elucidate autonomy's 'objective' condition. In this regard, ecopsychology and ecophenomenology are the most suitable for the clarification of the developmental, epistemological and ontological assumptions (see Toadvine 2017 and *infra* conclusion) of what I have called the 'objective' condition of ethical life (autonomy).

Ecopsychological research, based on the biophilia hypothesis –the hypothesis according to which we have an innate affection, or inherent tendency to affiliate with nature (Kellert and Wilson 1993)– has shown that experiencing nature is indeed a source of self-definition (Clayton 2003: 49-51). Regarding the developmental roots of our relationship with nature, Stephen R. Kellert showed that symbolic, indirect and especially direct experience of nature plays a significant, 'perhaps irreplaceable', role in the child's affective, cognitive and evaluative development (2002: 139). And Peter H. Kahn Jr.'s (2002) empirical research on children's affiliation with nature provides further evidence for the structural and developmental role of nature in children's environmental reasoning. All this research points to the constitutive relation of nature in fostering the self-realisation of individual identity.

We can therefore assume that empirical proof exists in favour of the 'strong hypothesis' according to which nature *is* a necessary precondition of our qualitative experience of the world. Hence, unlike in Honneth's conclusion, recognition does seem to be a necessary precondition of our cognition of nature like it does for our interpersonal relations. To quote Peter Verbeek and Frans B. M. de Waal: 'As such, the ability to recognize living things may

be an ancient (in evolutionary terms) component part of biophilia.' (2002: 4)[32]. It is not exaggerated to assume that implicit in the biophilia hypothesis, because it posits an emotional attachment to the natural environment that might be 'rooted in our evolutionary past' (Verbeek and de Waal 2000), we can find Maturana's biology of love thesis on which I have based my reformulation of recognition and the hypothesis of an 'objective' precondition of ethical life. If this assumption is sound, we could then imagine using an extension of the concept of 'social pathology', viz. a social relation or development that undermines self-realisation (Honneth 2007c), to describe, based on an 'objective' condition of autonomy (i.e., the self-realisation of an environmental identity), a 'pathological' relation to nature undermining self-realisation in the form of phenomena such as solastalgia, eco-anxiety and environmental generational amnesia[33].

CONCLUSION: TOWARD AUTONOMY AS THE SELF-REALISATION OF AN ECOLOGICAL SELF

I would like to illustrate my purpose in this article with an evocative example of the kind of ecological ethos that derives from what I called a recognitive attitude of love of nature. In her book *Ecofeminist Philosophy* (2000), Karen J. Warren tells the story of her experience of swimming with wild bottlenose dolphins. Her wish was to experience the joy of swimming with the dolphins. But after many unsuccessful tries, she only could swim with the dolphins when her self-interested motivation (her own personal enjoyment) became an attitude that I can only describe as an attitude of *responsiveness* and / or *openness* to the particular situation she was experiencing at the time, and that culminated in an 'invitation' to coexist[34]:

> Although I could not see the dolphins in the murky ocean water, I closed my eyes and began speaking quietly to them, telling them that I would be grateful if they would permit me to swim with them, to join their community for a while […] Before I knew what was happening, several adult dolphins came and 'took me' to their pod (Warren 2000: 120).

---

[32] Note that here it is rather the cognitive dimension of recognition that is emphasised. See n. 9.

[33] Solastalgia: 'It is the existential and lived experience of negative environmental change, manifest as an attack on one's sense of place' (Albrecht 2019: 38). Eco-anxiety: 'Eco-anxiety would be a form of solastalgia felt by the loss of the global earth environment.' (Schmerber 2021: 61). Regarding environmental generational amnesia, Kahn writes: 'People may take the natural environment they encounter during childhood as the norm against which to measure environmental degradation later in their life. The crux here is that with each ensuing generation, the amount of environmental degradation increases, but each generation takes that amount as the norm, as the nondegraded condition' (1999: 7). If we assume that environmental general amnesia is a form of 'adapted preferences', then it is not difficult to see how this could undermine autonomy.

[34] We can find a similar description of an 'intimate' relation with nature in Kaisa Puhakka (2014: 24).

What is important to grasp here is what Warren calls 'the ability to care about earth others, and to care about them as earth others' (*op. cit.*, p. 121)[35]. This ability that I take to be the recognitive attitude of love entails a decentring of the self (in this case from the self-interested self) to allow for the emergence, in C. Brown's words (2014), of an 'ecological self-in-relation'[36]. In fact, this ecological self represents another level beyond the socially constructed environmental identity[37]. What is at stake here, in phenomenological terms, is the mode of being of participation that, I believe, is implied in the recognitive attitude of love of nature, and that we can define, following Christophe Gilliand, as 'a sensory awareness of what is taking place in a world we share with other beings and which always surpasses us' (2021: 734)[38]. The phenomenological method can thus help us grasp the link –assuming that autonomy 'is a mode of interacting with others' (Nedelsky 2011: 55)– between the subjective experience of autonomy (*op. cit.*, p. 133) and a first-person experience of nature in the form of what we can call a *feeling of inclusion* that we can tentatively define as 'a framework of seeing the world as a network of differences in which the identities of things are constructed through their interrelationships with other things' (Brown 2014: 152)[39].

Phenomenology can also help elucidate the enigma posed by the *singularity* of the object of love. Indeed, the significance of the object of love is 'ineluctably particular' (Frankfurt 2004: 44). In the case of nature: 'loving nature involves a relation to […] its "unutterable particularity"' (Jamieson 2018: 492-5). To quote Rick Anthony Furtak commenting on H. D. Thoreau's attachment to Concord as 'the most estimable place in all the world': 'the ability to appreciate and be moved by the best qualities of a place requires a loving awareness of this place in its particularity' (2019: 205). Therefore, if 'it is a necessary feature of love that it is not under our direct and immediate voluntary control' (Frankfurt 2004: 44), then how do we come to love the things that we care about?

From the perspective of relational ontology, we can say that we love the things that we love because they belong to the 'eventual' nature of the world. As C. Gilliand argues, building on a rich phenomenological tradition, 'relational values' –meaningful relations between humans

---

[35] Just before she observed: 'Because if we don't care about you [the dolphins], there is no moral motivation for us to ponder whether rights, duty, God's commands, or developing a virtuous character are the best avenues to pursue to secure your preservation' (*ibid.*). And Cheryl Hall writes: 'human societies cannot be green unless at least some of their members genuinely care about the web of life on Earth' (2019: 215).

[36] See also Elisa Aaltola .

[37] I thank Prof. Gérald Hess for pointing this out to me.

[38] K. Puhakka calls it 'participation in Silence' (2014: 24); and the ecological self, she calls it 'the unhuman self [i.e.,] an undefinable, indescribable spiritual self' (art. cit. p. 23).

[39] See n. 32 and 9.

and between humans and nature– are of an eventive nature, viz. they belong to 'the lifeworld where subject and object meet' (2021: 726). We are therefore embedded in a flow of events, and we live in 'the flow of our emotioning' (Maturana and Verden-Zöller 2008: 132 and p. 54 *sq.*). My claim is that it is only through the flow of our emotioning that values can emerge; and that it is only when this disposition is love that, as a participatory mode of being and living, the 'axiological salience' of the world can be accounted for[40]. Only then, I believe, can we conceive of an ecological ethos defined as the cultivation of a radically new human form of human autonomy: the self-realisation of an *ecological self*, viz. the idea of a socially embedded and embodied subject of an ethics of care, love and connectedness to others and the natural world.

REFERENCES

Aristotle, Ross, D., & Brown, L. (2009). *The Nicomachean Ethics.* Oxford University Press.

Bannon, E. B. (2013). From intrinsic value to compassion: a place-based ethic. Environmental Ethics, (35) 259-278. https://doi.org/10.5840/enviroethics201335325

Brown, S. C. (2014). The Who of Environmetal Ethics: Phenomenology and the Moral Self. In D. A. Vakoch, & F. Castrillón, *Ecopsychology, Phenomenology, and the Environment, The Experience of Nature.* New York: Springer.

Butt, D. (2017). Law, Governance, and the Ecologoical Ethos. In S. M. Gardiner, & A. Thompson, *The Oxford Handbook of Environmental Ethics.* Oxford University Press.

Clayton, S. (2003). Environmetal Identity: A Conceptual and an Operational Definition . In S. Clayton, & S. Opotow, *Identity and the Natural Environment.* Cambridge, Massachusetts: The MIT Press.

Frankfurt, H. G. (1999). *Necessity, Volition, and Love.* Cambridge: Cambridge University Press.

Frankfurt, H. G. (2004). *The Reasons of Love.* Princeton: Princeton University Press.

---

[40] R. A. Furtak writes: 'Our capacity to love performs a revelatory role because it enables us to experience aspects of our surrounding environment as meaningful, thereby shaping the way we view the world' (2019: 206). And further away: 'love brings to light the axiological dimension of reality, or the inherent value in our surroundings' (art. cit., p. 207).

Furtak, R. A. (2019). On the Love of Nature. In A. M. Martin, *The Routledge Handbook of Love in Philosophy* . Routledge.

Gilliand, C. (2021). Experiencing Values in the Flow of Events: A Phenomenological Approach to Relational Values. Environmetal Values, 30(6), 715-36. https://doi.org/10.3197/096327121x16141642287692

Hall, C. (2019). Caring to be Green, The Importance of Love for Environmetal Integrity. In A. M. Martin, *The Routledge Handbook of Love in Philosophy.* Routledge.

Hamilton, C., Bonneuil, C., & Gemenne, F. (2015). Thinking the Anthropocene. In C. Hamilton, C. Bonneuil, & F. Gemenne, *The Anthropocene and the Global Environmental Crisis* . Routledge.

Hess, G. (2013). *Éthiques de la nature.* Paris: Presses Universitaires de France.

Hess, G. (2018). De l'éthique environnementale à l'écophénoménologie et retour. Cités, 76, 97–108. https://doi.org/10.3917/cite.076.0097

Honneth, A. (1995). *The Struggle for Recognition, The Moral Grammar of Social Conflicts.* Cambridge, Massachusetts: The MIT Press.

Honneth, A. (2001, October 5 and 8). La théorie critique de l'École de Francfort et la théorie de la reconnaissance. 151-180. (O. Voirol, Interviewer, O. Voirol, Editor, & O. Voirol, Translator) Paris: La Découverte.

Honneth, A. (2007a). Decentered Autonomy: The Subject After the Fall. In A. Honneth, *Disrespect, The Normative Foundations of Critical theory.* Polity Press.

Honneth, A. (2007b). Recognition as Ideology. In B. Van Den Brink, & D. Owen, *Recognition and Power* . Cambridge University Press.

Honneth, A. (2007c). The Social Dynamics of Disrespect. In A. Honneth, *Disrespect, The Normative Foundations of Critical Theory.* Polity Press.

Honneth, A. (2008). *Reification: A New Look at an Old Idea.* Oxford University Press.

Ikaeheimo, H. (2012). Globalising Love: On the Nature and Scope of Love as a Form of recognition. Res Publica, 18(1), 11-24. https://doi.org/10.1007/s11158-012-9182-6

Jamieson, D. (2018). Loving Nature. The Journal of Aesthetics and Art Criticism, 76(4), 485-95. https://doi.org/10.1111/jaac.12585

Kahn, P. H. (1999). *The Human Relationship With Nature: Development and Culture* . MIT Press ebook.

Kahn, P. H. (2002). Children's Affiliations with Nature: Structure, Development, and the Problem of Environmetal Generational Amnesia. In P. H. Kahn, & S. R. Kellert, *Children and Nature , Psychological, Sociocultural, and Evolutionary Investigations.* Cambridge, Massachusetts: The MIT Press.

Kellert, S. R., & Wilson, E. O. (1993). *The Biophilia Hypothesis.* Island Press.

Laitinen, A. (2010). On the Scope of "Recognition": The Role of Adequate Regard and Mutuality. In H.-C. Schmidt am Busch, & C. F. Zurn, *The Philosophy of Recognition, Historical and Contemporary Perspectives.* Lexington Books.

Mackenzie, C., & Natalie, S. (2000). *Relational Autonomy, Feminist Perspectives on Autonomy, Agency, and the Social Self.* New York, Oxford : Oxford University Press.

Maris, V. (2018). *La part sauvage du monde.* Paris: Éditions du Seuil.

Maturana, H., & Gerda, V.-Z. (2012). *The Origin of Humanness in the Biology of Love.* Andrews UK Limited Ebook.

Morin, E. (2008). Les bases bio-physiques de l'autopnomie. In B. Bachofen, S. Elbaz, & N. Poirier, *Cornelius Castoriadis, réinventer l'autonomie.* Paris: Éditions du Sandre.

Nedelsky, J. (2011). *Law's Relations, A Relational Theory of Self, Autonomy, and Law.* Oxford University Press.

Plumwood, V. (2002). *Environmental Culture, The ecological crisis of reason.* Routledge.

Rosa, H. (2019). *Resonance, A Sociology of our Relationship to the World.* Polity Press.

Sandler, R. (2017). Environmental Virtue Ethics, Value, Normativity, and Right Action . In S. M. Gardiner, & A. Thompson, *The Oxford Handbook of Environmental Ethics.* Oxford University Press.

Schmerber, C. (2020, February). Éco-anxiété: l'homme malade de la planète. *Cerveau & Psycho*(118), pp. 58-64.

Sen, A. (2007). *Identity and violence.* New York: W.W. Norton.

Taylor, C. (1989). *Sources of the Self.* Cambridge, Massachusetts: Harvard University Press.

Turner, N. J., & Mathews, D. (2020). Serving Nature: Completing the Ecosystem Services Circle. In H. Bai, D. Chang, & C. Scott, *A Book of Ecological Virtues, Living Well in the Anthropocene.* Regina: University of Regina Press.

Varela, F. (1999). *Ethical Know-How.* Stanford University Press.

Verbeek, P., & de Waal, F. B. (2002). The Primate Relationship with Nature: Biophilia as a General Pattern. In P. H. Kahn, & S. R. Kellert, *Children and Nature.* Cambridge, Massachusetts: the MIT Press.

Verden-Zoeller, G. (1993). El Juego en la Relación Materno Infantil . In H. Maturana, & G. Verden-Zoeller, *Amor y Juego, Fundamentos Olvidados de lo Humano* . Ramsan ePub.

Warren, J. K. (2000). *Ecofeminist philosophy*. Oxford: Rowman & Littlefield Publishers, Inc.

Wood, N (2020). Gratitude and Alterity in Environmental Virtue Ethics. Environmental Values, 29(4),481-98. https://doi.org/10.3197/096327119x15579936382590

ANNEXE 1

Nature and the potential normative development of the sphere of rights

Regarding the sphere of rights, the notion of environmental constitutionalism (May & Daly 2018)[41] could be regarded, I think, as a tendency in the direction of a normative development toward the inclusion of the question of our relation to nature. Indeed, judiciaries, through their discretionary power, are affirming, explicitly or implicitly, environmental rights to expand access to justice (Pluchon 2019)[42]. Building on C. Taylor's "politics of difference" framework, which aim is to emphasise the particularity or difference of specific cultural features (Taylor 1992), the recognition of indigenous people's representations of nature, and notably their role in protecting ecosystems (Solón 2016: 62-63; on the issue of climate justice see: Jarandilla Nuñez 2019 and Etchart 2017) might, in this case, be seen as part of the historical development that involves realising the universality implicated in the modern concept of law, i.e., to treat persons in all their particularity as of equal moral status (Benhabib 1992; Honneth 1992).

However, the same historical process is raising the issue of the political recognition of nature as a *subject* of rights (Acosta 2016). Here the word "recognition", in contrast with the word "allocation", indicates that nature is "by essence", i.e., by virtue of its intrinsic value (E.A.), holder of rights (De Toledo 2022: 25). The recognition of substantive rights of nature involves then a shift in the conception of law itself, i.e., the introduction of a new bio- or ecocentric paradigm in law (May & Daly 2017: 19). Serge Gutwirth's words capture the essence of this shift in the concept of law: "after the time of dualism, symbiosis enters the law" (Gutwirth 2016: 39). Here the central question is not merely the recognition of our dependency toward nature, the "dialectical relationship" between humans and nature as François Ost calls it (2003; 2016); but also, and more significantly, the recognition of the "objective" or intrinsic value of nature in terms of a crime against nature: *ecocide* (Cabanes 2016a; 2016b). Ultimately, it is about building, through law, a "community of the Earth" –a sphere of solidarity (E.A.)–, in which human societies and nature form a whole (Solón 2016; see also Acosta 2016).

---

[41] As explained by James R. May and Erin Daly (2018: 5), Environmental constitutionalism is a relatively recent phenomenon at the confluence of constitutional law, international law, human rights, and environmental law. It embodies the recognition that the environment is a proper subject for protection in constitutional texts and for vindication by constitutional courts worldwide.

[42] Indeed, judiciaries, starting from the link between human rights and environmental issues, are adjudicating disputes about the environment that contribute, through their discretionary power (e.g., through public interest litigation–*locus standi*), see cabanes 286-290, and by recognising implicitly or explicitly environmental rights, to expand access to (environmental and climate) justice (Pluchon 2019)

ANNEXE 2

Nature and the potential normative development of the sphere of solidarity

The sphere of solidarity is about how individuality: "particular qualities that characterize people in their personal difference" (Honneth 1995: 122), and self-esteem are linked through shared concerns, interests, and goals: "a community of values" (Honneth 1995: 122). In the same way that C. Taylor conceives the good (§ A), Honneth's sphere of solidarity functions also as a "framework of orientation" which is "the cultural self-understanding of a society". Honneth writes: "Such a framework of orientation can serve as a system of reference for the appraisal of individual personality features" which social worth is measured by their contribution to the common good (Honneth 1995: 122)[43]. Now, as with the sphere of rights, the form that solidarity can take is also historically variable, and therefore open to a normative development. As a result, and as before (§ 1), we must face the same problem: On the one hand, the appraisal of specific "nature-human" relational properties, i.e., an attitude of respect and care for nature, can be seen as a normative development in the sphere of social values and self-esteem. On the other hand, it seems that the same transformative process makes the introduction of a fourth (bio- or ecocentric) sphere of recognition comprising our relation to nature a necessity.

The field of environmental ethics has a long-standing tradition in trying to widen the moral community of values, or, in the words we used above, the sphere of social values. Val Plumwood's (2002) ethics of solidarity, I think, is particularly appropriate for our attempt at reconceiving autonomy, and nature as a constitutive relation of it. Indeed, Plumwood's concept of solidarity is about the "affirmation of both continuity and difference between humans and nature, as appropriate to the context" (Plumwood 2002: 201). Thus, like Honneth's concept of solidarity, and Nedelsky's relational approach, solidarity, for Plumwood, is about the affirmation of difference, and "multiparty, mutualistic ethical relationships" (Plumwood 2002: 202). But, contrary to Honneth's sphere of solidarity, Plumwood's concept of solidarity, centred around "the logic of the One and the Other" (*Ibid.*), aims at recognising "the Othering of nature" (*Ibid.*). Thus, while we might, at least as I see it, interpret Plumwood's concept of solidarity as underpinning the possibility of a normative development in the sphere of social values; the ontological assumptions at the basis of what I called "objective" relations of

---

[43] "The cultural self-understanding of a society provides the criteria that orient the social esteem of persons, because their abilities and achievements are judged intersubjectively according to the degree to which they can help to realize culturally defined values" (ibid.)

recognition –in Plumwood's (1993: 133) case this is weak panpsychism– requires, in my view, the introduction of a fourth sphere of recognition, (and its corresponding practical relation-to-self: a feeling of inclusion, as I would describe it), that, based on an emotional attitude (recognition or love), and on an (eco)phenomenological and cognitive description of our experience of nature, could account for our relation to nature, and serve as a precondition for autonomy.

CHAPTER 2

AUTONOMY AS SELF-LIMITATION

LIVING WELL WITHIN PLANETARY BOUNDARIES THROUGH PRACTICAL WISDOM (*PHRONESIS*).

I agree with Mikael Carleheden and Nikolaj Schultz: 'the Anthropocene leads us to a crisis of legitimation, where freedom as a common horizon for modern societies has vanished' (2022: 111)[44]. Acknowledging this fact challenges the degrowth project, if degrowth, i.e., the idea of 'sharing and enjoying a limited planet' (Kallis 2018: vii) or of 'living well within planetary boundaries' (Steinberger 2022), is to be compatible with freedom, i.e., with autonomy; it challenges it: not only because the social-only idea of freedom is trembling (Hamilton et al. 2015: 5), but also, and perhaps more importantly from a degrowth movement perspective, because the ideals of abundance and autonomy, as Philosopher Pierre Charbonnier has shown in his fascinating *Abondance et liberté* (2020), are in fact historically indissociable: 'abundance and freedom have long gone hand in hand' (*op. cit.*, p. 21; see also p. 49). Thus, the degrowth project: 'how to create societies in which lack of growth is not a disaster' (Kallis 2018: 87), necessarily raises the question: How to create societies in which lack of growth is not the end of freedom? Or as P. Charbonnier puts it: 'But who would want an authoritarian ecology or freedom without a future?' (*op. cit.*, p. 21). In developing the degrowth hypothesis, Giorgos Kallis (2019: 6, 54-58) refers to Cornelius Castoriadis' notion of autonomy as self-limitation (see, e.g., 2014: 44-46). As Kallis puts it: 'Self-limitation is autonomy and includes the constraining of political excesses […], and the actions of the collective in relation to the external world and the environment.' (2019: 55). This essay is a contribution to the elucidation of freedom in the Anthropocene, viz. of the idea of autonomy as self-limitation.

The question that I put forward is: In what sense ecological limits can be compatible with autonomy? I do not think it is sufficient to say that limits are 'socially and ecologically desirable' (Kallis 2018: 85), or necessary for living well, or for happiness, since none of this follow directly from freedom. My hypothesis is then: if degrowth is to be compatible with

---

[44] I do not, however, agree with the way they chose to proceed, that is, exploring what they call the 'brutalization of geo-social conflicts' (the intensification of social struggles over land and territory); and their suggestion of 'staying with the trouble'. Instead, I follow the uncharted path of thinking what a conception of freedom fit for the ecological crisis can mean.

freedom, then limits need to be *re-cognised*. I will therefore build upon what we can call a *philosophy* of recognition to conceive, from an environmental ethics perspective, the idea of a re-cognitive attitude of nature, viz. a cognitive-emotional disposition by which (the value of) nature can emerge and be re-cognised as a limit within which living well and autonomy (as self-realisation) are not only naturally desirable but legitimate. Only then, I think, can ecological limits be considered as following logically from freedom, i.e., from autonomy redefined as self-limitation.

I propose to do this, in line with Dale Jamieson's 'rehabilitation' and 'creation' of virtues-identification strategy (2010: 325), by reinventing Aristotle's *phronesis*[45], which is the ancient Greek term for 'prudence' or 'practical wisdom', as an ecological mode of thinking, and as an intellectual environmental virtue. The particularity, and the great advantage, of *phronesis* is that it contains the elements for overcoming the contradictoriness that the new Anthropocene epoch introduces in the unity of action, that is: the incommensurability of spatio-temporal scales[46]. Moreover, *phronesis* can help to bridge the gap between ethics and politics as an 'architectonic science' (Aristotle), helping us to conceive an anticipatory, a *phronetic*, form of governance. Finally, *phronesis* could help establish the grounds for a principle of limits, i.e., a principle, an 'imperative', of action compatible with freedom in the Anthropocene.

In the first section, I start by laying the base for a redefinition of recognition as loving awareness, i.e., a cognitive-emotional stance that I call 're-cognition' with a hyphen to mark, contrary to the course that the term recognition has followed, the conceptual and ontogenetical unity of cognition and recognition. Based on this redefinition of the notion of recognition, I develop, in the second section, the idea of a re-cognitive attitude of nature based on loving awareness. I then introduce the idea of *phronesis* as a form of ecological thinking, and proceed to comment a passage from Aristotle's *Nicomachean Ethics* that I think is relevant for our study. In the third section, I introduce the idea of *phronesis* as an intellectual environmental virtue, a virtue that can help to think a *phronetic* use of knowledge, i.e., a form of knowledge sensitive to recognition. I then move on to explore the *praxeological* dimension of re-cognition and *phronesis*. Finally, I introduce the idea of *phronesis* as capacity to anticipate, and suggest,

---

[45] I say 'reinvent' to take account of Brian Treanor's crucial problem with *phronesis:* identifying the *phronimos* who embodies the good life (*orthos logos*) where there is no agreement about what the good life is. B. Treanor's response is to adopt a narrative approach: 'Lacking firsthand experience with a *phronimos,* only narratives can offer such models' (2008: 377). Although the study I propose here is conceptual, the narrative approach, in a way, is presupposed and comes up in different forms at several stages. To give only one example, I think Arnaud Orain's (2023) study on the forgotten paths of economic thought can serve as an illustration of a narrative, in this case a historiographical, reconstruction of what I call a *phronetic* form of economic reasoning (see note).

[46] To quote Nicholas Stern: 'it is almost as if the science of climate change has conspired to make the generation of action as difficult as possible' (2015: 4). Others call this a 'perfect moral storm' (Gardiner 2011).

in the conclusion, a principle of action, 'the imperative of *phronesis*', compatible with freedom, viz. with autonomy as self-limitation.

RECOGNITION AS LOVING AWARENESS

§1

Recognition and the uncanny

I suggest starting from the following passages taken from Amitav Ghosh's (2016) *The Great Derangement*. These passages, I think, capture the intuitions that will guide our enquiry. Climate change, because it marks the irruption, or disruption, of nature, is described here through the figure of *the uncanny*.

> It is surely no coincidence that the word *uncanny* has begun to be used, with ever greater frequency, in relation to climate change […] No other word comes close to expressing the strangeness of what is unfolding around us […] the uncanny and improbable events that are beating at our doors seem to have stirred a *sense of recognition*, an *awareness* that humans were never alone, that we have always been surrounded by beings of all sorts who share elements of that which we had thought to be most distinctively our own: the capacities of will, thought, and consciousness (Ghosh: 2016: 35 [my italics]).

I highlight the words 'sense of recognition' and 'awareness' as central notions of the study that will follow. And I formulate the following asumption: climate change is an 'event'[47] that, as the figure of the uncanny reveals, puts in motion what we can call the 'dialectics' between the two poles of recognition and cognition[48].

The next passage develops the intuition that forms, in what will follow, the heart of my argument: understanding recognition as a form of knowledge.

> The most important element of the word *recognition* thus lies in its first syllable, which harks back to something prior, an already existing awareness that makes possible the passage *from ignorance to knowledge* […] The knowledge that results from recognition, then, is not of the same kind as the discovery of something

---

[47] I use the term 'event' as Claude Lefort defines it: that 'which no longer lodges itself within time, but can fracture it, undo it [*le défaire*], give birth to the unknown – power of disorder, the unleashing [*déchaînement*] of which no established order is sure to prevent' (1986: 356).

[48] I use the term 'dialectics' in a similar way to P. Ricœur, i.e., the recognition of the initial disproportion between the two terms and the search (always fragile and provisional) for practical mediations between the two extremes (2008: 15).

new: it arises rather from a renewed reckoning with a *potentiality* that lies within oneself (*op. cit.*, p. 10 [my italics]).

Taking these considerations as starting point, I will now proceed with a more systematic account of the relationship between recognition and cognition. At stake is the possibility, based on what I will call 'a re-cognitive attitude of nature' (*infra* §3 and II. §1), of reinventing *phronesis* as an ecological mode of thinking (*infra* II. §2 and §3). The intuitive premise is that agency needs to be based on the re-cognition of the human-nature 'entanglement' of dependencies and interdependencies in which human action takes place along non-human forms of agency (see Ghosh 2021).

§2

Reification and the dialectics of recognition and cognition

I will base my interpretation of recognition on Paul Ricœur's *The Course of Recognition* (2005). I will build upon the hypothesis according to which 'the potential philosophical uses of the verb *to recognize* [author's italics] can be organized along a trajectory running through its use in the active voice to its use in the passive voice' (*op. cit.*, p. 19). In the active voice, *to recognise* 'as an act expresses a pretension, a claim, to exercise an intellectual mastery over this field of meanings, of signifying assertions' (*ibid*.); in the passive voice, on the contrary, (the demand) *to be recognised* 'expresses an expectation that can be satisfied only by mutual recognition' (*ibid*.). Ricœur showed how, in fact, along this trajectory, recognition acquired an independent status from cognition as knowing (*op. cit.*, p. 20). As he puts it: 'At the final stage, recognition not only detaches itself form knowledge but opens the way to it.' (*op. cit.*, p. 21).

At the end of this study (*infra* III. §2), I will argue in favour of a return to the use of the active voice. To be sure, it is a return to a deepen form of the use of the form 'to recognise'. In this enriched form, I argue, recognition no longer enjoys an independent status from cognition. In fact, recognition reattaches itself to an 'antecedent' form of cognition. I call this unity of recognition and cognition: re-cognition (*infra* §3).

Resuming the argument: P. Ricœur's final stage of recognition is in fact Axel Honneth's starting point in *Reification and Recognition* (2008). Indeed, for Honneth, recognition necessarily enjoys a 'simultaneously genetic and categorial priority over cognition' (*op. cit.*, p.

52, see also p. 40)[49]. Another feature of Honneth's theory that is important here is his reconstruction of G. Lukács' (1972) concept of reification. I think the concept of reification can help to elucidate A. Ghosh's initial intuition of a distorted form of praxis regarding nature as revealed by the *uncanny*. Honneth defines reification, both a process and a result (*op. cit.*, p. 53), as 'a kind of "forgetfulness of recognition"' (*op. cit.*, p. 56). As he puts it: it is 'the process by which we lose the consciousness of the degree to which we owe our knowledge and cognition of other persons to an antecedent stance of empathetic engagement and recognition' (*ibid.*). My suggestion is that the *uncanny* reveals the existence of a reifying attitude of nature and, by the same token, the 'potentiality' of an empathic engagement toward nature. However, this implies that there can be a reifying attitude of nature, viz. that there can be, to start with, a recognitive attitude of nature.

§3

Recognition as loving awareness

I have shown elsewhere how love as a form of adequate recognition can account for a recognitive attitude of nature. Here I suggest that the same concept of love can serve to explain *recognition as a form of* (participatory) *knowledge*. I base this claim on the working hypothesis that cognition and recognition are, in fact, two aspects of the same thing. In the terms that I introduced earlier (§2), I suggest reformulating the hypothesis as follows: love is the term that provides a conceptual 'mediation', and a practical, or praxeological, 'synthesis' (*infra* III. §2) to the 'dialectics' between the two poles of recognition and cognition. Hence, I will now argue, categorially and genetically, that love, as a form of adequate recognition, entails a cognitive grasping of the world.

The key argument is that love involves both perception and action. As Cheryl Hall puts it: 'True love is a combination of caring perception and caring action' (2019: 217). It means, in particular, a 'committed effort to pay attention, understand, recognize' and 'care appropriately' (*ibid.*). I will use Rick Anthony Furtak's (2019) 'loving awareness' to describe the cognitive dimension of recognition. According to Furtak, loving awareness is the fact that 'love brings what is loved emphatically [and I add: empathically] into our awareness, so that its reality and value are strikingly evident to us' (art. cit., p. 206). One interesting feature of this notion is the

---

[49] Here recognition is an 'antecedent', 'elementary', form of recognition, and is therefore different from 'mutual recognition' which involves the social recognition of the personal identity of the individual and his specific characteristics (see note 70 *in*: Honneth 2008: 90). Cognition can be understood as the epistemic grasping of the world.

idea that love *embodies* a mode of seeing: 'The emotional responses of a loving subject embody a mode of vision […]', writes Furtak (art. cit., p. 207). As we will see, this mode of seeing can be interpreted as a mode of knowing (*infra* II. §1 and §2).

Humberto Maturana's biology of love thesis is based on the idea of love as an *embodied* property of ~~the subject~~ (Maturana and Verden-Zöller 2008). According to Maturana, love is a *neotenic* characteristic[50] of the (body-) self: *homo sapiens-amans*. As Maturana points out, 'the expression *amans* refers to the basic emotion [love] under which the lineage has been conserved' (*op. cit.*, p. 135). Two interesting features of Maturana's theory can be useful here: the idea that a) *a change of emotion is a change of perception*: 'In a way, a change of emotion or mood is a change of brain and body.' (*op. cit.*, p. 79); and that b) *love is visionary*, i.e., 'not blind, and entails seeing (hearing, touching, smelling, sensing) the other in its full legitimacy' and leads to acting accordingly (*op. cit.*, p. 328)[51]. I will come back to these two points later.

My suggestion is that we can usefully reinterpret recognition, ontogenetically rooted in the *homo sapiens-amans* body-self, as loving awareness. In short, it is the idea that the perception of value, of the significance of things, ultimately depends upon love understood both as an emotional *and* cognitive stance. Later, we will see how this can be applied to an ecological context and help to reconceive *phronesis* (*infra* II. §1 and §2).

One immediate consequence of this reformulation of recognition as loving awareness is a new understanding of the 'dialectics' of recognition and cognition (*supra* §2). Love, I claim, as a cognitive-emotional stance, 'mediates' between the two poles of recognition and cognition. As a result, the opposition could now be described as a 'dynamic'. Interestingly, Honneth came close to this idea when he defined the 'modus' of the relationship between recognition and cognition[52]:

---

[50] Entry of 'neoteny' in the Oxford *A Dictionary of Science* (1984/2010: 552): 'The retention of the juvenile body form, or particular features of it, in a mature animal. […] Neoteny is thought to have been an important mechanism in the evolution of certain groups, such as humans, who are believed to have developed from juvenile forms of apes.'

[51] R. A. Furtak, for his part, writes: 'The fact that we are loving or caring beings structures how the world appears to us: what seems real and significant, as well as what arouses our attention and concern.' (2019: 206). Here a parallel can be made between this ontogenetical account and the phenomenological method. Describing the participatory mode of being, Gérald Hess writes thus: 'By participating in the world, I grasp through my seeing, touching, listening body the signs of the world that reveal themselves to me. And I respond to them...' (2016: 165). I will get back to this point later (*infra* II. §1).

[52] Honneth defines here cognition as a form of 'detached observation' (Honneth 2008). Elisa Aaltola, as for her, opposes 'the movements of the rational will' to 'vision as a form of attention towards the world (2019: 194).

> We have, on the one hand, forms of knowledge sensitive to recognition, and, on the other, forms of knowledge in which every trace of their origin in an antecedent act of recognition has been lost (2008: 56).[53]

With the concept of recognition as loving awareness, I intend to show that the 'modus' of the relationship between cognition and recognition as described by Honneth does not capture all there is to say about this relationship. Different forms of knowledge, I argue, entail different forms of cognitive-emotional dispositions. Therefore, forms of knowledge in which there is no trace of an act of recognition imply not just, like in Honneth, a cognitive disposition: reification, ignorance, or blindness[54], but also –and by definition– an emotional state: indifference, aggression, domination, and why not contempt[55].

I will, accordingly, use the term 're-cognition' with a hyphen to describe the unity between recognition and cognition. To be sure, by cognition here I mean a pre-reflective, pre-categorial, non-epistemic kind of knowledge, viz. an elementary or 'antecedent' form of knowledge. I will return to this point later (*infra* II. §1 and §2). With this definition in mind, we can, I think, envision overcoming the opposition in the 'dialectics' between the two poles of recognition and cognition, and establish, as it were, the *identity* of recognition and cognition. The concept of *re-cognition*, therefore, captures, as two inseparable things, both the cognitive and the emotional stance that we can say are implicit in forms of knowledge sensitive to recognition in Honneth's sense (see also *infra* III. §1). Finally, going back to the observation that 'recognition' is 'the passage from ignorance to knowledge' (Ghosh), if by recognition we mean 're-cognition' (loving awareness), then we can readily see that the passage from 'ignorance' (reification) to 'knowledge' (recognition) can be described as *a change in emotion and perception*, viz. a cognitive-emotional *transformation* that lies in the 'potentiality' inherent to our 'loving humanness' in Maturana's sense[56].

---

[53] Commenting on the 'modus' of the relationship between recognition and cognition, Honneth claims: 'In the first case, the act of cognition or detached observation remains conscious of its dependence on an antecedent act of recognition; in the second case, it has freed itself of the knowledge of this dependency and deludes itself that it has become autonomous of all non-epistemic prerequisites.' (2008: 56).

[54] As Maturana (and Verden-Zöller) put it: it is 'blindness that constitutes our difficulty in the conservation of loving humanness' (2008: 78). 'Blindness' then is quite similar to Ghosh's 'ignorance' and Honneth's 'reification'.

[55] As Cheryl Hall puts it: 'It [indifference] is a denial that life matters, that other beings in existence matter; accordingly, it is a denial of any relation with and responsibility for other beings in existence' (2019: 216). This is similar to Maturana (and Verden-Zöller)'s definition of 'aggression': '[…] the emotion of aggression as a domain of actions, is the domain of those relational behaviors through which another is denied as a legitimate other in coexistence with oneself' (2008: 78).

[56] Compare to R. A. Furtak's: 'Because any change in our way of experiencing things will bring about a transformation in our understanding and an alteration in the quality of our world […].' (2019: 209); and further away: '[…] any substantial change in our affective receptivity will transform our sense of reality'. (*ibid.*).

SYSTEMIC THINKING: TOWARD A REINVENTION OF *PHRONESIS*

§1

A re-cognitive attitude toward nature based on loving awareness

In an ecological context, loving awareness is: 'perceiving –that is, thinking and feeling– that the web of life is fundamentally valuable, and acting on that perception' (Hall 2019: 223). For R. A. Furtak, 'The human being's capacity to love, properly understood, is a faculty that gives us access to the fullness of the nonhuman world –not a means of distorting it.' (2019: 209). Furtak also uses the expression 'affective attention' to refer to 'the gaze of a loving person who views what *is* [author's italics] there in the most favorable light […]' (2019: 207). We can call this, following Elisa Aaltola, a soft moral realism approach to 'vision as attentive love', viz. paying truthful focus on (re-cognising) the specificity and uniqueness of the loved one (2019: 202)[57]. As she puts it: 'From this angle, previously insignificant beings become meaningful […]' (art. cit., p. 201)[58]. Fundamentally, loving awareness is about revealing the interconnectedness of things, i.e., the 'deep experiential understanding of the density of the web of life, of its richly interwoven threads and their own intrinsic connection to countless other strands' (Hall 2019: 222). From this holistic outlook, 'one observes reality as a whole, from within its entirety' (Aaltola 2019: 202).

At this point, a quick look at (eco-) phenomenology could, I think, help elucidate the idea, introduced above, that re-cognition as loving awareness *embodies* a mode of seeing (*supra* I. §3); in this case, 'the perspective of the universe observing itself' (Aaltola 2019: 202). Gérald Hess' (2016) definition, based on Merleau-Ponty's flesh ontology, of 'cosmic consciousness' can helpfully be used here. Indeed, 'cosmic consciousness' conveys the experience, both cognitive and bodily, of the unity with nature: 'to *be* and *live* [author's italics] with the feeling of being part of nature' (art. cit., p. 140)[59]. What matters here is that cosmic consciousness, in a similar way to our interpretation of love (love is part of what defines us as humans beings), is bodily embedded[60]. The concept of cosmic consciousness, i.e., the *experience of nature*, can then help to understand the 'antecedent' *significance of nature* in a re-cognitive attitude of

---

[57] See also Val Plumwood 0

[58] E. Aaltola's central concern is to understand what attentive love towards nonhuman animals is about, how animals, for example, manifest themselves, in their specific, unique, realities beyond pre-fixed definitions (2019: 194 and 201).

[59] As G. Hess puts it: 'cosmic consciousness is the lived experience of unity with nature. It is defined by a return to bodily experience and an exposure to the world as that of which I am part and which defines me' (2016: 167).

[60] 'Cosmic consciousness has a double *dimension*: it is *consciousness*, because it is about my flesh, but a *cosmic* consciousness, because my flesh belongs to the flesh of the world [author's italics]' (Hess 2016: 163).

nature based on loving awareness as 'the *participatory knowledge* [my italics] of a relational and embodied subject' (Hess 2018: 106)[61].

I will make a short digression at this point: What is fascinating here is that the 'decentring of the self' (Hess 2016: 163) implied in the idea of cosmic consciousness (art. cit. p. 167) – which is another way to describe the emergence of an 'unhuman' (Puhakka 2014: 23) or 'ecological self' (Brown 2014: 146)– leads to an interesting interpretation of the notion of the uncanny (*supra* I. §1). Indeed, in an 'intimate encounter with Nature' (what I have called 'a re-cognitive attitude of nature based on loving awareness') we might, Kaisa Puhakka tells us, 'recognize something uncanny, something unsettling', as product of the unravelling of the individual identity (2014: 23 and *sq.*)[62], of the 'ego' and its 'epistemic prioritization of self-directed wants, intentions and interests […]' (Aaltola 2019: 199). Thus, referring back to A. Ghosh's passage at the start of our study (*supra* I §1), we can define *the uncanny* as the process by which it comes into our consciousness the realisation of, and participation in, the *animacy* of the natural world[63]. Going further into this path is beyond the scope of this essay. For my purpose here, we need only to retain the possibility that (eco-) phenomenology offers to conceive a re-cognitive attitude of nature based on loving awareness as a form of *participatory knowledge*.

We now can connect up with our guiding argument: I will assume that knowledge here is the grasping of the intrinsic connections that constitute 'the web of life'. I will therefore define a re-cognitive attitude of nature as the 'antecedent' cognitive-emotional bodily embedded disposition that, from a holistic outlook, allows us, based on the experience of unity with nature, to grasp the systemic connections that constitute 'the web of life'. As a result, I think, it is now possible, having defined a re-cognitive attitude of nature, to define a reifying attitude of nature. Hence, going back to the observation that reification is a kind of forgetfulness of recognition (*supra* I §2), I suggest that reification of nature is forgetfulness of the re-cognitive attitude of nature, i.e., the result and the process that attenuates, obscures, the systemic or ecological mode of thinking.

---

[61] Elsewhere, G. Hess writes: 'It [cosmic consciousness] expresses a point of view, but not a personal point of view; the point of view is that of a human organism anchored in its environment, inserted in nature' (2016: 163). Finally, G. Hess distinguishes between different modes of participation: sympathetic, affective, enactive and trajective (see Hess 2016: 163-66).

[62] 'In an intimate encounter with Nature, structures of human consciousness that reflect these physical structures and accompanying social structures may be softened, become more fluid and transparent, perhaps seem less "real" –in this sense be metabolized.' (Puhakka 2014: 23).

[63] This is what Ian-Michael Hébert calls a 'mysterious fellowship': 'It is my perception that all things, including mountains, have a sentience of their own; each form and force has a particular wisdom to convey in its own language.' (2014: 29).

§2

Systemic or ecological thinking

I have argued that as a quality of the embodied subject, i.e., as a characteristic of our *homo sapiens* bodyhood and manner of living, love explains that recognition toward nature can arise as a 'potentiality that lies within oneself' (Ghosh). I will now elaborate on this point by making the following assumption: the potentiality inherent to our human nature can be interpreted as the fact that *love is visionary* (*supra* I. §3). What is significant here is that love as a form of participatory knowledge entails a cognitive grasping of the natural world. As Maturana (and Verden-Zöller 2008: 219) puts it: 'Love is visionary […] because it liberates intelligence and expands coexistence in cooperation as it expands the domain in which […] our nervous system abstracts coherences from our living.' I cannot here expand on the biological and cognitive assumptions underlying this claim[64]. I will however build upon this assertion to attempt, in what follows, a reinvention of *phronesis* as an intellectual environmental virtue.

My hypothesis is that *phronesis* as a specific form of perception (*infra* §3) can be reinvented on the basis of re-cognition as loving awareness. I have argued that re-cognition as loving awareness can help explain a recognitive attitude of nature as a form of participatory knowledge. And I added that this knowledge, from a holistic perspective, can be defined as the grasping of the inherent connections that constitute 'the web of life'. If *phronesis* is indeed a kind of knowledge of the whole (*infra* §3), and if we accept the aforementioned assumptions, then *phronesis* could be reinvented as an environmental virtue. Indeed, in an ecological context, *phronesis*, I argue, because it is based on a re-cognitive attitude of nature, relies, *s'étaye, lehnt ab sich*, as an intellectual virtue, on the structural coherences of the biosphere defined as 'a system of systems' (Maturana 1997: 123)[65]. What matters here is that love –what I have called 're-cognition as loving awareness'– 'opens us to grasp the coherences of the biosphere and the cosmos by letting us abstract these coherences from the coherences of our living [read: from our experience]' (*op. cit.*, p. 218). Therefore, based on this systemic account, I suggest defining

---

[64] For an interesting account of the nature-consciousness relationship see Morris Berman's (2000) *Wondering God.*

[65] The biosphere is this 'systemic totality that emerges […] in the reproductive conservation and variations in the realisation of living in a coherent interwoven dynamic' (*op. cit.*, p. 126). See also Maturana (and Verden-Zöller 2008: 63): 'whenever there is a collection of living systems that form a network of direct and indirect recursive interactions in the realization of their living, a biosphere arises as a closed network of multidimensional reciprocal structural couplings that includes all the living systems as well as all the non-living features of the medium that participate in it.'

phronesis as an intellectual virtue that relies on the grasping of the coherent interwoven dynamic of living.

Taking this assumption as starting point, I will now base my reformulation of *phronesis* on Maturana's distinction between two forms of thinking and/or reasoning[66] which are in fact abstractions of configurations from the coherences of the biosphere: 'systemic and analogical thinking' and 'linear causal thinking'. Systemic analogical thinking entails two correlated operations: a) seeing a system as part of a 'network of meaningful relations and interconnections in the flow of living' (Maturana and Verden-Zöller 2008: 322), and b) establishing equivalences, relations, connections between processes that take place in different and non-intersecting phenomenal domains (*ibid.*)[67]. Linear causal thinking, on the other hand, is always local and entails a linear vision: 'Local causal thinking sees sequential coherences and abstracts regularities in such local sequences.' (*op. cit.*, p. 323).

Going now back to the question at hand: I have argued that re-cognition, in an ecological context, is, as a form of participatory knowledge, the grasping of the inherent connections of the 'web of life', of the coherences of the biosphere. But this is the definition of the systemic and analogical mode of thinking. Therefore, if, according to the working hypothesis, *phronesis* entails indeed a kind of knowledge and perception of the whole, then *phronesis*, based on a re-cognitive attitude of nature, can be reconceived as a form of *systemic* or *ecological thinking*. With these elements in mind, we now can proceed to comment a most relevant passage for our purpose in Aristotle's *Nicomachean Ethics*.

§3

Phronesis

The passage in Aristotle's *Nicomachean Ethics* upon which I will build throughout the rest of this essay is the following:

[1.] Now if what is healthy or good is different for men and for fishes, but what is white or straight is always the same, anyone would say that what is wise is the same but what is practically wise is different; [2.] for it is to that which *considers* well the various matters concerning itself that one ascribes practical wisdom, and it is to this that one will entrust such matters. [3.] This is why we say that some even of the lower animals

---

[66] The difference between reasoning and thinking, according to Maturana, is that the former, as a reflexive operation, takes place in language, whereas the latter pertains to the operation of living (Maturana 1997: 127).
[67] This is why systemic thinking is metaphorical and isoforical: it considers what is similar but is not the same, and what is the same but occurs in a different way (Maturana 1997: 126).

have practical wisdom, namely, those which are found to have a power of foresight with regard to their own life. (*EN* VI, 7 1141a 25) [my numbers and italics].

In part [1.], Aristotle distinguishes between two forms of knowledge: Scientific knowledge (*episteme*) or, like in this passage, wisdom (*sophia*), is about things that are universal and necessary (*EN* VI, 6); practical wisdom, *phronesis* (cppovrirn;) is about things that are variable (*EN* VI, 5)[68]. I propose however to focus on part [2.] and part [3.]. Part [2.] gives a description of the individual to whom we ascribe practical wisdom (*phronimos*). For my purpose, I highlight the term 'to consider' that Aristotle uses here to describe the *phronimos*. The word in ancient Greek is *theorein* (8cmpcnv) which, as Pierre Aubenque reminds us, means to *see* (2022/1963: 56). Certainly, Aristotle means something different from 'contemplation' (8cmpna)[69]. Here perception is in fact knowledge of the whole. As P. Aubenque points out, *phronesis* is like experience, i.e., both unite 'in a synthesis that is singular each time, the capacity to see the whole [*la capacité des vues d'ensemble*] and the sense of the particular' (*op. cit.*, p. 60). Finally, I find the reference to 'lower animals' and their ability of foresight in part [3.] compelling. I will start from here.

According to Maturana, systemic and linear modes of thinking are characteristic of animal thinking (1992: 127). It is not surprising given that the two are, as we have seen, abstractions from the grasping of the relational coherences of the biosphere. As Maturana puts it: 'the *effectiveness* [my italics] of animal living is continuously revealing of its coherent operation in these two relational dimensions, and continuously shows its participatory inclusion in the dynamics of the biosphere' (*ibid.*). I think this sheds a new light on Aristotle's observation [3.] on the practical intelligence of animals as capacity of foresight with regard to biological life (see Aubenque: 2022/1963: 159).

Based on these observations, I will make the following suggestion: perception, conveyed here by the term *theorein*, can be usefully explained, as a human and non-human capacity, in terms of 'systemic' and 'linear' thinking; and *phronesis* as the integrated form ('synthesis') of the two *in regard to* deliberation, choice and good judgement about right action and the good life to the extent that living well (npo; To cu sriv) requires nature as a constitutive 'objective'

---

[68] Regarding this part [1.], it suffices to note that Aristotle does not privilege one type of knowledge over the other, rather he sees them as complementary or at least as capable of coexisting in the same individual (Aubenque 2022/1963: 53). This is important for envisioning the coexistence of different types of knowledge, e.g., science and other types of knowledge that I call 'phronetic', of which autochthonous systems of knowledge could be partof (*infra* III. §1). For an exemplary account of the relationship between science and ancient knowledge of indigenous people see Robin Wall Kimmerer's (2013) *Braiding Sweetgrass*.

[69] Remember that Aristotle distinguishes, within the rational part of the soul,

condition[70]. Indeed, much like Aristotelian *phronesis* which, as we have just seen, is a kind of knowledge of the particular and the general, linear and systemic thinking, as two forms of *reasoning* (see note), operate, the former, by grasping and revealing local coherences within a particular domain of application (Maturana and Verden-Zöller 2008: 307-8), the latter, by establishing relations between different non-intersecting but systemically similar domains (*op. cit.*, p. 305-6). As Maturana puts it: 'The use of systemic analogical and linear causal reasoning entails a double look that attends both to the locality of a process and to the systemic context in which it occurs.' (*op. cit.*, p. 308).

If we accept, as I have argued, the parallel between *phronesis* and the integrated form of linear and systemic thinking, then the path opens to think *phronesis* as a form of *ecological thinking*, viz. a manner of seeing, based on a *re-cognitive* attitude of nature, the unity of the biosphere 'as a system of coherent relations […] through grasping the interconnectedness of all living beings in the flow of their existence through the abstraction of their similarities' (*op. cit.*, p. 324-5). The integrated form of the two systemic and linear modes of thinking is what Maturana (and Verden-Zöller 2008: 205; Maturana 1992) calls 'wisdom', and I '*phronesis*' inasmuch as (practical) wisdom requires, in addition, deliberation, choice and judgement regarding what is good for the individual and the collective as appropriate to the context, i.e., in this case, for living well within planetary boundaries. Based on this cognitive or *intellectual* property of *phronesis*, I now suggest reinventing *phronesis* as an intellectual environmental virtue[71].

PHRONESIS AS AN INTELLECTUAL ENVIRONMENTAL VIRTUE

I claim that *phronesis* can be reinvented as an intellectual environmental virtue[72]. I base this claim on *phronesis* being a) a situated virtue and b) an intellectual virtue (logistikon). First,

---

[70] I argued this point elsewhere.

[71] I would like to illustrate the arguments in this section and introduce the following section with an evocative passage from an interview to Brazilian Photographer Sebastião Salgado on his seminal work *Genesis* (2013): [I] discovered the planet [...] I discovered the mineral, the vegetable and the animal, and then I could see us, the humans, as we were at the beginning of humanity. This gave me a lot of comfort, because the original human is very strong, very rich in *something that we lost* when we became urban: our *instinct*. This instinct allows us to *sense and predict* many things, a change in temperature, climatic phenomena through the observation of animal behaviour [emphasis added] (Salgado and Francq 2013: 147). It is not difficult to see some key aspects highly reminiscent of A. Ghosh and Aristotle's passages above and our discu.

[72] I do not pretend, however, that this definition of *phronesis* covers all possible interpretations. My aim is to argue in favour of proposing, following D. Jamieson's strategy of creation of new content for old virtues, a new

phronesis as a situated virtue shares with the environmental virtue ethics approach the fact that, as Ronald L. Sandler (2007; 2017) has shown, environmental virtue ethics is inherently pluralistic and therefore context-based. Second, Sue P. Stafford has shown that intellectual virtues, i.e., 'virtues that regulate cognitive activity in support of the acquisition and application of knowledge', are essential for an environmental ethics (2010: 341). As Stafford puts it: 'They [virtues] lead their possessors to *view* [my italics] situations differently from those who lack the virtues […]' (art. cit., p. 348)[73]. Based on these two points, and on the results from the preceding sections, I make the following claim: *phronesis*, as an intellectual environmental virtue, because it leads to understanding knowledge as an embedded and embodied practice: a *phronetic* use of knowledge viz. a form of knowledge sensitive to re-cognition, can serve as the basis for a satisfactory environmental ethic in the Anthropocene.

§1

Objectivity: a phronetic approach to knowledge

I will build upon Amartya Sen's concept of position-dependent objectivity (1993; 2009) to develop the idea of *phronesis* as an intellectual environmental virtue. I think A. Sen's concept of 'positional objectivity' could be helpfully used in an ecological context, not only regarding beliefs formation about nature; but also for elucidating the epistemological status of knowledge, in this case ecosystem ecology, for the delineation of an environmental ethic. My suggestion is that the concept of positional objectivity, as illustrated by hierarchy theory (R. V. O'Neill et al. 1986), could help to develop a satisfactory environmental ethic based on *phronesis*.

Objectivity, according to Sen, is both position-dependent and person-invariant: 'Different persons can occupy the same position and confirm the same observation; and the same person can occupy different positions and make dissimilar observations.' (Sen 1993: 129; and 2009: 156-7). Thus, contrary to the classical conception of objectivity, 'objectivity' is not a 'view from nowhere' but a 'view from a delineated somewhere' that can be defined by 'positional parameters' (1993: 127; 2009: 159). In a similar way, hierarchy theory, as discussed by Karen J. Warren and Jim Cheney (1993), addresses the complexity of nature by considering many

---

understanding of *phronesis*, which I think can help to the task of conceiving a satisfactory environmental ethic for the Anthropocene.

[73] It is surprising that here there is not, at any point, any mention of *phronesis* despite the fact that all intellectual virtues discussed by Strafford build upon *phronesis*-related aspects: situation analysis, detail- and big-picture thinking, reliable judgment, avoiding excess etc. (art. cit.).

observation sets (art. cit., 101) [74], more specifically, its multiple non-reducible spatiotemporal scales (art. cit., p. 102, 5). What is important to grasp here is the contextual understanding of individuals –*any* entity– for ethical deliberation (art. cit., p. 115); in other words, the positional nature of ethical reasoning and rationality leading to a 'comprehensive' understanding of agency[75].

Because of its familiar air with *phronesis*, positional objectivity helps to grasp *phronesis* embeddedness, viz. *phronesis* as a situated activity (*infra* §2). This articulation with positional objectivity can then help to conceive a *phronetic* use of knowledge as a kind of 'trans-positional' evaluation (Sen 1993)[76]. Moreover, if we assume, as I have up until now, that *phronesis* is based on a re-cognitive attitude of nature, then we can see that, in this light, hierarchy theory's understanding of ecosystem ecology[77] has the characteristics that illustrates a form of knowledge sensitive to re-cognition (*supra* I §3). I will therefore define a *phronetic* use of knowledge as the form of knowledge that is based on a re-cognitive attitude, viz. a type of knowledge based on the capacity to see the whole and the sense of the particular, system and linearity, significance and mechanism[78], in a comprehensive framework[79]. It is this type of *phronetic* knowledge that, from a degrowth perspective, can elucidate the type of *economic reasoning* that is needed for the radical transformation of society. Indeed, of this type of knowledge are the forgotten paths of economic thought studied by Arnaud Orain in his *Les savoirs perdus de l'économie, Contribution à l'équilibre du vivant* (2023)[80]; of this type of

---

[74] It is interesting to note that curiously both Sen's, and Warren and Cheney's articles appeared in the same year.

[75] 'Comprehensive outcomes', as opposed to 'culmination outcomes', are outcomes that include processes used, agencies and relations (Sen: 2009: 215).

[76] Trans-positional evaluation goes beyond positional observations; it synthesises different views from distinct positions and demands some kind of coherence between views leading to a broader understanding that makes sense of the respective positional observations (Sen 1993: 130).

[77] The fact that 'Which analysis is appropriate varies from problem to problem depending upon the observation set and, more specifically, upon the spatiotemporal scale appropriate to the problem at hand.' (Warren and Cheney 1993: 106).

[78] The following citation of O'Neill et al. is particularly reminiscent of Maturana's 'systemic' and 'linear' thinking on which I have based my reconstruction of *phronesis*: '[W]e normally adopt hierarchical explanations… […] We look to higher levels for significance and to lower levels for mechanisms […]' (quoted by Warren and Cheney 1993: 105).

[79] The central object of *phronesis* here is then to determine the type of analysis appropriate to the context since: 'Which analysis is appropriate varies from problem to problem depending upon the observation set and, more specifically, upon the spatiotemporal scale appropriate to the problem at hand (Warren and Cheney 1993: 106). Moreover, Warren and Cheney note that hierarchy theory 'neutralizes ontology by privileging non-foundational, contextualist epistemology over foundational ontology' (*ibid.*).

[80] They are ancient forms of knowledge centred on the satisfaction of human needs: science of commerce (*science du commerce*) and 'oeconomic science' or 'physic economics' (*physique économique*). The former is characterised by the rejection of all knowledge of a metaphysical nature (think of hierarchy theory's refusal of metaphysics). It collects facts and especially details, and then reassembles them to deal with any new situation. The science of commerce is a big accumulation of observations on geography, soils, forests, plants, animals etc. (Orain 2023: 10-12, 57). Oeconomic science or physic economics is a physics applied to the natural world, which is itself thought of as a self-regulating organism (*op. cit.*, 10-12 and chap. IV).

knowledge, finally, are indigenous knowledge systems that can help to tackle climate change (Ebhuoma and Leonard 2022)[81].

<center>§2</center>

<center>*Objectivity: a praxeological understanding of re-cognition and Phronesis*</center>

To further elaborate on the concept of *phronesis* that I am trying to put in place here, I will introduce the notion of 'constitutive objectivity'. The passage from 'positional objectivity' to 'constitutive objectivity' can be regarded as the passage from a conceptual to an ontogenetical argument. At stake is the possibility of conceiving *phronesis* as *praxis*, viz. knowledge rendered effective in concrete action.

Prolonging the position-dependent approach to objectivity, I will now align my argument with Maturana's definition of objectivity (1992). Maturana, like Sen, differentiates between two concepts of objectivity: 'transcendental' and 'constitutive'. Transcendental objectivity corresponds to the classical notion of objectivity as a 'view from nowhere'. It is the assumption that existence takes place independently of what the subject –the 'observer', in Maturana's words– does. It is the view that things exist independently (*op. cit.*, 21-2). Constitutive objectivity, on the other hand, conveys the idea that reality is constituted –'enacted', as Francisco Varela would say (1999: 17 *sq.*)–, by what the subject does –the 'praxis of the observer' (Maturana 1992: 18). Here the subject constitutes existence in his/her praxis of living (*op. cit.,* p. 22-8)[82]. This *ontogenetical* definition of objectivity considers the experience of the subject ('the praxis of living') and the emotional base of cognition (*op. cit.,* p. 56-9). For that reason, it is particularly appropriate for a *praxeological* understanding of re-cognition, i.e., for understanding *re-cognition* as a form of *agency*.

To see this point in more detail, i.e., to see how re-cognition can be conceived as praxis, it can be useful to go back to the 'dialectics' of cognition and recognition one more time. I argued

---

[81] The compilation of articles presented by Eromose E. Ebhuoma and Llewellyn Leonard (2022) gives a precious illustration of what I have called here 'phronetic knowledge' and 'phronetic use of knowledge'. Through different case studies, the book shows how countries in sub-Saharan Africa apply indigenous knowledge systems to adapt to climate change. It also poses the question of the collaboration between different forms of knowledge (scientific knowledge and indigenous knowledge). Among other important aspects, indigenous knowledge systems, imbedded in marginal practices, are context-based, observation-based, holistic in nature and creative.

[82] 'An observer in the domain of constitutive ontologies holds that what validates his/her explanations as reformulations of his/her praxis of living with elements of his/her praxis of living is the actual operational coherence that constitutes them in his/her praxis of living, irrespective of the standard of acceptance used.' (Maturana: 1992: 28). It follows that reality, for Maturana, is best understood as a 'multiverse' –as 'microworlds' and 'micro-identities', in F. Varela's words (1999)–, viz. as multiple domains of existence all equally legitimate, but not equally desirable (Maturana 1992: 26).

that love 'mediates' between the two poles making the opposition between cognition and recognition a 'dynamic' (*supra* I. §3). Introducing the new clause (objectivity, that is, cognition is rooted in the praxis of living) transforms, as it were, the 'dynamic' into a 'synthesis' that overcomes the opposition to the extent that re-cognition is ultimately rooted in the *activity* (praxis) of the *subject* defined as a *suppôt*: a substrate of action and change, viz. 'the concept of a concrete individual with causal powers' (Descombes 2004: 34)[83]. I follow then French Philosopher Denis Vernant (2011) in the way he uses the term 'activity' as opposed to 'action'. While 'action' can be defined –much like Ricœur (*supra* I. §2)– in terms of symbolic representations, planning and limited rationality (*op. cit.*, p. 243); 'activity', or *effective action*, is an infra-symbolic process of interaction, open, unpredictable and creative, between the agent and his/her environment (*ibid.*)[84].

This *praxeological* understanding of action has two important implications for our enquiry: Regarding *the course of recognition* (*supra* I. §2), with the concept of *re-cognition* the *notion* of recognition returns, enriched, to the starting point so that *to recognise*, in the active voice, can be now defined not merely as an 'intellectual mastery over the field of meanings' (Ricœur), but as the capacity for meaning (cognition) to emerge in *the praxis* of the subject (recognition) as support of action and change (autonomy). Regarding *phronesis*, we can define it, in line with its Aristotelian roots, as effective action *in situ*, i.e., a type of action implying, as D. Vernant puts it, 'adjustments and rectifications at every moment to adapt opportunely to the hazards and unforeseen reactions of the environment and of other agents' (*op. cit.*, p. 244)[85].

§3

Phronesis as capacity to anticipate

I believe the preceding sections contain the rudiments of a theory of action for living well within planetary boundaries: a hermeneutics of human existence in the Anthropocene. In what follows, I will attempt to design the contours of an understanding of *phronesis* as capacity to anticipate. I will then show that it is this conception of *phronesis* that, in the context of planetary

---

[83] I follow Vincent Descombes in the way he defines the term 'subject', i.e., 'an entity falling into the category of suppôts of action and change ("passion")' (2004:14); *suppôt*: 'the individual such as he can play an actantial role in a story, so that one can ask if it is the subject of what happens [agent], the object [patient], or the recipient [beneficiary]'(*ibid.*).

[84] D. Vernant writes: 'If action can be programmed, only activity is carried out. If action can be represented, planned, rationalised and justified, activity can only occur' (2011: 144).

[85] This is a distinctively Aristotelian quality. Indeed, as Benjamin Hole, speaking of anthropogenic climate change, argues, the Aristotelian approach allows the creation of new content through imaginative excellence (2021: 111).

limits and from a degrowth perspective, can yield the only principle of action compatible with autonomy redefined as self-limitation (see conclusion).

Phronesis, P. Aubenque observes, is the capacity to anticipate [*prévision*] that seeks to pierce an obscure and ambiguous future (2022/1963: 95). Hence, *phronesis* is required if we admit, following Dipesh Chakrabarty (2015), that climate change related uncertainties cannot be completely tamed and may not always be like measurable risks (art. cit., p. 47). Indeed, uncertainty, *contingency*, are, as a matter of fact, the hallmarks of *phronesis*. As P. Aubenque puts it: 'prudence takes place in the realm of the contingent, i.e., of what can be otherwise than it is, i-o cv8cхoμcvov a"A"Ao; cxctv' (2022/1963: 65). *Phronesis*, because it reunites, as we have seen, in effective action (praxis) the systemic and the local, the whole and the particular, can, therefore, overcome 'the contradictoriness in our thinking' when we are being asked to think on different and incompatible scales of time ('the global' and 'the planetary') at once (Chakrabarty 2015: 45 and 55).

By the same token, *phronesis* is the only virtue that can help bridge the gap between ethics and politics as an 'architectonic' science (*NE* I, 2, 1094b7-10). Indeed, the *phronimos* knows what is good for him/her (i.e., *phronesis* at the individual/ethical level) and for us [προ; 17μα;] (i.e., *phronesis* at the collective/political level) (Aubenque 2022/1963: 40). Aristotle writes: 'men like him [the *phronimos*] have practical wisdom, namely, because they can see what is good for themselves and what is good for men in general' (*NE* VI, 5, 1140b 8). The *phronimos*, then, is the 'administrator of homes and cities' (Aubenque 2022/1963: 53) and *a fortiori* of the 'biotic' or 'land-community' (Leopold 2020/1949: 192 *sq.*), 'our common home' (Francis' *Laudato Si' On Care for our Common Home*)[86]. As P. Aubenque puts it: 'the prudent man […] is the man of global views […] what he sees is a concrete totality –the total good of the community or of the individual' (2022/1963: 57). Moreover, *phronesis* as capacity to anticipate can help to elucidate what Ulrich Brand, Barbara Muraca et al. (2021) call an 'anticipatory form of governance' (p. 279); and I 'a *phronetic* form of governance', namely, a democratic governance of limits as opposed to 'existing reactive adaptations' (*ibid.*).

Last but not least, and this can be related to *phronesis* tragic source (Aubenque 2022/1963: 161 *sq.*), *phronesis* is perhaps the only resort we have in dealing with 'wicked'[87] or 'hard cases' (like climate change) that 'arise when there are competing goods, tragic choices, and/or high

---

[86] I base this claim on the idea that *phronesis* can be also a form of ecological thinking, which then authorises our inclusion of the biotic community into the space in which the virtue of *phronesis* can be exercise.
[87] Term introduced by Horst W. J. Rittel and Melvin M. Webber in 'Dilemmas in a General Theory of Planning' (1973).

levels of uncertainty' (Sandler 2017: 231; see also Stafford 2010: 352)[88]. Hence, in climate ethics, *phronesis* could be considered as a kind of 'radical virtue', viz. virtues that can serve as 'consolation' in unfavourable circumstances or as 'prescription' to achieve better ones (Hole 2021: 100, 101). According to Benjamin Hole, the Aristotelian approach combines both (art. cit. p. 108), which makes the concept of *phronesis*, as I have tried to define it here, a virtue that 'adds new content by revising our accepted understanding of virtue, as a fitting response to anthropogenic climate change' (art. cit., p. 109)[89].

CONCLUSION: TOWARD AUTONOMY AS SELF-LIMITATION

Considering the assumptions outlined in the previous sections, I will now without attempting a systematic articulation, attempt, based on parallels and share features, an articulation with the idea of autonomy. The question at hand: How to conceive a principle of action for living well within planetary boundaries consistent with autonomy?

In a short but illuminating introduction to the published transcript of a debate between Cornelius Castoriadis and Daniel Cohn-Bendit in February 1980, French Philosopher Philippe Caumières, referring to Hans Jonas' *The Imperative of Responsibility* (1984/1979)*,* raises what I think is a most important question for the idea of limits: the foundations of the imperative of responsibility ethics show a move towards heteronomy (Caumières 2014: 13). P. Caumières argues that: 'insofar as he [Jonas] attempts "to bridge the alleged chasm between 'is' and 'ought'[90]" and seizes nature as a value in itself, it limits the field of collective deliberation and leads to a closure of meaning […] Collective autonomy, i.e., democracy properly understood, supposes on the contrary a permanent questioning of meaning' (*ibid*.). The issue at stake is then: addressing the question of limits without giving up freedom. The principal point that I would like to make here is that if limits are to be compatible with freedom, then we need a principle of action that does not close but open the horizon of what is possible while

---

[88] In this sense, *phronesis*, in accordance with D. Jamieson understanding of virtues, 'provide guidance for living gracefully while helping to restore in us a sense of agency' (quoted by B. Hole 2021: 101)

[89] To illustrate this point and make a link to our previous discussion on re-cognition as loving awareness on which I have based my reconstruction of *phronesis,* I will refer to a passage by C. Hall (2019) that, in light of our study, describes what I take to be the role of the *phronimos*: 'practices and policies are unlikely to be adequate unless someone [the *phronimos*] who pays careful, *loving* [author's italics] attention to the highly complex web of life can provide guidance on what will actually support its integrity' (p. 221). And Furtak (2019): 'The emotional responses of a loving subject [the *phronimos*] embody a mode of vision, even though what they allow us to see would remain invisible to a person without the necessary sort of affective attunement.' (p. 207).

[90] See Jonas 1984/1979: chap. 4, p. 79 *sq.*

reminding us that for living well we need to live within limits. I will call this, as an alternative to the imperative of responsibility, 'the imperative of *phronesis*'.

Both the imperative of responsibility, its pragmatic form: 'the precautionary principle' (see Zarka 2012), and the imperative of *phronesis* could, I believe, be brought back to a common source: the Latin term '*prudentia*'. As Pierre Pellegrin (2004: 1201) points out, it is Cicero who introduced the philosophical usage of the term prudence which is a contraction from the Latin term '*providentia*' which means 'seeing ahead', to predict [*prévoir*], and by which Cicero translated the Greek '*phronesis*'. Cicero then defined prudence, in *De Officiis*, as 'the knowledge of things that one should pursue and avoid' (Cicero/Griffin and Atkins 1991: 59). The term '*prudentia*', therefore, contains both aspects: prediction and precaution, that the notion of prudence carries with it in the Western tradition (Pellegrin 2004: 1201).

Even though it is now commonly agreed that *phronesis* is best translated as 'practical wisdom', it is interesting to maintain, as a heuristic technique, the old translation 'prudence'. Indeed, it is based on these two interrelated meanings of prudence, in particular the one related to the capacity of foresight, to anticipate, that I suggest introducing the imperative of *phronesis* as an alternative to the imperative of responsibility which, I think it can safely be assumed, has a family resemblance with prudence as precaution. This point would require a full elucidation which is beyond the scope of this essay. If, however, the working hypothesis seems plausible, then we could imagine conceiving an alternative principle of action for the Anthropocene compatible with autonomy, i.e., a principle of action based on *phronesis*.

The following passage from André Tosel's (1995) *De la prudence des anciens comparée à celle des modernes* provides a hint of what the metaphysical background of such alternative principle could be. Indeed, speaking of *phronesis* implies:

> underlining the contingency and finitude of human action, yet revealing its dimension of openness to possibilities, its creative incompleteness, and showing how indeterminacy and freedom form a circle beyond the pretensions of a science that would produce once and for all the conditions and univocal forms, the certainty of true action (*op. cit.*, p. 8).

Phronesis, therefore, entails the recognition of the *whole* field of what is possible, while reminding us that this field has impassable limits (Aubenque: 2022/1963: 142). From this, we can put forward the following postulation: Limits –but we can also speak here of values– are not, in the light of the imperative of *phronesis*, imposed, from the exterior (e.g. as the objective value of nature, planetary boundaries…), but *re-cognised*. And because *re-cognition*, as we

have seen, is a form of effective action (praxis), limits, consequently, reveal the volitional nature of the individual and the collective, viz. their autonomy as self-limitation[91].

REFERENCES

Aaltola, Elisa. 'Love and Animals, Simone Weil, Iris Murdoch and Attention as Love'. In *The Routledge Handbook of Love in Philosophy*, edited by Adrienne M. Martin. Routledge, 2019.

Aristotle, W. D. Ross, and Lesley Brown. *The Nicomachean Ethics*. Oxford ; New York: Oxford University Press, 2009.

Aubenque, Pierre. *La Prudence Chez Aristote ; Avec Un Appendice Sur 'La Prudence Chez Kant'*. 6e éd., 2e tirage. Quadrige. Grands Textes. Paris: PUF, 2016.

Brand, Ulrich, Barbara Muraca, Éric Pineault, Marlyne Sahakian, Anke Schaffartzik, Andreas Novy, Christoph Streissler, et al. 'From Planetary to Societal Boundaries: An Argument for Collectively Defined Self-Limitation'. *Sustainability : Science, Practice, & Policy* 17, no. 1 (2021): 264–91. https://doi.org/10.1080/15487733.2021.1940754.

Brown, Charles S. 'The Who of Environmental Ethics: Phenomenology and the Moral Self'. In *Ecopsychology, Phenomenology, and the Environment, The Experience of Nature*, edited by Douglas A. Vakoch and Fernando Castrillon. Springer, 2014.

Castoriadis, Cornelius, and Daniel Cohn-Bendit. *De l'écologie à l'autonomie*. Documents. Lormont: Le Bord de L'eau Editions, 2014.

Chakrabarty, Dipesh. 'The Anthropocene and the Convergence of Histories'. In *The Anthropocene and the Global Environmental Crisis, Rethinking Modernity in a New Epoch*, edited by Clive Hamilton, Christophe Bonneuil, and François Gemenne. Routledge, 2015.

Charbonnier, Pierre. *Abondance et liberté: Une histoire environnementale des idées politiques*. La Découverte, 2020. https://doi.org/10.3917/dec.charb.2020.01.

---

[91] Kallis (2019) writes thus: 'The limit resides in the subject and the intention, not in nature, which is indifferent to our intentions. And it is our intentions that should be limited' (p. 60). And further away: 'Planetary studies provide useful information on the consequences at stake and on the limits to our options. But they do not tell us what the limits are.' (p. 72).

Cicero, Marcus Tullius, Miriam T. Griffin, and E. M. Atkins. *On Duties*. Cambridge Texts in the History of Political Thought. Cambridge [England] ; New York: Cambridge University Press, 1991.

Descombes, Vincent. *Le Complément de Sujet : Enquête Sur Le Fait d'agir de Soi-Même*. Tel 421. Paris: Gallimard, 2018.

Ebhuoma, Eromose E., and Llewellyn Leonard. *Indigenous Knowledge and Climate Governance : A Sub-Saharan African Perspective*. Sustainable Development Goals Series. Cham: Springer, 2022.

Ghosh, Amitav. *The Great Derangement : Climate Change and the Unthinkable*. Paperback edition. The Randy L. and Melvin R. Berlin Family Lectures. Chicago: The University of Chicago Press, 2016.

———. *The Nutmeg's Curse : Parables for a Planet in Crisis*. Chicago: University of Chicago Press, 2021.

Hall, Cheryl. 'Caring to Be Green, The Importance of Love for Environmetal Integrity'. In *The Routledge Handbook of Love in Philosophy*, edited by Adrienne M. Martin. Routledge, 2019.

Hébert, Ian-Michael. 'Mountain Reflections: Reverence for the Consciousness of Nature'. In *Ecopsychology, Phenomenology, and the Environment, The Experience of Nature*, edited by Douglas A. Vakoch and Fernando Castrillon. Springer, 2014.

Hess, Gérald. 'La conscience cosmique, esquisse pour une conception non réductrice de la relation de l'homme à la nature'. In *Science, conscience et environnement: penser le monde complexe*, edited by Gérald Hess and Dominique Bourg, 323. Paris: PUF, 2016.

Hole, Benjamin. 'Radical Virtue and Climate Action'. *Environmental Ethics* 43, no. 2 (2021): 99–117. https://doi.org/10.5840/enviroethics202142718.

Honneth, Axel, Judith Butler, Raymond Geuss, Jonathan Lear, and Martin Jay. *Reification: A New Look at an Old Idea*. The Berkeley Tanner Lectures. Oxford ; New York: Oxford University Press, 2008.

Jamieson, Dale. 'When Utilitarians Should Be Virtue Theorists'. *Utilitas* 19, no. 2 (2007): 160–83. https://doi.org/10.1017/S0953820807002452.

Jonas, Hans. *The Imperative of Responsibility: In Search of an Ethics for the Technological Age*. Chicago: University of Chicago Press, 1984.

Kallis, Giorgos. *Degrowth*. Newcastle upon Tyne: Agenda Publishing, 2018.

———. *Limits : Why Malthus Was Wrong and Why Environmentalists Should Care*. Stanford, California: Stanford Briefs, an imprint of Stanford University Press, 2019.

Lefort, Claude. *Essais Sur Le Politique : XIXe-XXe Siècles*. Points 459. Essais. Paris: Editions du Seuil, 1986.

Maturana, Humberto. *La objetividad, un argumento para obligar*. Paidos Chile, 1997.

Maturana Romesín, Humberto, and Gerda Verden-Zöller. *The Origin of Humanness in the Biology of Love*. Imprint Academic, 2012. https://books.google.ch/books?id=nJG7BAAAQBAJ.

Orain, Arnaud. *Les Savoirs Perdus de l'économie, Contribution à l'équilibre Du Vivant*. Editions Gallimard, 2023.

Pellegrin, Pierre. 'Prudence'. In *Dictionnaire d'éthique et de Philosophie Morale*, edited by Monique Canto-Sperber. Quadrige / Puf. Presses Universitaires de France, 1996.

Puhakka, Kaisa. 'Intimacy, Otherness, and Alienation: The Intertwining of Nature and Consciousness'. In *Ecopsychology, Phenomenology, and the Environment, The Experience of Nature*, edited by Douglas A. Vakoch and Fernando Castrillon. Springer, 2014.

Rick Anthony. 'On the Love of Nature'. In *The Routledge Handbook of Love in Philosophy*, by Adreinne M. Martin. Routledge, 2019.

Ricoeur, Paul. *Amour et Justice*. Points 609. Essais. Paris: Ed. Points, 2008.

Ricœur, Paul. *The Course of Recognition*. Institute for Human Sciences Vienna Lecture Series. Cambridge, Mass: Harvard University Press, 2005.

Salgado, Sebastião, and Isabelle Francq. *De Ma Terre à La Terre*. Chemin Faisant. Paris: Presses de la Renaissance, 2013.

Sandler, Ronald. 'Environmental Virtue Ethics: Value, Normativity, and Right Action'. In *The Oxford Handbook of Environmental Ethics*, edited by Stephen M. Gardiner and Allen Thompson. Oxford University Press, 2017.

Sandler, Ronald L. *Character and Environment : A Virtue-Oriented Approach to Environmental Ethics*. New York: Columbia Univ. Press, 2007.

Sen, Amartya. 'Positional Objectivity'. *Philosophy & Public Affairs* 22, no. 2 (1993): 126–45.

———. *The Idea of Justice*. Cambridge, Mass: The Belknap Press of Harvard University Press, 2009.

Stafford, Sue P. 'Intellectual Virtue in Environmental Virtue Ethics'. *Environmental Ethics* 32, no. 4 (2010): 339–52. https://doi.org/10.5840/enviroethics201032439.

Steinberger, Julia. 'Bien Vivre à l'intérieur Des Limites Planétaires'. In *Santé et Environnement, Vers Une Nouvelle Approche Globale*, edited by Nicolas Senn, Marie Gaille, Maria del Rio Carral, and Julia González Holguera. RMS Editions / Médecine et hygiène, 2022.

Stern, Nicholas. *Why Are We Waiting? : The Logic, Urgency, and Promise of Tackling Climate Change*. The Lionel Robbins Lectures. Cambridge, Massachusetts: MIT Press, 2015.

Tosel, André. *De La Prudence Des Anciens Comparée à Celle Des Modernes : Sémantique d'un Concept, Déplacement Des Problématiques*. Série Agōn N^0 7. Paris: Les Belles lettres, 1995.

Treanor, Brian. 'Narrative Environmental Virtue Ethics: Phronesis without a Phronimos'. *Environmental Ethics* 30, no. 4 (2008): 361–79. https://doi.org/10.5840/enviroethics200830440.

Vernant, Denis. *Introduction à La Philosophie Contemporaine Du Langage : [Du Langage à l'action]*. U. A. Colin. Paris: A. Colin, 2011.

Warren, Karen J., and Jim Cheney. 'Ecosystem Ecology and Metaphysical Ecology: A Case Study'. *Environmental Ethics* 15, no. 2 (1993): 99–116. https://doi.org/10.5840/enviroethics199315226.

Zarka, Yves Charles. 'Considérations philosophiques sur le principe de précaution'. *Revue de métaphysique et de morale (Paris, France : 1945)* 76, no. 4 (2012): 483–89. https://doi.org/10.3917/rmm.124.0483.

CHAPTER 3

INTERDISCIPLINARY VIGNETTES

VIGNETTE I
Reflexions on the idea of justice: climate justice and intergenerational justice

The purpose of this essay is to tackle the question of justice in relation to the ecological crisis, in particular climate change. One key aspect of climate change is that it poses the question of the long-term in politics. As Pierre Rosanvallon puts it: "democratic regimes have trouble incorporating concerns about the long-term into how they operate[92]". This is why we also need *normative principles*, that is, to think about the idea of *justice* in order to operate a change in the "hierarchy of temporalities[93]". This means thinking about *climate justice* and justice between *non-overlapping generations* or *intergenerational justice.*

*

There are several normative frameworks that we can use to think about climate change: economic or cost-benefit analysis (as in the *Stern review*), security-focused analysis, the ecological approach (based on the intrinsic value of nature), and the human rights approach which, in many aspects, is complementary to the ecological approach (as in the notion of "rights of humanity[94]").

As we will see, human rights are at the centre of the question of intergenerational justice. The human rights approach provides strong normative arguments that explain *what is wrong with climate change*. As Anja Karnein points out: "our not combatting climate change is

---

[92] Rosanvallon, Pierre, (2014). « La démocratie et la gestion du long terme » In : Rosanvallon, Pierre (ed.) (2014). *Science et démocratie*, Paris, Collège de France, Odile Jacob. p. 299. And a little further on he says (*ibid.*): "A sort of 'preference for the present' has indeed marked the political horizon of democracies". This "short-termism" is both present in politics and markets. Translation is mine.

[93] "there can be no real 'revolution of the hierarchy of temporalities' [...] as long as the question of extending the norms of justice has not been stated". *Ibid.,* p. 310-11. And he adds (p. 311): "in terms of humanity [...] of the categories of humanity or of the human species, transcending borders".

[94] In short, rights of humanity represent a new paradigm of the human rights approach in which the right of nature is the central value. See Valérie Cabanes, *Un nouveau droit pour la terre, Pour en finir avec l'écocide,* Éditions du Seuil coll. Anthropocène, Paris, 2016.

intuitively a – perhaps the – paradigmatic case of intergenerational injustice[95]”. Thus, the human rights approach, it is argued, is a good starting point for sketching an intergenerational theory of justice.

This has to do with the nature of the concept of human rights. Human rights are founded on the idea of human dignity. They are universal. Therefore, they represent moral thresholds and enjoy a lexical priority over other ethical or political values. According to Simon Caney, anthropocentric climate change threatens three fundamental rights: the right to life, the right to health, and the right to subsistence[96]. As formulated by S. Caney, these rights are general (as opposed to special) and negative: they prescribe to abstain from certain actions rather than positively requiring to fulfill them; and can then be justified both from a deontological as well as a consequentialist perspective[97] (this is important for what will follow after, although we cannot fully d). Human rights, therefore, capture basic intuitions about why we need to fight climate change. For this reason, they can be considered as a central component of a general deontological theory of intergenerational justice.

<p align="center">*</p>

The central idea of an intergenerational theory of justice is that “the members of one generation should act in such a way that they leave future people with a standard of living that is at least equal to their own[98]”.

Note that, as S. Caney and other authors have noted (for example, A. Karnein), the term “generations” is not straightforward. A. Karnein prefers to speak of justice between “non-overlapping generations”, and S. Caney of “rights of future people”. In each case, the central idea is that the *moral unit* is not a generation, or generations, but the *individual(s)* or the “abstract person” (A. Karnein) that is part of a *flow* of succeeding generations.

This is important for two reasons: focusing on individuals rather than generations allow us to disaggregate the moral units and to identify the duty-bearers and the rights holders as subsets

---

[95] Anja Karnein “Climate Change and Justice between Non-overlapping Generations” in: Global Justice: Theory Practice Rhetoric, The global justice network, Vol 8, No. 2, 2015, p. 49.

[96] Simon Caney, “Climate Change, Human Rights, and Moral Thresholds” in: Stephen M. Gardiner, *Climate ethics, essential readings*, Oxford University Press, 2010.

[97] This is important for what will follow. Nevertheless, not all arguments and implications can be discussed here. We will then have to satisfy ourselves with an overview.

[98] Simon Caney, “Justice and Posterity” in: Ravi Kanbur & Henry Shue (ed.) (2019), *Climate Justice, Integrating Economics and Philosophy*, Oxford University Press, p. 157.

of *any* generation[99]. Second, and in connection to this, it introduces considerations regarding the distribution of benefits and burdens within and across generations.

The first aspect is crucial for the human rights approach, while the second point commits an intergenerational theory of justice to the Rawlsian egalitarian ideal of justice, that is, according to S. Caney, to a "maximal equal standard of living" in terms of "equal capabilities to function"[100].

Regarding climate justice, the two general implications that follow from these two aspects combined are that, first, the human rights approach protects the vulnerable or the least advantage ("the right not to suffer from climate change")[101], and, second, that the egalitarian component ("the poor should not pay") identifies the duty-bearers: those who should bear the responsibility of mitigation, i.e., "the powerful and the affluent"[102] or, as S. Caney puts it elsewhere: the "advantage" or the "virtuous"[103]; so as to achieve, *within* and *across* generations, the normative criterion of an equal standard of living.

These are, as we understand it, the central and more general aspects of the *principle of justice for future people*[104]: distribution of burdens and benefits, on the one side; identifying duties and rights, on the other side.

<div align="center">*</div>

If the aim of a deontological theory of intergenerational justice is that it "has to provide a plausible account of what is wrong with climate change[105]", then the human rights approach is the best candidate for this purpose[106] . Namely, because human rights, as we noted, protect the interests of the most vulnerable.

---

[99] S. Caney (*Ibid*. p. 160) writes thus: "the most plausible principles entail that the responsibilities would not be held by a generation en masse, but rather by a group of agents which both are a subset of any generation and which also cross generational boundaries".

[100] *Ibid.* p. 166.

[101] The human rights approach, as S. Caney ("Climate Change, Human Rights, and Moral Thresholds", art. cit. p. 170) puts it: "disaggregates the impacts of climate change and is concerned with ensuring that none falls beneath a certain threshold".

[102] S. Caney, "Justice and Posterity", art. cit. p 168.

[103] Note that when S. Caney says the "virtuous", this entails that responsibility is ascribed to the agent regardless of it/his/her contribution or not to climate change. See Simon Caney, "Cosmopolitan Justice, Responsibility, and Global Climate Change" in: S. M. Gardiner et al. (ed.) (2010), *Climate Ethics, Essential Readings*, Oxford University Press.

[104] It states that "X (roughly, those alive at one time) should leave others, Y (those born in the future), no worse off than themselves" (S. Caney, "Justice and Posterity", art. cit. p 159). X stands for the subset of individuals of any generation, and Y for future people; "no worse off than themselves" means in terms of the normative criterion of a maximal equal standard of living.

[105] A. Karnein, art. cit. p. 49.

[106] The other accounts are "indirect reciprocity" and "common ownership of the Earth". See A Karnein, art. cit.

The human rights approach, although it can explain "what is wrong" with climate change, does not give, however, as A. Karnein points out, a "straightforward and direct" account of intergenerational interactions. This is perhaps the principal obstacle that the theory of intergenerational justice must overcome: the question of the historical and natural *drift* of events and phenomena or, in other words, the question of *causality* and *uncertainty* across long spans of time: the "epistemic challenge[107]", for A. Karnein, or the "causal impact principle", for S. Caney.

The importance of the question reflects on at least two aspects related to the theory: ascribing responsibility, and the realisation of justice.

To illustrate the point, A. Karnein refers to Hurricane Katrine as an example of the difficulty in assigning responsibility across time. Indeed, in such a case, who can we say is responsible: past generations who contributed to climate change and therefore to the frequency of extreme weather events, or the present (then US) government who failed to protect the population from an anticipated disaster?

This is an interesting example of a not-straightforward interaction between generations, because, as A. Karnein says: "what constitutes such a threat [a threat to the right to life from previous generations E.A.] when we are talking of causes and effects that may lie hundreds of years apart [?]". For A. Karnein, responsibility should be assigned to the present generation (the US government), because no *direct* violation of human rights can be identified here, thus making the question a matter of *intra*generational justice or justice between contemporaries.

According to A. Karnein, this case shows the weakness of the human rights approach as formulated by S. Caney: it covers too many cases of climate related human rights violations. The reason: it fails to take into consideration the complex, "the inevitable messiness", of intergenerational interactions[108].

Contrary to this too wide approach, A. Karnein suggest a "narrow" account of climate related human rights violations.

> I am suggesting that we might do well to understand human rights violations – and rights violations more generally—in the intergenerational case more narrowly, that is, as requiring a rather *direct cause and effect*,

---

[107] For A. Karnein (art. cit. p. 48), the issue is about our lack of knowledge regarding the number of future generations, and the content of their preferences, values etc. It is also about the *consequences of our actions* (*unpredictability*). We could also include here uncertainty regarding causes and effects of natural phenomena.

[108] See Dale Jamieson (2014), *Reason in A Dark Time. Why the Struggle Against Climate Change Failed And What It Means,* Oxford: Oxford University Press, p. 159, quoted by A. Karnein, art. cit. p. 58.

where an action of the past would have to unavoidably and rather directly cause illness or death in the future.[109]

The problem with this "narrow" account, as A. Karnein herself acknowledges it, is that "[i]f we go this route, however, then very few intergenerational transactions will count as (human) rights violations"[110].

In a nutshell, the human rights approach either captures too many cases of climate related intergenerational interactions (as in S. Caney's version), or too few (as in A. Karnein's version) and in this case climate change events that are not unavoidably catastrophic cannot be accounted as wrong. In the first instance, *intra*generational justice is compromised; in the second, it is *inter*generational justice that is undermined.

Thus, regarding the realisation of justice, some form of presentism, or, as in John Nolt, "long-term consequentialism of rights[111]", is required given the nature of the epistemic challenge when we try to think justice in time. A. Karnein writes thus: "there might be a significant and undesirable cost to not making human rights protection primarily a concern for intragenerational justice[112]". And we may add, following S. Caney, that "doing justice to contemporaries can contribute to doing justice to future people[113]". Be it as it may, as far as long-term climate justice is concerned, "we have no effective control over either [inter- or intragenerational distribution of injustices, benefits etc. E.A][114]."

In short, the temporal span of climate related events and human actions creates, in the chain of historical and epistemic causality, a gap where justice is at stake. Justice, in other words, is influenced by circumstances that change over time. Here the theory, based on a wide or narrow account of human rights, encounters, as we just saw, its main obstacle.

---

[109] A. Karnein, art. cit. p. 59. Highlighting is mine.
[110] *Ibid*.
[111] The idea is that: "We must, of course, balance the rights of distant future people against the rights of present people and near-future people, especially the poor. Hence we should retain a more robust human rights theory for the near term, where our ability to predict and control events is greater. But ultimately the presumption that human rights are, in every individual, morally inviolable must in the long term give way to an imperative to keep aggregate harm as low as we reasonably can, consistent with present responsibilities. Long-term climate ethics thus takes on a distinctly consequentialist hue." See John Nolt, "Long-Term Climate Justice" in: Ravi Kanbur & Henry Shue (ed.) (2019), *Climate Justice, Integrating Economics and Philosophy*, Oxford University Press, p. 241.
[112] A. Karnein, art. cit., p. 59.
[113] S. Caney, "Justice and Posterity", art. cit. p. 170.
[114] J. Nolt, art. cit. p. 240.

At some point, past actions become part of history: "quasi-external constraints the following generations will have to operate within and around[115]". This is not only true of action, but also of natural phenomena: "transformations of the earth frequently lead to unknown and unforeseen side effects, which are inevitably part of the package we inherit[116]".

If justice is governed by circumstances, and that these change over time, then justice can be *superseded* (Jeremy Waldron)[117]. But this is an external consideration to a deontological theory of intergenerational justice which aim is not only to say what is wrong with climate change, *at any time*, but also to specify *what we own* to future people, *at any time*. To this point we turn now.

<center>*</center>

After having shown the weakness of both versions of the human rights approach, A. Karnein goes on to sketch a new theory based on three "lessons".

First, the theory must focus on *impacts*, that is, on *the non-linearity of climate related phenomena*, or still on disaggregated causes and effects. Second, the theory must consider the *indirectness of intergenerational interactions*. Last, the theory must focus on *opportunities* rather than on resources[118].

It is not difficult to see that the first and second lessons explicitly address the epistemic challenge, that is, what we called the historical and natural *drift* of events and natural phenomena, or still the question of the temporal status of justice. Based on these three lessons, A. Karnein suggests:

> [T]hat what we owe to future generations may be something very specific to intergenerational relationships, namely not to exert undue influence on them. It is the right not to have a previous generation determine and

---

[115] A. Karnein, art. cit., p. 58. The full quotation goes: "Why might this be? One way to think about this difference is that in the relationship between nonoverlapping generations, unlike that between contemporaries, there comes a time when, within certain limits, the actions of those in the past become part of history, that is, quasi-external constraints the following generations will have to operate within and around. Then it may predominantly be a matter of intra generational justice – justice between contemporaries – to make sure the world people live in, with all the baggage inherited from the past, is a safe and liveable one".

[116] *Ibid.*, p. 60.

[117] Jeremy Waldron (1992). « Superseding Historic Injustice » In: *Ethics*, Vol. 103, No. 1, pp. 4-28; and « Redressing Historic Injustice » In: *The University of Toronto Law Journal*, Vol. 52, No. 1, pp. 135-160.

[118] This a conclusion from the discussion on the obstacles encountered by the theory of common ownership of the Earth.

dictate the lives of future persons, that is, impact these lives beyond the inevitable ways they are always impacted[119].

But at this stage the theory reencounters the epistemic challenge without being able to overcome it, because now the theory requires, as A. Karnein also admits it[120], establishing when "influencing", "impacting" the future, becomes "determining" it; in other words, and upon last reflection, the theory requires a study on the nature of the epistemic and historical drift of natural phenomena (science, climate science etc.) and historical events (praxeology, philosophy of history etc.).

Furthermore, when thinking about climate justice, the question of "influencing" and "impacting" the future means, as we saw, "the right not to suffer from climate change", that is, from hardships: cumulative, long-term, and large-scale destructions that violate human rights. But, as A. Karnein points out, the "question then becomes a substantial one, namely what exactly an unacceptable hardship of this kind might consist of[121]". And if we follow S. Caney, this is a normative rather than a scientific question:

> What counts as a "dangerous" anthropogenic interference is clearly, in part, a normative issue. It cannot be resolved by science alone, for that can at most tell us the kinds of changes that are likely to occur. To determine when the changes are "dangerous," we need some normative principle or principles[122].

In other words, we need to say what is wrong with climate, that is, to identify the moral subject for whom climate change is a wrong, and, as we have stablished it above, the moral subject is the subject for whom climate change threatens the enjoyment of human rights, or as A. Karnein puts it, the freedom of generations "to choose the course of their own individual and collective lives.[123]" But this is our starting point!

Therefore, to avoid contradiction and circularity, either, as we hinted above, we step outside the theory, or, as A. Karnein suggests, we complete the human rights account of an

---

[119] A. Karnein, art. cit., p. 64.
[120] She writes thus (p. 65): "Much more would have to be said to defend this proposal properly. For instance, it would be important to discuss at greater length when 'impacting' the future—which I am claiming is inevitable – turns into 'determining' the future – which I am claiming violates future generations' rights".
[121] And she adds (p. 47): "Any account of intergenerational obligations therefore has to clearly spell out what circumstances (future) persons or generations have a right not to be subjected to by other (previously living) persons or generations."
[122] S. Caney, "Climate Change, Human Rights, and Moral Thresholds", art. cit. p. 172.
[123] A. Karnein, art. cit., p. 63.

intergenerational theory of justice by a *theory of intergenerational morality* "delineating appropriate attitudes toward the future"[124].

It is worth noting, however, that such moral theory could make some aspects of the intergenerational theory of justice less relevant, those regarding distribution, for example. This can be inferred from J. Nolt's remark:

> Since greenhouse gas emissions are already killing people, even consuming our alleged "share" of the carbon budget is harmful to many […] If we conceive climate justice only as fair intergenerational distribution of wealth, opportunities, natural capital, or the like, we will have failed to account for the injustice of killing and otherwise harming large numbers of innocent people.[125]

Harms, according to J. Nolt, are "losses of objective welfare", that is, of "capabilities" (Amartya Sen). A theory of intergenerational morality is then concerned, I would argue, with limiting harms to future people, that is, not to harm them, as reasonable as it might be possible, without moral necessity. This, in short, is what J. Nolt calls "consequentialism of rights" (see *supra* note 19). The question now is: could a consequentialism of rights describe the appropriate attitude toward the future?

To be sure, consequentialism means, in this case, not to maximise but *satisficing*, that is, "eliminating the worst options and choosing, from among the better, one that is good enough[126]." Therefore, a consequentialism of rights is about balancing competing values and claims. Further, it means that it "would permit some rights violations for the sake of avoiding weightier ones[127]".

The resulting outcome is that the appropriate attitude toward the future is to minimize the number of hardships; in terms of climate justice, it means to drastically reduce greenhouse gas emissions. J. Nolt writes thus:

> But ultimately the presumption that human rights are, in every individual, morally inviolable must in the long term give way to an imperative to keep aggregate harm as low as we reasonably can, consistent with present responsibilities.[128]

---

[124] *Ibid*., p. 65.
[125] J. Nolt, art. cit. p. 237.
[126] *Ibid.,* p. 242.
[127] *Ibid.*
[128] *Ibid*., p. 241.

But what about the egalitarian component of the principle of justice for future people that consists in achieving the "maximal equal standard of living"? Unlike the question of distribution, it would seem, the idea of achieving the maximal equal standard of living does not require, at least in S. Caney's version, to leave future better off (maximising), but to "leave future people with an at least equally good set of capabilities[129]".

It seems, therefore, that, at first sight and on this issue at least, the intergenerational theory of justice can be completed with a theory of intergenerational morality based on a proper understanding of a consequentialism of rights which aim would be to satisfice the maximal equal standard of living by keeping aggregated hardships as low as is reasonable acceptable.

REFERENCES

Cabanes, Valérie *Un nouveau droit pour la terre, Pour en finir avec l'écocide,* Éditions du Seuil coll. Anthropocène, Paris, 2016.

Caney Simon, "Climate Change, Human Rights, and Moral Thresholds" in: Stephen M. Gardiner, *Climate ethics, essential readings*, Oxford University Press, 2010.

———, "Justice and Posterity" in: Ravi Kanbur & Henry Shue (2019), *Climate Justice, Integrating Economics and Philosophy*, Oxford University Press.

———, "Cosmopolitan Justice, Responsibility, and Global Climate Change" in: S. M. Gardiner et al. (ed.) (2010), *Climate Ethics, Essential Readings*, Oxford University Press.

Jamieson Dale (2014), *Reason in A Dark Time. Why the Struggle Against Climate Change Failed And What It Means,* Oxford: Oxford University Press.

Karnein Anja, "Climate Change and Justice between Non-overlapping Generations" in: Global Justice: Theory Practice Rhetoric, The global justice network, Vol 8, No. 2, 2015.

---

[129] S. Caney, "Justice and Posterity", art. cit. p. 166.

Nolt John, "Long-Term Climate Justice" in: Ravi Kanbur & Henry Shue (ed.) (2019), *Climate Justice, Integrating Economics and Philosophy*, Oxford University Press, p. 241

Rosanvallon, Pierre (dir.), (2014). *Science et démocratie*, Paris, Collège de France, Odile Jacob.

Waldron, Jeremy, (1992). « Superseding Historic Injustice » In: *Ethics*, Vol. 103, No. 1, pp. 4-28;

———,« Redressing Historic Injustice » In: *The University of Toronto Law Journal*, Vol. 52, No. 1, pp. 135-160.

Human Rights, Corporate *Responsibility and Climate justice*

One of the recent trends in the field of business and human rights is the problem of finding a *binding instrument* that would create international obligations for *non-state entities*, in particular multinationals and private companies, that, in the process of economic globalisation, have become "new fragmented centres" of power in the international arena. This is, in short, the problem of the accountability of multinational corporations. The starting point is the gap that theses non-state entities introduce as to their *legal status*. From there, the question of stablishing whether these entities can be considered as *subjects* of rights and obligations becomes most important. At the centre is the issue of justice for victims of corporate human rights violations. It is to address these deficiencies in international law that negotiations, subsequent to the UN Guiding Principles on Business and Human Rights (UNGPS) submitted by John Ruggie, have started on a treaty on business and human rights.

I

Can multinationals, and in general private non-state entities, be considered as legal persons? This is the first step in elucidating the problem of accountability of corporations. In order to shed some light into this highly debatable question, we can follow Vincent Chetail in his analysis of *the notion of legal personality*. After noticing the vague character of the notion, V. Chetail distinguishes three conceptions, out of which two seem to involve difficulties, that is, a conception that would rely on a strong analogy with the state as the primary subject of international law[130]; and a conception relying on the capacity to be invested of rights and obligations by international law[131].

It is, therefore, the third, "Intermediate", conception, introduced by the International Court of Justice (ICJ) in the *Reparation for Injuries Case*, that V. Chetail retains. Thus: "an entity is a subject of international law only if two cumulative conditions are fulfilled: it 'is

---

[130] Chetail Vincent, The Legal Personality of Multinational Corporations, State Responsibility and Due Diligence: The way forward (chap. 5), p. 107-8. Thus: "an entity is a subject of international law if and only if the three following cumulative conditions are met: it has the capacity to conclude international agreements; the capacity to establish diplomatic relations; and the capacity to bring international claims" (p. 108).

[131] For a deeper discussion on this issue see p. 107-109.

capable of possessing international rights and duties, and that it has capacity to maintain its rights by bringing international claims'".

Despite some ambiguities related to this definition: the definition assumes what it tries to clarify (circularity), V. Chetail points that this definition highlights the fact that "the subjects of international law may substantially vary from one to another[132]". Further: "there are different degrees of personality which depend on the extent of the capacities attributed by international law[133]". Based on this definition of the notion of legal personality, V. Chetail distinguishes between "original" or "plenary" personality (e.g., states), and "derived" or "limited" personality (e.g., other entities whose personality is conferred by states). It is therefore within this conceptual framework that we can clarify the legal status of corporations.

Following the definition adopted by the ICJ (a definition that, as we saw, is based on the capacity to have rights and obligations, and to bring international claims) it is clear that corporations might acquire a limited personality, a "functional personality", as V. Chetail puts it, conferred on them by international law. According to V. Chetail, this can be achieved by three ways: internationalized contracts, treaties, and customary law.

Contrary to contracts and treaties (in particular investment treaties), customary law seems to be more promising in granting rights and obligations on corporations. Indeed, contract and treaties are very limited in bestowing this type of obligations. Among the reasons, V. Chetail mentions are the lack of a general recognition of these obligations by other states[134]; that treaties are not abundant, and that rights and obligations fall on states rather than on corporations (only by indirect application)[135]: "corporations are accordingly treated more as an object of international regulation than as a proper subject on their own[136]".

V. Chetail remarks that this instrument focusing on contracts and treaties is part of a more general process of *customary law* acknowledging the international personality of non-state entities[137]. However, this instrument does not go far enough in recognising the normative status of international legal entities to corporations that would make them subjects of rights

---

[132] *Ibid.,* p. 110.
[133] *Ibid.*
[134] "a state alone cannot confer on its private contract partner the status of "subject" of international law, which could be opposed by other states […] [but], those contracts remain a significant legal tool in order to regulate the conduct of multinational companies at the international level" (*Ibid*., p. 114).
[135] "treaties directly conferring legal capacities on corporations are not abundant. t he most common way of regulating the conduct of corporations follows a more traditional pattern centred on the rights and obligations of states parties rather than those of the corporations per se". (*Ibid*., p. 115).
[136] *Ibid.,* p. 116.
[137] For example, The OECD Guidelines for Multinational Enterprises, and the IOL Declaration of Principles concerning Multinational Enterprises and Social Policy.

and obligations[138]. This is not to say that such forms or instruments of *soft law*, such as The Guiding Principles on Business and Human Rights, do not have a positive effect in paving the way to this goal:

> Intergovernmental declarations and other related non-binding enactments are particularly useful for promoting a common understanding on new issues of international concern and for encouraging predictable and consistent behaviours of states. In the medium or long term, soft law instruments may accordingly pave the way for future conventional or customary law regulations[139].

Despite of the potential role of customary law as a way to recognise corporations as legal persons, V. Chetail is hesitant: "the current state of customary international law does not permit to consider that multinational enterprises are subjects of international law[140]". In other words, corporations, under this scheme, can only be derived and not original subjects of law.

*

This short analysis on the notion of legal personality points to the difficulty in establishing the legal status of non-state entities, such as corporations. We can however retain two main aspects of the debate: first, that the definition of a legal person, as advanced by the ICJ, covers multiple actors; second that there is an original subject of law i.e., the state, through which accountability of multinational corporations can be obtained. We are therefore introduced to the subject of State Responsibility and the notion of Due Diligence.

Before entering into this point it is worth, however, placing our discussion on the notion of personality within a broad conception on the subject of business and human rights; this in order to see how accountability of corporations and enforcement of human rights through due diligence are in fact connected. To this purpose, we can turn to Marco Fasciglione's account of the state of affairs in the field of business and human rights.

Key to M. Fasciglione's account of accountability is the distinction between two approaches or "competing forces": a *normative* and a *realistic* approach. The first one would seek to "tame corporate power" by imposing direct accountability on corporations, while the second would strike a balance between the normative ideal and practical considerations

---

[138] "it is dubious that they have succeeded in creating a customary norm that would acknowledge or even confer a proper international personality on corporations" (*Ibid.*, p. 117).
[139] *Ibid.*, p. 118.
[140] *Ibid.*, p. 119.

regarding, for example, economic interests[141]. Like V. Chetail, M. Fasciglione recognises the gap in international law when it comes to corporate accountability: "if States can accept rights and duties of corporations in some areas, there is no theoretical bar to recognizing obligations in further areas such as in the human rights realm[142]".

Similarly, M. Fasciglione shares the same opinion on soft law instruments[143] as tools that point to the direction of creating legal duties for corporations: "[i]t would be an anomaly, in sum, if it is continued to be accepted that companies, unlike other non-state actors, should have only marginal obligations under international law[144]".

The problem, however, that interests Fasciglione is not so much the theoretical possibility of accountability of corporations (as in the notion of legal personality), but the characteristics that a treaty on business and human rights should have, and in particular the question of *the enforcement* of obligations in the context of the current state of the international legal system. It is on this aspect of the debate that we can study the issue of state responsibility and due diligence.

The question of state responsibility, or in this case *statism*, has, as M. Fasciglione points out, two sides: a positive and negative side, that is, the recognition of the positive role of the state as protector of human rights; and the negative exclusion of other actors (corporations) that, as we saw in the plurality of subjects definition of *legal personality* by the ICJ, could be considered as subjects of rights and obligations. This is what M. Fasciglione calls "the primary responsibility theory" that assumes that: "a normative limit exists when it comes to imposing legal duties on corporations and that priority should be given to State obligations[145]".

The problem with this approach, as M. Fasciglione highlights, is that it misses the "*dynamic aspect* [highlighted by the author. E.A.] of human rights from a duty-bearers perspective[146]"; in other words: "the equal normative status of human rights obligations in respect of the array of 'powers' that may interfere with the enjoyment of human rights[147]". This is why M. Fasciglione defends an approach, from the point of view of justice, that integrates the dual responsibility of the state and non-state actors, therefore, that integrates, as he puts it:

---

[141] Fasciglione, Marco, A Binding Instrument on Business and Human Rights as a Source of International Obligations for Private Companies: Utopia or Reality (chap. 2), p. 32.
[142] *Ibid.,* p. 36.
[143] See *supra* note 8.
[144] *Ibid.,* p. 37.
[145] *Ibid.,* p. 38.
[146] *Ibid.,* p. 40.
[147] *Ibid.*

the State-individual matrix of human rights obligations with the corporate-individual matrix [because E.A.] in the victim's eyes the nature of the violator, be it a public body or a private company, matters little. From this point of view, the human rights obligations of States and corporations co-exist: neither should be seen as substitute for the other and neither should be seen as having "primacy" over the other. Besides, corporate human rights violations occur in a framework characterized by joint and coordinated, rather than independent, so they should be regarded as giving rise to complementary and "shared responsibilities" of these two categories of actors[148].

In spite of the enlargement of the sphere of responsibility to include non-state actors, the mechanism of enforcement of human rights obligations relies, as a matter of fact, on the state as the primary actor in the field[149]. Enforcement, therefore, is for M. Fasciglione, the key towards accountability of corporations, the middle term, so to speak, between the normative and the realistic approach ("realistic utopia", he calls it): "the decisive point to consider is that establishing direct human rights obligations for corporations, which of course is not legally unreasonable or unfeasible, has to be accompanied by an effective enforcement mechanism[150]". Enforcement means, then, to strengthen State responsibility (*due diligence*).

Formulating the question of accountability of corporations from a dynamic perspective of a plurality of legal subjects; and recognising shared responsibilities in the interactions between the plurality of actors, seem to be the proper way, theoretically as well as practically, to the recognition of rights and obligations for corporations.

Theoretically, this is the question of *attribution*. As we saw earlier, the tradition of customary law has not achieved the recognition of corporations as legal persons (despite the comprehensive definition of the notion of personality by the ICJ). Therefore, the question presently is to know how non-state actors can be bound by human rights duties without any reference to their legal status as international personalities. The answer seems to follow from the notion of *state responsibility*, that is, by the attribution of responsibility to the state, and, subsequently, from the state to corporations. This point requires some clarifications.

According to Timo Koivurova, who contributed the article for the entry "Due Diligence" to the *Max Planck Encyclopaedia of Public International Law*[151], the normative development of international law has seen "the emergence of primary obligations" for states.

---

[148] *Ibid.,* p. 41.
[149] *Ibid.,* p. 41-42.
[150] *Ibid.,* p. 45.
[151] Koivurova Timo, Due Diligence, in: Max Planck Encyclopedia of Public International Law: https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1034?rskey=O096G5&result=1&prd=MPIL

Primary obligations (e.g., human rights law), thus, "require States to exercise due diligence, that is, to endeavour to reach the result set out in the obligation[152]." And he adds: "A breach of these obligations consists not of failing to achieve the desired result but failing to take the necessary, diligent steps towards that end[153]." On the other hand, and in the present case, attribution means, as V. Chetail points out, that: "when a corporation's conduct can be attributed to a state, the state might incur international responsibility[154]". It is worth noting that attribution of responsibility has, however, some limits, that is, it can only be applied on cases of corporate complicity, or when corporations act as a government agent[155].

These second rules on state responsibility derived by the attribution of responsibility from corporations to the state and its primary obligations (due diligence), would in turn enlarge the sphere of actors or addressees of primary rules: "the very notion of due diligence can have a consequential effect on the addressees of the international rules for which the violation has to be prevented or redressed[156]". In other words, the same rules that apply to the state would apply to non-state actors by virtue of the obligation of due diligence, or as V. Chetail puts it: "the state duty of due diligence presupposes the horizontal application of human rights[157]".

Here the theoretical argument of attribution of responsibility and due diligence (V. Chetail) re-joins the practical considerations regarding the affective enforcement mechanism that recognises the limits of the normative approach in light of realistic considerations (M. Fasciglione); thus: "due diligence responsibility paves the way for recognizing, on the one hand, that corporations may be regarded as direct bearers of human rights obligations, but, on the other hand, also that, given the current level of development of international law, the enforcement of these obligations is only possible through State action[158]". To sum up, for V. Chetail, due diligence closes the gap between personality and accountability in the same way that, for M. Fasciglione, the same instrument consolidates the "realistic utopia" of a binding instrument on corporations.

---

[152] *Ibid.,* p. 1.
[153] *Ibid.*
[154] Chetail V., The Legal Personality of Multinational Corporations, *op. cit.,* p. 121.
[155] *Ibid.,* p. 123.
[156] *Ibid.,* p. 127.
[157] *Ibid.* p. 127. Further he concludes: "from a systemic perspective, the state's duty of due diligence may be revisited to assert that private actors are the addressees of the primary obligation to respect the relevant rule. though they are not generally speaking a subject of international law on their own, corporations are still accountable for violations on the basis of the state's duty to act in due diligence. Following this stance, corporations are thus bound by an international rule through the notion of due diligence" (p. 130).
[158] Fasciglione, M., A Binding Instrument, *op. cit.,* p. 46.

II

So far, we have studied, both from a theoretical and a somewhat practical point of view, the question of how accountability of multinational corporations can be achieved. Indeed, we saw that, due to an increasing economic globalisation, the emergence of non-state actors has created a gap in international law as far as the application of human rights is concerned. This new phenomenon has pushed the limits of notions such as legal personality, blurred the frontier between subject and object of law, and revealed the necessity of thinking new ways to extend duties on human rights to new entities other than the state. In this process, and in spite of the expansion of the sphere of legal recognition as to include new subjects of rights and obligations, the state, through the requirement of due diligence, remains the pillar of the enforcement of human rights obligations. Therefore, we need now to study how the implantation of human rights is fostered in domestic legislation, namely through the concept of *human rights due diligence* (HRDD), that is, according to Chiara Macchi and Claire Bright, "the means through which companies fulfill their responsibility to respect human rights[159]."

This point, in fact, concerns the process that we identified earlier as the development of *customary law*; in other words, the idea of *soft law* as a transitional stage in the development of new norms through progressive legislation: "Soft law instruments can obtain legal force and give rise to harder-edged legal duties in particular through legislative developments at the domestic level[160]." As an example of soft law, we mentioned above the UN Guiding Principles on Business and Human Rights (UNGPs). This is also the starting point in C. Macchi's and C. Bright's study on the implementation of the HRDD in domestic legislations.

As we just mentioned, HRDD are tools, instruments, by way of which corporations succeed in integrating human rights considerations into their functioning. These considerations are codified in the UNGPs. C. Macchi and C. Bright rightly point to the Guiding principle 13(a) that "affirms the companies' responsibility to avoid causing – or contributing to – human rights abuses". They also mention Principle 13(b) which includes responsibility for the conduct of third parties.

What is interesting in this discussion is that HRDD are based on the same normative lines that define state responsibility. Precisely, HRDD establish a *standard of conduct* (remember the definition of due diligence above) allowing to determine whether responsibility

---

[159] Macchi, Chiara & Bright, Claire, Hardening Soft Law: the Implementation of Human Rights Due Diligence Requirements in Domestic Legislation (chap. 10), p. 218.
[160] *Ibid.*

can be attributed to the actor. It is not surprising therefore that C. Macchi and C. Bright employ the term due diligence in this context. Indeed, in analogy with state responsibility:

> the HRDD standard enshrined in the UNGPs is not a formalistic exercise that can be protracted indefinitely without seeing change […] companies need to screen their own business partners and, when human rights violations may or do arise out of their activities, they must exercise leverage over those entities in order to put an end to or mitigate the adverse human rights impacts[161].

Furthermore, Principle 13(b) stresses the remediation or corrective aspect of the UNGPs that is, so to speak, required under the notion of due diligence. These short remarks suffice to show that, despite theoretical difficulties concerning the legal status of corporations, private actors such as these are, in fact, already, at least under the UNGPs, subjects/objects of international law and due diligence. Having said that, C. Macchi and C. Bright rightly point to failures of corporations in carrying out HRDD, and given this limitation, to the emergence of new regulatory frameworks, in particular at the domestic level[162].

It is not our purpose here to analyse in depth such policies as the UK Modern Slavery Act, the Australian Modern Slavery Act, the Dutch Child Labour Due Diligence Law, the French Law on the Duty of Vigilance of Parent, the Swiss Popular Initiative on Responsible Business, or the German Proposal on Mandatory Human Rights Due Diligence[163]. It suffices to notice that these are all examples of domestic legislation attempting to translate into positive law the Guiding Principles on corporate accountability. However, these attempts fall short of the "realistic utopia" discussed above. As C. Macchi and C. Bright point out: "[t]he lack of 'teeth' of existing reporting [reporting is a key aspect of the HRDD E.A.] legislations make them only a very partial response to the persisting governance gaps, replicating the weaknesses of voluntary CSR schemes[164]." What this analysis show is that reality overthrows utopia, and that international law is split as a result of the fracture of state power.

III

For the last part of this essay, we would like to take a closer look at the question of corporate accountability from a more empirical point of view centred on the issue of sustainable

---

[161] *Ibid.,* p. 220-221.
[162] *Ibid.,* p. 222.
[163] See Macchi, C. & Bright, C., Hardening Soft Law, *op. cit.*
[164] *Ibid.,* p. 241.

development, in particular as regards the question of *climate litigation* against companies – what is actually called *climate justice*. Some theoretical remarks are however necessary.

In particular, we need to stress the *discretionary power*, or the action of judges in advancing environmental rights and fighting climate change. According to Emeline Pluchon, the judiciaries "often go further than interpreting legal documents […]. They decide to act where they perceive the government [,] or the parliamentarians have failed to fulfil their duty[165]". As a result of this political vacuum, courts have been using national constitutional frameworks in order to promote environmental rights and climate justice in what has been called *environmental constitutionalism*, that is, as James R. May and Erin Daly define it, an approach situated "at the confluence of constitutional law, international law, human rights, and environmental law", and that "embodies the recognition that the environment is a proper subject for protection […]".

Judges have tried to expand access to justice on environmental issues by allowing *public interest litigation* (*locus standi*) – "reparation is sought with regard to injury to the public in general[166]"; by making reference to *succeeding generations and long-term environmental damage* – thus "pushing the right to bring a claim to the court for the future generations[167]" (*intergenerational justice* or *justice between non-overlapping generations*); and, finally, by *recognizing natural resources as legal entities* that can be protected – this last approach is the view according to which the natural world has intrinsic value, and might be considered as a subject of rights (the *ecological approach*).

In each case, as Valerie Cabane points out: it is about the possibility for "an individual, a collective, or an organisation to defend the interest of nature, in the sense that to protect it is to protect ourselves, and to be able to speak in its name before justice[168]". Therefore, by promoting these three options, the judiciaries have "expanded the possibility for citizens to hold government responsible. They [the judiciaries E.A.] thus encourage the legislative and executive branches to act in such a way as to respect their obligations[169]".

*

---

[165] Pluchon, Emeline. Leading from the bench, The role of judges in advancing climate justice and lessons from South Asia. In: Tahseen Jafry, *The Routledge Handbook of Climate Justice*, Routledge, p. 145.
[166] *Ibid*., p. 141.
[167] *Ibid*., p. 142.
[168] Valérie Cabanes, *Un nouveau droit pour la terre, Pour en finir avec l'écocide,* Éditions du Seuil coll. Anthropocène, Paris, 2016, p. 286-7.
[169] E. Pluchon, "Leading from the bench" art. cit., p. 143.

Keeping these remarks in mind, let's now take a closer look at *climate litigation* against corporations as a way of bringing about accountability of corporations. For this purpose, we can rely on the report *Turning up the heat, Corporate legal accountability for climate change* published by the Business & Human Rights Resource Centre[170], which gives an overview of the legal arguments for establishing corporate accountability. In this light, climate change "epitomises the injustice of corporate human rights abuse[171]."

Furthermore, the social movement for *climate justice* could be view as a bottom-up approach – involving the collaboration of scientists, lawyers, and activists – towards corporate accountability that goes beyond the current limitations of state responsibility, and of a binding treaty on corporation's human rights duties (see *supra* sec. I and II). The instrument that allows this is *litigation* as a way not only, as we noticed above, of filling the political vacuum of the executive[172], but of changing corporate behaviour, and ultimately of advancing international law. Thus: "[a]t a time when both governments and companies have repeatedly failed to take bold steps to adequately combat climate change, strategic litigation on climate change is a beacon of hope for the climate and broader corporate accountability movement[173]."

The report highlights a new trend in climate change litigation that directly refers to the subject-matter of our essay: corporate accountability. Indeed, the authors notice that most climate change related litigation has to do with governments (e.g., through the public trust doctrine), that is to say, in the terms that we employed above, with state responsibility and due diligence – namely for failure to regulate carbon emissions under national and international commitments. However, in recent times, there has been an increase in litigation against corporations for their contribution to climate change:

> Climate litigation targeting fossil fuel companies is a growing trend and it is likely to remain as one as more groups see it as a tool to prompt shifts among the companies that have managed to avoid their share of responsibility for the accelerated impacts of climate change[174].

This new trend in climate change litigation that extends accountability to corporations complete, in our view, the development of customary law, and, to a certain point, could be

---

[170]https://www.business-humanrights.org/en/latest-news/climate-litigation-against-companies-an-overview-of-legal-arguments/

[171] P. 1

[172] Insufficient state action to address climate change at international and national levels, has led citizens, NGOs and cities to the courts .p 4

[173] P. 1

[174] P. 4

considered as a counterbalance to the failures of domestic legislation (see *supra* sec. II). In any case, this bottom-up approach seems an interesting path to explore.

One aspect of climate change litigation in relation to corporate accountability that, in our view, is highly interesting, albeit problematic, is the normative justification on which corporate accountability can be founded: science. According to the authors of the report, "advances in science have facilitated legal cases to hold private companies liable for their role in climate change[175]." The Carbon Major Study[176], for instance, is one of the first studies trying to allocate responsibilities for climate change – as in extreme events attribution[177], and the forecast of climatic events[178] – to corporations.

Moreover, we saw earlier (*supra* sec. I) that there is a close link between state responsibility and attribution of accountability to non-state actors through due diligence. In climate change litigation, we find some rudimentary standards of conduct that, to a certain point, follow the due diligence definition. The authors of the report notice that "fossil fuel companies can be held responsible if a) they had the ability to foresee harm, and b) they had the ability and opportunity to avoid or minimize such harm." It is not hard to see that, under climate change science and its normative implications on human rights[179], corporations hold responsibilities and may therefore be considered as subjects of obligations.

One example is the Urgenda case[180] against the Dutch government serving as precedent for a lawsuit against oil company Shell:

> Hague court's decision that emissions of the Dutch state were significant enough to prove responsibility [can be seen as E.A] as promising, given that the emissions attributable to Shell are proportionally higher. According to experts, the finding of state liability in this case could also be applied to corporate liability[181].

This is an example of environmental and human rights law putting forward arguments to hold companies legally accountable. Climate change litigation is, therefore, one instrument

---

[175] P. 5
[176] https://link.springer.com/article/10.1007/s10584-013-0986-y
[177] Advances in extreme event attribution have established causal links between global warming and extreme weather events, with the potential to open new grounds for establishing liability for damages linked to disasters such as hurricanes and droughts p 5
[178] The ability to foresee extreme weather events can […] engage the liability of different actors deemed to have a duty of care or specific knowledge about climate change-related risks in many different legal systems p 5
[179] Caney Simon, "Climate Change, Human Rights, and Moral Thresholds" in: Stephen M. Gardiner, *Climate ethics, essential readings*, Oxford University Press, 2010.
[180] https://www.urgenda.nl/en/themas/climate-case/
[181] P. 7

that, along with a binding treaty, could help pave the way to a "realistic utopia" (M. Fasciglione) when it comes to corporate accountability. Thus: "[c]ollectively, these cases can establish a global consensus on where the responsibility lies and where structural changes are imperative and inevitable[182]."

REFERENCES

Cabanes, Valérie, *Un nouveau droit pour la terre, Pour en finir avec l'écocide,* Éditions du Seuil coll. Anthropocène, Paris, 2016.

Caney Simon, "Climate Change, Human Rights, and Moral Thresholds" in: Stephen M. Gardiner, *Climate ethics, essential readings*, Oxford University Press, 2010.

Chetail Vincent, *The Legal Personality of Multinational Corporations, State Responsibility and Due Diligence: The way forward* .

Fasciglione, Marco, *A Binding Instrument on Business and Human Rights as a Source of International Obligations for Private Companies: Utopia or Reality*

Koivurova Timo, Due Diligence, in: Max Planck Encyclopedia of Public International Law: https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1034?rskey=O096G5&result=1&prd=MPIL

Macchi, Chiara & Bright, Claire, Hardening Soft Law: the Implementation of Human Rights Due Diligence Requirements in Domestic Legislation

Pluchon, Emeline. Leading from the bench, The role of judges in advancing climate justice and lessons from South Asia. In: Tahseen Jafry, *The Routledge Handbook of Climate Justice, Routledge*

climate-litigation-against-companies-an-overview-of-legal-arguments
s10584-013-0986-y

https://www.urgenda.nl/en/themas/climate-case/

---

[182] P. 18